

COMPREHENSIVE SCHOOL SAFETY PLAN

Santa Clara County Office of Education County

Community Schools

January 26, 2018

School Site Council:

**Angela Brown: Counselor
Annette Hernandez: Teacher
Gary J. Pike; Parent
Jesse Ramos: Principal
Kevin Le: Student
Kyle West: Student
Laura Vargas: Parent
Mark Shadduck: Teacher
Robert Alanis: Campus Monitor
Steven Hardin: Student
Tara Strong: Teacher
Tracie Bunyan: Parent**

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MISSION AND GOALS

OUR MISSION STATEMENT

The Santa Clara County Office of Education is committed to serving, inspiring and promoting student and public school success.

OUR GOALS

- ◆ *Improve student equity and reduce access discrepancies to high quality education*
- ◆ *Provide support to districts, communities, schools and students*
- ◆ *Be a premier employer*
- ◆ *Improve organizational effectiveness and efficiency*

INTRODUCTION

SCHOOL PROFILE

County Community Schools serve high risk students in grades 6-12 who are referred per guidelines set forth in Education Code 1981. Reasons for referral typically include expulsion, truancy, behavior challenges, and probation. These students can also be defined in terms of Welfare and Institutions Codes 601, 602, 654, or 300.

There are two types of programs offered: the daily program and the independent study program. It is important for the students in the daily program to work in a classroom setting, interact with their peers and change classes similar to those of a comprehensive high school. However, the classes are still small enough where the students are able to receive one-on-one assistance from their instructor and/or paraeducator. The instructor not only provides academic instruction, but also emphasizes the skills needed to improve attendance and behavior.

Independent Study at Community School is an important component of the educational opportunities offered. Performance is evaluated based upon the quality and quantity of schoolwork submitted to the teacher. Students work at their own pace, often accomplishing more than the minimum requirement. While enrolled in the Independent Study Program students are required to meet with their teacher for at least one hour or more per week.

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

School Crime Status and Reporting

Safe/Orderly School Environment

County Community School Staff are committed to the safety of the campus. It is our priority. All staff are assigned to supervise students upon entrance, transition between classes, breaks, and exit from school. An administrator also contributes to student supervision throughout the school day. An administrator handles all student discipline.

Suspensions and Expulsions

This table displays the rate of suspensions and expulsions at the school, district, county, and state levels for the 2016-17 school year, the most recent data reported on DataQuest.

Name	Cumulative Enrollment	Total Suspensions	Unduplicated Count of Students Suspended	Suspension Rate	Percent of Students Suspended with One Suspension	Percent of Students Suspended with Multiple Suspensions
Santa Clara County Community	515	133	81	15.7%	67.9%	32.1%
Santa Clara County Office of Education	12,828	646	395	3.1%	70.1%	29.9%
Santa Clara County	282,774	11,243	7,193	2.5%	71.4%	28.6%
Statewide	6,405,496	381,845	233,478	3.6%	69.3%	30.7%

The table below displays the rate of suspensions disaggregated by ethnicity for or the 2016-17 school year, the most recent data reported on DataQuest.

Ethnicity	Cumulative Enrollment	Total Suspensions	Unduplicated Count of Students Suspended	Suspension Rate	Percent of Students Suspended with One Suspension	Percent of Students Suspended with Multiple Suspensions
African American	22	8	7	31.8%	85.7%	14.3%
American Indian or Alaska Native	*	*	*	*	*	*
Asian	11	2	2	18.2%	100.0%	0.0%
Filipino	*	*	*	*	*	*
Hispanic or Latino	436	115	66	15.1%	63.6%	36.4%
Pacific Islander	*	*	*	*	*	*
White	31	3	3	9.7%	100.0%	0.0%
Two or More Races	*	*	*	*	*	*
Not Reported	*	*	*	*	*	*

PHYSICAL ENVIRONMENT

The Schools' Location and Physical Environment

County Community Schools operate at three sites located in Santa Clara County.

Description of School Grounds

During the school day, staff members and administrators provide campus supervision. Administration is an active participant in the San Jose Gang Prevention Task Force.

Students, with the supervision and coaching of Community School staff, participate in school sports teams.

It is the practice of the Community School to remove all graffiti from school property before students arrive to begin their school day. Other acts of vandalism are promptly addressed.

Maintenance of School Buildings/Classrooms

SCCOE's school facilities are well maintained and generally look neat and clean. SCCOE personnel periodically examine the school's physical facility and help eliminate obstacles to school safety. Additionally, health and fire department inspectors contribute to school safety.

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

Internal Security Procedures

The Santa Clara County Office of Education has established procedures in the following areas: suspension and expulsion procedures, inventory system, and additional pertinent data is found in the School Accountability Report Card updated on a yearly basis.

Because Community Schools receive the most vulnerable of students, our first priority is the safety of our campus. Learning cannot take place if behavior is inappropriate for a school setting. The Community Schools have taken many steps to develop a positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management, and conflict resolution. Behavioral expectations and consequences for their violation have been established. Curriculum has been adopted and implemented that emphasizes prevention and alternatives to violence. And prevention and intervention strategies related to drug and alcohol use have been addressed. A brief explanation of these strategies follows.

A Parent & Student Handbook is given to every newly enrolled student and parent at the time of orientation. In that Handbook behavior expectations and consequences are addressed. All staff have received instruction on this Handbook as well as monthly discussions of classroom management strategies at faculty meetings. Community Schools have created a tiered approach to student discipline which starts, when appropriate, with a personal conversation. Parents become involved if the student behavior problems continue, potentially resulting in the parent attending class with their child for a portion of the school day. Every attempt is now made to discipline without suspending.

Community School has formed partnerships with local community based organizations that provide a variety of adjunct services to the students and families at Community School. They also provide mediation services that have successfully addressed the tensions inherent to a campus that enrolls multiple rival gangs. A community based organization provides counseling for both mental, health and substance abuse dependency.

Community School maintains a copy of SCCOE's sexual harassment policy in the main office/principal's office and the policy is available on request. The Santa Clara County Office of Education's Sexual Harassment Policy contains dissemination plans, applicable definitions, reporting requirements, investigation procedures, enforcement regulations, and information related to suspension and/or expulsion for sexual harassment of or by students. Additionally, a notice summarizing this sexual harassment policy appears in the *Parent & Student Handbook*. The parent student handbook is distributed at the beginning of each school year to all parents and students.

Included in this Safe School Plan is a school map established by the School Site Council indicating safe entrance and exit areas for students, parents and school employees (Refer to Appendix A for School Safety Maps).

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

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

Student conduct standards and consequences for Community Schools are specifically described in this Comprehensive Schools Safety Plan including: (a) the adopted school discipline rules and procedures, (b) SCCOE Disciplinary Guidelines, and (c) the adopted school-wide dress code.

Students may be suspended, transferred to another school, or returned to district for certain acts.

Site administrators contribute to a positive school climate, promote positive student behavior, and help reduce inappropriate conduct. The principal/designee uses available district and other appropriate records to inform teachers of each student identified under E.C. 49079.

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

Additional internal security procedures affecting the integrity of the school facility include: telephones in every classroom and a security system operational during non-school hours.

Community involvement is encouraged to help increase school safety. During every student's enrollment process, parents and guardians are extended an invitation to participate in meetings at Community School as well as participate in their child's classroom activities.

Therapeutic counseling services are provided to Community School students is provided and coordinated by the school's Mental Health Counselor. There is no charge to the students for these services. Individual and group counseling services are available to interested students.

SCHOOL CLIMATE

The School's Social Environment

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

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

Disaster Procedures, Routine and Emergency

A contingency plan for emergencies is contained in a handbook available to each staff member. The SCCOE's Emergency Response Plan (ERP) is listed at the last section of this plan. The plan is reviewed at the beginning of each school year. This plan also contains available SCCOE and outside agency resources, emergency disaster procedures and information on Standardized Emergency Management System (SEMS).

Classroom Organization and Structure

Community School teachers provide a varied learning environment in their classrooms. Teachers use a variety of teaching strategies including: direct instruction of class, small group or individual students, using projects, presentations, hands-on activities, portfolios, journals, creative writing, art, and displays.

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

The School's Cultural Environment

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

All students are expected to behave in a manner that promotes safety and order. Students are encouraged to bring problems to the principal, counselor, teacher or other

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

The academic and behavior efforts of students are recognized and rewarded.

A Student Leadership Team exists at each site to help communications, and decision-making at each site.

ACTION PLAN

“Physical Environment”

GOAL:

- I. Areas of Pride and Desired Improvements
 - a. Pride
 - 1. Classroom walls are lined with student work, posters depicting the character values essential for success, and a diversity that mirrors our student population. We also house technology to help prepare our students for their future.
 - b. Areas of Desired Improvement
 - 1. Sports Equipment
 - 2. Outside Camera system
- II. Desired Change #1: Outside Camera System
 - a. Related Strategies and Activities
 - 1. Acquire equipment for remaining 2 Community Schools
 - b. Resources required
 - 1. Cameras and Installation
 - c. Time frame for completion
 - 1. School year 2018-2019
 - d. Budget
 - 1. To be determined by administration
 - e. Evaluation criteria
 - 1. Safety of staff and students

ACTION PLAN

“School Climate”

GOAL:

- I. Areas of Pride and Desired Improvements
 - a. Pride
 - 1. Student achievement recognition for attendance and behavior.
 - 2. Student achievement recognition for California High School Exit Exam.
 - 3. Improved school culture by implementing strategies for asset rich environments.
 - b. Areas of Desired Improvement
 - 1. Increase funding for student recognition and field trips
- II. Desired Change #1: Increase programs that address substance abuse.
 - a. Related Strategies and Activities
 - 1. Involve ancillary agencies such as Behavioral Health
 - b. Resources Required
 - 1. Availability of staff from ancillary agencies to provide services to students.
 - c. Personnel Assignments
 - 1. To be determined by administration
 - d. Time frame for completion
 - 1. Services were implemented this school year, 2017-2018.
 - e. Budget
 - 1. No Additional funding required
 - f. Evaluation criteria
 - 1. Reduction of substance abuse related disciplinary action
 - 2. Student success back on their home campuses

SAFETY STRATEGIES

SAFETY STRATEGIES

Introduction

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

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

SCHOOL SAFETY STRATEGY #1

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

Preventing and Intervening: Student Aggressive Behavior

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

Staff members at SCCOE have received training in conflict resolution and confrontation skills. Staff uses a comprehensive approach to school violence prevention. Students are identified in their school career using measures shown to be highly effective in identifying students with antisocial and aggressive tendencies. These measures include: (a) number of disciplinary referrals to office, (b) observed aggressive behavior, (c) teacher observation, and (d) behavior documentation received from the referring district.

Professional Development

The Santa Clara County Office of Education provides professional development for teachers, parents, and community members. Amongst the goals of such programs are to help others establish and nurture a healthy sense of self confidence and self-control, to develop personal and social responsibility and to enhance academic success.

Student Recognition Programs

Community School offers several recognition and award programs such as the Academic Honors Night and school site community dinners.

SCHOOL SAFETY STRATEGY #2

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

Nondiscrimination and Fair Treatment of Students

A major source of conflict in many schools is the perceived or real problem of bias and unfair treatment of students because of ethnicity, gender, race, social class, religion, disability, nationality, sexual orientation, physical appearance, or some other factor. Effective schools convey the attitude that all students can achieve academically and behave appropriately, while at the same time appreciating individual differences. Effective schools communicate to students and the greater community that all students are valued and respected.

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

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

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

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

Discipline Policy and Code

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

SCCOE uses both classroom and school-wide discipline codes that clearly communicate the behavioral expectancies and consequences for students. Staff has developed plans to promote positive behaviors on the playground, lunchroom, hallways, and assembly areas.

SCHOOL SAFETY STRATEGY #3

Community School's administrators, teachers, families, students, support staff, and community members recognize and make appropriate use of the early warning signs related to violence, substance abuse, and other at-risk concerns.

Disaster Planning

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

The schools benefit from the Santa Clara County Office of Education's Earthquake Disaster Crisis Response Plan (EDCR). The EDCR Plan includes information on how to respond to a crisis. Risk factors, response and contingency plans, quick response designs, parent contacts, debriefing, suicide/threat response, violence/aggression response and training/drills to become aware of warning signs are among the areas addressed.

California Safe Schools Assessment

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

Teacher Notice of Disciplinary History

The referring school/district shall provide to the administration of Community School information on each student who has: (1) during the previous three school years, engaged in any suspendable or expellable act (except E.C. 48900 (h)) or (2) committed a crime reported to the Santa Clara County Office of Education by a family member, local law enforcement, Probation Department or social services. This information is used to develop awareness, assigning appropriate discipline consequences, help in allocating resources, and is a factor in determining which services are provided to the student or recommended to the parent/guardian.

Gang Affiliation

Gang affiliation and gang activity will not be tolerated at any SCCOE school. The staff at Community Schools shall work closely with the local law enforcement/Gang Unit regarding all issues and matters that are gang related. Information from the school and the community shall be communicated to the student's parents, if the student begins to make gang affiliations. Appropriate prevention and intervention strategies and programs shall be offered to the families.

Gangs and Graffiti

Community School uses its links with the high schools to enhance its effort to curb gang influence.

Drug and Violence Prevention Programs

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

SARB Programs

Community School recognizes the importance of punctuality and regular attendance. The staff of Community School shall accurately record the attendance record for all students. Parents of students with poor attendance will be contacted. Students with poor attendance due to medical issues will be referred to the school administrator. Should attendance problems continue official action is to be taken, which could result in a referral of the student back to their referring school district.

One of the main purposes of Community School's SARB process has been to redirect pupils with attendance issues. Without some type of intervention, these pupils are more likely to enter into the juvenile justice system. Consequently, the students with severe absenteeism fall under the court's jurisdiction.

Community School's SARB is made up of administration, teachers, probation, security and the District Attorney's representative.

SCHOOL SAFETY STRATEGY #4

Plan(s) and method(s) are available to identify isolated and troubled students, help foster positive relationships between school staff and students, and promote meaningful parental and community involvement.

Parent/Guardian Involvement

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

SCCOE Schools

- Effectively use the School Site Council
- Notify parents about, and encourages participation in parenting programs.
- Have established a school visitation procedure.
- Provide a newsletter to parents.
- Use the School Accountability Report Card as a procedure to communicate to parents.
- Provide several opportunities for Teacher-Parent Conferences.

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

Parent Training: Promoting the Use of Community Resources

The Santa Clara County Office of Education advocates for the provision of community resources to help maximize the development of positive behavior and the suppression of antisocial behavior. Such training promises to maximize the parent's contribution to academic excellence and noteworthy social-development.

Problem Solving Teams

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

Community Linkages

When working with parents and students with specific issues, the staff at Community School will provide information to the families regarding available community resources.

SCHOOL SAFETY STRATEGY #5

Specific employees, such as Community School's sheriff and probation officer, use unique strategies to promote school safety.

Campus Supervisor and Administrative Positions

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

Community Schools employ principals whose job is designed to help increase school safety, prevent prohibited offenses, and promote positive student relationships. The principal has developed procedures to monitor the school campus, the surrounding areas, and have designated the safe entrance and exit routes to school. Furthermore, recognizing that students are often the first to know of dangerous plans or actions, the principal at Community School are available for a student to safely report troubling behaviors that may lead to dangerous situations.

Effective relationships between the principal and students help initiate appropriate investigations, help staff learn of suspects in school offenses, and help collect important knowledge about community conflicts that may have an impact on school safety.

Campus Disturbances and Crimes

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

Visitors and Disruptions to Educational Process

The SCCOE is aware of the laws, policies and procedures, which govern the conduct of visitors to the school campus. Community Schools uses continuing efforts to minimize the number of campus entrance and exit points used daily. Access to school grounds is limited and supervised on a regular basis. Campus traffic, both pedestrian and vehicular, flows through areas that can be easily and naturally supervised. Delivery entrances used by vendors are also checked regularly. The campus has perimeter fencing.

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

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

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

Community Schools' notice and removal system establishes sufficient documentation for civil law remedies as needed. For continuing disruptive behavior by a visitor or outsider, Community Schools shall contact the Santa Clara County Office of Education to determine whether to file for a temporary restraining order and injunction.

SCHOOL SAFETY STRATEGY #6

At Community Schools, effective procedures will be followed to maintain a safe physical plant and school site.

Enhancing Physical Safety Practices

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

Schools can enhance physical safety by conducting a building safety audit. Recent safety audits of Community Schools have identified the following school safety procedures to maintaining a safe campus:

- Community Schools operate a closed campus, where students must have permission to leave the campus during school hours.
- Community Schools avoid leaving areas of the school unused.
- Community Schools have minimized blind spots around the school facility.
- Community Schools have installed an alarm system.

- Community Schools have set a priority to keep buildings clean and maintained.
- Community Schools have limited roof access by keeping dumpsters away from building walls.
- Community Schools have covered drainpipes so they cannot be climbed.
- Community Schools keep trees and shrubs closely trimmed to limit outside hiding places for people or weapons.
- Community Schools keep the school grounds free of gravel or loose rock surfaces.
- Community Schools have designed its parking lots to discourage through traffic and to slow vehicles proceeding through the parking lot.
- Community Schools ensure vehicle access around the building(s) for night surveillance and emergency vehicles.
- Community Schools keep a complete list of staff members who have keys to building(s).
- Community Schools do not allow graffiti to remain on walls. The procedure involves following the three “R’s” after discovery of graffiti—read, record (photograph) and remove. Inflammatory bathroom graffiti is removed daily upon discovery.
- Community Schools have established two-way communication between the front office and each classroom.

RULES AND PROCEDURES

PRINCIPAL'S STATEMENT TO COMMUNITY SCHOOL STAFF EXPECTATIONS IN DEVELOPING & MAINTAINING DISCIPLINE

As Principal of our school, I will expect:

Each teacher to have a defined system of classroom management. A written description of this system, including representative examples of the progressive interventions you intend to employ, will be approved and filed by me. Whenever possible and appropriate, teachers are encouraged to use standards and systems that are consistent with other school members.

You can expect:

Each administrator (Principal, Assistant Director, Director) to assist and support you in every reasonable way in developing, implementing, and refining that system as needed.

I will expect:

That when you refer a student for discipline:

1. The student has been made fully aware of classroom and school rules and knows what rules he/she has violated. When practical, student will be warned of behavior and given a replacement behavior, second warning to remind them of new behavior at the 3rd warning student should be sent to Principal for a meeting with the student.
2. Teachers with in a school will discuss any continuing behavior problems and schedule a team conference with the student and parents when appropriate.
3. That information will be provided on the referral regarding previous actions you have taken regarding this specific issue.
4. You have exhausted the interventions at your disposal (i.e., you have done everything you can do) and you have followed the guidelines established by the administration and staff on what constitutes an appropriate behavior referral.
5. The behavior was so serious or so blatant as to make immediate removal from the classroom necessary.
6. The written referral will be explicit in stating the offense(s). Interventions taken will also be documented.
7. You will send the student out of class with a referral only if his/her continued presence in the class would disrupt or prevent teaching and/or learning.
8. If necessary, the referral will be delivered to the office at a time convenient to the

staff member so that the issue may be handled most efficiently, causing a minimum of lost class time.

You can expect:

1. Each administrator to support your position in every reasonable way.
2. A response time on your referral of one, or at most, two days.
3. The availability of an administrator to discuss unresolved referrals after school on any given day.
4. That the administrator will exercise independent judgement regarding disposition of referrals.

I will expect:

1. That each teacher will go to the doorway of his/her classroom after each class period as often as possible and support appropriate student behavior in the hallway and outside.
2. That each staff member will hold students accountable for their behavior on the school grounds at all times
3. Students are supervised by an adult at all times, including; bathroom, PE, breaks, fieldtrips, entering and exiting campus when appropriate.

You can expect:

1. Administrator support, investigation, and follow-through as indicated.
2. A response to referrals from incidents outside the classroom to be the same as to those within.

Name of Principal

Principal's signature

Date

PROCEDURES TO ENSURE A SAFE AND ORDERLY ENVIRONMENT

RULES AND PROCEDURES ON SCHOOL DISCIPLINE

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

ELEMENTS OF A GOOD DISCIPLINE PROGRAM

1. The program is focused upon making the entire campus, especially the classroom, a safe supportive and orderly environment for learning for students and staff.
2. Classroom authority is retained by the classroom teacher. (Administration's role is to support, not to replace.)
3. Rules and procedures are clearly understood by staff and students.
4. All staff members will acknowledge and take appropriate action on any minor or major infraction of the school rules.
5. Rules and procedures comply with State Law and SCCOE policies.
6. The program recognizes the responsibilities and the rights of students and staff.
7. Program is structured to keep students in class and engaged in the educational process.
8. Rules are enforced:
 - a) By all staff members at all times
 - b) Strictly, but not rigidly beware of "automatics"
 - c) In substantial part by adult modeling
 - d) Using techniques that promote the growth of positive self-esteem
 - e) As close to the resource as is possible
 - f) By keeping probation staff informed
9. The discipline program is understood, endorsed, and supported by staff, parents, and students.

Family and Children Services Interviews of Students

SANTA CLARA COUNTY DEPARTMENT OF FAMILY AND CHILDREN'S SERVICES

The Court hereby authorizes the Santa Clara County Department of Family and Children's Services to conduct an initial interview of students suspected of being the victims of child abuse or neglect on school premises pursuant to Penal Code 11174.3.

Pursuant to *Greene v. Camreta* (2009) 588 F.3d 1011, any such interviews shall be conducted without the involvement of law enforcement and shall not be for the purpose of acting as an agent for a law enforcement investigation.

The purpose of the interview is to determine what protective measures, if any, are necessary to ensure the safety and well-being of the suspected victim. The interview shall not exceed the amount of time necessary to make that determination.

As provided in Penal Code 11174.3, the child shall be afforded the option of being interviewed in private or selecting any adult who is a member of the staff of the school, including any certificated or classified employee or volunteer aide, to be present at the interview. The purpose of the staff person's presence shall be to lend support to the child and enable him or her to be as comfortable as possible. However, the staff member shall not participate in the interview. The member of staff shall not discuss the facts of the case or circumstances with the child. The staff member is governed by the statutory confidentiality requirements contained in Penal Code 11174.3.

This order shall be in effect after the Department of Family and Children's Services has either attempted to obtain parental consent for the interview or has determined that seeking parental consent may endanger the safety or well-being of the child.

This order does not limit the cross reporting requirements of Penal Code section 11166, which shall be followed as directed by statute.

PROCEDURES FOR NOTIFYING TEACHERS ABOUT DANGEROUS STUDENTS

Pursuant to Education Code 48267, the Santa Clara County Probation Department notifies the Students Services Branch of the Santa Clara County Office of Education regarding students who have engaged in certain criminal conduct. This information is forwarded to the principal's office. The principal/designee is responsible for prompt notification of the student's teachers. This information is also often forwarded to all administrators.

Confidential Memorandum

Date

TO:

FROM: Principal

SUBJECT: Students having committed specified crime

The student named below has been convicted of a penal code violation.

Welfare and Institutions Code 827 requires teachers to be informed when a student has engaged in certain criminal conduct.

NOTE: SUCH INFORMATION IS CONFIDENTIAL AND CANNOT BE FURTHER DISSEMINATED BY THE TEACHER OR OTHERS. UNLAWFUL DISSEMINATION OF THIS INFORMATION IS PUNISHABLE BY A SIGNIFICANT FINE.

PLEASE DESTROY THIS NOTE IMMEDIATELY AFTER READING.

_____ was found to have committed the following criminal activity:

If you have any questions, please see me.

SUSPECTED CHILD ABUSE REPORTING PROCEDURES

I. Initiating the Report

- A. The report is initiated by a telephone report to the appropriate agency.
- B. Call 9-1-1 for immediate emergencies.
- C. If the suspected child abuse has taken place within the family, call the Santa Clara County Department of Family and Children's Services' (DFCS) Child Abuse and Neglect Center (CANC) at:
 - **Central County** (408) 299.2071
 - **South County** (408) 683.0601
 - **North County** (650) 493.1186
- D. Content of call.
 - 1. Name, address and age of child involved.
 - 2. Clear description of suspected abuse or neglect.
 - 3. Note the name of the screening social worker who took the call and any instructions given.

II. Written Report

- A. A written report must follow the phone call within 36 hours.
- B. Complete a Suspected Child Abuse Report (SCAR) form (SS 8572) available:
 - 1. In the Principal's office;
 - 2. Online at http://aq.ca.gov/childabuse/pdf/ss_8572.pdf;
 - 3. In the SCCOE Human Resources, call (408) 453-6574; or
 - 4. Contact DFCS at (408) 299.2071 for a form.
- C. Mail or fax the report to DFCS at 373 West Julian, San Jose, CA 95110, fax (408) 975.5561. For questions, call (408) 501.6300.
- D. Keep a copy of the SS 8572 for your records

III. Internal Reporting

- A. 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 Santa Clara County Superintendent of Schools or designee.
- B. If an employee has knowledge of or reasonably suspects that another County Office employee or an individual who works with or has contact with students on campus has or is engaged in conduct that may be an indication of suspected child abuse or neglect, they must take the following actions:
 - 1. File a Suspected Child Abuse Report by telephone to DCFS
 - 2. Submit a Suspected Child Abuse Report form (SS 8572) within 36 hours
 - 3. Immediately notify their supervisor of the alleged inappropriate conduct

4. If the allegation involved the site administrator, the employee is to contact the program director

Caution:

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

WHAT TO DO WHEN PROBLEMS APPEAR

Both behavioral and academic problems are present in some of our students. Teachers often ask for guidelines for dealing with these problems. Here they are:

1. Talk to the administrator.
2. Call parents at first sign of concern. Inform the parents of your observations, ask for their ideas, assistance, and support in serving the student. Keep a log of your calls.
3. Talk privately to the student about your concerns.
4. Behavior concerns—any official suspensions will be in Aries. Look for patterns of behavior. We use In-House Suspension whenever possible, as it is preferable to having students at home unattended. Serious infractions (fighting, threats, etc.) do result in official suspension as well as being cited by law enforcement. Unresponsive students can be moved to other schools or expelled after all efforts have been made for student to change behavior.
5. Referrals—please remember if you write a student referral, you are required to call the parents. You are writing the referral and can answer the parents' questions firsthand. Administrators will also call parents, but we can only give secondhand information on the incident.
6. Academic Concerns—Look at Aries and transcript of student. This will contain test scores, report cards, and a student history. You may want to ask the grade level administrator to schedule a Student Study Team (SST). This will involve a meeting with the student, parents, administrators, students' teachers, and perhaps the psychologist.

COMMUNITY SCHOOL STUDENT DRESS CODE

Students are expected to dress appropriately for school on a daily basis. In addition to common school dress expectations, additional guidelines have been implemented to assure a safe and tension-free environment.

CLOTHING: All clothing will be free of profanity, scenes depicting violence/sex/drugs, sports teams' names/initials, or colors which may be construed to refer to a specific gang/skating or tagging crew. Clothing will cover the abdomen and buttocks and be free of any tears or holes that may reveal the skin in any inappropriate way. Male and female undergarments must be covered at all times.

HEADCOVERS: are not permitted.

SUN GLASSES: May be worn outside of the classroom but may never be worn while inside the classroom.

GLOVES: May be worn when the weather clearly reflects a need to keep the hands warm. They may be worn while outside, but never worn while in the classroom.

BELT BUCKLES: No belt buckle may be worn that bears letters, numbers, or any other insignia that depicts drugs/gangs/violence.

JEWELRY: No jewelry may be worn that violates any dress code listed.

No clothing that promotes a professional sports team, alcohol or tobacco product, drug usage, racism, violence, or illegal activity or local community or clothing that suggests gang/skating/tagging affiliation may be worn.

Clothing with phrases or pictures that can be interpreted as menacing or degrading to others may not be worn.

SITE POLICIES

Assault

Penal Code
PC 245.5 00245.005

Assaults against school employees; punishment

- (a) Every person who commits an assault with a deadly weapon or instrument, other than a firearm, or by any means likely to produce great bodily injury upon the person of a school employee, and who knows or reasonably should know that the victim is a school employee engaged in the performance of his or her duties, when that school employee is engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for three, four, or five years, or in a county jail not exceeding one year.
- (b) Every person who commits an assault with a firearm upon the person of a school employee, and who knows or reasonably should know that the victim is a school employee engaged in the performance of his or her duties, when the school employee is engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for four, six, or eight years, or in a county jail for not less than six months and not exceeding one year.
- (c) Every person who commits an assault upon the person of a school employee with a stun gun or Taser, and who knows or reasonably should know that the person is a school employee engaged in the performance of his or her duties, when the school employee is engaged in the performance of his or her duties, shall be punished by imprisonment in a county jail for a term no exceeding one year or by imprisonment in the state prison for two, three, or four years.

This subdivision shall not be construed to preclude or in any way limit the applicability of Section 245 in any criminal prosecution.

- (d) As used in the section, "school employee" means any person employed as a permanent or probationary certificated or classified employee of a school district on a part-time or full-time basis, including a substitute teacher. "School employee," as used in this section, also includes a student teacher, or a school board member. "School," as used in this section, has the same meaning as that term is defined in Section 626.

(Amended by Stats. 1992, Ch. 334, Sec.1.)

Attendance

The Santa Clara County Office of Education believes that regular attendance plays an important role in student achievement. SCCOE also recognizes its responsibility under the law to ensure that students attend school regularly. Parents/guardians of students 6 to 18 are obligated to send their students to school unless otherwise provided by law. SCCOE shall abide by all state attendance laws and may use appropriate legal means to correct the problems of excessive absence or truancy.

Absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, as permitted by law.

Behavior

The Governing Board and County Superintendent believe that all students have the right to be educated in a positive learning environment free from disruptions. On school grounds and at school activities, students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program.

Behavior is considered appropriate when students are diligent in study, careful with school property, courteous and respectful towards their teachers, staff, students and volunteers.

Students will be expected to conduct themselves as if they were on a job. Horseplay and profanity will not be tolerated.

Prohibited student conduct includes but is not limited to:

1. Behavior that disrupts the orderly classroom or school environment
2. Behavior that endangers teachers, staff, parents, volunteers and/or students
3. Harassment of students or staff, including bullying, intimidation, hazing, or any other verbal, written or physical conduct that causes or threatens to cause bodily harm or emotional suffering
4. Damage, loss or theft of property belonging to the SCCOE, teachers, staff, parents, volunteers and/or students
5. Possession or use of laser pointers, unless used for a valid instructional or other school-related purpose, including employment
6. Profane, vulgar or abusive language
7. Plagiarism or dishonesty in school work or on tests
8. Inappropriate dress
9. Tardiness and unexcused absence from school
10. Failure to remain on school premises in accordance with school rules
11. Failure to follow safety procedures
12. Students who violate SCCOE or school rules and regulations may be subject to discipline, including but not limited to suspension
13. Students may be suspended from SCCOE schools:
 - a) In possession of drugs, alcohol or any controlled substance
 - b) In possession of a weapon or anything resembling a weapon
 - c) Stealing

- d) Vandalizing (including tagging and graffiti)
- e) Showing disrespect or insubordination

Bullying

The Santa Clara County Office of Education believes that all students have a right to a safe and healthy school environment. The schools and community have an obligation to promote mutual respect, tolerance, and acceptance.

SCCOE will not tolerate behavior that infringes on the safety of any student. A student shall not intimidate or harass another student through words or actions. Such behavior includes: direct physical contact, such as hitting or shoving; verbal assaults, such as teasing or name-calling and social isolation or manipulation.

Students and/or staff are expected to immediately report incidents of bullying to the principal or designee. Staff are to immediately intervene when they see a bullying incident occur. Each complaint of bullying should be promptly investigated.

To ensure safety for all students on all SCCOE campuses teachers should discuss bullying with their students. Students who bully are in violation and are subject to disciplinary action up to and including expulsion.

Students are expected to immediately report incidents of bullying to the principal or designee.

Bullying Prevention

The following prevention tips are used by the schools within the Santa Clara County Office of Education.

Students:

1. If bullied, bring it to the attention of an adult. Telling is not tattling.
2. Tell a teacher, counselor, principal or have parents talk to the school.
3. Do not retaliate or get angry.
4. Respond evenly and firmly or say nothing and walk away.
5. Act confident.
6. Avoid unsupervised areas of school.

Parents:

1. Encourage your child to share problems with you; assuring them that telling is not tattling.
2. Maintain contact with the school. Keep a detailed record of bullying episodes and communication with the school.
3. Encourage you to child to participate in activities to improve esteem.

Schools:

1. Establish a bullying prevention committee.
2. Create a long-term anti-bullying plan and raise school awareness and involvement.
3. Involve parents in planning, discussions and action plans.
4. Establish classroom rules against bullying.

Campus Guidelines

Students shall:

1. Attend school punctually and regularly
2. Conform to the regulations of the school
3. Obey promptly all the directions of his/her teacher and others in authority
4. Observe good order
5. Be diligent in study
6. Respectful to his/her teacher and others in authority
7. Be kind and courteous to schoolmates
8. Refrain entirely from the use of profane and vulgar language.

Campus Visitors

All school visitors are required to check in at the school office as soon as they arrive. Parents must report to the school office and sign your child out. Parents who have a complaint are to request an appointment with the principal or designee. No disruption of school activities or verbal/physical assaults will be tolerated by visitors on campus. (*E.C.44810 and 44811*) Administration has the authority to direct non- students to leave campus. (*Penal Code Section 626.6*)

Administration may also direct persons to leave campus whose presence interferes with school activities, unless such person is a parent of a child attending that school, is a student of the school, or has prior written permission of school administration. (*Penal Code Section 626.8*)

Classroom Discipline for Staff

The at-risk student is successful when certain elements are present. These include, but are not limited to, the following:

- Clearly define behavioral expectations;
- Immediate consequences when behavioral expectations are violated;
- Predictability in classroom routine;
- Planned, daily lessons/activities which are posted in the classroom;
- Immediate feedback;
- Respectful behavior and communication by all school personnel;
- Visuals that reflect student achievement;
- Clean, organized classroom;
- One-on-one communication when addressing behavior, outside the purview of others; and
- Frequent communication with and involvement of parents, probation, and all other pertinent ancillary agencies.

Consequences

They must always be previously defined and fairly and equally applied. At least one warning but no more than two warnings should precede the consequence. NO warnings precede a duplicated behavior problem. Giving chance after chance sends the wrong message and you will lose your credibility.

Establishing Teacher Control

You must establish yourself as the person in control of your classroom. You will not assume the position of the authority figure if you allow someone else to do all of the discipline for you. You must earn that authority. Authority will not automatically take place because you have the title, "teacher".

How you earn this position depends on your individual personality. It can be done with humor, direct and stern talk, and so on. The important element within each technique is that you must ALWAYS say what you mean, mean what you say, be consistent, and ALWAYS follow-through.

Your students are used to being able to manipulate and will rarely assume responsibility for their actions. You must, therefore, provide the boundaries necessary to stop manipulation and promote accountability. That can only be achieved if your message is consistent and predictable. Once the student is convinced that you indeed say what you mean and follow-through, he/she will believe what you say when you are saying it.

The at-risk student is defiant and lacks the will or ability to establish and maintain appropriate behavior boundaries. Those boundaries must be established for them.

It is not cruel to insist:

- Upon academic rigor that is at an achievable high level;
- That student conduct themselves in a polite and civil manner; and
- That their speech exclude the use of vulgarity.

The teacher must encourage and reinforce the concept that your students can achieve despite the sordid details of their young lives. Remember, it is this lower expectation that earned them a place in your classroom. Once authority has been established, the at-risk student will comply, focus and achieve.

Suggested Strategies to Provide Classroom Structure

There are several strategies that can be used to provide the type of learning container that allows the at-risk student to succeed.

- *Behavior/Rules*
 - Draft behavior rules (5 or less), review and distribute to all students;
 - Post behavior rules in classroom;
 - Consistently enforce behavior rules;
 - Clearly define what your warning will be when a behavior rule is violated;
 - Immediately and consistently consequence behavior problems;
 - Create a seating chart and rarely allow students to sit where they want;
 - Individual desks encourage control – tables do not;
 - Post school rules and school dress codes and enforce them;
- *Environment*
 - Never allow students to leave their desks without first receiving permission to do so;
 - Never allow students to roam your school site during class unescorted;
 - Establish break times and adhere to them (it should be a rare occasion that a student leaves your classroom during class instruction);
- *Emotion*
 - Never allow anger to be expressed in the classroom (remove the student and talk with him/her until he/she calms down);
 - Eliminate, either permanently or for a prescribed amount of time, any activity where acting-out seems to regularly occur;

Teacher/Para educator

- Never establish yourself as the student's "friend" because you will be seen as betraying them when you discipline them;
- Never use vulgarity or anger in a student's presence (you must teach appropriate behavior, not duplicate poor behavior);
- Never talk "over" the voices of your students – insist on quiet when you speak;
- Reward positive behavior in age-appropriate ways;
- Exercise your right to search each student if you find a frequency of illegal items being brought into the classroom; and
- When your back is to your class, your para educator should be watching the class;
- Para educators should be at the opposite position where the teacher is in the classroom; The disciplining of a student should be shared by para educator and teacher and should never be the sole duty of the para educator (to establish yourself as the person in control, you must be involved in the discipline of your students);

Reporting/Contact/Involvement

- Report behavior concerns to the administrator the day they occur;
- Make contact with the student's probation officer to establish a relationship;
- Establish an expectation of the parent's involvement and involve them regularly;

Expectation

- Expect learning and expect good behavior

Probation and Parents

Establish an agreed upon routine for reporting student conduct to probation. At minimum, it should be weekly and a written report should be sent so it can be placed in the ward's probation file. The FIRST behavior problem should be immediately reported to probation. The SECOND behavior problem should result in you meeting with the student and the probation officer.

Structure

The key to success in creating a functional classroom of at-risk students is "structure". Structure includes predictability, routine, and consistency.

Not all at-risk students present themselves in the same way in a classroom. Some are quiet, some are loud, some are shy, some are bullies, some are sad and some are mad. Despite the differences in their presentations, they all succeed in the same type of environment—one that is structured, predictable, and routine. When a student's personal life is in chaos, for whatever reason, the only environment that contains and calms that life is one that is structured. Structure provides personal safety and when a

student feels safe, they can then stop acting-out. Once the acting-out stops the student starts to succeed.

Classroom Disruption/Insubordination

The Santa Clara County Superintendent of Schools or the principal of a school in which a student is enrolled determines that a student has disrupted school activities or otherwise willfully defined the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties, may be suspended.

Code of Safety and Conduct

The Santa Clara County Office of Education recognizes the importance of providing a safe school environment that is conducive to learning and helps ensure student safety and the prevention of student injury. Appropriate practices have been implemented to minimize the risk of harm to students, including, but not limited to, practices relative to school facilities and equipment, the outdoor environment, educational programs, and school-sponsored activities.

Staff is responsible for the proper supervision of students during school hours, school-sponsored activities, and while students are using contracted bus transportation to and from school.

The Santa Clara County Office of Education shall ensure that students receive appropriate instruction on topics related to safety, as well as injury and disease prevention.

Communications Home/School

The Santa Clara County Office of Education recognizes that notifications are very important to effectively communicate between the school and the home. The Superintendent or designee shall send students and parents/guardians all notifications required by law, including notifications about their legal rights, and any other notifications he/she believes will promote parental understanding and involvement. Communication is available in English, Spanish and Vietnamese.

Communications Parent/School

The Santa Clara County Office of Education recognizes that parent communication between the parent and the school is important. Parents are invited to telephone their student's school for information regarding their child.

Parents are invited to participate in our School Site Council (SSC), District English Language Advisory Committee (DELAC) and the English Language Advisory Committee (ELAC). Parents are also phoned regularly to update student progress both positive and negative. Students' grades are sent home quarterly to inform parents on their child's progress.

Conflict Resolution

To promote student safety and contribute to the maintenance of a positive school climate, the Santa Clara County Board of Education encourages the development of school-based conflict resolution programs designed to help students learn constructive way of handling conflict. SCCOE believes that programs can reduce violence and promote communication, personal responsibility and problem-solving skills among students.

Classroom Disruption/Insubordination

The Santa Clara County Superintendent of Schools or the principal of a school in which a student is enrolled determines that a student has disrupted school activities or otherwise willfully defined the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties, may be suspended.

Guidance

The Santa Clara County Office of Education shall ensure that students are provided with academic counseling. This will help students establish immediate and long-range educational plans, achieve academic standards, prepare for the high school exit examination and complete the required curriculum in accordance with their individual needs, abilities, and interests. Parents/guardians shall be included when making educational plans as much as possible.

The guidance counselor will assist students to plan for the future and become aware of their career potential.

Counseling staff shall identify and work with students whose personal problems may prevent them from reaching their potential. As appropriate, students shall be informed about agencies that offer qualified professional assistance with substance abuse, physical or emotional problems, or other personal problems.

SCCOE also recognizes the needs for a prompt and effective response when students are confronted with a traumatic incident. Early identification and intervention shall be developed to help identify those students who may be at risk for violence so that support may be provided before the student engages in violent or disruptive behavior.

Physical Education Equipment

Replacement of equipment or modification of components inside the existing physical education area shall conform to the playground-related standards set forth by the American Society for Testing and Materials and the playground-related guidelines set forth by the United States Consumer Product Safety Commission.

Safe Ingress to and Egress from School

Most students arrive at their school site by bus. Some students drive themselves to school and a few students are driven to school by group home employees. Group home vans and cars have been directed to drop their clients off at the entrance of the school.

One campus is shared with special needs students and some students are driven to school by parents or guardians. All cars are directed to enter the school parking lot and exit the school parking lot in a specific pattern that does not conflict with the bus delivery of the special needs students. Students exit the site through the school entrance and are directed to the sidewalk via a ramp that connects the public sidewalk to the school entrance.

Teachers and staff supervise both student ingress and egress to and from school.

Food/Drinks on Campus

The Superintendent recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for SCCOE students. The Superintendent or designee shall build a coordinated school health system that supports and reinforces health literacy through health education, physical education, health services, nutrition services, psychological and counseling services, health promotion for staff, a safe and healthy school environment, and parent/guardian and community involvement.

SCHOOL HEALTH COUNCIL/COMMITTEE

Policy related to student wellness shall be developed with the involvement of parents/guardians, students, school food service professionals, school administrators, County Office representatives, and members of the public. (42 USC 1751)

The Superintendent or designee may appoint a school health council or other committee consisting of representatives of the above groups. The council or committee may also include SCCOE administrators, health professionals, school nurses, health educators, physical education teachers, counselors, and/or others interested in school health issues.

The school health council or committee shall assist with policy development and advise SCCOE on health-related issues, activities, policies, and programs. At the discretion of the Superintendent or designee, the council's charges may include planning and implementing activities to promote health within the school or community.

NUTRITION EDUCATION AND PHYSICAL ACTIVITY GOALS

The Superintendent shall adopt goals for nutrition education, physical activity, and other school-based activities that are designed to promote student wellness in a manner that SCCOE determines appropriate. (42 USC 1751)

SCCOE's nutrition education and physical education programs shall be based on research, consistent with the expectations established in the state's curriculum frameworks, and designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

Nutrition education shall be provided as part of the health education program in grades K-12 and, as appropriate, shall be integrated into core academic subjects.

All students in grades K-12 shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education, recess, and other structured and unstructured activities.

The Superintendent or designee shall encourage staff to serve as positive role models. He/she shall promote and may provide opportunities for regular physical activity among employees.

Professional development shall include instructional strategies that assess health knowledge and skills and promote healthy behaviors.

To encourage consistent health messages between the home and school environment, the Superintendent or designee may disseminate health information to parents/guardians through school newsletters, handouts, parent/guardian meetings, SCCOE or school web site, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.

The Board prohibits the marketing and advertising of non-nutritious foods and beverages through signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, coupon or incentive programs, or other means.

NUTRITION GUIDELINES FOR FOODS AVAILABLE AT SCHOOL

The Board shall adopt nutrition guidelines selected by SCCOE for all foods available on each campus during the school day, with the objective of promoting student health and reducing childhood obesity. (42 USC 1751)

The Board believes that foods and beverages available to students at SCCOE schools should support the health curriculum and promote optimal health. Nutrition standards adopted by SCCOE for all foods and beverages sold to students, including foods and beverages provided through SCCOE's food service program, student stores, vending machines, fundraisers, or other venues, shall meet or exceed state and federal nutrition standards.

The Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes. He/she also shall encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior.

School staff shall encourage parents/guardians or other volunteers to support SCCOE's nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties and by limiting foods or beverages that do not meet nutritional standards to no more than one food or beverage per party. Class parties or celebrations shall be held after the lunch period when possible.

GUIDELINES FOR REIMBURSABLE MEALS

Foods and beverages provided through federally reimbursable school meal programs shall meet or exceed federal regulations and guidance issued pursuant to 42 USC 1758(f)(1), 1766(a), and 1779(a) and (b), as they apply to schools. (42 USC 1751)

In order to maximize SCCOE's ability to provide nutritious meals and snacks, all SCCOE schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs, to the extent possible.

PROGRAM IMPLEMENTATION AND EVALUATION

The Board shall establish a plan for measuring implementation of the policy. The Superintendent shall designate at least one person within SCCOE and at each school who is charged with operational responsibility for ensuring that the school sites implement SCCOE's wellness policy. (42 USC 1751)

The Superintendent or designee shall recommend for Board approval specific quality indicators that will be used to measure the implementation of the policy at each SCCOE school. These measures shall include, but not limited to, an analysis of the nutritional content of meals served; student participation rates in school meal programs; any sales of non-nutritious foods and beverages in fundraisers or other venues outside SCCOE's meal programs; and feedback from food service personnel, school administrators, the school health council, parents/guardians, students, and other appropriate persons.

The Superintendent or designee shall report to the Board at least every two years on the implementation of this policy and any other Board policies related to nutrition and physical activity.

POSTING REQUIREMENTS

Each school shall post SCCOE's policies and regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas. (Education Code 49432)

Legal References:

EDUCATION CODE

49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001

49490-49493 School breakfast and lunch programs

49500-49505 School meals

49510-49520 Nutrition

49530-49536 Child Nutrition Act

49540-49546 Child care food program
48547-49548.3 Comprehensive nutrition services
49550-49560 Meals for needy students
49565-49565.8 California Fresh Start pilot program
49570 National School Lunch Act
51222 Physical education
51223 Physical education, elementary schools

CODE OF REGULATIONS, TITLE 5

15500-15501 Food sales by student organizations
15510 Mandatory meals for needy students
15530-15535 Nutrition education
15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769 National School Lunch Program especially:
1751 Note Local wellness policy
1771-1791 Child Nutrition Act, including:
1773 School Breakfast Program
1779 Rules and regulations, Child Nutrition Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program
220.1-220.21 National School Breakfast Program

Crime Reporting

Education Code 48902

- (a) The principal of a school or the principal's designee shall, prior to the suspension or expulsion of any student, notify the appropriate law enforcement authorities of the county or city in which the school is situated, of any acts of the student that may violate Section 245 of the Penal Code.
- (b) The principal of a school or the principal's designee shall, within one school day after suspension or expulsion of any student, notify, by telephone or any other appropriate method chosen by the school, the appropriate law enforcement authority of the county or the school district in which the school is situated of any acts of the students that may violate subdivision (c) or (d) or Section 48900.
- (c) Notwithstanding subdivision (b), the principal of a school or the principal's designee shall notify the appropriate law enforcement authorities of the county or city in which the school is located of any acts of a student that may involve the possession or sale of narcotics or of a controlled substance or a violation of Section 626.9 or 626.10 of the Penal Code.
- (d) A principal, the principal's designee, or any other person reporting a known or suspected act described in subdivision (a) or (b) is not civilly or criminally liable as a result of a making any report authorized by this article unless it can be proven that a false report was made and that the person knew the report was false or the report was made with reckless disregard for the truth or falsity of the report.
- (e) The willful failure to make any report required by this section is an infraction punishable by a fine to be paid by the principal or principal's designee who is responsible for the failure of not more than five hundred dollars (\$500).
- (f) The principal of a school or the principal's designee reporting a crime act committed by a school age individual with exceptional needs, as defined in Section 56026, shall ensure that copies of the special education and disciplinary records of the pupil are transmitted, as described in paragraph (9) of subsection (k) of Section 1415 of Title 20 of the United States Code, for consideration by the appropriate authorities to whom he or she reports the criminal act. Any copies of the student's special education and disciplinary records may be transmitted only to the extent permissible under the federal Family Education Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g et seq.).

The principal of a school or the principal's designee shall, notify the appropriate law enforcement authorities of the county or city in which the school is located of any acts of a student that may involve the possession or sale of narcotics or of a controlled substance or a violation of Section 626.9 or 626.10 of the Penal Code.

Zero Tolerance

Although the term “zero tolerance” does not appear in law, the federal Gun-Free Schools Act (20 USC 7151) requires that a student who brings a firearm to school be expelled for one year. Education Code 48915(c) also requires the mandatory suspension and recommendation for expulsion of students who possess, sell or furnish, brandish a knife*, sell a controlled substance, commit or attempt to commit a sexual assault or sexual battery, or possess an explosive.

The Santa Clara County Office of Education supports a zero tolerance approach to serious offenses. This enables the removal of potentially dangerous students from the classroom to a top priority and ensures the standardized treatment of all students.

- *Per California Education Code 4815(g) a knife is defined as: Any dirk, dagger, or other weapon with a fixed sharpened blade fitted primarily for stabbing, a weapon with a blade longer than 3 ½ inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.*

EMERGENCY PROCEDURES

INITIAL RESPONSE TO EMERGENCIES

When an emergency situation occurs, school personnel must quickly determine what initial response actions are required. Determining the appropriate actions to take is a three-step process: 1) identify the type of emergency; 2) identify the level of emergency; and 3) determine immediate action(s) that may be required. Each of these steps is discussed below.

IDENTIFY TYPE OF EMERGENCY

The first step in responding to an emergency is to determine the *type* of emergency that has occurred. Emergency procedures for the 18 different types of emergencies are listed below:

- Aircraft Crash
- Animal Disturbance
- Armed Assault on Campus
- Biological or Chemical Release
- Bomb Threat
- Disorderly Conduct
- Earthquake
- Explosion/Risk of Explosion Fire
- in Surrounding Area Fire on
- School Grounds Flooding
- Loss or Failure of Utilities
- Motor Vehicle Crash
- Psychological Trauma
- Suspected Contamination of Food or Water
- Threat of Violence
- Unlawful Demonstration/Walkout

IDENTIFY LEVEL OF EMERGENCY

The second step in responding to an emergency is to determine the *level* of the emergency. For schools, emergency situations can range from a small fire to a major earthquake. To assist schools in classifying emergency situations, a three- tiered rating system is described below.

Level 1 Emergency: A *minor emergency* that is handled by school personnel without assistance from outside agencies, e.g., a temporary power outage, a minor earthquake, or a minor injury in the play yard. Guidelines to manage Level 1 (Crisis) are described in the Crisis Response Checklist.

Level 2 Emergency: A *moderate* emergency that requires assistance from outside agencies, such as a fire or a moderate earthquake, or a suspected act of terrorism involving the dispersion of a potentially hazardous material, e.g., “unknown white powder”.

Level 3 Emergency: A major emergency event that requires assistance from outside agencies such as a major earthquake, civil disturbance or a large-scale act of terrorism. For Level 3 emergencies, it is important to remember that the response time of outside agencies may be seriously delayed.

DETERMINE IMMEDIATE RESPONSE ACTIONS

Once the type and extent of an emergency have been identified, school personnel can determine if an *immediate response action* is required. The most common immediate response actions initiated during school emergencies are:

Duck and Cover Shelter- In-Place Lock Down Evacuate Building Off-Site Evacuation All Clear

Procedures for each of these are below.

IMMEDIATE RESPONSE ACTIONS DUCK AND COVER

This action is taken to protect students and staff from flying or falling debris.

Description of Action

1. The Principal will make the following announcement on the PA system. If the PA system is not available, the Principal will use other means of communication, i.e., sending messengers to deliver instructions. The Principal should be calm, convey reassuring comments that the situation is under control and give clear directions.

“SOME SEISMIC ACTIVITY. FOR EVERYONE’S PROTECTION, ALL STUDENTS SHOULD FOLLOW STAFF DUCK AND COVER PROCEDURES, WHICH MEAN YOU SHOULD BE IN A PROTECTED POSITION UNDER A TABLE OR DESK, AWAY FROM WINDOWS AND ANYTHING THAT COULD FALL AND HURT YOU. HOLD THIS POSITION UNTIL THE SHAKE STOPS OR GIVEN FURTHER INSTRUCTIONS.”

2. If inside, teachers will instruct students to duck under their desks and cover their heads with their arms and hands.
3. If outside, teachers will instruct students to drop to the ground, place their heads between their knees, and cover their heads with their arms and hands.
4. Teachers and students should move away from windows.

SHELTER-IN-PLACE

This action is taken to place and/or keep students indoors in order to provide a greater level of protection from airborne contaminants in outside air. Shelter-in- Place is implemented when there is a need to isolate students and staff from the outdoor environment, and includes the shutdown of classroom and/or building HVAC systems. During Shelter-in-Place, no one should be exposed to the outside air.

The difference between Shelter-in-Place and Lock Down is that the former involves shut down of the HVAC systems, and allows for the free movement of students within the building. However, classes in bungalows and buildings with exterior passageways will have to remain in the classroom.

Description of Action

1. The Principal will make the following announcement on the PA system. If the PA system is not available, the Principal will use other means of communication, i.e., sending messengers to deliver instructions. The Principal should be calm, convey reassuring comments that the situation is under control and give clear directions.

“YOUR ATTENTION PLEASE. BECAUSE WE HAVE RECEIVED INFORMATION REGARDING A HAZARD IN THE COMMUNITY, WE ARE INSTITUTING SHELTER-IN-PLACE PROCEDURES. REMEMBER, THIS MEANS STUDENTS AND STAFF ARE TO REMAIN INSIDE THE BUILDING AWAY FROM OUTSIDE AIR WITH WINDOWS AND DOORS SECURELY CLOSED AND AIR CONDITIONING UNITS TURNED OFF. ALL STUDENTS AND STAFF THAT ARE OUTSIDE ARE TO IMMEDIATELY MOVE TO THE PROTECTION OF AN INSIDE ROOM. AS SOON AS WE HAVE FURTHER INFORMATION, WE WILL SHARE IT WITH YOU.”

2. If outside, students will proceed to their classrooms if it is safe to do so. If not, teachers or staff will direct students into nearby classrooms or school buildings (e.g., auditorium, library, cafeteria, and gymnasium). Teachers should consider the location and proximity of the identified hazard and, if necessary, proceed to an alternative indoor location.
3. Teachers are responsible to secure individual classrooms whereas the Security/Utilities Team will assist in completing the procedures as needed: shut down the classroom/building(s) HVAC system; turn off local fans in the area; close and lock doors and windows; seal gaps under doors and windows with wet towels or duct tape; seal vents with aluminum foil or plastic wrap, if available; and turn off sources of ignition, such as pilot lights.

LOCK DOWN

This action is taken when the threat of violence or gunfire is identified or directed by law enforcement and it is necessary to prevent the perpetrator(s) from entering occupied areas. During Lock Down, students are to remain in the classrooms or designated locations at all time.

The difference between Shelter-in-Place and Lock Down is that the former involves shut down of the HVAC systems, and allows for the free movement of students within the building.

Description of Action

1. The Principal will make the following announcement on the PA system. If the PA system is not available, the Principal will use other means of communication, i.e., sending messengers to deliver instructions. The Principal should be calm, convey reassuring comments that the situation is under control and give clear directions.

“YOUR ATTENTION PLEASE. WE HAVE AN EMERGENCY SITUATION AND NEED TO IMPLEMENT LOCK DOWN PROCEDURES. TEACHERS ARE TO LOCK CLASSROOM DOORS AND KEEP ALL STUDENTS INSIDE THE CLASSROOM UNTIL FURTHER NOTICE. DO NOT OPEN THE DOOR UNTIL NOTIFIED BY AN ADMINISTRATOR OR LAW ENFORCEMENT. IF OUTSIDE, STUDENTS AND STAFF ARE TO PROCEED INSIDE THE NEAREST BUILDING OR CLASSROOM.”

2. If inside, teachers will instruct students to lie on the floor lock the doors, and close any shades or blinds if it appears safe to do so.
3. If outside, students will proceed to their classrooms if it is safe to do so. If not, teachers or staff will direct students into nearby classrooms or school buildings (e.g., auditorium, library, cafeteria, and gymnasium).
4. Teachers and students will remain in the classroom or secured area until further instructions are given by the Principal or law enforcement.
5. The front entrance is to be locked and no visitors other than appropriate law enforcement or emergency personnel, have to be allowed on campus.

EVACUATE BUILDING

This action is taken after the decision is made that it is unsafe to remain in the building.

Description of Action

1. The Principal will make the following announcement on the PA system. If the PA system is not available, the Principle will use other means of communication, i.e., sending messengers to deliver instructions. The Principal should be calm, convey reassuring comments that the situation is under control and give clear directions.

“YOUR ATTENTION PLEASE. WE NEED TO INSTITUTE AN EVACUATION OF ALL BUILDINGS. TEACHERS ARE TO TAKE THEIR STUDENTS TO THE ASSEMBLY AREA AND REPORT TO THEIR DESIGNATED AREA. STUDENTS ARE TO REMAIN WITH THEIR TEACHER. TEACHERS NEED TO TAKE THEIR ROLLBOOK AND LOCK THE CLASSROOM WHEN ALL STUDENTS HAVE EXITED THE CLASSROOM.”

2. The Principal will initiate a fire alarm.
3. Teachers will instruct students to evacuate the building, using designated routes, and assemble in their assigned *Assembly Area*.
4. Teachers will take the student roster when leaving the building and take attendance once the class is assembled in a safe location.
5. Once assembled, teachers and students will stay in place until further instructions are given.

OFF-SITE EVACUATION

This action is taken after a decision is made that it is unsafe to remain on the campus, and evacuation to an off-site assembly area is required.

Description of Action

1. The Principal will make the following announcement on the PA system. If the PA system is not available, the Principle will use other means of communication, i.e., sending messengers to deliver instructions. The Principal should be calm, convey reassuring comments that the situation is under control and give clear directions.

“YOUR ATTENTION PLEASE. WE NEED TO INSTITUTE AN OFF-SITE EVACUATION. TEACHERS ARE TO TAKE THEIR STUDENTS TO THE OFF-SITE ASSEMBLY AREA AND REPORT TO THEIR DESIGNATED AREA.

STUDENTS ARE TO REMAIN WITH THEIR TEACHER. TEACHERS NEED TO TAKE THEIR ROLLBOOK AND LOCK THE CLASSROOM WHEN ALL STUDENTS HAVE EXITED THE CLASSROOM.”

2. The Principal will determine the safest method for evacuating the campus. This may include the use of school buses or simply walking to the designated off-site location.
3. Teachers will secure the student roster when leaving the building and take attendance once the class is assembled in a pre-designated safe location.
4. Once assembled off-site, teachers and students will stay in place until further instructions are given.
5. In the event clearance is received from appropriate agencies, the Principal may authorize students and staff to return to the classrooms.

ALL CLEAR

This action is taken to notify teachers that normal school operations can resume.

Description of Action

1. The Principal will make the following announcement on the PA system. If the PA system is not available, the Principal will use other means of communication, i.e., sending messengers to deliver instructions.

“YOUR ATTENTION PLEASE. IT IS NOW OK TOO RETURN TO YOUR CLASSROOM AND RESUME NORMAL OPERATIONS. I WOULD LIKE TO THANK AND COMMEND STUDENTS AND STAFF FOR THEIR COOPERATION.”

2. This action signifies the emergency is over.
3. If appropriate, teachers should immediately begin discussions and activities to address students’ fears, anxieties, and other concerns.

It is important to note that school administrators are responsible for the health and safety of students and staff during an emergency. Although the following procedures refer to specific actions, school administrators must exercise discretion in implementing standardized procedures, and should consider modifications as necessary to assure the health and safety of all personnel during an emergency.

In the following procedures, the Principal or designee will be referred to as “School Administrator”.

AIRCRAFT CRASH

This procedure addresses situations involving an Aircraft Crash on or in proximity to school property. If a crash results in a fuel or chemical spill on school property, refer to Biological or Chemical Release. If a crash results in a utility interruption, refer to Loss or Failure of Utilities.

Procedure

1. The School Administrator will initiate appropriate Immediate Response Actions, which may include DUCK AND COVER, SHELTER-IN-PLACE, EVACUATE BUILDING, or OFF-SITE EVACUATION.
2. If the School Administrator issues the EVACUATE BUILDING action, staff and students will evacuate the buildings using prescribed routes or other safe routes to the Assembly Area.
3. In the event of an evacuation, teachers will bring their student roster and take attendance at the Assembly Area to account for students. Teachers will notify the Assembly Area Team of missing students.

The School Administrator will call "9.9.911" and Santa Clara County Sheriff's Department (408.293.2311) and will provide the exact location (e.g., building or area) and nature of emergency.

4. If on school property, the Security/Utilities Team will secure the crash area to prevent unauthorized access. If the crash results in a fuel or chemical spill on school property, refer to section regarding fuel or chemical spill. If the crash results in a utility interruption, refer to section regarding utility on interruption.
5. The School Administrator will direct the Fire Suppression and HazMat Team to organize fire suppression activities until the Fire Department arrives.
6. The First Aid/Medical Team will check injuries to provide appropriate first aid.
7. The School Administrator will call the office of the Chief of Student Services.
 - a. Member of this group will call the Office of Communications with information on this situation as appropriate.
8. Any affected areas will not be reopened until the Los Angeles County HazMat or appropriate agency provides clearance and the School Administrator issues authorization to do so.
9. The Psychological First Aid Team will convene onsite and begin the process of counseling and recovery as appropriate.
10. If it is unsafe to remain on campus, the School Administrator will initiate an OFF-SITE EVACUATION, if warranted by changes in conditions.

ANIMAL DISTURBANCE

This procedure should be implemented when the presence of a dog, coyote, mountain lion or any other wild animal threatens the safety of students and staff.

Procedure

1. The School Administrator will initiate appropriate Immediate Response Actions, may include LOCK DOWN or EVACUATE BUILDING.
2. Upon discovery of an animal, staff members will attempt to isolate the animal from students, if it is safe to do so. If the animal is outside, students will be kept inside. If the animal is inside, students will remain outside in an area away from the animal. It is suggested closing doors or locking gates as means to isolate the animal.
3. If additional outside assistance is needed, the School Administrator will call "9.911", Local Police or Santa Clara County Sheriff's Department, Department of Animal Regulation (408.465.2920) and provide the location of the animal and nature of emergency.
4. If a staff member or student is injured, the parent, and SCCOE Risk Manager will be notified.
5. The School Administrator will initiate of OFF-SITE EVACUATION, if warranted by changes in conditions at the school.

ARMED ASSAULT ON CAMPUS

An Armed Assault on Campus involves one or more individuals who attempt to take hostages or cause physical harm to students and staff. Such an incident may involve individuals who possess a gun, a knife or other harmful device.

Procedure

1. Upon first indication of an armed assault, personnel should immediately notify the School Administrator.
2. The School Administrator will initiate the appropriate Immediate Response Action(s), which may include SHELTER-IN-PLACE, LOCK DOWN, EVACUATE BUILDING or OFF-SITE EVACUATION.
3. The School Administrator will call "911" (dial 9, 911) and provide the exact location and nature of the incident. The School Administrator should designate a person to remain online with the 911 operator if safe to do so.

4. Staff should take steps to calm and control students, and if safe to do so, attempt to maintain separation between students and the perpetrator.
5. Staff should maintain order in all areas of assembly or shelter, and should await the arrival of law enforcement.
6. After the perpetrator(s) has been neutralized, the School Administrator will conduct a headcount of students and staff, and will notify law enforcement of any missing persons.
7. The First Aid/Medical Team will work with local authorities to ensure injured students and staff receives medical attention.
8. The Security/Utilities Team will control all points of entry to the school.
9. The School Administrator will prepare a verified list of casualties, and the locations to which they were transported. The School Administrator will confer with the Psychological First Aid Team to ensure the notification of parents and family members.
10. All media inquiries will be referred to the designated Public Information Officer.
11. The School Administrator will debrief staff.

BIOLOGICAL OR CHEMICAL RELEASE

A Biological or Chemical Release is an incident involving the discharge of a biological or chemical substance in a solid, liquid or gaseous state. Such incidents may also include the release of radioactive materials. Common chemical threats within or adjacent to schools include the discharge of acid in a school laboratory, an overturned truck of hazardous materials in proximity of the school, or an explosion at a nearby oil refinery or other chemical plant.

The following indicators may suggest the release of a biological or chemical substance: Multiple victims suffering from watery eyes, twitching, choking or loss of coordination, or having trouble breathing. Other indicators may include the presence of distressed animals or dead birds.

This procedure deals with three possible scenarios involving the release of biochemical substances: Scenario 1 - Substance released inside a room or a building; Scenario 2 - Substance released outdoors and localized; and Scenario 3 - Substance released in surrounding community. It is necessary to first determine which scenario applies and then implement the appropriate response procedures listed below.

Procedure

SCENARIO 1: SUBSTANCE RELEASED INSIDE A ROOM OR BUILDING

1. The School Administrator will initiate the EVACUATE BUILDING action as described. Staff will use designated routes or other alternative safe routes to an assigned Assembly Area, located upwind of the affected room or building.
2. The School Administrator will call “911” (dial 9, 911), and will provide the exact location (e.g., building, room, area) and nature of emergency.
3. The School Administrator will notify the Chief of Student Services of the situation.
4. The School Administrator will instruct the Security/Utilities Team to isolate and restrict access to potentially contaminated areas.
5. The Security/Utilities Team will turn off local fans in the area of the release, close the windows and doors, and shut down the building’s air handling system.
6. Persons who have come into direct contact with hazardous substances should have affected areas washed with soap and water. Immediately remove and contain contaminated clothes. Do not use bleach or other disinfectants on potentially exposed skin. Individuals that have been contaminated “topically” by a liquid should be segregated from unaffected individuals (isolation does not apply to widespread airborne releases). A member of the First Aid/Medical team should assess the need for medical attention.
7. The Assembly Area Team will prepare a list of all people in the affected room or contaminated area, specifying those who may have had actual contact with the substance. The Assembly Area Team will provide the list to the School Administrator and the emergency response personnel.
8. The Psychological First Aid Team will convene onsite and begin the process of counseling and recovery.
9. Any affected areas will not be reopened until the Santa Clara County Hazardous Materials or appropriate agency provides clearance and the School Administrator gives authorization to do so.

SCENARIO 2: SUBSTANCE RELEASED OUTDOORS AND LOCALIZED

1. The School Administrator will immediately direct staff to remove students from the affected areas to an area upwind from the release. The School Administrator will, if necessary, initiate the EVACUATE BUILDING action.
2. The Security/Utilities Team will establish a safe perimeter around the affected area and ensure personnel do not reenter the area.

3. The School Administrator will call “911” (dial 9, 911) and will provide the exact location and nature of emergency.
4. The School Administrator will notify the Chief of Student Services.
5. The Security/Utilities Team will turn off local fans in the area of the release, close the windows and doors and shut down the air handling systems of affected buildings.
6. Persons who have come into direct contact with hazardous substances should have affected areas washed with soap and water. Immediately remove and contain contaminated clothes. Do not use bleach or other disinfectants on potentially exposed skin. Individuals that have been contaminated “topically” by a liquid should be segregated from unaffected individuals (isolation does not apply to widespread airborne releases). A member of the First Aid/Medical Team should assess the need for medical attention.
7. The Assembly Area Team will prepare a list of all people in areas of contamination, especially those who may have had actual contact with the substance. The Assembly Area Team will provide the list to the School Administrator and the emergency response personnel.
8. The Psychological First Aid Team will convene onsite and begin the process of counseling and recovery.
9. Any affected areas will not be reopened until the appropriate agency provides clearance and the School Administrator gives authorization to do so.

SCENARIO 3: SUBSTANCE RELEASED IN SURROUNDING COMMUNITY

1. If the School Administrator or local authorities determine a potentially toxic substance has been released to the atmosphere, the School Administrator will initiate SHELTER-IN-PLACE.
2. Upon receiving the SHELTER-IN-PLACE notification, the Security/Utilities Team will turn off local fans in the area; close and lock doors and windows; shut down all buildings’ air handling systems; seal gaps under doors and windows with wet towels or duct tape; seal vents with aluminum foil or plastic wrap, if available; and turn off sources of ignition, such as pilot lights.
3. Staff and students located outdoors will be directed to proceed immediately to nearby classrooms or buildings (e.g., auditorium, library, cafeteria, and gymnasium). Teachers should communicate their locations to the School Administrator, using the PA system or other means without leaving the building.

4. The School Administrator will call “911” (dial 9, 911) and will provide the exact location and nature of emergency.
5. The School Administrator will notify the Chief of Student Services of the situation.
6. The School Administrator will turn on a radio or television station to monitor information concerning the incident.
7. The school will remain in a SHELTER-IN-PLACE condition until appropriate agency provides clearance, or staff is otherwise notified by the School Administrator.

BOMB THREAT

Response to a Bomb Threat is initiated upon the discovery of a suspicious package on campus grounds or receipt of a threatening phone call that may present a risk of an explosion.

Procedure

1. If the threat is received by telephone, the person receiving the call should attempt to keep the caller on the telephone as long as possible and alert someone else to call “911” (dial 9, 911) – telling the operator, “This is [state your name] from [school]. We are receiving a bomb threat on another line. The number of that line is [state phone number].”
2. The person answering the threat call should ask the following questions, record the answers and then immediately notify the School Administrator:
 - When is the bomb going to explode?
 - Where is it?
 - What will cause it to explode?
 - What kind of bomb is it?
 - Who are you?
 - Why are you doing this?
 - What can we do for you to avoid the bomb from exploding?
 - How can you be contacted?
3. The School Administrator will direct the Search and Rescue Team(s) to search for suspicious packages, boxes or foreign objects. While conducting the search, all cell phones, beepers and hand-held radios should be turned off since many modern day explosive devices can be triggered by radio frequencies.

4. If a suspicious object is identified, one member of the Search and Rescue Team will report the discovery to the School Administrator while the remaining team members attempt to secure the immediate area.
5. No attempt should be made to investigate or examine the object.
6. After the search, the School Administrator will determine the appropriate Immediate Response Action(s) to announce, which may include DUCK AND COVER, LOCK DOWN, EVACUATE BUILDING or OFF-SITE EVACUATION.
7. When a suspicious object or bomb is found, the School Administrator shall issue the EVACUATE BUILDING action. Staff and students will evacuate the building using prescribed routes or other safe routes to the Assembly Area.
8. In the event of an evacuation, Teachers will bring their student roster and take attendance at the Assembly Area to account for students. Teachers will notify the Assembly Area Team of missing students.
9. The School Administrator will notify "911" (dial 9, 911), if not previously notified, and will provide the exact location (e.g., building, room, area) of the potential bomb, if known.
10. The School Administrator will notify the Chief of Student Services of the situation.
11. The Psychological First Aid Team will convene onsite and begin the process of counseling and recovery.
12. Do not resume school activities until the affected buildings have been inspected by proper authorities and determined to be safe. The School Administrator will give the ALL CLEAR signal.
13. The School Administrator will initiate an OFF-SITE EVACUATION, if warranted by changes in conditions.
14. After the incident is over, the School Administrator will complete the Bomb Threat Report

EARTHQUAKE

Earthquakes generally occur without warning and may cause minor to serious ground shaking, damage to buildings, and injuries. It is important to note that even a mild tremor can create a potentially hazardous situation and the following procedures should be implemented in response to all earthquakes regardless of magnitude.

Procedure

*Note: Keep calm and remain where you are. Assess the situation, and then act.
Remember, most injuries or deaths are the direct cause of falling or flying debris.*

1. Upon the first indication of an earthquake, teachers should direct students to DUCK AND COVER.
2. Move away from windows and overhead hazards to avoid glass and falling objects.
3. When the shaking stops, the School Administrator will initiate the EVACUATE BUILDING. Staff and students will evacuate the buildings using prescribed routes or other safe routes to the Assembly Area.
4. In the event of an evacuation, teachers will bring their student roster and take attendance at the Assembly Area to account for students. Teachers will notify the Assembly Area Team of missing students.
5. The School Administrator will direct the Security/Utilities Team to post guard a safe distance away from building entrances to prevent access.
6. The Security/Utilities Team will notify school personnel of fallen electrical wires and instruct them to avoid touching the fallen wires
7. The First Aid/Medical Team will check for injuries and provide appropriate first aid.
8. The School Administrator will direct the Security/Utilities Team to notify the appropriate utility company of damages (e.g., gas, power, water, or sewer).
9. If the area appears safe, the Search and Rescue Team will make an initial inspection of school buildings to identify any injured or trapped students or staff.
10. The School Administrator will contact the Chief of Student Services to determine additional actions that may be necessary. In turn, the actions will be communicated to the District's Office of Communications.
11. The School Administrator will contact the SCCOE Facilities Director to ensure buildings are safe for occupancy. When safe to do so, the Fire Suppression and Hazardous Materials Team will conduct an inspection of school buildings. The Fire Suppression and Hazardous Materials Team will maintain a log of their findings, by building, and provide a periodic report to the Incident Commander.
12. Any affected areas will not be reopened until the SCCOE Facilities Director provides clearance and the School Administrator gives authorization to do so.

OFF-SITE EVACUATION

In the event an earthquake occurs during non- school hours:

1. The School Administrator and the Facilities Director will assess damages to determine any necessary corrective actions. The School Administrator may direct the Fire Suppression and Hazardous Materials Team to participate in the assessment.
2. The School Administrator should confer with the Chief of Student Services on identified damages to determine if the school should be closed.

EXPLOSION/RISK OF EXPLOSION

This section addresses four possible scenarios involving an Explosion/Risk of Explosion: Scenario 1 - Explosion on school property; Scenario 2 – Risk of explosion on school property; Scenario 3 - Explosion or risk of explosion in a surrounding area, and Scenario 4 – Nuclear blast or explosion involving radioactive materials. *[A nuclear blast is characterized by a sequence of intense light and heat, air pressure wave, expanding fireball, and subsequent radioactive fallout.]* It is necessary to first determine which scenario applies and then implement the appropriate response procedures. For “Bomb Threats”

Procedure

SCENARIO 1: EXPLOSION ON SCHOOL PROPERTY

1. In the event of an explosion, all persons should initiate DUCK AND COVER.
2. The School Administrator will consider the possibility of another imminent explosion and take appropriate action.
3. After the explosion, the School Administrator will initiate appropriate Immediate Response Actions, which may include SHELTER-IN-PLACE, EVACUATE BUILDING or OFF-SITE EVACUATION as described previously. Evacuation may be warranted in some buildings and other buildings may be used as shelter.
4. In the event of an evacuation, staff and students will use prescribed routes or other safe routes and proceed to the Assembly Area.
5. In the event of an evacuation, Teachers will bring their student roster and take attendance at the Assembly Area to account for students. Teachers will notify the Assembly Area Team of missing students.

6. The School Administrator will call “911” (dial 9, 911) and Local Police and/or Santa Clara County Sheriff’s Dept. (408.293.2311) and will provide the exact location (e.g., building, room, area) and nature of emergency.
7. The First Aid/Medical Team will check for injuries and provide appropriate first aid.
8. Staff should attempt to suppress fires with extinguishers. Note: Ensure the use of proper type of extinguishers, i.e. Class A, B or C for ordinary combustibles; Class B or C for fires involving flammable liquids; or Class C only for fires involving electrical equipment.
9. The Security/Utilities Team Leader will notify the appropriate utility company of any damages to water lines, sewers, power lines and other utilities.
10. The School Administrator will notify the Chief of Student Services Of the situation. A member of this group will call the Office of Communications with information on the situation.
11. The Security/Utilities Team Leader will post guards a safe distance away from the building entrance to prevent persons entering the school buildings.
12. When it is determined safe to enter affected areas, the School Administrator will advise the Search and Rescue Team to initiate search and rescue activities.
13. The School Administrator will contact the Facilities Director to ensure buildings are safe for occupancy. When safe to do so, the Fire Suppression and Hazardous Materials Team will conduct an inspection of school buildings. The Fire Suppression and Hazardous Materials Team will maintain a log of their findings, by building, and provide a periodic report to the Incident Commander.
14. Any areas affected by the explosion will not be reopened until appropriate agency provides clearance and the School Administrator gives authorization to do so.
15. The School Administrator will initiate an OFF-SITE EVACUATION.

SCENARIO 2: RISK OF EXPLOSION ON SCHOOL PROPERTY

1. The School Administrator will initiate appropriate Immediate Response Actions, which may include DUCK AND COVER, SHELTER-IN-PLACE, EVACUATE BUILDING, or OFF-SITE EVACUATION.
2. If the School Administrator issues EVACUATE BUILDING action, staff and students will evacuate the building using prescribed routes or other staff routes to the Assembly Area.

3. In the event of an evacuation, teachers will bring their student roster and take attendance at the Assembly Area to account for students. Teachers will notify the Assembly Area Team of missing students.
4. The School Administrator will call "911" (dial 9, 911) and Local Police and/or Santa Clara County Sheriff's Dept. (408.293.2311) Santa and will provide the exact location (e.g. building, room, area) and nature of emergency.
5. Staff should attempt to suppress fires with extinguishers. Note: Ensure the use of proper type of extinguishers, i.e. Class A, B, or C for ordinary combustible.

SCENARIO 3: EXPLOSION OR RISK OF EXPLOSION IN SURROUNDING AREA

1. The School Administrator will initiate the SHELTER-IN-PLACE.
2. The School Administrator will notify "911" (dial 911) local police and/or Santa Clara County Sheriff's Dept. (408.293.2311) and will provide the exact location (e.g., building, area) and nature of emergency.
3. The School Administrator will take further actions as needed.
4. The school will remain in a SHELTER-IN-PLACE condition until the appropriate agency provides clearance and the School Administrator issues further instructions.

SCENARIO 4: NUCLEAR BLAST OR EXPLOSION INVOLVING RADIOACTIVE MATERIALS

1. The School Administrator will initiate the SHELTER-IN-PLACE response action as described.
2. When sheltering, personnel should try to establish adequate barriers or shielding (e.g. concrete walls, metal doors) between themselves and the source of the blast or explosion, and should avoid sheltering near exterior windows.
3. The School Administrator will notify "911" (dial 9, 911) and local police and/or Santa Clara County Sheriff's Dept. (408.293.2311) and provide details on the area and personnel affected at the school.
4. After the initial blast, remove students from rooms with broken windows, extinguish fires, provide first aid, and relocate students from upper floors if possible.

5. The Security/Utilities team will turn off the school's main gas supply, local fans in the area; close and lock doors and windows; shut down all buildings' air handling systems; seal gaps under doors and windows with wet towels or duct tape; seal vents with aluminum foil or plastic wrap, if available; and turn off sources of ignition, such as pilot lights.
6. The School Administrator will monitor radio or television announcements and initiate further actions as appropriate.
7. At the School Administrator's discretion, and only if safe to do so, designated personnel should attempt to distribute emergency supplies including food and water.
8. The school will remain in a SHELTER-IN-PLACE condition until the appropriate agency provides clearance and the School Administrator issues further instructions.

FIRE IN SURROUNDING AREA

This procedure addresses the situation where a fire is discovered in an area adjoining the school. The initiated response actions should take into consideration the location and size of the fire, its proximity to the school and the likelihood that the fire may affect the school.

Procedure

1. The School Administrator will initiate the appropriate Immediate Response Actions, which may include SHELTER-IN-PLACE, LOCK DOWN, EVACUATE BUILDING or OFF-SITE EVACUATION.
2. The School Administrator will notify "911" (dial 911) and local police and/or Santa Clara County Sheriff's Dept. (408.293.2311) and will provide the location and nature of emergency.
3. The School Administrator will instruct the Security/Utilities Team to prevent students from approaching the fire and keep routes open for emergency vehicles.
4. The Agency Liaison will contact the local fire department and will work with the fire department to determine if school grounds are threatened by the fire, smoke, or other hazardous conditions.
5. If the School Administrator issues the EVACUATE BUILDING action, staff and student will evacuate the affected building(s) using prescribed routes or other safe routes to the Assembly Area.

6. In the event of an evacuation, Teachers will bring their student roster and take attendance at the Assembly Area to account for students. Teachers will notify the Assembly Area Team of missing students.
7. The School Administrator will keep a battery-powered radio tuned to a local radio station for emergency information.
8. The School Administrator will notify the Chief of Student Services of the emergency situation. A member of this group will call the Office of the Communication with information of this situation.
9. If needed, the School Administrator will notify Transportation to request busses for staff and student evacuation.
10. The School Administrator will initiate an OFF-SITE EVACUATION, if warranted by changes in conditions.

Fire on School Grounds

This procedure addresses situations where a fire is discovered on school grounds. A quick response to this situation is very important to prevent injuries and further property damage.

Procedure

1. Upon discovery of a fire, Teachers or staff will direct all occupants out of the building, signal the fire alarm, and report the fire to the School Administrator.
2. The School Administrator will immediately initiate the EVACUATE BUILDING. Staff and students will evacuate buildings using the prescribed routes or other safe routes to the Assembly Area.
3. In the event of an evacuation, Teachers will bring their student roster and take attendance at the Assembly Area to account for students. Teachers will notify the Assembly Area Team of missing students.
4. The School Administrator will call "911" (dial 9, 911) and local police and/or Santa Clara County Sheriff's Dept. (408.293.2311) and will provide the exact location (e.g., building, room, area) of the fire.
5. The Fire Suppression and Hazardous Materials Team will suppress fires and initiate rescue procedures until the local fire department arrives.
6. The Security/Utilities Team will secure the area to prevent unauthorized entry and keep access roads clear for emergency vehicles.

7. The Agency Liaison will direct the fire department to the fire and brief fire department official on the situation.
8. The Security/Utilities Team will notify the appropriate utility company of damages.
9. The School Administrator will notify the Chief of Student Services of the fire. A member of this group will call the Office of Communications with information of the situation.
10. If needed, the School Administrator will notify the Transportation Department to request busses for staff and student evacuation.
11. Any affected areas will not be reopened until the Santa Clara County Fire Department or appropriate agency provides clearance and the School Administrator issues authorization to do so.
12. For fires during non-school hours, the School Administrator, the Chief of Student Services and the Santa Clara County Superintendent of Schools will determine if the school will open the following day.
13. All fires, regardless of their size, which are extinguished by school personnel, require a call to the Fire Department to indicate "fire is out."

FLOODING

This procedure applies whenever storm water or other sources of water inundate or threaten to inundate school grounds or buildings. Flooding may occur as a result of prolonged periods of rainfall, where the school would have sufficient time to prepare. Alternatively, flooding may occur without warning, as a result of damage to water distribution systems, or a failure of a nearby man-made dam.

Procedure

1. The School Administrator will initiate appropriate Immediate Response Actions, which may include SHELTER-IN-PLACE, EVACUATE BUILDING, or OFF-SITE EVACUATION.
2. The School Administrator will notify "911" (dial 9, 911) and local police and/or Santa Clara County Sheriff's Dept. (408.293.2311) and will describe the nature and extent of the flooding.
3. The School Administrator will keep a battery-powered radio tuned to a local radio station for information.

4. 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 Assembly Area.
5. In the event of an evacuation, Teachers will bring their student roster and take attendance at the Assembly Area to account for students. Teachers will notify the Assembly Area Team of missing students.
6. The School Administrator will notify the Chief of Student Services of the emergency situation. A member of this group will call the Office of Communications with information on this situation.
7. The School Administrator will initiate an OFF-SITE EVACUATION, as if warranted by changes in conditions.

LOSS OR FAILURE OF UTILITIES

This procedure addresses situations involving a loss of water, power or other utility on school grounds. This procedure should also be used in the event of the discovery of a gas leak, an exposed electrical line, or a break in sewer lines.

Procedure

1. If water or an electrical line is broken, an effort should be made to turn off water or power to the affected area and to notify the School Administrator immediately.
2. Upon notice of loss of utilities, the School Administrator will initiate appropriate Immediate Response Actions, which may include SHELTER- IN- PLACE, or EVACUATE BUILDING.
3. The School Administrator will notify the SCCOE Maintenance Dept. (Monday – Friday between the hours of 7:30 a.m. – 5:00 p.m.) or contact the appropriate utility department and provide the location and nature of emergency.
4. Local Maintenance Area personnel, working with school administration, will contact the affected utility company to determine whether their assistance is required and the potential length of time service will be interrupted.
5. The School Administrator will notify the Chief of Student Services of the loss of utility service.
6. As needed, school emergency supplies will be utilized to compensate for the loss of a utility.

7. If the loss of utilities may generate a risk of explosion, such as a gas leak, refer to Explosion/Risk of Explosion.
8. In addition to the procedures listed above, the Incident Commander will implement the following plans in the event utilities are disrupted.

A. Plan for a Loss of Water:

Loss of power, water and/or gas does not constitute an emergency and classes should continue using temporary utilities and supplies unless otherwise directed by the office of the Superintendent. Report all power, water and/or gas losses immediately to the office of the Superintendent. The office of the Superintendent will notify the Facilities Department and all other appropriate resources as needed to respond to the utility interruption. If possible, the site should call the utility company to get information regarding the severity of the outage.

A leak of power, water and/or gas may constitute an emergency. Contact the office of the Superintendent for advice on how to respond immediately after evacuating students and staff from the affected areas. The office of the Superintendent will notify the Facilities Department and all other appropriate resources as needed to respond to the utility leak. If possible, the site should call the utility company for advice regarding the incident, request assistance if necessary, and request a follow-up inspection after repair. Only if there is a threat to person or property should the utilities be shut off by the site.

Toilets: A temporary toilet is provided in each classroom by using a trash receptacle, plastic bags, and where privacy is afforded.

B. Plan for a Loss of Electricity:

Loss of power, water and/or gas does not constitute an emergency and classes should continue using temporary utilities and supplies unless otherwise directed by the office of the Superintendent. Report all power, water and/or gas losses immediately to the office of the Superintendent. The office of the Superintendent will notify the Facilities Department and all other appropriate resources as needed to respond to the utility interruption. If possible, the site should call the utility company to get information regarding the severity of the outage.

A leak of power, water and/or gas may constitute an emergency. Contact the office of the Superintendent for advice on how to respond immediately after evacuating students and staff from the affected areas. The office of the Superintendent will notify the Facilities Department and all other appropriate resources as needed to respond the utility leak. If possible, the site should call the utility company for advice regarding the incident, request assistance if necessary, and request a follow-up inspection after repair. Only if there is a threat to person or property should the utilities be shut off by the site.

Ventilation: Staff will prop open classroom and office doors to ensure proper ventilation.

Emergency Light: If needed, staff will be provided with additional lighting such as flash lights.

C. Plan for a Loss of Natural Gas:

Loss of power, water and/or gas does not constitute an emergency and classes should continue using temporary utilities and supplies unless otherwise directed by the office of the Superintendent. Report all power, water and/or gas losses immediately to the office of the Superintendent. The office of the Superintendent will notify the Facilities Department and all other appropriate resources as needed to respond to the utility interruption. If possible, the site should call the utility company to get information regarding the severity of the outage.

A leak of power, water and/or gas may constitute an emergency. Contact the office of the Superintendent for advice on how to respond immediately after evacuating students and staff from the affected areas. The office of the Superintendent will notify the Facilities Department and all other appropriate resources as needed to respond the utility leak. If possible, the site should call the utility company for advice regarding the incident, request assistance if necessary, and request a follow-up inspection after repair. Only if there is a threat to person or property should the utilities be shut off by the site.

D. Plan for a loss of Communication

In the event of a loss of telephone services administration will use their cell phones to notify the Superintendent's office of the loss of communication

MOTOR VEHICLE CRASH

This procedure addresses situations involving a Motor Vehicle Crash on or immediately adjacent to school property. If a crash results in a fuel or chemical spill of school property, refer to Biological or Chemical Release. If a crash results in a utility interruption, refer to Loss or Failure of Utilities.

Procedure

1. The School Administrator will initiate appropriate Immediate Response Actions, which may include DUCK AND COVER, SHELTER-IN-PLACE, EVACUATE BUILDING, or OFF-SITE EVACUATION.
2. If the School Administrator issues the EVACUATE BUILDING action, staff and students will evacuate the buildings using prescribed routes or other safe routes to the Assembly Area.
3. In the event of an evacuation, Teachers will bring their student roster and take attendance at the Assembly Area to account for students. Teachers will notify the Assembly Area Team of missing students.
4. The School Administrator will call "911" (dial 9, 911) and local police and/or Santa Clara County Sheriff's Dept. (408.293.2311) and will provide the exact location (e.g., building, area) and nature of emergency.
5. The School Administrator will notify the Office of the Superintendent of the situation. A member of this group will call the Office of Communications with information on this situation.
6. The Security/Utilities Team will secure the crash area to prevent unauthorized access. If the crash results in a utility interruption, refer to Loss or Failure of Utilities.
7. The School Administrator will direct the Fire Suppression and HazMat Team to organize fire suppression activities until the Fire Department arrives.
8. The First Aid/Medical Team will check for injuries to provide appropriate first aid.
9. Any affected areas will not be reopened until the agency provides clearance and the School Administrator issues authorization to do so.
10. The School Administrator will initiate an OFF-SITE EVACUATION if warranted by changes in conditions.

Psychological Trauma

Crisis management at Community School specifies actions during and subsequent to any emergency that may have a psychological impact on students and staff, such as an act of violence; the death of a student or staff member; an earthquake or other natural disaster; a serious environmental problem; or ethnic and racial tensions. Emergencies like those described above usually produce one or more of the following conditions:

- Temporary disruption of regular school functions and routines.
- Significant interference with the ability of students and staff to focus on learning.
- Physical and/or psychological injury to students and staff.
- Concentrated attention from the community and news media.

As a result of such emergencies, students and staff may exhibit a variety of psychological reactions. As soon as the physical safety of those involved has been insured, attention must turn to meeting the emotional and psychological needs of students and staff.

1. The School Administrator will establish Psychological First Aid Team, which has primary responsibility for providing necessary assistance after all types of crises.
2. The Psychological First Aid Team will assess the range of crisis intervention services needed during and following an emergency.
3. The Psychological First Aid Team will provide direct intervention services.
4. If there is a need for additional assistance, the School Administrator will notify the Chief of Student Services.
5. The Psychological First Aid Team will advise and assist the School Administrator to restore regular school functions as efficiently and as quickly as possible.
6. In performing their duties, the Psychological First Aid Team members will limit exposure to scenes of trauma, injury and death.
7. The Psychological First Aid Team will provide ongoing assessment of needs and follow-ups services as required.

SUSPECTED CONTAMINATION OF FOOD OR WATER

This procedure should be followed if site personnel report suspected contamination of food or water. This procedure applies where there is evidence of tampering with food packaging, observation of suspicious individuals in proximity to food or water supplies, or if notified of possible food/water contamination by central District staff or local agencies. Indicators of contamination may include unusual odor, color, taste, or multiple employees with unexplained nausea, vomiting, or other illnesses.

Procedure

1. The School Administrator will isolate the suspected contaminated food/water to prevent consumption, and will restrict access to the area.
2. The School Administrator will notify "911" (dial 9, 911), Santa Clara County Department of Environmental Health Services (408.918.3400).
3. The School Administrator will make a list of all potentially affected students and staff, and will provide the list to responding authorities.
4. The First Aid/Medical Team will assess the need for medical attention and provide first aid as appropriate.
5. The School Administrator will maintain a log of affected students and staff and their symptoms, the food/water suspected to be contaminated, the quantity and character of products consumed, and other pertinent information.
6. School police will notify members of the Serious Incident Response Team (SIRT), which will conduct an onsite review to determine necessary follow-up actions including the need to notify other potentially affected District facilities.
7. The School Administrator and the SIRT will confer with the Santa Clara County Department of Health Services before the resumption of normal operations.
8. The School Administrator will notify parents of the incident, as appropriate.

THREAT OF VIOLENCE

This procedure should be followed if site personnel receive a threat that may target an individual, a particular group or the entire school community. Such threats may be received by written note, e-mail communication or phone call.

Procedure

1. The School Administrator will identify the type of threat and attempt to determine the individual(s) making the threat.
2. The School Threat Assessment Team will conduct the threat assessment. A school police officer should be part of this team.
3. The School Threat Assessment Team will assess the warning signs, risk factors, stabilizing factors and potential precipitating events to arrive at a categorical description of the risk for a particular point in time. There are five categories of risk as described by the Santa Clara County Sheriff's Dept.
 - Category 1: High violence potential; qualifies for arrest or hospitalization.
 - Category 2: High violence potential; does not qualify for arrest or hospitalization.
 - Category 3: Insufficient evidence for violence potential; sufficient evidence for the repetitive/intentional infliction of emotional distress upon others.
 - Category 4: Insufficient evidence for violence potential; sufficient evidence for the unintentional infliction of emotional distress upon others.
 - Category 5: Insufficient evidence for violence potential; insufficient evidence for emotional distress upon others.
4. In categorizing the risk, the School Threat Assessment Team will attempt to answer two questions: (1) is the individual moving on a path towards violent action? (2) Is there evidence to suggest movement from thought to action?
5. The School Threat Assessment Team will assess the warning signs by evaluating the associated oral, written or electronic threatening communications.
6. The School Threat Assessment Team will recommend appropriate action to the School Administrator.
7. As soon as the physical safety of those involved has been insured, attention will turn to meeting the emotional and psychological needs of students and staff. Crisis intervention may be necessary and appropriate.

UNLAWFUL DEMONSTRATION/WALKOUT

An Unlawful Demonstration/Walkout is any unauthorized assemblage on or off campus by staff or students for the purpose of protest or demonstration.

Procedure

1. Upon indication that an unlawful demonstration or walkout is about to begin, personnel should immediately notify the School Administrator.
2. The School Administrator will initiate appropriate Immediate Response Actions, which may include SHELTER-IN-PLACE.
3. The School Administrator will notify the Local Police and/or Santa Clara County Sheriff's Dept. (408.293.2311) and the Chief of Student Services.
4. The Request Gate Team will immediately proceed to the Main Gate to control student ingress and egress. Each person entering or leaving the campus shall be required to sign his/her name, and record address, telephone number and time entered or departed. The Main Gate should not be locked, as a locked gate may create a serious hazard for students leaving or attempting to re-enter the campus.
5. If students leave the campus, the Request Gate Team, in consultation with the School Administrator, will designate appropriate staff members to accompany them. These staff members will attempt to guide and control the actions of students while offsite.
6. Students not participating in the demonstration or walkout should be kept within their classrooms until further notice by the School Administrator. Teachers will close and lock classroom doors. Students and staff should be protected from flying glass in the event windows are broken, by closing drapes and venetian blinds in rooms so equipped.
7. The Documentation staff member should keep accurate record of events, conversations and actions.
8. All media inquiries will be referred to the Santa Clara County Office of Education Communications Department (408.453.6514)
9. The School Administrator should proceed in good judgment on basis of police or other legal advice, in taking action to control and resolve the situation.
10. The School Administrator will notify parents of the incident, as appropriate.

Emergency Phone Numbers

AED Director	David Putney	408.453.6968
County Community Schools	Jesse Ramos	408.573.3250
Safety Coordinator	Paul Finucane	408.453.6713
SCCOE Facilities Director	Craig Wilde	408.453.4310
Chief of Student Services	Steve Olmos	408.453.6560
Transportation Services	Joni Sanborn	408.453.4388
Office of Communications	Peter Daniels	408.453.6650
Office of Emergency Services		916.845.8510
Office of Environmental Health and Safety		408.918.3400
Fire And Medical Emergencies 9-911		9-911
Bay Area Air Quality Management District		415.771.6000
California Highway Patrol		800.935.5247
County Department of Health Services		408.792.5050
Gas Company	Pacific Gas and Electric	800.743.5000
Electric Company	Southern California Edison Co.	800.655.4555
Local Fire Station		408.277.8950
San Jose Police		408.277.8900
Local Sheriff Dept.	Santa Clara County Sheriff	408.293.2311
Santa Clara OES/ Homeland Security		408.808.7800
American Red Cross	Disaster Services	877.727.6771
Water Company	Santa Clara Valley Water District	408.265.2600
Poison Control		800.222.1222
Suicide Prevention	English	800.273.8255
Suicide Prevention	Spanish	888.628.9454

Fire/Emergency Drills

FIRE EMERGENCY PROCEDURES

Evacuation

1. All buildings and areas will be evacuated according to the site plan if:
 - a) The regular site fire alarm is activated. (Intermittent short bells for 10 seconds followed by 5 seconds of silence; sequence repeated for at least 1 minute).
 - b) The alternate alarm is activated. (To be defined by the site administrator).
2. Fire, Rescue and Security team will make certain that all rooms and areas are evacuated.
3. Portable communication equipment is made available for emergency use.
4. Determine possibility and location of fire. (Fire, Rescue and Security Team responsibility).
5. Give all-clear signal (one long bell) if there is no fire.
6. Reset alarm system within a reasonable length of time (5 minutes).

Fire within a Building

In the event a fire is detected within a building, the following actions will be taken:

1. Sound the fire alarm. This will automatically implement LEAVE BUILDING.*
2. Assemble staff and students at a safe distance from the fire and away from the fire-fighting equipment.
3. Protect school's vital records.
4. Render First Aid as necessary.
5. Notify the Fire Department and specify exact meeting place and designate a person to meet the responding engine companies.
6. Notify the local Police or Sheriff's office.
7. If it is possible for adults to fight small fires without endangering life, do so. Remember, the first responsibility is to protect and supervise students/staff. It is better to let the fire burn rather than leave students unattended.
8. Keep access roads and gates open for emergency vehicles.

Instructions for Use of Fire Extinguishers

NAMEPLATE SYMBOL	TYPES OF FIRES
A	For wood, paper, cloth, trash and other ordinary combustibles
B	For gasoline, grease, oil, paints, and other flammable liquids
C	For live electrical equipment

The nameplate on your extinguisher shows the symbols designating the types of fires on which it should be used. Read it carefully.

Your fire extinguisher is basically a storage container for a special fire extinguisher agent. When the extinguisher is operated, the agent is expelled by a continuous stream of pressure stored in the container.

DO NOT INCINERATE BY THROWING INTO A FIRE. IT MAY EXPLODE.

Operating instructions and cautions for each extinguisher are printed on the nameplate. Read and understand these instructions **BEFORE A FIRE OCCURS**.

Additional Emergency Procedures

If the area or building is being evacuated, close all doors on your way out, if it is safe to do so. Leave lights on.

DO NOT USE ELEVATORS. If you are in an elevator, leave it at the nearest floor and exit by the stairs. If the elevator stops at a floor where there is visible smoke, the elevator's electric eye may sense the smoke as an elevator passenger and prevent closure of the elevator doors. In this case, depress and keep depressed the red button at the left of the elevator door which reads "TO BE USED IN CASE OF FIRE ONLY". This button will deactivate the electric eye and allow the elevator to descend to the ground floor.

Meet Fire Department personnel at the entrance of the building to guide them to the fire.

COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURES

Education Code § 35186 creates a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, teacher vacancy or miss assignment, or the lack of opportunity to receive intensive instruction and services to pupils who did not pass one or both parts of the high school exit examination by the end of grade 12. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? ☐ Yes ☐ No

Contact Information:

Name:

Address:

Phone Number: Day: _____ Evening: _____ E-mail address, if any:

Location of the problem that is the subject of this complaint: School: Course title/grade level and teacher name: Room number/name of room/location of facility: Date problem was observed:

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please use the appropriate district complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)
 - A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
 - A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.
 - Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
 - A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or miss assignment: (Education Code 35186; 5 CCR 4681)
 - A semester begins and a teacher vacancy exists. A *teacher vacancy* is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year or, if the position is for a one- semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.
 - A teacher lacking credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.
 - A teacher is assigned to teach a class for which the teacher lacks subject matter competency.
3. Facility conditions: (Education Code § 35186, 35292.5; 5 CCR 4683)
 - A condition exists that poses an emergency or urgent threat to the health or safety of pupils or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff; or structural damage creating a hazardous or uninhabitable condition.
 - A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.
 - The school has not kept all restrooms open during school hours when pupils are not in classes and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when closing of the restroom is necessary for pupil safety or to make repairs.
4. High school exit exam intensive instruction and services: (Education Code § 35186)
 - Pupils who have not passed the high school exit exam by the end of grade 12 were not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after the completion of grade 12.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of pupils or staff.

Please file this complaint at the following location:

(Principal or title of designee of the Superintendent)

(Address)

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

(Signature) (Date)

BOARD POLICIES

&

**ADMINISTRATIVE
REGULATIONS**

Santa Clara County Office of Education

Students

SP 4141.4

Child and Dependent Adult Abuse Prevention and Reporting

The Santa Clara County Superintendent (County Superintendent) is committed to supporting the safety and well-being of students and desires to facilitate the prevention of and response to child abuse and neglect. The County Superintendent or designee shall develop and implement regulations and 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)

Child Abuse Prevention and Reporting

The County Superintendent recognizes that child abuse has severe consequences and that the Santa Clara County Office of Education (SCCOE) has a responsibility to protect students by facilitating the prompt reporting of known and suspected incidents of child abuse. The County Superintendent or designee shall establish procedures for the prevention, identification, and reporting of known and suspected child abuse and neglect in accordance with law to the extent feasible and appropriate.

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

(cf. 5145.7 - Sexual Harassment)

Procedures for reporting child abuse shall be included in the SCCOE comprehensive safety plan.

(Education Code 32282)

(cf. 0450 - Comprehensive Safety Plan)

Employees who are mandated reporters, as defined by Penal Code, Welfare and Institutions Code, and administrative regulation, are obligated to report all known or suspected incidents of abuse and neglect. Adult Protective Services must be notified of suspected abuse toward SCCOE students with disabilities (dependent adults) who are 18-22 years of age.

Before beginning employment, all employees who are mandated reporters as defined above shall sign a statement indicating that he/she has knowledge of the reporting obligations under Penal Code 11166

and the SCCOE's procedures and will comply with those provisions. The signed statement shall be retained in the employees personnel file. (Penal Code 11166.5)

Mandated reporters shall not investigate any suspected incidents but rather shall cooperate with agencies responsible for investigating and prosecuting cases of child abuse and neglect.

The County Superintendent or designee shall provide annual training within the first six (6) weeks of school or within six (6) weeks of employment regarding the reporting duties of mandated reporters.

Teachers applying to the Commission on Teacher Credential for a new credential or a renewal of their credential must read and sign a statement that they understand the duties imposed on them as mandated reporters pursuant to Penal Code 11164-11174.3.

SCCOE employees who fail to report such abuse or neglect may be subject to criminal or civil penalties as well as disciplinary action by SCCOE, including dismissal. SCCOE employees who unlawfully disclose information from abuse/neglect reports may be subject to fines and/or imprisonment. (Education Code 44691, 48987; Penal Code 11164 et seq.; Welfare and Institutions Code 15600 et seq.)

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

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

44807 Duty concerning conduct of students

48906 Notification when student released to peace officer

48987 Dissemination of reporting guidelines to parents

49001 Prohibition of corporal punishment

51220.5 Parenting skills education

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

11164-11174.4 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

15630-15637 Dependent adult abuse reporting

CODE OF REGULATIONS, TITLE 5

4650 Filing complaints with CDE, special education students

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 Form:

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>

Approved by SCCOE Cabinet on **December 1, 2015**

By _____

Jon R. Gundry

County Superintendent of Schools

Policy **SANTA CLARA COUNTY OFFICE OF EDUCATION**

adopted: October 20, 2010 San Jose, California

revised: December 1, 2015

Santa Clara County Office of Education

Students

AR 4141.4

Child and Dependent Adult Abuse Prevention and Reporting

Definitions

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

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

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

(cf. 5145.7 - Sexual Harassment)

Child abuse or neglect does not include:

1. A mutual affray between minors (Penal Code 11165.6)
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment (Penal Code 11165.6)
3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)
4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student (Education Code 49001)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

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

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

(cf. 6142.7 - Physical Education and Activity)

6. Homelessness or classification as an unaccompanied minor (Penal Code 11165.15)

A dependent adult means any person between the ages of 18 and 64 years who resides in this state and who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities, or whose physical or mental abilities have diminished because of age.

Dependent adult abuse or neglect is defined as follows: (Welfare and Institutions Code 15610.05-15610.07)

Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering.

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; licensed nurses or health care providers; and administrators, presenters, and counselors of a child abuse prevention program. (Penal Code 11165.7)

Before beginning employment, all employees who are mandated reporters as defined by the law shall sign a statement indicating that he/she has knowledge of the reporting obligations under Penal Code 11166, Welfare and Institutions Code 15630, and the SCCOE's procedures will comply with those provisions. The signed statement shall be retained in the employees personnel file. (Penal Code 11166.5)

The SCCOE will defend employees who file suspected child abuse or dependent adult abuse reports in the course and scope of their employment consistent with Board policy, administrative regulations, and the law against any actions or claims that may be a result of such report.

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 or dependent adult whom the mandated reporter knows or reasonably suspects has been the victim of abuse or neglect. (Penal Code 11166 and Welfare and Institutions Code 15630)

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

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

Responsibility for Reporting

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

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect or abuse or neglect of a dependent adult, 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 and Welfare and Institutions Code 15630)

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166 and Welfare and Institutions Code 15630)

Any person not identified as a mandated reporter by law who has knowledge of or observes a child or dependent adult whom he/she knows or reasonably suspects has been a victim of abuse or neglect may report the known or suspected instance of abuse or neglect to the appropriate agency. (Penal Code 11166 and Welfare and Institutions Code 15631)

(cf. 1240 - Volunteer Assistance)

Reporting Procedures for Incidents Involving Students Under the Age of 18

1. Initial Telephone Report

Mandated reporters shall call 9-1-1 for immediate emergencies.

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter as defined by law shall make an initial report by telephone. When the initial telephone report is made, the mandated reporter shall note the name,

address, and age of child involved, provide a clear description of suspected child abuse or neglect, and note the name of the screening social worker who took the call and any instructions given. (Penal Code 11165.9, 11166)

Where the situation is not an emergency needing the police, reports should be made to the Santa Clara County Department of Family and Children's Services (DFCS) Child Abuse and Neglect Center (CANC) Hotline in the following areas:

- San Jose Area (Central County): (408) 299-2071
- Gilroy/Morgan Hill Area (South County): (408) 683-0601
- Palo Alto Area (North County): (650) 493-1186

2. Written Report

After making the initial phone call and 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, Suspected Child Abuse Report (SCAR) (SS 8572). (Penal Code 11166, 11168)

The Department of Justice forms are available:

1. In the office of the principal, site administrator, or designee;
2. Online at http://ag.ca.gov/childabuse/pdf/ss_8572.pdf;
3. In the SCCOE Human Resources office, call (408) 453-6574; or
4. Contact DFCS at (408) 299-2071.

Forms shall be mailed or faxed to DFCS at:

373 West Julian 2nd Floor
San Jose, CA 95110
Fax: (408) 975-5851
Phone: (408) 501-6300

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

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

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

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

Employees shall keep a copy of the complete written report that is filed.

Reporting Procedures for Incidents Involving Dependent Adults 18-22 Years of Age

1. Initial Telephone Report

Mandated reporters shall call 9-1-1 for immediate emergencies.

Immediately or as soon as practicably possible after the known or suspected abuse, a mandated reporter as defined by this administrative regulations shall make an initial report by telephone to the Santa Clara County Adult Protective Services (APS). (Welfare and Institutions Code 15630)

Adult Protective Services:
(408) 975-4900 or 1-800-414-2002

If the suspected abuse results in serious bodily injury, a telephone report shall be made to the local law enforcement agency immediately, but also no later than within two hours of the mandated reporter observing, obtaining knowledge of, or suspecting physical abuse. If the suspected abuse does not result in serious bodily injury, a telephone report shall be made to the local law enforcement agency within 24 hours of the mandated reporter observing, obtaining knowledge of, or suspecting physical abuse. (Welfare and Institutions Code 15630)

2. Written Report

If the suspected abuse does not result in serious bodily injury, within two working days of the mandated reporter observing, obtaining knowledge of, or suspecting physical abuse, a written report shall be made to Adult Protective Services.

Mandated Reporters and all other reporters use this form:
Report of Suspected Dependent Adult/Elder Abuse: SOC 341(also available in Human Resources)
Mail the written report to:

Santa Clara County Adult Protective Services
333 West Julian Street – Fourth Floor
San Jose, CA 95110

Reports of suspected abuse or neglect shall include, if known: (Welfare and Institutions Code 15630)

- a. The name of the person making the report and the capacity that makes the person a mandated reporter
- b. The name and age of the dependent adult
- c. The present location of the dependent adult
- d. The names and addresses of family members or any other adult responsible for the dependent adult's care
- e. The nature and extent of the dependent adult's condition
- f. The date of the incident, and any other information, including information that led that person to suspect dependent adult abuse, as requested by the agency receiving the report.

Employees shall keep a copy of the complete written report that is filed.

Internal Reporting for Incidents Involving Students 0-17 and Dependent Adults 18-22

The mandated reporter shall not be required to disclose his/her identity to the employer, supervisor, school principal, school counselor, co-worker, or other person. (Penal Code 11166)

However, employees reporting abuse or neglect to an appropriate agency are encouraged, but not required, to notify their employer, supervisor, school principal, school counselor, co-worker, or other person as soon as possible after the initial telephone report to the appropriate agency. When so notified, the employer, supervisor, school principal, school counselor, co-worker, or other person shall inform the County Superintendent or designee and 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 employer, supervisor, principal, school counselor, co-worker, or other person 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)

Internal Action for Incidents Involving SCCOE Employees and Those with Contact of SCCOE Students

If an employee has knowledge of or reasonably suspects that another SCCOE employee, volunteer, or contractor and other campus visitors who work with or has contact with students on campus has or is engaged in conduct that may be an indication of suspected abuse or neglect, they must take the following actions:

Call 9-1-1- for immediate emergencies

1. File a Suspected Child Abuse Report by telephone to the police or Adult Protective Services depending on the age of the student (see above reporting procedures)
2. Depending on the age of the student, submit a Suspected Child Abuse Report form (SCAR-SS 8572) within 36 hours or Report of Suspected Dependent Adult/Elder Abuse: SOC 341 within 2 hours or two working days (see above reporting procedures)
3. Immediately notify their supervisor of the alleged inappropriate conduct and complete an SCCOE confidential student/staff incident report (for incidents involving SCCOE employee, volunteer, or contractor and other campus visitors who work with or has contact with students on campus)
4. If the allegation involves the site administrator, the employee shall contact the program director

The County Superintendent or designee so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy, and administrative regulation.

After completion of the appropriate written follow-up report, and after providing that form to the appropriate agency, the mandated reporter shall provide that form to the principal, site administrator, or designee. The mandated reporter shall not be required to disclose his/her identity to the principal, site administrator, or designee and may remove his/her name from the form. (Penal Code 11166)

The County Superintendent or designee shall maintain a record of all reported cases of suspected student abuse regarding employees or others. All complaints and allegations of student abuse shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action.

No student shall be required or asked to meet with the employee, volunteer, or contractor who has allegedly abused that student. If the employee, volunteer, or contractor suspected of sexual misconduct is a district employee, volunteer, or contractor, then during the course of the investigation, he/she shall discontinue contact with students.

Discipline

Any SCCOE employee, volunteer, or contractor who is determined, after an investigation, to have engaged in any activity in violation of this policy/administrative regulation, including, but not limited to failure to report known or reasonably suspected child abuse and neglect, will be subject to disciplinary action up to and including discharge.

The SCCOE will discipline any individual who retaliates against any person who reports suspected child abuse and/or neglect or who retaliates against any person who testifies, assists, or participates in an

investigation, a proceeding, or a hearing relating to a child abuse and/or neglect complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

Cautionary Note:

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

Employees shall keep a copy of the complete written report that is filed.

Reporting to a Licensing Agency

When the SCCOE receives a report that contains either of the following, it shall, make a report to the Department of Social Services (DSS) by telephone or fax within the DSS's next working day and during its normal business hours:

1. A report of abuse alleged to have occurred in facilities licensed to care for children by the State Department of Social Services.
2. A report of the death of a child who was, at the time of death, living at, enrolled in, or regularly attending a facility licensed to care for children by the State Department of Social Services, unless the circumstances of the child's death are clearly unrelated to the child's care at the facility.

In addition, a written report containing the following information shall be submitted to DSS within seven (7) days following the occurrence of such event:

1. Child's name, age, sex, and date of admission
2. Date and nature of event
3. Attending physician's name, findings, and treatment, if any
4. Disposition of the case

The SCCOE shall send the licensing agency a copy of its investigation and any other pertinent materials. (Penal Code 11166.1)

Employees shall keep a copy of the complete written report that is filed.

Failure to Report

Any person mandated by Penal Code who fails to report any instance of child abuse or neglect that he/she know or reasonably suspects to exist may incur criminal, civil, and/or professional liability. Failure to report is a misdemeanor and punishable by confinement in county jail for a term not to exceed six months or by a fine of not more than one thousand dollars (\$1,000) or by both. However, if "death or great bodily injury" happens to the child as a result of the abuse, the mandated reporter is guilty of a misdemeanor punishable by not more than one year in a county jail, by a fine of not to exceed five thousand dollars (\$5,000) or by both. (Penal Code 11166)

Training

Within the first six weeks of each school year, the County Superintendent or designee shall provide training on mandated reporting requirements to SCCOE employees and persons working on their behalf who are mandated reporters as defined by law. Any school personnel hired during the school year shall receive training within the first six weeks of employment. (Education Code 44691; Penal Code 11165.7) Training may also be provided to SCCOE employees not defined as mandated reporters by law. SCCOE employees not defined as mandated reporters by law are not required to attend training and there are no legally mandated timelines to participate in such training; however, new employees as of January 1, 2015 are required to participate in training as part of the new employee orientation.

(cf. 4131/4231/4331 – Staff Development)

Training of mandated reporters shall include, but not necessarily be limited to, training in identification and mandated 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 County Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training. (Education Code 44691)

Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed under the Penal Code.

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

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

(cf. 5145.7 - Sexual Harassment)

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 County 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)

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.

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

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

Release of Child to Law Enforcement Officer

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

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

Parent/Guardian Complaints

Upon request, the County Superintendent or designee shall provide parents/guardians with a copy of this administrative regulation which contain procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is other than English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

(cf. 5145.6 - Parental Notifications)

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

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

(cf. 1312.3 - Uniform Complaint Procedures)

Notifications

The County Superintendent or designee shall provide to all new employees who are mandated reporters as defined by Penal Code, Welfare and Institutions Code, and this administrative regulation a statement that informs them of their status as mandated reporters, of their reporting obligations under Penal Code 11166, and of their confidentiality rights under Penal Code 11167. The SCCOE also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

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

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

The County Superintendent or designee also shall notify all employees that:

1. A mandated reporter as defined by the Penal Code who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)
2. If a mandated reporter as defined by the Penal Code fails to report an incident of known or reasonably suspected child abuse or neglect, he/she may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code 11166)
3. No employee shall be subject to any sanction by the SCCOE 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)

Confidentiality

Reports of suspected child abuse or neglect and information contained therein are confidential and may be disclosed only as follows:

- a. The identity of the reporting person(s) shall be disclosed only between child protective agencies; to counsel representing a child protective agency; to the district attorney in a criminal prosecution or in an action initiated under the Welfare and Institutions Code section 602 arising from alleged child abuse or neglect; to counsel appointed pursuant to subdivision (c) of the Welfare and Institutions Code section 317; to the county counsel or district attorney in an action initiated under Welfare and Institutions Code section 300 (dependent children); to a licensing agency when abuse or neglect in out-of-home care is suspected; by court order; in a criminal or civil proceeding; or when the person who reports waives confidentiality.
- b. The contents of the report shall only be disclosed to persons or agencies permitted under Section D.5.a. and Penal Code 11167(d) and 11675.5 which require that the identity of all person who report child abuse or neglect remain confidential

Approved by SCCOE Cabinet on **December 1, 2015**

By _____
Jon R. Gundry
County Superintendent of Schools

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Santa Clara County Office of Education

Board Policy

Discipline

BP 5144

Students

The Santa Clara County Board of Education (County Board) desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The County Board believes that high expectations for student behavior, effective classroom management, provision of appropriate intervention and support, and parent involvement can minimize the need for disciplinary measures that exclude students from instruction as means for correcting student misbehavior. Staff shall use preventative measures and positive conflict resolution techniques whenever possible.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 6020 - Parent Involvement)

The Santa Clara County Office of Education (SCCOE) has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated it may be necessary to remove a student from SCCOE programs.

The County Superintendent of Schools (County Superintendent) or designee shall design a complement of effective, age-appropriate strategies for maintaining a positive school climate and correcting student misbehavior at SCCOE schools. 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 SCCOE discipline policies and practices.

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

Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as detention, suspension, and expulsion, shall be imposed only

when required by law or when other means of correction have been documented to have failed. (Education Code 48900.5)

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

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

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

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

The administrative staff at each site may develop disciplinary rules to meet the school's particular needs consistent with law, Board policy, and SCCOE regulations. The Board, at an open meeting, shall review the approved school discipline rules for consistency with Board policy and state law. Site-level disciplinary rules shall be included in the SCCOE's comprehensive safety plan. (Education Code 35291.5, 32282)

(cf. 0450 - Comprehensive Safety Plan)
(cf. 9320 - Meetings and Notices)

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

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

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

SCCOE goals for improving school climate shall be included in the SCCOE's local control and accountability plan, as required by law.

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

Legal Reference:

CIVIL CODE

1714.1 Parental liability for child's misconduct

EDUCATION CODE

32280-32288 School safety plans

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

48900-48926 Suspension and expulsion

48980-48985 Notification of parents or guardians

49000-49001 Prohibition of corporal punishment

49330-49335 Injurious objects

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

Management Resources:

CSBA PUBLICATIONS

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

CDE 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

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

USDOE, Office of Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

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

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

Policy

adopted: October 20, 2010

revised: February 4, 2015

SANTA CLARA COUNTY OFFICE OF EDUCATION

San Jose, California

Santa Clara COE

Administrative Regulation

Suspension and Expulsion/Due Process (Students with Disabilities)

AR 5144.2

Students

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

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

Procedures for Students Not Yet Eligible for Special Education Services

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

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

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

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

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

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

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

Suspension

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

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

(cf. 6159 - Individualized Education Program)

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

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

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

Services during Suspension

Any student suspended for more than 10 school days in the same school year shall continue to receive services during the term of the suspension. School personnel, in consultation with at least one of the student's teachers, shall determine the extent to

which services are needed as provided in 34 CFR 300.101(a), so as to enable the student to continue to participate in the general education curriculum in another setting and to progress toward meeting the goals as set out in his/her IEP. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

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

(cf. 3541.2 - Transportation for Students with Disabilities)

Interim Alternative Educational Placement Due to Dangerous Behavior

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

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

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

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

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

Manifestation Determination

The following procedural safeguards shall apply when a student with a disability is suspended for more than 10 consecutive school days, when a series of removals of a

student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the SCCOE code of conduct:

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

(cf. 5145.6 - Parental Notifications)

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

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

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

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

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

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

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

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

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

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

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

Due Process Appeals

If the parent/guardian disagrees with any SCCOE decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The SCCOE may request a hearing if the SCCOE believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). (20 USC 1415(k) (3); 34 CFR 300.532)

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

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

Readmission

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

Suspension of Expulsion

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

Notification to Law Enforcement Authorities

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

(cf. 5131.7 - Weapons and Dangerous Instruments)

Report to County Superintendent of Schools

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

Legal Reference:

EDUCATION CODE

35146 *Closed sessions re: suspensions*

35291 *Rules of governing board*

48203 *Reports of severance of attendance of disabled students*

48900-48925 *Suspension and expulsion*

56000 *Special education; legislative findings and declarations*

56320 *Educational needs; requirements*

56321 *Development or revision of individualized education program*

56329 *Independent educational assessment*

56340-56347 *Individualized education program teams*

56505 *State hearing*

PENAL CODE

245 *Assault with deadly weapon*

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

626.9 *Gun-Free School Zone Act*

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

UNITED STATES CODE, TITLE 18

930 *Weapons*

1365 *Serious bodily injury*

UNITED STATES CODE, TITLE 20

1412 *State eligibility*

1415 *Procedural safeguards*

UNITED STATES CODE, TITLE 21

812 *Controlled substances*

UNITED STATES CODE, TITLE 29

706 *Definitions*

794 *Rehabilitation Act of 1973, Section 504*
CODE OF FEDERAL REGULATIONS, TITLE 34
104.35 *Evaluation and placement*
104.36 *Procedural safeguards*
300.1-300.818 *Assistance to states for the education of students with disabilities, especially:*
300.530-300.537 *Discipline procedures*
COURT DECISIONS
Schaffer v. Weast, (2005) 546 U.S. 549
Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489
M.P. v. Governing Board of Grossmont Union High School District, (1994) 858 F.Supp. 1044
Honig v. Doe, (1988) 484 U.S. 305

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

California Department of Education, Special Education:

<http://www.cde.ca.gov/sp/se>

U.S. Department of Education, Office of Special Education Programs:

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

Regulation approved:
October 20, 2010

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California

Santa Clara COE

Board Policy

Nondiscrimination/Harassment

BP 5145.3

Students

The Santa Clara County Board of Education (County Board) desires to provide a safe school environment that allows all students equal access and opportunities in the Santa Clara County Office of Education's (SCCOE) academic, extracurricular, and other educational support programs, services, and activities. The County Board prohibits, at any SCCOE school 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 a SCCOE 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 SCCOE Programs and Activities)

(cf. 5131 - Conduct)

(cf. 5131.2 – Anti-Bullying Policy)

(cf. 5145.9 - Hate-Motivated Behavior)

(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.

This policy applies to all acts related to school activity or school attendance within a school under the jurisdiction of the County Superintendent.

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 County 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 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 County Superintendent or designee shall facilitate students' access to the educational program by publicizing the SCCOE'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 County Superintendent or designee shall regularly review the implementation of the SCCOE's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the SCCOE'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 SCCOE Facilities)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 1240 - Volunteer Assistance)

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, bullying, or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension, and/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, bullying, or retaliation shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)

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

(cf. 5144 - Discipline)

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

Record-Keeping

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment
 48904 Liability of parent/guardian for willful student misconduct
 48907 Student exercise of free expression
 48950 Freedom of speech
 48985 Translation of notices
 49020-49023 Athletic programs
 51500 Prohibited instruction or activity
 51501 Prohibited means of instruction
 60044 Prohibited instructional materials
 CIVIL CODE
 1714.1 Liability of parents/guardians for willful misconduct of minor
 PENAL CODE
 422.55 Definition of hate crime
 422.6 Crimes, harassment
 CODE OF REGULATIONS, TITLE 5
 432 Student record
 4600-4687 Uniform Complaint Procedures
 4900-4965 Nondiscrimination in elementary and secondary education programs
 UNITED STATES CODE, TITLE 20
 1681-1688 Title IX of the Education Amendments of 1972
 12101-12213 Title II equal opportunity for individuals with disabilities
 UNITED STATES CODE, TITLE 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

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
 Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014
 Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief,
 February 2014

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>

Approved: October 20, 2010

Revised: January 15, 2014, July 19, 2017

Santa Clara COE

Board Policy

Sexual Harassment

BP 5145.7

Students

The Santa Clara County Board of Education is committed to maintaining an educational environment that is free from harassment and discrimination. The County Board prohibits sexual harassment of students by other students, employees, or other persons, at school or at school-sponsored or school-related activities. The County Board also prohibits retaliatory behavior or action against persons who complain, testify, assist, or otherwise participate in the Santa Clara County Office of Education complaint processes.

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

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Instruction/Information

The Santa Clara County Superintendent of Schools or designee shall ensure that all SCCOE students receive age-appropriate instruction and information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the SCCOE procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made

(cf. 5131.5 - Vandalism and Graffiti)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

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

Complaint Process

Any student who feels that he/she is being or has been sexually harassed by a school employee, another student, or a non-employee on school grounds or at a school-related activity (e.g., a visiting athlete or coach) shall immediately contact his/her

teacher or any other employee. An employee who receives such a complaint shall report it in accordance with administrative regulation.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 5141.4 - Child Abuse Prevention and Reporting)

The County Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative regulation. When the County Superintendent or designee has determined that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim.

Disciplinary Actions

Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4-12, 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. 5131 - Conduct)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Confidentiality and Record-Keeping

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

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)

The County Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the SCCOE to monitor, address, and prevent repetitive harassing behavior in the schools.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

2000d-2000d-7 Title VI, Civil Rights Act of 1964

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

CODE OF FEDERAL REGULATIONS, TITLE 34

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

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:

OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance, January 2001

WEB SITES

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/index.html>

Policy adopted:
October 20, 2010

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California

Santa Clara COE

Administrative Regulation

Sexual Harassment

AR 5145.7

Students

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, when made on the basis of sex and under any of the following conditions:

(Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any Santa Clara County Office of Education program or activity

Examples of types of conduct which are prohibited and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class

7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects

School-Level Complaint Process/Grievance Procedure

1. Notice and Receipt of Complaint: Any student who believes he/she has been subjected to sexual harassment or who has witnessed sexual harassment may file a complaint with any school employee. Within 24 hours of receiving a complaint, the school employee shall report it to a SCCOE Principal. In addition, any school employee who observes any incident of sexual harassment involving a student shall, within 24 hours, report this observation to the Principal, whether or not the victim files a complaint.

In any case of sexual harassment involving the Principal to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall instead report to the Santa Clara County Superintendent of Schools or designee.

2. Initiation of Investigation: The Principal shall initiate an impartial investigation of an allegation of sexual harassment within five school days of receiving notice of the harassing behavior, regardless of whether a formal complaint has been filed. The SCCOE shall be considered to have "notice" of the need for an investigation upon receipt of information from a student who believes he/she has been subjected to harassment, the student's parent/guardian, and an employee who received a complaint from a student, or any employee or student who witnessed the behavior.

If the Principal receives an anonymous complaint or media report about alleged sexual harassment, he/she shall consider the specificity and reliability of the information, the seriousness of the alleged incident, and whether any individuals can be identified who were subjected to the alleged harassment in determining whether it is reasonable to pursue an investigation.

3. Initial Interview with Student: When a student or parent/guardian has complained or provided information about sexual harassment, the Principal shall describe the grievance procedure and discuss what actions are being sought by the student in response to the complaint. The student who is complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put his/her complaint in writing. If the student requests

confidentiality, he/she shall be informed that such a request may limit the SCCOE ability to investigate.

4. Investigation Process: The Principal shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

The Principal shall interview individuals who are relevant to the investigation, including, but not limited to, the student who is complaining, the person accused of harassment, anyone who witnessed the reported harassment, and anyone mentioned as having relevant information. The Principal may take other steps such as reviewing any records, notes, or statements related to the harassment or visiting the location where the harassment is alleged to have taken place.

When necessary to carry out his/her investigation or to protect student safety, the Principal also may discuss the complaint with the County Superintendent or designee, the parent/guardian of the student who complained, the parent/guardian of the alleged harasser if the alleged harasser is a student, a teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth, law enforcement and/or child protective services, and legal counsel or SCCOE risk manager.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

5. Interim Measures: The Principal shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher.
6. Optional Mediation: In cases of student-to-student harassment, when the student who complained and the alleged harasser so agree, the Principal may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator, or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree, and he/she shall be advised of the right to end the informal process at any time.
7. Factors in Reaching a Determination: In reaching a decision about the complaint, the Principal may take into account:
 - a. Statements made by the persons identified above
 - b. The details and consistency of each person's account
 - c. Evidence of how the complaining student reacted to the incident
 - d. Evidence of any past instances of harassment by the alleged harasser
 - e. Evidence of any past harassment complaints that were found to be untrue

To judge the severity of the harassment, the Principal may take into consideration:

- a. How the misconduct affected one or more students' education
 - b. The type, frequency, and duration of the misconduct
 - c. The identity, age, and sex of the harasser and the student who complained, and the relationship between them
 - d. The number of persons engaged in the harassing conduct and at whom the harassment was directed
 - e. The size of the school, location of the incidents, and context in which they occurred
 - f. Other incidents at the school involving different students
8. Written Report on Findings and Follow-Up: No more than 30 days after receiving the complaint, the Principal shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the Principal shall notify the student who complained and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If sexual harassment occurred, the report shall also include any corrective actions that have or will be taken to address the harassment and prevent any retaliation or further harassment. This report shall be presented to the student who complained, the person accused, the parents/guardians of the student who complained and the student who was accused, and the County Superintendent or designee.

In addition, the Principal shall ensure that the harassed student and his/her parent/guardian are informed of the procedures for reporting any subsequent problems. The Principal shall also make follow-up inquiries to see if there have been any new incidents or retaliation and shall keep a record of this information.

Enforcement of SCCOE Policy

The County Superintendent or designee shall take appropriate actions to reinforce the sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

(cf. 5131.5 - Vandalism and Graffiti)

2. Providing training to students, staff, and parents/guardians about how to recognize harassment and how to respond

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

3. Disseminating and/or summarizing the SCCOE policy and regulation regarding sexual harassment

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

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

(cf. 5125 - Student Records)

5. Taking appropriate disciplinary action

In addition, disciplinary measures may be taken against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

(cf. 4118 - Suspension/Disciplinary Action)

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

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

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

Notifications

A copy of the SCCOE sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area where notices of rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
4. Appear in any school publication that sets forth the school's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
5. Be included in the student handbook
6. Be provided to employees and employee organizations

Regulation approved:
October 20, 2010

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California

All Personnel
AR 4119.11
AR 4219.11
AR 4319.11
SP 4319.11
SEXUAL HARASSMENT

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

Definitions

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when: (Education Code 212.5; Government Code 12940; 5 CCR 4916)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of such conduct by the individual is used as the basis for an employment decision affecting him/her.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work or has the purpose or effect of creating an intimidating, hostile, or offensive work environment. Regardless of whether or not the alleged harasser was motivated by sexual desire, the conduct is sufficiently severe, persistent, pervasive, or objectively offensive so as to create a hostile or abusive working environment or to limit the individual's ability to participate in or benefit from an education program or activity.
4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs, or activities available at or through the Santa Clara County Office of Education.

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

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats,

innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors

2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects

3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

Prohibited sexual harassment may also include any act of retaliation against an individual who reports a violation of the SCCOE's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

Training

The Santa Clara County Superintendent of Schools (County Superintendent) or designee shall ensure that all employees receive training regarding the SCCOE's sexual harassment policies when hired and periodically thereafter. Such training shall include the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the SCCOE's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee.

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

(cf. [4031](#) - Complaints Concerning Discrimination in Employment)

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

Every two years, the Santa Clara County Superintendent of Schools or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All newly hired or promoted supervisory employees shall receive training within six months of their assumption of the supervisory position. (Government Code 12950.1)

A supervisory employee is any employee with the authority to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or to effectively recommend such action.

The SCCOE's training and education program for supervisory employees shall include the provision of: (Government Code [12950.1](#); 2 CCR [11023](#))

1. Information and practical guidance regarding federal and state laws on the prohibition against and the prevention and correction of sexual harassment, and the remedies available to the victims of sexual harassment in employment

2. Practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation

3. A component on the prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would

find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance

4. A copy of the SCCOE's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received

5. All other contents of mandated training specified in 2 CCR [11023](#)

The County Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR [11023](#))

Notifications

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

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

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

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

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

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

1. The illegality of sexual harassment.

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

3. A description of sexual harassment, with examples.

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

5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission. (EEOC)

6. Directions on how to contact DFEH and the EEOC.

7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC.

In addition, the SCCOE shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment. (Government Code 12950)

Approved: April 30, 2012
Revised: February 28, 2017

Approved by Cabinet on February 28, 2017

The Santa Clara County Superintendent of Schools (County Superintendent) prohibits sexual harassment of Santa Clara County Office of Education (SCCOE) employees and job applicants. The County Superintendent also prohibits retaliatory behavior or action against SCCOE employees or other persons who complain, testify or otherwise participate in the complaint process established pursuant to this policy and administrative regulation.

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

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

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the SCCOE's sexual harassment policy to staff
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

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

Any SCCOE employee or job applicant who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment by or against

another employee, a job applicant or a student, shall immediately report the incident to his/her supervisor, the principal, SCCOE administrator or County Superintendent.

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

Complaints of sexual harassment shall be filed in accordance with AR 4030

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

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

(cf. 4118 - Suspension/Disciplinary Action)

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

7287.8 Retaliation

7288.0 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

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

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

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

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31

Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

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

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF
ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

California Department of Fair Employment and

Housing: <http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office for Civil

Rights: <http://www.ed.gov/about/offices/list/ocr/index.html> Approved:

Approved: April 30, 2012

Revised and Approved by Cabinet on: May 16, 2017

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

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Approved: April 30, 2012
Revised: February 28, 2017

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(cf. 0410 - Nondiscrimination in SCCOE Programs and Activities)
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The County Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

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2. Publicizing and disseminating the SCCOE's sexual harassment policy to staff

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

3. Ensuring prompt, thorough, and fair investigation of complaints

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

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

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(cf. 4118 - Suspension/Disciplinary Action)

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

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1101 Political activities of employees

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CODE OF REGULATIONS, TITLE 2

7287.8 Retaliation

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CODE OF REGULATIONS, TITLE 5

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

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

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COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

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

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

California Department of Fair Employment and

Housing: <http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office for Civil

Rights: <http://www.ed.gov/about/offices/list/ocr/index.html> Approved:

Approved: April 30, 2012

Revised and Approved by Cabinet on: May 16, 2017

Santa Clara COE

Board Policy

Hate-Motivated Behavior

BP 5145.9

Students

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

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

(cf. 0450 - Comprehensive Safety Plan)

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

(cf. 5131.5 - Vandalism and Graffiti)

(cf. 5136 - Gangs)

(cf. 5137 - Positive School Climate)

(cf. 5141.52 - Suicide Prevention)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5147 - Dropout Prevention)

(cf. 5149 - At-Risk Students)

The Santa Clara County Superintendent of Schools or designee shall collaborate with regional programs and community organizations to promote safe environments for youth. These efforts shall be focused on providing an efficient use of SCCOE and community resources.

(cf. 1020 - Youth Services)

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

(cf. 1700 - Relations Between Private Industry and the Schools)

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6020 - Parent Involvement)

The SCCOE shall provide age-appropriate instruction to help promote an understanding of and respect for human rights, diversity, and tolerance in a multicultural society and to provide strategies to manage conflicts constructively.

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6142.3 - Civic Education)

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

(cf. 6141.94 - History-Social Science Instruction)

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Grievance Procedures

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

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5131- Conduct)

(cf. 5144 - Discipline)

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

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

(cf. 5145.7 - Sexual Harassment)

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

(cf. 3515.3 - District Police/Security Department)

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

As necessary, the SCCOE shall provide counseling, guidance, and support to students who are victims of hate-motivated behavior and to students who exhibit such behavior.

(cf. 6164.2 - Guidance/Counseling Services)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 School safety plans

48900.3 Suspension for hate violence

48900.4 Suspension or expulsion for threats or harassment

PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

California Student Safety and Violence Prevention - Laws and Regulations, April 2004

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS &
NATIONAL ASSOCIATION OF ATTORNEYS GENERAL PUBLICATIONS

Protecting Students from Harassment and Hate Crime: A Guide for Schools, 1999

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Preventing Youth Hate Crimes: A Guide for Schools and Communities, 1997

WEB SITES

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

California Association of Human Relations Organizations: <http://www.cahro.org>

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

National Youth Violence Prevention Resource Center: <http://www.safeyouth.org>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr>

U.S. Department of Justice, Community Relations Service:

<http://www.usdoj.gov/crs>

Policy adopted:
October 20, 2010
California

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose,

Santa Clara COE

Board Policy

Dress and Grooming

BP 5132

Students

The Santa Clara County Board of Education believes that appropriate dress and grooming contribute to a productive learning environment. The County 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 principal, staff and parents/guardians at a school 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 County Board for approval. The County 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 principal, staff and parents/guardians at a school 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 County Board for approval. The County Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

If a school's plan to require uniforms is adopted, the Santa Clara County Superintendent of Schools 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 County Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms.

Legal Reference:

EDUCATION CODE

32281 School safety plans

35183 School dress codes; uniforms

35183.5 Sun-protective clothing

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

CODE OF REGULATIONS, TITLE 5

302 Pupils to be neat and clean on entering school

COURT DECISIONS

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

827 F.Supp. 1459

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

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

Policy adopted
October 20, 2010

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California

Santa Clara COE

Administrative Regulation

Dress and Grooming

AR 5132

Students

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

(cf. 0420 - School Plans/Site Councils)

Each school shall allow students to wear sun-protective clothing, including but not limited to hats, for outdoor use during the school day. (Education Code 35183.5)

In addition, the following guidelines shall apply to all regular school activities:

1. Shoes must be worn at all times. Sandals must have heel straps. Thongs or backless shoes or sandals are not acceptable.
2. Clothing, jewelry and personal items (backpacks, fanny packs, gym bags, water bottles etc.) shall be free of writing, pictures or any other insignia which are crude, vulgar, profane or sexually suggestive, which bear drug, alcohol or tobacco company advertising, promotions and likenesses, or which advocate racial, ethnic or religious prejudice.
3. Hats, caps and other head coverings shall not be worn indoors.
4. Clothes shall be sufficient to conceal undergarments at all times. See-through or fish-net fabrics, halter tops, off-the-shoulder or low-cut tops, bare midriffs and skirts or shorts shorter than mid-thigh are prohibited.
5. Gym shorts may not be worn in classes other than physical education.
6. Hair shall be clean and neatly groomed. Hair may not be sprayed by any coloring that would drip when wet.

Coaches and teachers may impose more stringent dress requirements to accommodate the special needs of certain sports and/or classes.

(cf. 3260 - Fees and Charges)

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

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

The principal, staff, students and parent/guardians at each school may establish reasonable dress and grooming regulations for times when students are engaged in extracurricular or other special school activities.

Gang-Related Apparel

At individual schools that have a dress code prohibiting gang-related apparel at school or school activities, the principal, staff and parents/guardians participating in the development of the school safety plan shall define "gang-related apparel" and shall limit this definition to apparel that reasonably could be determined to threaten the health and safety of the school environment if it were worn or displayed on a school campus. (Education Code 32282)

Because gang-related symbols are constantly changing, definitions of gang-related apparel shall be reviewed at least once each semester and updated whenever related information is received.

Uniforms

In schools where a school wide uniform is required, the principal, staff and parents/guardians of the individual school shall jointly select the specific uniform to be worn. (Education Code 35183)

At least six months before a school uniform policy is implemented, the principal or designee shall notify parents/guardians of this policy. (Education Code 35183)

Parents/guardians shall also be informed of their right to have their child exempted.

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

The Santa Clara County Superintendent of Schools or designee shall establish criteria for determining student eligibility for financial assistance when purchasing uniforms.

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

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

Regulation approved:
October 20, 2010

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California

Santa Clara COE

Board Policy

Infectious Diseases

BP 5141.22

Students

The Santa Clara County Board of Education desires to protect students from risks posed by exposure to infectious diseases while providing an appropriate education for all students. The County Board recognizes that prevention and education are the most effective means of limiting the spread of infectious diseases.

Infectious Disease Prevention

The Santa Clara County Superintendent of Schools or designee shall collaborate with parents/guardians and local health agencies and organizations to develop a comprehensive approach to disease prevention that promotes preventative measures and education of students and staff.

(cf. 1020 - Youth Services)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

(cf. 5141.6 - School Health Services)

The County Superintendent or designee shall regularly review resources available from health experts to ensure that Santa Clara County Office of Education programs are based on the most up-to-date information.

The County Superintendent or designee shall ensure that the SCCOE comprehensive health education program provides information about the prevention of infectious diseases, including the nature of bloodborne pathogens and their transmission, as well as information to help prevent the spread of contagious diseases, such as a pandemic influenza. He/she shall also ensure that each school has sufficient infection prevention supplies that are easily accessible to staff.

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

(cf. 6142.8 - Comprehensive Health Education)

Universal Precautions

Students and staff shall observe universal precautions in order to prevent exposure to bloodborne pathogens and to prevent the spread of infectious diseases.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

The County Superintendent or designee shall inform students of the precautions to be used in cases of exposure to blood or other body fluids through injury, accident, or classroom instruction.

(cf. 5141 - Health Care and Emergencies)
(cf. 6145.2 - Athletic Competition)

Students with Infectious Diseases

The County Superintendent or designee shall exclude students only in accordance with law, Board policy, and administrative regulation. Because bloodborne pathogens such as hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV) are not casually transmitted, the presence of infectious conditions of this type is not, by itself, sufficient reason to exclude students from attending school.

(cf. 5112.2 - Exclusions from Attendance)
(cf. 6164.6 - Identification and Education Under Section 504)

Parents/guardians are encouraged to inform the County Superintendent or designee if their child has an infectious disease so that school staff may work cooperatively with the student's parents/guardians to minimize the child's exposure to other diseases in the school setting. The County Superintendent or designee shall ensure that student confidentiality rights are strictly observed in accordance with law.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5022 - Student and Family Privacy Rights)
(cf. 5125 - Student Records)

Legal Reference:

EDUCATION CODE

48210-48216 Persons excluded

49073-49079 Privacy of pupil records

49403 Cooperation in control of communicable disease and immunization of pupils

49405 Smallpox control

49406 Examination for tuberculosis (employees)

49408 Information of use in emergencies

49602 Confidentiality of student information

51202 Instruction in personal and public health and safety

CALIFORNIA CONSTITUTION

Article 1, Section 1 Right to Privacy

CIVIL CODE

56-56.37 Confidentiality of Medical Information Act

1798-1798.76 Information Practices Act

HEALTH AND SAFETY CODE

120230 Exclusion for communicable disease

120325-120380 Immunization against communicable diseases

120875-120895 AIDS information

120975-121022 Mandated blood testing and confidentiality to protect public health

121475-121520 Tuberculosis tests for pupils

CODE OF REGULATIONS, TITLE 8

5193 California bloodborne pathogens standard

CODE OF REGULATIONS, TITLE 17

2500-2511 Communicable disease reporting requirements

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 45

164.500-164.534 Health Insurance Portability and Accountability Act (HIPAA)

COURT DECISIONS

Thomas v. Atascadero Unified School District, (1987) 662 F.Supp. 376

Management Resources:

CSBA PUBLICATIONS

Saving Lives: AIDS Issues for California Schools 1994, rev. 2006

Avian Influenza, Governance and Policy Services Fact Sheet, April 2006

WEB SITES

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

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

California Department of Public Health: <http://www.cdph.ca.gov>

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

Contra Costa County Office of Education, Pandemic Flu Resources:

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

U.S. Government Pandemic Flu Information: <http://www.pandemicflu.gov>

Policy adopted:
October 20, 2010

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California

Santa Clara COE

Administrative Regulation

Infectious Diseases

AR 5141.22
Students

The Santa Clara County Superintendent of Schools or designee shall immediately report to the local health officer the presence or suspected presence of any communicable disease. (17 CCR 2508)

Universal Precautions in the Classroom

Before students work with blood, blood products, or other body fluids, the teacher shall explain the potentially hazardous nature of blood and body fluids in the transmission of various agents from one person to another and the specific procedures and safety precautions to be used in the lesson.

The following precautions shall be used when students are working with blood or other body fluids:

1. Before and after exposure to blood or other body fluids, students shall wash their hands with soap and water and cover any existing cut, wound, or open sore with a sterile dressing.
2. Students shall wear gloves or other personal protective equipment as appropriate.

(cf. 5142 - Safety)

3. Blood typing or similar experiments may be conducted by teacher demonstrations. When being performed individually, students shall work with their own blood or use prepackaged ABO/Rh blood cell kits that have vials of blood previously tested for transmissible agents.
 - a. Students shall use individual sterile lancets for finger punctures and shall not reuse them.
 - b. Before the finger is punctured, it shall be wiped with a piece of cotton that has been immersed in alcohol.
 - c. If bleeding persists after the finger is punctured, the student shall apply a sterile bandage using moderate pressure.
4. Lancets and any other materials contaminated with blood or body fluids shall be discarded into a sharps container.

5. At the end of the class, surfaces shall be wiped with alcohol or a solution of one part bleach to 10 parts water.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

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

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.93 - Science Instruction)

Regulation approved:
October 20, 2010

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California

Santa Clara COE

Board Policy

Parental Notifications

BP 5145.6

Students

The Santa Clara County Board of Education recognizes that notifications are essential to effective communication between the school and the home. The Santa Clara County Superintendent of Schools or designee shall send students and parents/guardians all notifications required by law, including notifications about their legal rights, and any other notifications he/she believes will promote parental understanding and involvement.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 6020 - Parent Involvement)

The County Superintendent or designee shall ensure that notifications which must be sent at the beginning of each academic year include a request that the parent/guardian sign the notice and return it to the school. (Education Code 48981, 48982)

Notifications to parents/guardians shall be written both in English and in the family's primary language when so required by law. Whenever an employee learns that a student's parent/guardian is for any reason unable to understand the Santa Clara County Office of Education printed notifications, the principal or designee shall work with the parent/guardian to establish other appropriate means of communication.

(cf. 6174 - Education for English Language Learners)

Legal Reference:

EDUCATION CODE

221.5 Prohibited sex discrimination

231.5 Sexual harassment policy

262.3 Appeals; information re: availability of civil remedies

310 Structured English Immersion Program

17288 Pupils: school buildings

17612 Notification of pesticide use

32255-32255.6 Right to refuse harmful or destructive use of animals

32390 Fingerprint program; contracts; funding; consent of parent/guardian

35178.4 Notice of accreditation status

35183 School dress codes; uniforms

35186 Complaints concerning deficiencies in instructional materials and facilities

35256 School accountability report card

35291 Rules

37616 Consultation

39831.5 School bus rider rules and information
 44808.5 Permission to leave school grounds
 46010.1 Notice re: excuse to obtain confidential medical services
 46014 Regulations regarding absences for religious purposes
 46600-46611 Interdistrict attendance agreements especially:
 46601 Failure to approve interdistrict attendance
 48000 Minimum age of admission
 48070.5 Promotion or retention of students
 48205 Absence for personal reasons
 48206.3 Pupils with temporary disabilities; individual instruction; definitions
 48207 Pupils with temporary disabilities in hospitals outside of school district
 48208 Students with temporary disabilities in qualifying hospitals
 48216 Immunization
 48260.5 Notice to parent re truancy
 48263 Referral to SARB or probation department
 48432.5 Involuntary transfers of pupils
 48904 Liability of parent/guardian for willful pupil misconduct
 48904.3 Withholding grades, diplomas, or transcripts
 48906 Notification of release of pupil to peace officer
 48911 Notification in case of suspension
 48912 Closed sessions; consideration of suspension
 48915.1 Expelled individuals: enrollment in another district
 48916 Readmission procedures
 48918 Rules governing expulsion procedures
 48980 Required notification at beginning of term
 48980.3 Notification of pesticide use
 48981 Time and means of notification
 48982 Signature; return to school; effect of signature
 48983 Contents of notice
 48984 Activities prohibited unless notice given
 48985 Notices to parents in language other than English
 48987 Child abuse information
 49063 Notification of parents of their rights
 49067 Regulations regarding pupil's achievement
 49068 Transfer of permanent enrollment and scholarship record
 49069 Absolute right to access
 49070 Challenging content of records
 49073 Release of directory information
 49076 Access to student records
 49077 Access to information concerning a student in compliance with court order
 49091.14 Prospectus
 49302 Parental consent
 49332 Notifications of retention of object by school personnel; release
 49403 Cooperation in control of communicable disease and immunization
 49423 Administration of prescribed medication for pupil
 49451 Physical examinations: parent's refusal to consent
 49452.5 Screening for scoliosis

49452.7 Information on type 2 diabetes
 49456 Report to parent
 49472 Medical and hospital services for pupils
 49480 Continuing medication regimen for nonepisodic conditions
 49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970
 51229 Course of study for grades 7-12
 51513 Personal beliefs
 51938 Right of parent/guardian notice HIV/AIDS and sexual health instruction
 52164.1 Census-taking methods; determination of primary language; assessment of language skills
 52164.3 Notice of reassessment of language skills
 52173 Consultation with parents or guardians; notice to parents or guardians; withdrawal of pupil
 52244 Advanced Placement Program
 54444.2 Migrant education programs; parent involvement
 56301 Child-find system; policies re: written notification rights
 56321 Special education: proposed assessment plan
 56321.5-56321.6 Notice of parent rights pertaining to special education
 56329 Written notice of right to findings; independent assessment
 56341 Individualized education program team
 56341.1 Development of individualized education program; right to audio record meeting
 56341.5 Individualized education program team meetings
 56343.5 IEP meetings
 56346 Parental notice and consent to special education program
 58501 Alternative schools: notice required prior to establishment
 60641 Standardized Testing and Reporting Program
 60850 High School Exit Examination
 66204 Certification of high school courses as meeting university admission criteria
HEALTH AND SAFETY CODE
 1596.857 Right to enter child care facility
 120365 Immunizations
 120370 Immunizations
 120375 Immunizations
 120440 Sharing immunization information
 124085 Certificate of receipt; health screening and evaluation services; waiver by parent/guardian
 124100 School districts and private schools; information to parents
PENAL CODE
 627.5 Hearing request following denial or revocation of registration
WELFARE AND INSTITUTIONS CODE
 18976.5 Parental notice; right of refusal to participate
CODE OF REGULATIONS, TITLE 5
 863 Standardized Testing and Reporting Program
 3052 Behavioral intervention
 3831 General standards (Gifted and Talented Program)

4622 *Notice requirements and recipients*
 4631 *Responsibilities of the local agency*
 11303 *Reclassification of English language learners*
 11309 *Parental exception waivers*
 11523 *Notice of proficiency examinations*
 18066 *Policies and procedures absences for child care*
 UNITED STATES CODE, TITLE 20
 1232g *Family Educational and Privacy Rights Act*
 1415 *Procedural safeguards*
 1681-1688 *Title IX, discrimination based on sex or blindness*
 6311 *State plans*
 6312 *Local education agency plans*
 6316 *Academic assessment and local education agency school improvement*
 6318 *Parental involvement*
 7908 *Armed forces recruiter access to students*
 UNITED STATES CODE, TITLE 42
 2000d -2000d-7, *Title VI, Civil Rights Act of 1964*
 CODE OF FEDERAL REGULATIONS, TITLE 34
 99.7 *Student records, annual notification*
 99.34 *Student records, disclosure to other educational agencies*
 104.36 *Procedural safeguards*
 106.9 *Dissemination of policy, nondiscrimination on basis of sex*
 300.345 *Parent participation*
 300.502 *Independent educational evaluation*
 300.503 *Prior written notice*
 300.505 *Parental consent*
 300.507 *Parent notice due process hearing*
 300.523 *Manifestation determination review*
 CODE OF FEDERAL REGULATIONS, TITLE 40
 763.84 *Asbestos inspections, response actions and post-response actions*
 763.93 *Asbestos management plans*

Policy adopted:
 October 20, 2010

SANTA CLARA COUNTY OFFICE OF EDUCATION
 San Jose, California

Santa Clara COE

Exhibit

Parental Notifications

E 5145.6

Students

Cautionary Notice 2013-14:

AB 110 (Ch. 20, Statutes of 2013) amended Government Code 17581.5 to relieve districts from the obligation, until July 1, 2014, to perform any activities that are deemed to be reimbursable state mandates under that section. As a result, certain provisions of the following Exhibit that reflect those requirements may be suspended.

Note: The following exhibit lists those notices which the law requires be provided to parents/guardians. Unless otherwise indicated, code numbers below refer to Education Code sections

I. Annually

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 231.5, 48980; 5 CCR 4917

Board Policy/Administrative Regulation #: See AR 5145.7

Subject: Sexual harassment policy as related to students

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 17612, 48980.3

Board Policy/Administrative Regulation #: See AR 3514.2

Subject: Use of pesticide product, active ingredients, Internet address to access information

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 32255-32255.6, 48980

Board Policy/Administrative Regulation #: See AR 5145.8

Subject: Right to refrain from harmful or destructive use of animals

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 35160.5, 48204, 46600-46611, 48980

Board Policy/Administrative Regulation #: See AR 5111.1, See AR 5116.1, See AR 5117

Subject: All statutory attendance options, available local attendance options, options for meeting residency

When to Notify: Annually by February 1

Education or Other Legal Code: Education Code 35256

Board Policy/Administrative Regulation #: See BP 0510

Subject: School Accountability Report Card provided

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 35291, 48980

Board Policy/Administrative Regulation #: See BP 5144, See AR 5144.1

Subject: District and site discipline rules

When to Notify: Beginning of each school year if Board has adopted resolution allowing such absence

Education or Other Legal Code: Education Code 46014, 48980

Board Policy/Administrative Regulation #: See BP 5113, See AR 5113

Subject: Absence for religious exercise or purposes

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 48205, 48980

Board Policy/Administrative Regulation #: See BP 5113, See AR 5113, See AR 6154

Subject: Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 48206.3, 48207, 48208, 48980

Board Policy/Administrative Regulation #: See AR 6183

Subject: Availability of home/hospital instruction for students with temporary disabilities

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 48980

Board Policy/Administrative Regulation #: See BP 6111

Subject: Schedule of minimum days

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 49063, 49069, 20 USC 1232g, 34 CFR 99.7

Board Policy/Administrative Regulation #: See AR 5125

Subject: Student records: Inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria to determine school official legitimate educational interest, course prospectus availability

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 49063

Board Policy/Administrative Regulation #: See AR 5125, See AR 5125.3

Subject: Challenge, review and expunging of records

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37

Board Policy/Administrative Regulation #: See AR 5125.1

Subject: Release of directory information

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 49403, 48980

Board Policy/Administrative Regulation #: See BP 5141.31

Subject: Consent to school immunization program

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 49423, 49480, 48980

Board Policy/Administrative Regulation #: See AR 5141.21
Subject: Administration of prescribed medication

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49451, 48980; 20 USC 1232h
Board Policy/Administrative Regulation #: See AR 5141.3
Subject: Right to refuse consent to physical examination

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49472, 48980
Board Policy/Administrative Regulation #: See BP 5143
Subject: Availability of insurance

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49520, 48980; 42 USC 1758; 7 CFR 245.5
Board Policy/Administrative Regulation #: See AR 3553
Subject: Free and reduced price meals

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 56301
Board Policy/Administrative Regulation #: See BP 6164.4
Subject: Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 58501, 48980
Board Policy/Administrative Regulation #: See AR 6181
Subject: Alternative schools

When to Notify: Beginning of each school year
Education or Other Legal Code: 34 CFR 104.8, 106.9
Board Policy/Administrative Regulation #: See BP 0410, See BP 6178
Subject: Nondiscrimination

When to Notify: Beginning of each school year
Education or Other Legal Code: 49013; 5 CCR 4622
Board Policy/Administrative Regulation #: See AR 1312.3
Subject: Uniform complaint procedures, available appeals, civil law remedies

When to Notify: Beginning of each school year
Education or Other Legal Code: 20 USC 1232h
Board Policy/Administrative Regulation #: See AR 5022, See BP 6162.8
Subject: Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities

When to Notify: Beginning of each school year for districts receiving Title I funds,
Education or Other Legal Code: 20 USC 6311; 34 CFR 200.61
Board Policy/Administrative Regulation #: See AR 4112.24, See AR 4222

Subject: Right to request information re: professional qualifications of their child's teacher and paraprofessional

When to Notify: Beginning of school year to parent, teacher and employee organizations or, in their absence, individuals

Education or Other Legal Code: 40 CFR 763.84, 40 CFR 763.93

Board Policy/Administrative Regulation #: See AR 3514

Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 46010.1

Board Policy/Administrative Regulation #: See BP 5113

Subject: Absence for confidential medical services

When to Notify: Beginning of each school year

Education or Other Legal Code: Health and Safety Code 104855

Board Policy/Administrative Regulation#: See AR 5141.6

Subject: Availability of dental fluoride treatment; opportunity to accept or deny treatment

When to Notify: Annually

Education or Other Legal Code: 5 CCR 852

Board Policy/Administrative Regulation#: AR 6162.51

Subject: Student's participation in state assessments; option to request exemption from testing

When to Notify: Beginning of each school year, if any SCCOE school has been identified for program improvement or corrective action Education or Legal Code: 20 USC 6316

Board Policy/Administrative Regulation#: See AR 0520.2

Subject: Availability of supplemental educational services, identity of providers, description of services, qualifications, effectiveness of providers

II. At Specific Times During the Student's Academic Career

When to Notify: Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement

Education or Other Legal Code: Education Code 48980, 51225.3

Board Policy/Administrative Regulation #: See AR 6146.1

Subject: How each high school graduation requirement does or does not satisfy college entrance a-g course criteria; list of districts CTE courses that satisfy a-g course criteria

When to Notify: To students in grades 11-12, early enough to enable registration for fall test

Education or Other Legal Code: 5 CCR 11523

Board Policy/Administrative Regulation #: See AR 6146.2

Subject: Notice of proficiency examination provided under Education Code 48412

When to Notify: To secondary students, if district receives Title I funds

Education or Other Legal Code: 20 USC 7908

Board Policy/Administrative Regulation #: See AR 5125.1

Subject: Notice that parents may request district to not release name, address, phone number of child to military recruiters without prior written consent

When to Notify: At least once before counseling in grades 7 through 12

Education or Other Legal Code: Education Code 221.5, 48980

Board Policy/Administrative Regulation #: See BP 6164.2

Subject: Course selection and career counseling

When to Notify: When child first enrolls in a public school, if the school offers a fingerprinting program

Education or Other Legal Code: Education Code 32390, 48980

Board Policy/Administrative Regulation #: See AR 5142.1

Subject: Fingerprinting program

When to Notify: Upon registration, if K-6 students have not previously been transported

Education or Other Legal Code: Education Code 39831.5

Board Policy/Administrative Regulation #: See AR 3543

Subject: School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops

When to Notify: Beginning each school year in grades 9-12 and when high school student transfers into the district

Education Code 48980, 60850

Board Policy/Administrative Regulation #: See AR 6162.52

Subject: Requirement to pass the high school exit exam including: date of exam, requirements for passing, consequences of not passing, and that passing is a condition of graduation

When to Notify: When students entering grade 7

Education or Other Legal Code: Education Code 49452.7

Board Policy/Administrative Regulation #: See AR 5141.3

Subject: Specified information on type 2 diabetes

When to Notify: When in kindergarten or 1st grade if not previously enrolled in public school

Education or Other Legal Code: Education Code 49452.8

Board Policy/Administrative Regulation #: See AR 5141.32

Subject: Requirement for oral health assessment, explanation of law, importance of teeth health, agency contact, privacy rights

When to Notify: Beginning of each school year for students in grades 9-12

Education or Other Legal Code: Education Code 51229, 48980

Board Policy/Administrative Regulation #: See AR 6143

Subject: College admission requirements, UC and CSU web sites that list certified courses, description of career technical education and CDE Internet address, how students may meet with counselors

When to Notify: Beginning of each school year for students in grades 7-12

Education or Other Legal Code: Education Code 51938, 48980

Board Policy/Administrative Regulation #: See AR 6142.1

Subject: Explanation of sex and HIV/AIDS instruction; right to view A/V materials, who's teaching, request specific Education Code sections, right to excuse

When to Notify: Within 20 working days of receiving results of standardized achievement tests

Education or Other Legal Code: Education Code 60641, 5 CCR 863

Board Policy/Administrative Regulation #: See AR 6162.51

Subject: Results of tests; test purpose, individual score and intended use

When to Notify: When child is enrolled in kindergarten

Education or Other Legal Code: Health and Safety Code 124100

Board Policy/Administrative Regulation #: See BP 5141.32

Subject: Health screening examination

III. When Special Circumstances Occur

When to Notify: Upon receipt of a complaint alleging discrimination

Education or Other Legal Code: Education Code 262.3

Board Policy/Administrative Regulation #: See AR 1312.3

Subject: Civil law remedies available to complaints

When to Notify: When student has been placed in structured English immersion program

Education or Other Legal Code: Education Code 310-311; 5 CCR 11309

Board Policy/Administrative Regulation #: See AR 6174

Subject: Student's placement in program, opportunity to apply for parental exception waiver, other rights of student relative to such placements

When to Notify: When determining whether an English learner should be reclassified as fluent English proficient

Education or Other Legal Code: Education Code 313; 5 CCR 11303

Board Policy/Administrative Regulation #: See AR 6174

Subject: Description of reclassification process, opportunity for parent/guardian to participate

When to Notify: When Student is identified as English learner and district receives Title III funds, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year

Education or Other Legal Code: Education Code 440; 20 USC 7012

Board Policy/Administrative Regulation #: See AR 6174

Subject: Reason for classification, level of English proficiency, description of program(s), option to decline program or choose alternate, exit requirements of program

When to Notify: Before high school student attends specialized secondary program on a university campus

Education or Other Legal Code: Education Code 17288

Board Policy/Administrative Regulation #: None

Subject: University campus buildings may not meet Education Code requirements for structural safety

When to Notify: At least 72 hours before use of pesticide product not included in annual list

Education or Other Legal Code: Education Code 17612
Board Policy/Administrative Regulation #: See AR 3514.2
Subject: Intended use of pesticide product

When to Notify: If school has lost its WASC accreditation status
Education or Other Legal Code: Education Code 35178.4
Board Policy/Administrative Regulation #: See BP 6190
Subject: Loss of status, potential consequences

When to Notify: At least six months before implementing a schoolwide uniform policy
Education or Other Legal Code: Education Code 35183
Board Policy/Administrative Regulation #: See AR 5132
Subject: Dress code policy requiring schoolwide uniform

When to Notify: Before implementing a year-round schedule
Education or Other Legal Code: Education Code 37616
Board Policy/Administrative Regulation #: See BP 6117
Subject: Year-round schedule

When to Notify: When interdistrict transfer is requested and not approved or denied within 30 days
Education or Other Legal Code: Education Code 46601
Board Policy/Administrative Regulation #: See AR 5117
Subject: Appeal process

When to Notify: Before early entry to kindergarten, if offered
Education or Other Legal Code: Education Code 48000
Board Policy/Administrative Regulation #: See AR 5111
Subject: Effects, advantages and disadvantages of early entry

When to Notify: When student identified as being at risk of retention
Education or Other Legal Code: Education Code 48070.5
Board Policy/Administrative Regulation #: See AR 5123
Subject: Student at risk of retention

When to Notify: When student excluded due to quarantine, contagious or infectious disease, danger to safety or health
Education or Other Legal Code: Education Code 48213
Board Policy/Administrative Regulation #: See AR 5112.2, See BP 5141.33
Subject: Student has been excluded from school

When to Notify: Before already admitted student is excluded for lack of immunization
Education or Other Legal Code: Education Code 48216; 17 CCR 6040
Board Policy/Administrative Regulation #: See AR 5141.31
Subject: Need to submit evidence of immunization or exemption within 10 school days; referral to medical care

When to Notify: When a student is classified a truant

Education or Other Legal Code: Education Code 48260.5, 48262
Board Policy/Administrative Regulation #: See AR 5113.1
Subject: Truancy, parental obligation, availability of alternative programs, student consequences, need for conference

When to Notify: When a truant is referred to a SARB or probation department
Education or Other Legal Code: Education Code 48263
Board Policy/Administrative Regulation #: See AR 5113.1
Subject: Name and address of SARB or probation department and reason for referral

When to Notify: When student requests to voluntarily transfer to continuation school
Education or Other Legal Code: 48432.3
Board Policy/Administrative Regulation #: See AR 6184
Subject: Copy of district policy and regulation on continuation education

When to Notify: Prior to involuntary transfer to continuation school
Education or Other Legal Code: Education Code 48432.5
Board Policy/Administrative Regulation #: See AR 6184
Subject: Right to require meeting prior to involuntary transfer to continuation school

When to Notify: When student is removed from class and teacher requires parental attendance at school
Education or Other Legal Code: Education Code 48900.1
Board Policy/Administrative Regulation #: See BP 5144.1, See AR 5144.1
Subject: Parental attendance required; timeline for attendance

When to Notify: Prior to withholding grades, diplomas, or transcripts
Education or Other Legal Code: Education Code 48904
Board Policy/Administrative Regulation #: See AR 5125.2
Subject: Damaged school property

When to Notify: When withholding grades, diplomas or transcripts from transferring student
Education or Other Legal Code: Education Code 48904.3
Board Policy/Administrative Regulation #: See AR 5125.2
Subject: Next school will continue withholding grades, diplomas or transcripts

When to Notify: When student is released to peace officer
Education or Other Legal Code: Education Code 48906
Board Policy/Administrative Regulation #: See BP 5145.11
Subject: Release of student to peace officer

When to Notify: At time of suspension
Education or Other Legal Code: Education Code 48911
Board Policy/Administrative Regulation #: See BP 5144.1, See AR 5144.1
Subject: Notice of suspension

When to Notify: When original period of suspension is extended
Education or Other Legal Code: Education Code 48911

Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Extension of suspension

When to Notify: At the time a student is assigned to a supervised suspension classroom
Education or Other Legal Code: Education Code 48911.1
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: The student's assignment to a supervised suspension classroom

When to Notify: Before holding a closes session re: suspension
Education or Other Legal Code: Education Code 48912
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Intent to hold a closed session re: suspension

When to Notify: When student expelled from another district for certain acts seeks admission
Education or Other Legal Code: Education Code 48915.1, 48918
Board Policy/Administrative Regulation #: See AR 5119
Subject: Hearing re: possible danger presented by expelled student

When to Notify: When readmission is denied
Education or Other Legal Code: Education Code 48916
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Reasons for denial; determination of assigned program

When to Notify: When expulsion occurs
Education or Other Legal Code: Education Code 48916
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Description of readmission procedures

When to Notify: 10 calendar days before expulsion hearing
Education or Other Legal Code: Education Code 48918
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Notice of expulsion hearing

When to Notify: When expulsion or suspension of expulsion occurs
Education or Other Legal Code: Education Code 48918
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Decision to expel; right to appeal to county board; obligation to inform new district of status

When to Notify: One month before the scheduled minimum day
Education or Other Legal Code: Education Code 48980
Board Policy/Administrative Regulation #: See BP 6111
Subject: When minimum days are scheduled after the beginning of the school year

When to Notify: When parents request guidelines for filing complaint of child abuse at a school site
Education or Other Legal Code: Education Code 48987
Board Policy/Administrative Regulation #: See AR 5141.4

Subject: Guidelines for filing complaint of child abuse at a school site with local child protective agencies

When to Notify: When student in danger of failing a course
Education or Other Legal Code: Education Code 49067
Board Policy/Administrative Regulation #: See AR 5121
Subject: Student in danger of failing a course

When to Notify: When student transfers from another district or private school
Education or Other Legal Code: Education Code 49068
Board Policy/Administrative Regulation #: See AR 5125
Subject: Right to receive copy of student's record and to challenge its content

When to Notify: Within 24 hours of release of information to a judge or probation officer
Education or Other Legal Code: Education Code 49076
Board Policy/Administrative Regulation #: See AR 5125
Subject: Release of student record information to a judge or probation officer for conducting a truancy mediation program or for presenting evidence at a truancy petition

When to Notify: Before release of information pursuant to court order or subpoena
Education or Other Legal Code: Education Code 49077
Board Policy/Administrative Regulation #: See AR 5125
Subject: Release of information pursuant to court order or subpoena

When to Notify: When screening results in suspicion that student has scoliosis
Education or Other Legal Code: Education Code 49452.5
Board Policy/Administrative Regulation #: See AR 5141.3
Subject: Scoliosis screening

When to Notify: When test results in discovery of visual or hearing defects
Education or Other Legal Code: Education Code 49456
Board Policy/Administrative Regulation #: See AR 5141.3
Subject: Vision or hearing test

When to Notify: Annually to parents/guardians of student athletes before their first practice or competition
Education or Other Legal Code: Education Code 49475
Board Policy/Administrative Regulation #: See AR 6145.2
Subject: Information on concussions and head injuries

When to Notify: Before any test questioning personal beliefs
Education or Other Legal Code: Education Code 51513
Board Policy/Administrative Regulation #: See AR 5022
Subject: Permission for test, survey questioning personal beliefs

When to Notify: Within 14 days of instruction if arrangement made for guest speaker after beginning of school year
Education or Other Legal Code: Education Code 51938

Board Policy/Administrative Regulation #: See AR 6142.1
Subject: Instruction in HIV/AIDS or sexual health education by guest speaker or outside consultant

When to Notify: Prior to administering survey regarding health risks and behaviors to students in 7-12

Education or Other Legal Code: Education Code 51938

Board Policy/Administrative Regulation #: See AR 5022

Subject: Notice that the survey will be administered

When to Notify: Within 30 calendar days of receipt of results of assessment or reassessment of English proficiency

Education or Other Legal Code: Education Code 52164.1, 52164.3; 5 CCR 11511.5

Board Policy/Administrative Regulation #: See AR 6174

Subject: Results of state test of English proficiency

When to Notify: When migrant education program is established

Education or Other Legal Code: Education Code 54444.2

Board Policy/Administrative Regulation #: See BP 6175, See AR 6175

Subject: Parent advisory council membership composition

When to Notify: When child participates in licensed child care and development program

Education or Other Legal Code: Health and Safety Code 1596.857

Board Policy/Administrative Regulation #: See AR 5148

Subject: Parent right to enter facility

When to Notify: When sharing student immunization information with an immunization system

Education or Other Legal Code: Health and Safety Code 120440

Board Policy/Administrative Regulation #: See AR 5125

Subject: Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share

When to Notify: When hearing is requested by person asked to leave school premises

Education or Other Legal Code: Penal Code 627.5

Board Policy/Administrative Regulation #: See AR 3515.2

Subject: Notice of hearing

When to Notify: When providing written decision in response to a complaint re: discrimination, special education, or noncompliance with laws regulating educational programs

Education or Other Legal Code: 5 CCR 4631

Board Policy/Administrative Regulation #: See AR 1312.3

Subject: Appeal rights and procedures

When to Notify: When child participates in licensed child care and development program

Education or Other Legal Code: 5 CCR 18066

Board Policy/Administrative Regulation #: See AR 5148

Subject: Policies re: unexcused absences

When to Notify: When district substantively changes policy on student privacy rights
Education or Other Legal Code: 20 USC 1232h
Board Policy/Administrative Regulation #: See AR 5022
Subject: Notice of any substantive change in policy or regulation

When to Notify: For districts receiving Title I funds, when a child has been taught for four or more consecutive weeks by a teacher who is not "highly qualified"
Education or Other Legal Code: 20 USC 6311
Board Policy/Administrative Regulation #: See AR 4112.24
Subject: Timely notice to parent of child's assignment

When to Notify: When school identified for program improvement or corrective action, within 30 days of failure to make annual yearly progress
Education or Other Legal Code: 20 USC 6312
Board Policy/Administrative Regulation #: See AR 0520.2
Subject: Notice of failure to make adequate yearly progress

When to Notify: For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents of English learners
Education or Other Legal Code: 20 USC 6312
Board Policy/Administrative Regulation #: See AR 6174
Subject: Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose other program

When to Notify: When school identified for program improvement or corrective action
Education or Other Legal Code: 20 USC 6316
Board Policy/Administrative Regulation #: See AR 0520.2, See AR 5116.1
Subject: Explanation of identification, reasons, how problem will be addressed, how parents can become involved, transfer option, availability of supplemental services

When to Notify: When district identified for program improvement
Education or Other Legal Code: 20 USC 6316
Board Policy/Administrative Regulation #: See AR 0520.3
Subject: Explanation of status, reasons for identification, how parents can participate in upgrading district

When to Notify: For schools receiving Title I funds, upon development of parent involvement policy
Education or Other Legal Code: 20 USC 6318
Board Policy/Administrative Regulation #: See AR 6020
Subject: Notice of policy

IV. When to Notify: For districts receiving Tnt

When to Notify: Prior to conducting initial evaluation
Education or Other Legal Code: Education Code 56301, 56321, 56321.5, 56321.6, 56329, 34 CFR 300.502
Board Policy/Administrative Regulation #: See AR 6164.4

Subject: Proposed evaluation plan, related parental rights, prior written notice

When to Notify: 24 hours before IEP when district intending to record

Education or Other Legal Code: Education Code 56341.1

Board Policy/Administrative Regulation #: See AR 6159

Subject: Intention to audio-record IEP meeting

When to Notify: Early enough to ensure opportunity for parent to attend IEP meeting

Education or Other Legal Code: Education Code 56341.5 34 CFR 300.322

Board Policy/Administrative Regulation #: See AR 6159

Subject: Time, purpose, location, who in attendance, participation of others with special knowledge, transition statements if appropriate

When to Notify: Suspension or change of placement for more than 10 days

Education or Other Legal Code: 20 USC 1415(k), 34 CFR 300.530

Board Policy/Administrative Regulation #: See AR 5144.2

Subject: Decision and procedural safeguards notice

When to Notify: Upon requesting a due process hearing

Education or Other Legal Code: 20 USC 1415(k), 34 CFR 300.508

Board Policy/Administrative Regulation #: See AR 6159.1

Subject: Child's name, address, school, description of problem, proposed resolution

When to Notify: Eligibility for services under Section 504

Education or Other Legal Code: 34 CFR 104.32, 104.36

Board Policy/Administrative Regulation #: See AR 6164.6

Subject: Procedural safeguards, SCCOE responsibilities

V. Classroom Notices

When to Notify: In each classroom in each school

Education or Other Legal Code: Education Code 35186

Board Policy/Administrative Regulation #: See AR 1312.4, See E 1312.4

Subject: Complaint rights re: sufficiency instructional materials, teacher vacancy and misassignment, maintenance of facilities.

Santa Clara COE

Board Policy

Alcohol and Other Drugs

BP 5131.6

Students

The Santa Clara County Board of Education believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The County Board desires to keep Santa Clara County Office of Education schools free of alcohol and other drugs in order to help prevent violence, promote school safety and create a well-disciplined environment conducive to learning.

The Santa Clara County Superintendent of Schools or designee shall develop, implement and evaluate a comprehensive prevention and intervention program that is coordinated with other school and community-based services and programs. The SCCOE program shall be scientifically based and designed to prevent or reduce alcohol or other drug use and the possession and distribution of illegal drugs. It shall include primary prevention activities such as decision-making skills and conflict management, instruction, referral to a rehabilitation program, enforcement/discipline, activities that promote the involvement of parents/guardians and coordination with appropriate community agencies and organizations.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1020 - Youth Services)

(cf. 4020 - Drug and Alcohol-Free Workplace)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6020 - Parent Involvement)

The County Board and County Superintendent shall agree upon performance measures that will be used to monitor and determine the effectiveness of the SCCOE program in reducing drug and alcohol use. The County Superintendent or designee shall develop and implement an evaluation process that includes ongoing assessment and analysis of objective data regarding the incidence of drug and alcohol use among SCCOE students, including discipline problems, and the prevalence of risk factors.

The County Superintendent or designee shall consult with principals, teachers, other school personnel, students and parents/guardians when developing the SCCOE program.

The County Superintendent or designee shall clearly communicate to all students, staff and parents/guardians the SCCOE policies, regulations and school rules related to the use of alcohol and other drugs on school campuses or at school activities. Information about program needs and goals shall be widely distributed in the community.

(cf. 5131.61 - Drug Testing)

(cf. 5131.62 - Tobacco)
(cf. 5131.63 - Steroids)

Staff should encourage students to participate as responsible partners in efforts to maintain a safe, constructive school climate.

(cf. 5137 - Positive School Climate)

The County Board encourages the establishment of site-level advisory groups to assist in promoting alcohol- and drug-free schools.

(cf. 1220 - Citizen Advisory Committees)

The SCCOE drug education program shall augment county drug education services, if any. SCCOE staff shall take every opportunity to cooperate with county and county office of education staff in planning and implementing collaborative alcohol and drug prevention programs.

(cf. 1020 - Youth Services)
(cf. 1400 - Relations between Other Governmental Agencies and the Schools)

Instruction

The SCCOE shall provide science-based preventative instruction which has been proven effective in helping students avoid the use of alcohol and other drugs.

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is wrong and harmful. Instruction shall not include the concept of responsible use of drugs or alcohol when such use is illegal. (20 USC 7114, 7162; Health and Safety Code 11999.2)

The SCCOE shall offer staff development activities for staff who implement the comprehensive drug and alcohol prevention and intervention program.

(cf. 4131 - Staff Development)

Intervention, Referral and Student Assistance Programs

School staff, students and parents/guardians shall be informed about early warning signs which may indicate alcohol and other drug use and about appropriate agencies offering intervention programs, counseling, referral and other student assistance programs.

The County Board strongly encourages any student who is using alcohol or drugs to

discuss the matter with his/her parent/guardian or with any staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.

Enforcement/Discipline

The County Superintendent or designee shall take appropriate action to eliminate possession, use or sale of alcohol and other drugs and related paraphernalia on school grounds or at school-sponsored activities.

(cf. 5131 - Conduct)

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

(cf. 5145.12 - Search and Seizure)

Students possessing, using or selling alcohol or other drugs or related paraphernalia shall be subject to disciplinary procedures including suspension or expulsion and/or referral to law enforcement in accordance with law, Board policy and administrative regulation. In addition, such students may be referred to an appropriate counseling program, transferred to an alternative placement, and/or be restricted from extracurricular activities, including athletics.

(cf. 5144 - Discipline)

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

(cf. 6145 - Extracurricular and Curricular Activities)

Legal Reference:

EDUCATION CODE

44049 Known or suspected alcohol or drug abuse by student

44645 In-service training anabolic steroids

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

48901.5 Prohibition of electronic signaling devices

48902 Notification of law enforcement authorities; civil or criminal immunity

48909 Narcotics or other hallucinogenic drugs

48915 Expulsion; particular circumstances

49602 Confidentiality of pupil information

51202 Instruction in personal and public health and safety

51203 Instruction on alcohol, narcotics and restricted dangerous drugs

51210 Areas of study

51220 Areas of study, grades 7 to 12

51260-51269 Drug education

60041 Instructional materials

60110-60115 Instructional materials on alcohol and drug education

BUSINESS AND PROFESSIONS CODE

25608 Alcohol on school property; use in connection with instruction

HEALTH AND SAFETY CODE

11032 Narcotics, restricted dangerous drugs and marijuana
11053-11058 Standards and schedules
11353.6 Juvenile Drug Trafficking and Schoolyard Act
11357 Unauthorized possession of marijuana; possession in school or on school grounds
11361.5 Destruction of arrest or conviction records
11372.7 Drug program fund; uses
11802 Joint school-community alcohol abuse primary education and prevention program
11998-11998.3 Drug and Alcohol Abuse Master Plans
11999-11999.3 Alcohol and drug program funding; no unlawful use
124175-124200 Adolescent family life program
PENAL CODE
13860-13864 Suppression of drug abuse in schools
VEHICLE CODE
13202.5 Drug and alcohol related offenses by person under age of 21, but aged 13 or over;
WELFARE AND INSTITUTIONS CODE
828 Disclosure of information re minors
828.1 Disclosure of criminal records; protection of vulnerable staff & students
UNITED STATES CODE, TITLE 20
5812 National education goals
7101-7184 Safe and Drug-Free Schools and Communities Act

Management Resources:

WEB SITES

California Department of Education, Alcohol, Tobacco and Other Drug Prevention: <http://www.cde.ca.gov/ls/he/at>

California Healthy Kids: <http://www.californiahealthykids.org>

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

Policy adopted:
October 20, 2010

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California

Santa Clara COE

Administrative Regulation

Alcohol and Other Drugs

AR 5131.6
Students

Instruction

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

(cf. 5131.62 - Tobacco)

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

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

(cf. 6142.8 - Comprehensive Health Education)

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

(cf. 6143 - Courses of Study)

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

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

Intervention

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

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

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

(cf. 5022 - Student and Family Privacy Rights)

(cf. 5141 - Health Care and Emergencies)

(cf. 6164.2 - Guidance/Counseling Services)

Regulation approved:
October 20, 2010

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California

Santa Clara COE

Board Policy

Tobacco

BP 5131.62

Students

The Santa Clara County Board of Education recognizes that tobacco use presents serious health risks and desires to provide support and assistance in reducing the number of students who begin or continue to use tobacco. The Santa Clara County Superintendent of Schools or designee shall establish a comprehensive program that includes consistent enforcement of laws prohibiting tobacco possession and use by students, tobacco-use prevention education, and intervention and cessation activities and/or referrals.

Prohibition against Tobacco Use

Students shall not smoke or use tobacco, or any product containing tobacco or nicotine including nicotine delivery devices such as e-cigarettes, while on campus, while attending school-sponsored activities, or while under the supervision and control of Santa Clara County Office of Education employees. This prohibition does not include students' possession or use of their own prescription products. (Education Code 48900, 48901)

(cf. 3513.3 - Tobacco-Free Schools) (cf. 5131 - Conduct)

(cf. 5144 -

Discipline)

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

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

Intervention/Cessation Services

The SCCOE may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use.

(cf. 1020 - Youth Services)

(cf. 5141.6 - School Health Services)

(cf. 6164.2 - Guidance/Counseling Service) Legal Reference:

EDUCATION CODE

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

51202 *Instruction in personal and public health and safety*
60041 *Instructional materials, portrayal of effects of tobacco use*
HEALTH AND SAFETY CODE
104350-104495 *Tobacco-use prevention education*
PENAL CODE
308 *Minimum age for tobacco possession*
CODE OF REGULATIONS, TITLE 17
6800 *Definition, health assessment*
6844-6847 *Child Health and Disability Prevention program; health assessments*
UNITED STATES CODE, TITLE 20
7111-7117 *Safe and Drug-Free Schools and Communities Act*
ATTORNEY GENERAL OPINIONS
88 Ops.Cal.Atty.Gen. 8 (2005)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008
Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003
Getting Results: Part II California Action Guide to Tobacco Use Prevention Education, 2000
CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS
Guidelines Related to School Health Programs to Prevent Tobacco Use and Addiction, 1994
WEST ED PUBLICATIONS
Guidebook for the California Healthy Kids Survey: 2008-2009 Edition, 2008
WEB SITES
CSBA: <http://www.csba.org>
California Department of Education, Tobacco-Use Prevention Education: <http://www.cde.ca.gov/ls/he/at/tupe.asp>
California Department of Public Health, Tobacco Control: <http://www.cdph.ca.gov/programs/tobacco>
California Healthy Kids Resource Center: <http://www.californiahealthykids.org>
California Healthy Kids Survey: <http://www.wested.org/hks>
Centers for Disease Control and Prevention, Smoking and Tobacco Use: <http://www.cdc.gov/tobacco>
Safe and Healthy Kids Annual Report: <http://hk.duerrevaluation.com>
U.S. Department of Education: <http://www.ed.gov>
U.S. Surgeon General: <http://www.surgeongeneral.gov>

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October 20, 2010
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SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California

Santa Clara COE

Board Policy

Anti-Bullying Policy

No. 5131.2 (a)

Students

The Governing Board is committed to creating a safe learning and working environment for all students and employees and to protect all students and employees from all forms of bullying, harassment, hazing, discrimination, or intimidation of any type for any reason. The County Office of Education prohibits any form of bullying, harassment, hazing, discrimination, or intimidation; any such behavior shall be just cause for disciplinary action.

The purpose of this policy is to provide a definition of bullying in order to prevent such conduct and to establish positive, collaborative school and work environments with clear rules for student and employee conduct. As needed, employees shall receive professional development in the appropriate use of these resources.

(cf 4131- Staff Development) (cf 4231- Staff Development) (cf 4331- Staff Development) (cf 5137- Positive School Climate) (cf 5131 - Student Conduct) (cf 6163.4- Student Use of Technology)

Definitions

Bullying/harassment

Bullying or harassment of students or staff includes, but is not limited to: cyberbullying, intimidation, hazing or initiating activity, extortion, or any other verbal, written, or physical conduct that causes, is perceived to cause, threatens, or is perceived to threaten violence, bodily harm, or substantial disruption in accordance with the following section.

Bullying is defined as any severe, systematic, or pervasive physical or verbal act or conduct that causes pain or psychological distress on one or more students or employees. Bullying includes unwanted written, verbal, nonverbal, or physical behavior including, but not limited to, any threatening, insulting, or

dehumanizing gesture by an student or adult that causes any reasonable person to experience a detrimental effect on his or her physical or mental health and that has the potential to create a negative educational or workplace environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or workplace performance or participation, is carried out repeatedly and is often characterized by an imbalance of power.

Bullying may involve, but is not limited

to:

- A. Unwanted teasing
- B. Threatening
- C. Intimidating
- D. Stalking
- E. Cyberstalking
- F. Cyberbullying
- G. Physical violence
- H. Theft
- I. Hate violence
- J. Sexual (including sexual orientation), religious, or racial harassment
- K. Public humiliation
- L. Harassment
- M. Destruction of school or personal property
- N. Social exclusion, including, incitement and/or coercion or rumor or spreading of falsehoods

Cyberbullying is sometimes referred to as Internet bullying or electronic bullying. It is an act of bullying committed through the transmission of a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, pager, or through digital technologies, including, but not limited to, email, blogs, texting, social websites (e.g. Facebook, MySpace, Twitter, etc.), chat rooms, "sexting", instant messaging, or video voyeurism. Cyberbullying can be a carryover of verbal or physical bullying that occurs in the school or workplace environments.

Cyberstalking means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at or about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

Harassment means any threatening, insulting, or dehumanizing gesture, use of technology, computer software, or written, verbal or physical conduct directed against a student or school employee that:

- Places a student or employee in reasonable fear of harm to his or her person or damage to his or her property;

- Has the effect of substantially interfering with a student's educational performance, or employee's work performance, or either's opportunities, or benefits;
- Has the effect of substantially negatively impacting a student's or employee's emotional or mental well-being; or
- Has the effect of substantially disrupting the orderly operation of a school and/or school district work environment.

Sexual Harassment as defined by the U. S. Equal Employment Opportunity Commission means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Sexual harassment exists when submission to such conduct is made, explicitly or implicitly, a condition of employment; when submission to or rejection of such conduct is used in employment decisions affecting an individual; or when such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

Bullying Cyberbullying and/or Harassment also encompass:

- Retaliation against a student or employee by another student or employee for asserting or alleging an act of bullying, harassment, or discrimination.
- Reporting a baseless act of bullying, harassment, or discrimination that is not made in good faith.
- Perpetuation of conduct listed in the definition of bullying, harassment, and/or discrimination by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or employee by incitement or coercion; accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the school or COE system; or acting in a manner that has an effect substantially similar to the effect of bullying, harassment, or discrimination.

Bullying, Cyberbullying, Harassment, Discrimination also encompass, but are not limited to, unwanted harm towards a student or employee in regard to their real or perceived sex, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socio-economic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background or being viewed as different in its education programs or admissions to education programs and therefore prohibits bullying of any student or employee by any Board member, employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or organization or outside the school or organization at school or organization sponsored events, on school buses, and at training facilities or training programs sponsored by the organization.

(cf. 5131 – Student Conduct)
(cf. 5145.3 -Nondiscrimination/Harassment)
(cf. 5145.7 – Sexual Harassment)
(cf. 5145.9- Hate-Motivated Behavior)
(cf. 6163.4- Student Use of Technology)

Expectations of Conduct

The Governing Board expects students and employees to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds or SCCOE property, while going to or coming from school or work, while at school activities, and while on public transportation.

The SCCOE prohibits the bullying of any student or school employee:

1. During any educational program or activity conducted by the SCCOE;
2. During any SCCOE-related or SCCOE-sponsored program or activity or on a SCCOE school bus;
3. Through the use of any electronic device or data while on SCCOE school grounds or on a SCCOE school bus, computer software that is accessed through a computer, computer system, or computer network of the SCCOE. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated under this section;
4. Through threats using the above to be carried out on SCCOE grounds. This includes threats made outside of school hours, which are intended to be

carried out during any school-related or school-sponsored program or activity or on a SCCOE school bus.

5. While the SCCOE does not assume any liability for incidences that occur at a bus stop or en route to and from school, a student or witness may file a complaint following the same procedures for bullying against a student and the SCCOE will investigate and/or provide assistance and intervention as the principal/designee deems appropriate
6. Though an incident of alleged bullying as defined within this policy may occur off campus and may not entail threats of acts to occur during school hours, if a student's ability to receive an education or a school's ability to provide an education is significantly impaired, as determined by the school administrators, disciplinary sanctions may be issued.

(cf 5131 – Student Conduct)

(cf 5131.1 – Bus Conduct)

(cf 6145.2 – Athletic Competition)

Enforcement of Standards

The Santa Clara County Superintendent of Schools or designee shall ensure that each school site develops standards of conduct and discipline consistent with SCCOE policies and administrative regulations. Students and parents/guardians shall be notified of SCCOE and school rules related to conduct.

(cf 5131 - Student Conduct)

(cf 5131.1 - Bus Conduct)

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or administrator for further investigation.

Any student who engages in bullying as described within this policy while on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline in accordance with SCCOE policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the County Superintendent or designee also may file a complaint with the Internet site or service to have the material removed. Discipline Students who violate SCCOE or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of the privilege of participation

in extracurricular or co-curricular activities in accordance with Board policy and administrative regulation.

The County Superintendent or designee shall notify local law enforcement as appropriate.

When conducting hearings related to discipline, attendance and other student matters, The County Office shall afford students their due process rights in accordance with law.

(cf 5000- Concepts and Roles)

(cf 5125- Student Records)

(cf 5144- Discipline)

(cf 5144.1- Suspension and Expulsion/Due Process)

(cf 5145.6- Parental Notifications)

(cf 9000 - Role of District)

Reporting

The Santa Clara County Superintendent of Schools or designee shall establish and publicize to students, staff, volunteers, and parents how to report bullying and actions that may be taken.

The process for receiving and investigating instances of bullying of any kind, as defined within this policy, includes complaints of discrimination, harassment, intimidation, and bullying based on actual or perceived characteristics.

School and COE personnel who witness such acts of bullying as defined within this policy shall take immediate steps to intervene when safe to do so. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7- Sexual Harassment.

Reporting any act of bullying:

1. At each school or SCCOE location, the principal/designee is responsible for receiving oral or written complaints alleging violations of this policy, as well as any infractions of the Student Conduct policy.
2. Students may report complaints of bullying to any school or SCCOE employee. Any such reports of bullying allegations must be made, in writing, to the principal/designee or other appropriate administrator/designee.
3. Any member of the school community who may have credible information about an act of bullying that may have taken place may file a report of bullying either as a witness or a victim.

4. Any student (or a parent or guardian on behalf of the complainant who is a minor) who believes he/she is a victim of bullying, has witnessed an act of bullying, or has knowledge of any incidents involving acts of bullying are strongly encouraged to report the incidents to a school official.
5. A student, school employee, school volunteer, contractor, parent/guardian, or other persons who promptly reports in good faith an act of bullying to the appropriate school official, and who makes this report in compliance with the procedures set forth in the policy, is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. Submission of a good faith complaint or report of bullying will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments within the SCCOE.
6. Administrators/principal/designee(s) shall document in writing all complaints regarding bullying to ensure that incidents of bullying, or any other infractions, are appropriately addressed in a timely manner, whether the original report of bullying is made verbally or in writing.
7. Anonymous reports of bullying may be made to the appropriate school official. School officials should develop and publicize a system in which students, employees, volunteers, parents/guardians can make an anonymous report of bullying.

Investigation of Complaints

The investigation of a reported act of bullying of a student, school-based employee, parent/guardian or other persons providing service to the school is deemed to be a school related activity and begins with a report of such an act.

The principal/designee and/or Investigative Designee shall document all complaints in writing and/or through the appropriate data system to ensure that problems are addressed in a timely manner. This process is to be followed with all anonymous complaints as well. Although this Policy encourages students to use the formal written complaint process, school officials "should investigate all complaints and reports of harassment, whether or not the complaint is in writing," as stated by the Office for Civil Rights in Protecting Students from Harassment and Hate Crime: A Guide for Schools, Part II (1999).

If the complaint is about the principal or a staff member's direct supervisor, then the Superintendent/Designee or appropriate administrator shall be asked to address the complaint.

The trained Investigative Designee(s) will make the determination if a reported act of bullying or harassment falls within the scope of SCCOE policies and regulations.

- A. If it is within the scope of SCCOE policies and regulations, move to Procedures for Investigating Bullying and/or Harassment as outlined below.
- B. If it is outside the scope and determined an alleged criminal act, refer to appropriate law enforcement, provide any applicable interventions, and document according to Policy.
- C. If it is outside the scope and determined not a criminal act, inform parents/guardians of all students involved, provide appropriate interventions and document according to Policy.

Internal Investigation:

- A. The procedures for investigating school-based bullying must include the principal/designee and/or the Investigative Designee, in the case of student- to-student bullying. The principal, Investigative Designee and Prevention outlined in this Policy. For incidents at the area or for school-based adult- on- adult bullying, the appropriate administrator will be responsible for the investigation as outlined in this policy and will run concurrently and in addition, to all agreed upon procedures for staff discipline
- B. The investigator may not be the accused or the alleged victim
- C. The principal/designee or appropriate administrator shall begin a thorough investigation with the alleged victim and accused within two (2) school days of receiving a notification of complaint. The school administrators/designees will provide immediate notification to the parents of both the victim and the alleged perpetrator of an act of bullying or harassment.
- D. During the investigation, the principal/designee or appropriate administrator may take any action necessary to protect the complainant, alleged victim, other students or employees consistent with the requirements of applicable regulations and statutes.
 - 1. Documented interviews of the alleged victim, alleged perpetrator, and witnesses are conducted privately, separately, and are confidential. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim to be interviewed together.

2. At no time during the investigation will the name of the complainant be revealed by the investigator.
 3. In general, student complainants and/or alleged victims will continue attendance at the same school and pursue their studies as directed while the investigation is conducted and the complaint is pending resolution. Any legal order of a court will prevail.
 4. When necessary to carry out the investigation or for other good reasons, and consistent with federal and state privacy laws, the principal/designee or appropriate administrator also may discuss the complaint with any school district employee, the parent of the alleged victim, the parent of the complainant or accused, if one or both is a minor (or has given consent or is an adult who has been determined to be incompetent or unable to give informed consent due to disability), and or child protective agencies responsible for investigating child abuse.
 5. During the investigation where an employee is the accused, the principal/designee or the appropriate administrator may recommend to the Chief Student Officer and/or Executive Director of Human Resources/designee, any action necessary to protect the complainant, the alleged victim, or other students or employees, consistent with the requirements of applicable statutes, Board of Education Policies, and collective bargaining agreements.
- E. Within ten (10) school days of the notification as to the filing of the complaint, there shall be a written decision by the Principal/Designee or appropriate administrator regarding the completion and determination of the investigation. The principal/designee shall make a decision about the validity of the allegations in the complaint and about any corrective action, if applicable, consistent with the School Program Discipline Plan.
- F. The Principal/Designee or appropriate administrator will inform all relevant parties in writing of the decision and the right to appeal. A copy of the decision will be sent to the originating school and be noted in all relevant data tracking systems.
- G. If the accused is an employee, discipline may be taken, consistent with any applicable collective bargaining agreement provisions, to resolve a complaint of bullying. The supervisor/designee of the employee shall discuss the detention and any recommended corrective action with the appropriate supervisor and the Executive Director of Human Resources or designee.
- H. No retaliation of any kind is pennitted in connection with an individual's having made a bullying complaint and if it occurs, it shall be deemed an additional act of bullying as stated herein this Policy.

Informal Resolution

The administrator, along with the alleged victim and the accused/student, may agree to informally resolve the complaint. Documented interviews of the victim, alleged perpetrator, and witnesses are conducted privately and are confidential. Each individual (victim, alleged perpetrator and witnesses) will be interviewed separately, and at no time will the alleged perpetrator and victim be interviewed together. Each party's agreement to Informal Resolution must be in writing.

Formal Resolution

The alleged victim/complainant/student/employee or parent(s), on behalf of the student, may file a written complaint with the principal/designee or appropriate administrator.

Based on the level of infraction, parents will be promptly notified of any actions being taken to protect the victim via written notice, telephone or personal conference; the frequency of notification will depend on the seriousness of the bullying incident.

The resolution, all interviews and interventions that take place and the corresponding dates shall be documented in writing and/or noted in a specified data system.

External Investigation

If the act is outside the scope of the SCCOE, and determined a criminal act, referral to appropriate law enforcement shall be made immediately, the parent will be notified, and the referral documented by the principal/designee in the specified format.

While SCCOE does not assume any liability for incidences that must be referred for external investigation, it encourages the provision of assistance and intervention as the principal/designee deems appropriate, including the use of the School Resource Officer and other personnel. The principal/designee shall log all reports and interventions.

Prevention

The SCCOE shall provide students with instruction, in the classroom or other educational settings, that promotes communication, social skills, and assertiveness skills and educates students about appropriate online behavior and strategies to prevent and respond to bullying as defined in this policy.

(cf 1220 - Citizen Advisory Committees)
(cf 6163.4 - Student Use of Technology)

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

(cf 4131 - Staff Development)
(cf 4231- Staff Development)
(cf 4331- Staff Development)
(cf 5136- Gangs)

Legal Reference:
EDUCATION CODE

200-262.4 Prohibition of discrimination

32261

Bullying

32282 Comprehensive School

Safety Plans

32283 Workshops; Contracts with law enforcement and educator trainers

35181 Governing board policy on responsibilities of students

35291-35291.5

Rules

44807 Duty concerning conduct of students

48900-48925 Suspension or expulsion, especially:

48908 Duties of students

48950 Student Free Speech Off School Campus

51512 Prohibition against electronic listening or recording device in classroom without permission

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE

288.2 Harmful matter with intent to seduce

313 Harmful matter

417.25-417.27

Laserscope

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

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

653.2 Electronic communication devices, threats to safety

VEHICLE CODE

23124 Use of cellular phones provisional license holders

CODE OF REGULATIONS, TITLE 5

300-307 Duties of pupils

Policy adopted:
May 16, 2012

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California

Santa Clara COE

Board Policy

Student Use of Technology

BP 6163.4

Instruction

The Santa Clara County Board of Education (County Board) intends that technological resources provided by the Santa Clara County Office of Education (SCCOE) be used in a safe, responsible, and proper manner in support of the instructional program and for the advancement of student learning.

(cf. 0440 - SCCOE Technology Plan)

(cf. 1113 - SCCOE Web Sites)

(cf. 4040 - Employee Use of Technology)

(cf. 5131 - Conduct)

The Santa Clara County Superintendent of Schools (County Superintendent) or designee shall notify students and parents/guardians about authorized uses of SCCOE technology, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities in accordance with Board policy, SCCOE regulations, and the Acceptable Use Agreement.

SCCOE technology includes, but is not limited to, computers, the SCCOE's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through SCCOE-owned or personally owned equipment or devices.

Before a student is authorized to use the SCCOE technological resources, the student and his/her parent/guardian shall sign and return the Acceptable Use Agreement specifying user obligations and responsibilities. In that agreement, the student and his/her parent/guardian shall agree not to hold the SCCOE or any SCCOE staff responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes or negligence. They shall also agree to indemnify and hold harmless SCCOE personnel for any damages or costs incurred.

(cf. 6162.6 - Use of Copyrighted Materials)

The SCCOE reserves the right to monitor student use of technology within the jurisdiction of the SCCOE without advance notice or consent. Students shall be informed that their use of SCCOE technology, including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, is not private and may be accessed by the SCCOE for the purpose of ensuring proper use. Students have no reasonable expectation of privacy in use of the SCCOE technology. Students' personally owned devices shall not be searched except in cases where there is a reasonable suspicion, based on specific and objective facts, that the search will uncover evidence of a violation of law, SCCOE policy, or SCCOE rules.

(cf. 5145.12 - Search and Seizure)

The County Superintendent or designee may gather and maintain information pertaining directly to school safety or student safety from the social media activity of any SCCOE student in accordance with Education Code 49073.63 and BP/AR 5125 - Student Records.

(cf. 5125 - Student Records)

Whenever a student is found to have violated Board policy or the SCCOE's Acceptable Use Agreement, the site administrator or designee may cancel or limit a student's user privileges or increase supervision of the student's use of the SCCOE's equipment and other technological resources, as appropriate. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law and Board policy.

(cf. 5144 - Discipline)

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

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

(cf. 5145.12 - Search and Seizure)

The County Superintendent or designee, with input from students and appropriate staff, shall regularly review and update this policy and other relevant procedures to enhance the safety and security of students using the SCCOE technological resources and to help ensure that SCCOE adapts to changing technologies and circumstances.

Use of SCCOE Computers for Online Services/Internet Access

The County Superintendent or designee shall ensure that all SCCOE computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. (20 USC 6777, 47 USC 254, 47 CFR 54.520)

To reinforce these measures, the County Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities. Staff shall supervise students while they are using online services and may have teacher aides, student aides, and volunteers assist in this supervision.

Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)

The SCCOE's Acceptable Use Agreement shall establish expectations for appropriate student conduct when using the Internet or other forms of electronic communication, including, but not limited to, prohibitions against:

1. Accessing, posting, submitting, publishing, or displaying harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs.

(cf. 5131 - Conduct)
(cf. 5131.2 - Anti-Bullying Policy)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

2. Intentionally uploading, downloading, or creating computer viruses and/or maliciously attempting to harm or destroy SCCOE equipment or materials or manipulate the data of any other user, including so-called “hacking”.
3. Distributing personal identification information, including the name, address, telephone number, Social Security number, or other personally identifiable information, of another student, staff member, or other person with the intent to threaten, intimidate, harass, or ridicule that person.

The County Superintendent or designee shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services. Such instruction shall include, but not be limited to, the dangers of posting personal information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.

Legal Reference:

EDUCATION CODE

49073.6 Student records; social media
51006 Computer education and resources
51007 Programs to strengthen technological skills
51870-51874 Education technology
60044 Prohibited instructional materials

PENAL CODE

313 Harmful matter
502 Computer crimes, remedies
632 Eavesdropping on or recording confidential communications
653.2 Electronic communication devices, threats to safety

UNITED STATES CODE, TITLE 15

6501-6506 Children's Online Privacy Protection Act

UNITED STATES CODE, TITLE 20

6751-6777 Enhancing Education Through Technology Act, Title II, Part D, especially:

6777 Internet safety

UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.12 Children's Online Privacy Protection Act

CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 Internet safety policy and technology protection measures, E-rate discounts

Management Resources:

CSBA PUBLICATIONS

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

FEDERAL TRADE COMMISSION PUBLICATIONS

How to Protect Kids' Privacy Online: A Guide for Teachers, December 2000

WEB SITES

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

American Library Association: <http://www.ala.org>

California Coalition for Children's Internet Safety: <http://www.cybersafety.ca.gov>

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

Center for Safe and Responsible Internet Use: <http://csriu.org>

Federal Communications Commission: <http://www.fcc.gov>

Federal Trade Commission, Children's Online Privacy

Protection: <http://www.ftc.gov/privacy/privacyinitiatives/childrens.html>

U.S. Department of Education: <http://www.ed.gov>

adopted: October 20, 2010

revised: November 18, 2015

Santa Clara COE

Board Policy

Conduct

BP 5131

Students

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

(cf. 5131.1 - Bus Conduct)

(cf. 6145.2 - Athletic Competition)

The Santa Clara County Superintendent of Schools or designee shall ensure that each school site develops standards of conduct and discipline consistent with Santa Clara County Office of Education policies and administrative regulations. Students and parents/guardians shall be notified of SCCOE and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5142 - Safety)

2. Conduct that disrupts the orderly classroom or school environment

(cf. 5131.4 - Student Disturbances)

3. Harassment or bullying of students or staff, 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, in accordance with the section entitled "Bullying/Cyberbullying" below

Cyberbullying includes the transmission of communications, posting of harassing messages, direct threats, or other harmful texts, sounds, or images on the Internet, social networking sites, or other digital 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. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

4. Damage to or theft of property belonging to students, staff, or the SCCOE

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

(cf. 5131.5 - Vandalism and Graffiti)

5. Possession or use of a laser pointer, unless used for a valid instructional or other school related purpose, including employment (Penal Code 417.27)

Prior to bringing a laser pointer on school premises, students shall first obtain permission from the principal or designee. The principal or designee shall determine whether the requested use of the laser pointer is for a valid instructional or other school-related purpose.

6. Use of profane, vulgar, or abusive language

(cf. 5145.2 - Freedom of Speech/Expression)

7. Plagiarism or dishonesty on school work or tests

(cf. 5131.9 - Academic Honesty)

(cf. 6162.54 - Test Integrity/Test Preparation)

(cf. 6162.6 - Use of Copyrighted Materials)

8. Inappropriate attire

(cf. 5132 - Dress and Grooming)

9. Tardiness or unexcused absence from school

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Truancy)

10. Failure to remain on school premises in accordance with school rules

(cf. 5112.5 - Open/Closed Campus)

11. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.62 - Tobacco)

(cf. 5131.63 - Steroids)

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or administrator for further investigation.

Students who violate SCCOE or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of the privilege of participation in extracurricular or curricular activities in accordance with Board policy and administrative regulation. The County Superintendent or designee shall notify local law enforcement as appropriate.

(cf. 1020 - Youth Services)

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

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5127 - Graduation Ceremonies and Activities)

(cf. 5144 - Discipline)

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

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

(cf. 6020 - Parent Involvement)

(cf. 6145 - Extracurricular and Curricular Activities)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

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

Possession/Use of Cellular Phones and Other Mobile Communications Devices

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

Allow on campus but cannot be used except in an emergency.

The first time a disruption occurs or a student uses any mobile communications device for improper activities, a school employee shall direct the student to turn off the device and/or shall confiscate it. If the school employee finds it necessary to confiscate the device, he/she shall return it at the end of the class period or school day. The second time the parent picks it up at school, and the third time, there will be a parent conference and the student may not use the cell phone at school.

In accordance with BP/AR 5145.12 - Search and Seizure, a school official may search a student's mobile communications device, including, but not limited to, reviewing messages or viewing pictures.

(cf. 5145.12 - Search and Seizure)

Students shall not use mobile communications devices, even in hands-free mode, while driving on school grounds or to and from a school-related activity.

A student who violates this policy may be prohibited from possessing a mobile communications device at school or school-related events and/or may be subject to further discipline in accordance with Board policy and administrative regulation.

Bullying/Cyberbullying

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

(cf. 5137 - Positive School Climate)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6164.2 - Guidance/Counseling Services)

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

(cf. 1220 - Citizen Advisory Committees)

(cf. 6163.4 - Student Use of Technology)

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 5136 - Gangs)

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

When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff, or to threaten SCCOE property, the investigation shall include documentation of the activity,

identification of the source, and specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

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

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32261 Bullying

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension or expulsion, especially:

48908 Duties of students

51512 Prohibition against electronic listening or recording device in classroom without permission

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE

288.2 Harmful matter with intent to seduce

313 Harmful matter

417.25-417.27 Laser scope

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

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

653.2 Electronic communication devices, threats to safety

VEHICLE CODE

23124 Use of cellular phones provisional license holders

CODE OF REGULATIONS, TITLE 5

300-307 Duties of pupils

UNITED STATES CODE, TITLE 42

2000h-2000h6 Title IX, 1972 Education Act Amendments

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

COURT DECISIONS

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

LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981

Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088

Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675
Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 50

Management Resources:

CSBA PUBLICATIONS

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Digital Discipline: Off-Campus Student Conduct, the First Amendment and Web Sites, School Law in Review, 2001

NATIONAL SCHOOL SAFETY CENTER PUBLICATIONS

Bullying in School: Fighting the Bullying Battle, 2006

WEB SITES

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

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

California Department of Education, Safe Schools Office:

<http://www.cde.ca.gov/lr/ss>

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

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

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

U.S. Department of Education: <http://www.ed.gov>

Policy adopted:
October 20, 2010

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California

Santa Clara COE

Board Policy

Student Wellness

BP 5030

Students

The Santa Clara County Board of Education (County Board) recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for Santa Clara County Office of Education (SCCOE) students. The Santa Clara County Superintendent of Schools (County Superintendent) or designee shall coordinate and align SCCOE efforts to support student wellness through health education, physical education and activity, health services, nutrition services, psychological and counseling services, and a safe and healthy school environment. In addition, the County Superintendent or designee shall develop strategies for promoting staff wellness and for involving parents/guardians and the community in reinforcing students' understanding and appreciation for the importance of a healthy lifestyle.

(cf. 1020 - Youth Services)

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.62 - Tobacco)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

(cf. 5141.6 - School Health Services)

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

To encourage consistent health messages between the home and school environment, the County Superintendent or designee may disseminate health information to parents/guardians through SCCOE or school newsletters, handouts, parent/guardian meetings, the SCCOE or school web trainings site, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.

(cf. 1113 - SCCOE Web Sites)

(cf. 6020 - Parent Involvement)

School Wellness Council

The County Superintendent or designee shall encourage parents/guardians, students, food service employees, physical education teachers, school health professionals, Board members, school administrators, and members of the public to participate in the development, implementation, and periodic review and update of the SCCOE's student wellness policy. (42 USC [1758b](#); 7 CFR [210.30](#))

Nutrition Education and Physical Activity Goals

The Superintendent shall adopt goals for nutrition education, physical activity, and other school-based activities that are designed to promote student wellness in a manner that the SCCOE determines appropriate. (42 USC 1758b; 7CFR 210.30)

(cf. 0000 - Vision)

(cf. 0200 - Goals for the SCCOE)

The SCCOE nutrition education and physical education programs shall be based on research, consistent with the expectations established in the state's curriculum frameworks and content standards, and designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

The nutrition education program shall include, but is not limited to, information about the benefits of healthy eating for learning, disease prevention, weight management, and oral health. Nutrition education shall be provided as part of the health education program and, as appropriate, shall be integrated into other academic subjects in the regular educational program, before- and after-school programs, summer learning programs, and school garden programs.

All students shall be provided opportunities to be physically active on a regular basis.

Opportunities for moderate to vigorous physical activity shall be provided through physical education, recess, school athletic programs, extracurricular programs, before- and/or after-school programs, and other structured and unstructured activities.

(cf. 6142.7 - Physical Education and Activity)

SCCOE shall encourage staff to serve as positive role models. He/she shall promote and may provide opportunities for regular physical activity among employees. Professional development may include instructional strategies that assess health knowledge and skills and promote healthy behaviors.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

In order to ensure that students have access to comprehensive health services, the SCCOE may provide access to health services at or near SCCOE schools and/or may provide referrals to community resources.

The County Board recognizes that a safe, positive school environment is also conducive to students' physical and mental health and thus prohibits bullying and harassment of all students, including bullying on the basis of weight or health condition.

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

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

SCCOE prohibits the marketing and advertising of non-nutritious foods and beverages through

signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, coupon or incentive programs, or other means.

(cf. 1325 - Advertising and Promotion)

Nutritional Guidelines for Foods Available at School

For all foods and beverages available on each campus during the school day, the SCCOE shall adopt nutritional guidelines which are consistent with 42 USC 1758, 1766, 1773, and 1779 and federal regulations and which support the objectives of promoting student health and reducing childhood obesity. (42 USC 1758b)

In order to maximize the SCCOE's ability to provide nutritious meals and snacks, all SCCOE schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs and after-school snack programs, to the extent possible. When approved by the California Department of Education, the SCCOE may sponsor a summer meal program.

(cf. [3550](#) - Food Service/Child Nutrition Program)

(cf. [5141.27](#) - Food Allergies/Special Dietary Needs)

(cf. [5148](#) - Child Care and Development)

(cf. [5148.3](#) - Preschool/Early Childhood Education)

The Superintendent or designee shall provide access to free, potable water in the food service area during meal times in accordance with Education Code [38086](#) and 42 USC [1758](#), and shall encourage students' consumption of water by educating them about the health benefits of water and by serving water in an appealing manner.

The SCCOE believes that all foods and beverages sold to students at SCCOE schools, including those available outside the SCCOE's reimbursable food services program, should support the health curriculum and promote optimal health. Nutritional standards adopted by the SCCOE for all foods and beverages sold to students, including foods and beverages provided through the SCCOE food service program, student stores, vending machines, fundraisers, or other venues, shall meet or exceed state and federal nutritional standards.

(cf. 3312 - Contracts)

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3554 - Other Food Sales)

(cf. 5148 - Child Care and Development)

(cf. 5148.3 - Preschool/Early Childhood Education)

The SCCOE shall encourage school organizations to use healthy food items or non-food items for fundraising purposes. The SCCOE shall also encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior.

School staff shall encourage parents/guardians or other volunteers to support the SCCOE nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties and by limiting foods or beverages that do not meet nutritional standards to no more than one such food or beverage per party. Class parties or celebrations shall be held after the lunch period when possible.

Guidelines for Reimbursable Meals

Foods and beverages provided through federally reimbursable school meal programs shall meet or exceed federal regulations and guidance issued pursuant to 42 USC 1758(f)(1), 1766(a), and 1779(a) and (b), as they apply to schools. (42 USC 1751 Note)

In order to maximize the SCCOE ability to provide nutritious meals and snacks, all SCCOE schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs, to the extent possible.

Program Implementation and Evaluation

The Superintendent designates the individual(s) identified below as the individual(s) responsible for ensuring that each school site complies with the SCCOE's wellness policy. (42 USC [1758b](#); 7 CFR [210.30](#))

Chief Schools Officer
(408) 453-6560

The County Superintendent or designee shall assess the implementation and effectiveness of this policy at least once every three years. (42 USC 1758b; 7 CFR 210.30)

The assessment shall include the extent to which SCCOE schools are in compliance with this policy, the extent to which this policy compares to model wellness policies available from the U.S. Department of Agriculture, and a description of the progress made in attaining the goals of the wellness policy. (42 USC [1758b](#))

The County Superintendent or designee shall invite feedback on SCCOE and school wellness activities from food service personnel, school administrators, the wellness council, parents/guardians, students, teachers, before- and after-school program staff, and/or other appropriate persons.

To determine whether the policy is being effectively implemented SCCOE-wide and at each SCCOE school, the following indicators shall be used:

1. Descriptions of the SCCOE nutrition education, physical education, and health education curricula
2. Number of minutes of physical education instruction offered at each grade span
3. Number and type of exemptions granted from physical education
4. Results of the state's physical fitness test
5. An analysis of the nutritional content of meals served based on a sample of menus
6. Student participation rates in school meal programs
7. Any sales of non-nutritious foods and beverages in fundraisers or other venues outside of the SCCOE meal programs

8. Feedback from food service personnel, school administrators, the school health council, parents/guardians, students, and other appropriate persons
9. Any other indicators recommended by the County Superintendent and approved by the County Board

In addition, the County Superintendent or designee shall prepare and maintain the proper documentation and records needed for the administrative review of the SCCOE's wellness policy conducted by the California Department of Education (CDE) every three years.

The assessment results of both the SCCOE and state evaluations shall be submitted to the Board for the purposes of evaluating policy and practice, recognizing accomplishments, and making policy adjustments as needed to focus SCCOE resources and efforts on actions that are most likely to make a positive impact on student health and achievement.

Notifications

The County Superintendent or designee shall inform the public about the content and implementation of the SCCOE's wellness policy and shall make the policy, and any updates to the policy, available the public on an annual basis. He/she shall also inform the public of the SCCOE's progress towards meeting the goals of the wellness policy, including the availability of the triennial SCCOE assessment. (Education Code [49432](#); 42 USC [1758b](#); 7 CFR [210.30](#))
(cf. [5145.6](#) - Parental Notifications)

The County Superintendent or designee shall distribute this information through the most effective methods of communication, including SCCOE or school newsletters, handouts, parent/guardian meetings, SCCOE and school web sites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and wellness and academic performance.

(cf. [1100](#) - Communication with the Public)
(cf. [1113](#) - SCCOE Web Sites)
(cf. [6020](#) - Parent Involvement)

Each school may post a summary of nutrition and physical activity laws and regulations prepared by the CDE.

Records

The County Superintendent or designee shall retain records that document compliance with 7 CFR [210.30](#), including, but not limited to, the written student wellness policy, documentation of the triennial assessment of the wellness policy for each school site, and documentation demonstrating compliance with the community involvement requirements, including requirements to make the policy and assessment results available to the public. (7 CFR [210.30](#))

Legal Reference:

EDUCATION CODE

33350-33354 CDE responsibilities re: physical education
38086 Free fresh drinking water
49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001
49490-49494 School breakfast and lunch programs
49500-49505 School meals
49510-49520 Nutrition
49530-49536 Child Nutrition Act
49540-49546 Child care food program
49547-49548.3 Comprehensive nutrition services
49550-49561 Meals for needy students
49565-49565.8 California Fresh Start pilot program
49570 National School Lunch Act
51210 Course of study, grades 1-6
51210.4 Nutrition education
51220 Course of study, grades 7-12
51222 Physical education
51223 Physical education, elementary schools
51795-51796.5 School instructional gardens
51880-51921 Comprehensive health education

CODE OF REGULATIONS, TITLE 5

15500-15501 Food sales by student organizations
15510 Mandatory meals for needy students
15530-15535 Nutrition education
15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769 National School Lunch Program, especially:
1751 Note Local wellness policy
1771-1791 Child Nutrition Act, including:
1773 School Breakfast Program

1779 Rules and regulations, Child Nutrition Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program
210.30 Wellness policy
220.1-220.21 National School Breakfast Program

COURT DECISIONS

Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781

Management Resources:

CSBA PUBLICATIONS

Integrating Physical Activity into the School Day, Governance Brief, April 2016

Increasing Access to Drinking Water in Schools, Policy Brief, April 2013

Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, rev. 2012

Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. April 2012

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2012

Physical Activity and Physical Education in California Schools, Research Brief, April 2010

Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009

Safe Routes to School: Program and Policy Strategies for School Districts, Policy Brief, 2009

Physical Education and California Schools, Policy Brief, rev. October 2007

School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003

Physical Education Framework for California Public Schools, Kindergarten Through Grade 12, 2009

CALIFORNIA PROJECT LEAN PUBLICATIONS

Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006

CENTER FOR COLLABORATIVE SOLUTIONS

Changing Lives, Saving Lives: A Step-by-Step Guide to Developing Exemplary Practices in Healthy Eating, Physical Activity and Food Security in Afterschool Programs, January 2015

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide, rev. 2012

FEDERAL REGISTER

Rules and Regulations, July 29, 2016, Vol. 81, Number 146, pages 50151-50170

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

Fit, Healthy and Ready to Learn, rev. 2012

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Dietary Guidelines for Americans, 2016

WEB SITES

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

Action for Healthy Kids: <http://www.actionforhealthykids.org>

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

California Department of Public Health: <http://www.cdph.ca.gov>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

California School Nutrition Association: <http://www.calsna.org>

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

Dairy Council of California: <http://www.dairycouncilofca.org>

National Alliance for Nutrition and Activity: <http://www.cspinet.org/nutritionpolicy/nana.html>

National Association of State Boards of Education: <http://www.nasbe.org>

National School Boards Association: <http://www.nsba.org>
School Nutrition Association: <http://www.schoolnutrition.org>
Society for Nutrition Education: <http://www.sne.org>
U.S. Department of Agriculture, Food Nutrition Service, wellness policy:
http://www.fns.usda.gov/tn/Healthy/wellnesspolicy_steps.html

Adopted: October 20, 2010
Revised: September 6, 2017

Santa Clara COE

Board Policy

High School Graduation Requirements

BP 6146.1

Instruction

The Santa Clara County Board of Education (County Board) desires to prepare all students to obtain a high school diploma to enable them to take advantage of opportunities for postsecondary education and/or employment.

(cf. 5127 - Graduation Ceremonies and Activities)

(cf. 5147 - Dropout Prevention)

(cf. 6143 - Courses of Study)

(cf. 6146.3 - Reciprocity of Academic Credit)

Course Requirements

To obtain a high school diploma students shall complete at least the following courses in grades 9-12, with each course being one year unless otherwise specified:

1. Three courses in English (Education Code 51225.3)

(cf. 6142.91 - Reading/Language Arts Instruction)

2. Two courses in mathematics (Education Code 51225.3)

At least one mathematics course, or a combination of the two mathematics courses shall meet or exceed state academic content standards for Algebra I or Mathematics I. Completion of such coursework prior to grade 9 shall satisfy the Algebra I or Mathematics I requirement, but shall not exempt a student from the requirement to complete two mathematics courses in grades 9-12. (Education Code 51224.5)

Students may be awarded up to one mathematics course credit for successful completion of an approved computer science course that is classified as a "category c" course based on the "a-g" course requirements for college admission. (Education Code 51225.3, 51225.35)

(cf. 6011 - Academic Standards)

(cf. 6142.92 - Mathematics Instruction)

3. Two courses in science, including biological and physical sciences (Education Code 51225.3)

(cf. 6142.93 - Science Instruction)

4. Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics (Education Code 51225.3)

(cf. 6142.3 - Civic Education)

5. Two courses in visual or performing arts, foreign language, or American Sign Language or career technical education (CTE) (Education Code 51225.3)

(cf. 6142.2 - World/Foreign Language Instruction)

(cf. 6142.6 - Visual and Performing Arts Education)

(cf. 6178 - Career Technical Education)

(cf. 6178.2 - Regional Occupational Center/Program)

6. Two courses in physical education, unless the student has been otherwise exempted pursuant to other sections of the Education Code (Education Code 51225.3)

(cf. 6142.7 - Physical Education and Activity)

7. Ten units in computer applications

8. Ten units in life skills, health and HIV/AIDS prevention and instruction in sexual harassment and violence, including, but not limited to, information on the affirmative consent standard. (Education Code 51225.36)

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

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

(cf. 6142.8 - Comprehensive Health Education)

9. Forty units in general electives

Santa Clara County Office of Education students will complete 200 units for graduation. Students do have the option to earn credits for service learning/community service classes or complete a senior multidisciplinary project if these options are available. However, these course credits are optional and are not required for graduation.

Because the prescribed course of study may not accommodate the needs of some students, County Board shall provide alternative means for the completion of prescribed courses in accordance with law.

(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

The County Superintendent or Superintendent's designee shall exempt or waive specific course requirements for foster youth or children of military families in accordance with Education Code 51225.1 and 49701.

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education for Children of Military Families)

Retroactive Diplomas

Until July 31, 2018, any student who completed grade 12 in the 2003-04 school year or a subsequent school year and has met all applicable graduation requirements other than the passage of the high school exit examination shall be granted a high school diploma. (Education Code 60851.6)

The SCCOE may retroactively grant a high school diploma to a former student who was interned by order of the federal government during World War II or who is an honorably discharged veteran of World War II, the Korean War, or the Vietnam War, provided that he/she was enrolled in a SCCOE school immediately preceding the internment or military service and he/she did not receive a diploma because his/her education was interrupted due to the internment or military service. (Education Code 51430)

The SCCOE also may retroactively grant a diploma to a deceased former student who satisfies the above conditions. The diploma shall be received by the deceased student's next of kin. (Education Code 51430)

In addition, the district may grant a diploma to a veteran who entered the military service of the United States while he/she was a district student in grade 12 and who had completed the first half of the work required for grade 12. (Education Code 51440)

Legal Reference:

EDUCATION CODE

47612 Enrollment in charter school

48200 Compulsory attendance

48412 Certificate of proficiency

48430 Continuation education schools and classes

48645.5 Acceptance of coursework

[48980](#) Required notification at beginning of term

49701 Interstate Compact on Educational Opportunity for Military Children

51224 Skills and knowledge required for adult life

51224.5 Algebra instruction

51225.1 Exemption from district graduation requirements

51225.2 Pupil in foster care defined; acceptance of coursework, credits, retaking of course

51225.3 High school graduation

51225.35 Mathematics course requirements; computer science

[51225.36](#) Instruction in sexual harassment and violence; districts that require health education for graduation

51225.5 Honorary diplomas; foreign exchange students

51228 Graduation requirements

51240-51246 Exemptions from requirements

51250-51251 Assistance to military dependents

51410-51412 Diplomas

51420-51427 High school equivalency certificates

51450-51455 Golden State Seal Merit Diploma

51745 Independent study restrictions

56390-56392 Recognition for educational achievement, special education

[60851.5](#) Suspension of high school exit examination

[60851.6](#) Retroactive diploma; completion of all graduation requirements except high school exit examination

66204 Certification of high school courses as meeting university admissions criteria

[67386](#) Student safety; affirmative consent standard

CODE OF REGULATIONS, TITLE 5

1600-1651 Graduation of students from grade 12 and credit toward graduation

COURT DECISIONS

O'Connell v. Superior Court (Valenzuela), (2006) 141 Cal.App.4th 1452

Management Resources:

WEB SITES

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

California Department of Education, High School: <http://www.cde.ca.gov/ci/gshs>

University of California, List of Approved a-g Courses:

<http://www.universityofcalifornia.edu/admissions/freshman/requirements>

adopted: October 21, 2009

revised: May 16, 2012, September 17, 2014, May 4, 2016, March 1, 2017

Santa Clara COE

Board Policy

Certificate of Proficiency/High School Equivalency

BP 6146.2

Instruction

The Santa Clara County Board of Education desires that every student have the opportunity to earn a high school diploma through successful completion of class work and examination. However, when a student is unable to do so, County Board encourages completion of an alternative program that allows him/her to obtain an equivalent certificate.

(cf. 5147 - Dropout Prevention)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

(cf. 6200 - Adult Education)

Eligible persons may obtain a certificate of proficiency or a high school equivalency certificate in accordance with law, Board policy and administrative regulation.

The Santa Clara County Superintendent of Schools or designee shall make information available to interested persons regarding the eligibility and examination requirements of each program.

(cf. 6164.2 - Guidance/Counseling Services)

Legal Reference:

EDUCATION CODE

48400-48403 Persons subject to compulsory continuation education

48410 Persons exempt from continuation classes

48412 Certificate of proficiency; examination fees

48413 Enrollment in continuation classes

48414 Reenrollment in district

51420-51427 High school equivalency certificate

CODE OF REGULATIONS, TITLE 5

11520-11523 Proficiency examination and certificate

11530-11532 High school equivalency certificate (GED)

Management Resources:

CDE PUBLICATIONS

Adult Education Handbook for California, 1997

WEB SITES

CDE, GED Office: <http://www.cde.ca.gov/ged>

CDE, High School Proficiency: <http://www.cde.ca.gov/statetests/chspe>

Policy adopted:
October 20, 2010

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California

Santa Clara COE

Administrative Regulation

Suicide Prevention

No. 5141.52

Students

Instruction

At appropriate secondary grades, the Santa Clara County Office of Education suicide prevention instruction shall be designed to help students:

1. Identify and analyze signs of depression and self-destructive behaviors and understand how feelings of depression, loss, isolation, inadequacy, and anxiety can lead to thoughts of suicide
2. Identify alternatives to suicide and develop coping and resiliency skills
3. Learn to listen, be honest, share feelings, and get help when communicating with friends who show signs of suicidal intent
4. Identify trusted adults, school resources, and/or community crisis intervention resources where youth can get help and recognize that there is no stigma associated with seeking mental health, substance abuse, and/or suicide prevention services

(cf 1020 - Youth Services)

(cf 5131.6 - Alcohol and Other Drugs)

(cf 5141.6 - School Health Services)

(cf 6142.8 - Comprehensive Health Education)

(cf 6164.2 - Guidance/Counseling Services)

Intervention

When a suicide attempt or threat is reported, the principal or designee shall:

1. Ensure the student's physical safety by one of the following, as appropriate:
 - a. Securing immediate medical treatment if a suicide attempt has occurred
 - b. Securing law enforcement and/or other emergency assistance if a suicidal act is being actively threatened
 - c. Keeping the student under continuous adult supervision until the parent/guardian and/or appropriate support agent or agency can be contacted and has the opportunity to intervene

(cf 5141- Health Care and Emergencies)

2. Designate specific individuals to be promptly contacted, including the school counselor, psychologist, nurse, Santa Clara County Superintendent of Schools, and/or the student's parent/guardian, and, as necessary, local law enforcement or mental health agencies
3. Document the incident in writing as soon as feasible

(cf 5125- Student Records)

4. Follow up with the parent/guardian and student in a timely manner to provide referrals to appropriate services as needed
5. Provide access to counselors or other appropriate personnel to listen to and support students and staff who are directly or indirectly involved with the incident at the school
6. Provide an opportunity for all who respond to the incident to debrief, evaluate the effectiveness of the strategies used, and make recommendations for future actions

In the event that a suicide occurs or is attempted on campus, the principal or designee shall follow the crisis intervention procedures contained in the school safety plan. After consultation with the County Superintendent or designee and the student's parents/guardians about facts that may be divulged in accordance with the laws governing confidentiality of student record information, the principal or designee may provide students, parents/guardians, and staff with information, counseling, and/or referrals to community agencies as needed. School staff may receive assistance from school counselors or other mental health professionals in determining how best to discuss the suicide or attempted suicide with students.

(cf 0450- Comprehensive Safety Plan)

(cf 1112- Media Relations)

Regulation approved:

October 20, 2010

May 15, 2013, January 15, 2014

SANTA CLARA COUNTY OFFICE OF EDUCATION

San Jose, California

Santa Clara County Office of Education

Board Policy

Uniform Complaint Procedures

BP 1312.3

Community Relations

The Santa Clara County Board of Education (County Board) recognizes that the Santa Clara County Office of Education (SCCOE) has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The SCCOE shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, harassment, intimidation and/or bullying, and seek to resolve those complaints in accordance with the procedures set out in 5 CCR 4600- 4687 and in accordance with the policies and procedures of the County Board and the accompanying administrative regulation.

The SCCOE's uniform complaint procedure (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging failure to comply with state and/or federal laws in:

Adult Education

After School Education and Safety Agricultural Vocational Education

American Indian Education Centers and Early Childhood Education Program

Assessments Bilingual Education

California Peer Assistance and Review Programs for Teachers

Career Technical and Technical Education; Career Technical; Technical Training

Career Technical Education

Child Care and Development Child Nutrition Compensatory Education

Consolidated Categorical Aid

Course Periods without Educational Content Economic Impact Aid

Education of Pupils in Foster Care, Pupils who are Homeless, and former

Juvenile Court Pupils now enrolled in a school district

English Learner Programs

Every Student Succeeds Act / No Child Left Behind (Titles I–VII) Local Control and Accountability Plans (LCAP)

Migrant Education

Physical Education Instructional Minutes Pupil Fees

Reasonable Accommodations to a Lactating Pupil Regional Occupational Centers and Programs School Safety Plans

Special Education State Preschool

Tobacco-Use Prevention Education

(cf. 3553 - Free and Reduced Price Meals)
(cf. 3555 - Nutrition Program Compliance)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)
(cf. 6159 - Individualized Education Program)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Career Technical Education)
(cf. 6178.1 - Work-Based Learning)
(cf. 6178.2 - Regional Occupational Center/Program)
(cf. 6200 - Adult Education)

2. Any complaints alleging unlawful discrimination, such as discriminatory harassment, intimidation, and/or bullying against any protected group as identified in Education Code section 200 and 220 and in Government Code section 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55 or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity conducted by the SCCOE, which is funded directly by, or that receives or benefits from any state financial assistance. (Government Code 11135; Education Code 200, 220, 234.1; 5 CCR 4610; Penal Code 422.55)

(cf. 0410 – Nondiscrimination in SCCOE Programs and Activities)
(cf. 5145.3 – Nondiscrimination/Harassment)
(cf. 5145.7 – Sexual Harassment)

3. Any complaint alleging SCCOE noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed and infant child, or address other breastfeeding-related needs of the student (Education Code 222)

4. Any complaint alleging SCCOE noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

(cf. 3260 – Fees and Charges)

5. Any complaint alleging SCCOE noncompliance with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

6. Any complaint, by or on behalf of any student who is a foster youth, alleging SCCOE noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the SCCOE's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

(cf. 6173.1 – Education for Foster Youth)

7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, alleging SCCOE noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)

(cf. 6173 – Education for Homeless Youth)

8. Any complaint alleging SCCOE noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)

9. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

10. Any other complaint as specified in a SCCOE Board policy

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is acceptable to all parties. ADR such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The County Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The SCCOE shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. As appropriate for any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the County Superintendent or designee shall keep confidential the

identity of the complainant and/or the subject of the complaint if he/she is different from the complainant, as long as the integrity of the complaint process is maintained.

(cf. 4119.23/4219.23/4319.23 – Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 – Student Records)
(cf. 9011 – Disclosure of Confidential/Privileged Information)

When an allegation that is not subject to the UCP is included in a UCP complaint, the SCCOE shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the SCCOE's UCP.

The County Superintendent or designee shall provide training to SCCOE staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. 4131/4231/4331 – Staff Development)

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints in accordance with applicable law and district policy.

Non-UCP Complaints

The following complaints shall not be subject to the SCCOE's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.
4. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, the SCCOE's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

222 Reasonable accommodations; lactating students

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32289 School safety plan, uniform complaint procedures

35186 Williams uniform complaint procedures

48853-48853.5 Foster youth

48985 Notices in language other than English

49010-49013 Student fees

49060-49079 Student records

49069.5 Rights of parents

49490-49590 Child nutrition programs

51225.1-51225.2 Foster youth and homeless children; course credits;
graduation requirements

51228.1-51228.3 Course periods without educational content

52060-52077 Local control and accountability plan, especially:

52075 – Complaint for lack of compliance with Local Control and Accountability
Plan requirements

52160-52178 Bilingual education programs 52300-52490 Career technical
education

52500-52616.24 Adult schools

52800-52870 School-based program coordination

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs

56000-56867 Special education programs

59000-59300 Special schools and centers

64000-64001 Consolidated application process

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.55 Hate crime; definition
422.6 Interference with constitutional right or privilege
CODE OF REGULATIONS, TITLE 5
3080 Application of section
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 of the Education Amendments of 1972
6301-6577 Title I basic programs
6801-6871 Title III language instruction for limited English proficient and immigrant students
7101-7184 Safe and Drug-Free Schools and Communities Act
7201-7283g Title V promoting informed parental choice and innovative programs
7301-7372 Title V rural and low-income school programs
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
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
99.1-99.67 Family Educational Rights and Privacy Act
100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504
Designation of responsible employee for Title IX
Notification of nondiscrimination on basis of sex
110.25 Notification of nondiscrimination on the basis of age
Management Resources:
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter: Title IX Coordinators, April 2015
Questions and Answers on Title IX and Sexual Violence, April 2014
Dear Colleague Letter: Bullying of Students with Disabilities, August 2013
Dear Colleague Letter: Sexual Violence, April 2011
Dear Colleague Letter: Harassment and Bullying, October 2010
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001
U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI
Prohibition Against National Origin Discrimination Affecting Limited English
Proficient Persons, 2002

WEB SITES

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

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

Family Policy Compliance Office: <http://familypolicy.ed.gov>

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

U.S. Department of Justice: <http://www.justice.gov>

adopted: September 16, 1992

revised: May 18, 2005, June 3, 2009, May 15, 2013, June 18, 2014, October 7,
2015,

December 13, 2017

Santa Clara COE

Administrative Regulation

Williams Uniform Complaint Procedures

AR 1312.4

Community Relations

Types of Complaints

The Santa Clara County Office of Education shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred:

(Education Code 35186; 5 CCR 4680-4683)

1. Textbooks and instructional materials

- a. A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or SCCOE-adopted textbooks or other required instructional materials to use in class.
- b. A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
- c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

2. Teacher vacancy or misassignment

- a. A semester begins and a teacher vacancy exists.
- b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class.

(cf. 4112.22 - Staff Teaching Pupils of Limited English Proficiency)

- c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one semester course, a position to which a single

designated certificated employee has not been assigned at the beginning of the semester for an entire semester. (Education Code 35186; 5 CCR 4600)

Beginning of the year or semester means the first day classes necessary to serve all the pupils enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day pupils attend classes for that semester. (5 CCR 4600)

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code 35186; 5 CCR 4600)

(cf. 4112.2 - Certification)
(cf. 4113 - Assignment)

3. Facilities

a. A condition poses an emergency or urgent threat to the health or safety of pupils or staff.

Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of pupils or staff while at school, including, but not limited to, gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff; or structural damage creating a hazardous or uninhabitable condition. (Education Code 17592.72)

b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

Clean or maintained school restroom means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers. (Education Code 35292.5)

Open restroom means, except as necessary for pupil safety or to make repairs, the school has kept all restrooms open during school hours when pupils are not in classes and has kept a sufficient number of restrooms open during school hours when pupils are in classes. (Education Code 35292.5)

Filing of Complaint

A complaint alleging any condition(s) specified in items #1-3 above shall be filed with the principal or designee at the school in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Santa Clara County Superintendent of Schools (County Superintendent) or designee in a timely manner, but not to exceed 10 working days. (Education Code 35186; 5 CCR 4680)

Investigation and Response

The principal or designee shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186; 5 CCR 4685)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to the complaint, the principal or designee shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. If a response is requested, the response shall be made to the mailing address of the complainant as indicated on the complaint form. At the same time, the principal or designee shall report the same information to the County Superintendent or designee. (Education Code 35186; 5 CCR 4680, 4685)

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code 35186)

If a complainant is not satisfied with the resolution of a complaint, he/she has the right to describe the complaint to the County Superintendent at a scheduled meeting. (Education Code 35186; 5 CCR 4686)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of pupils or staff as described in item #3a above, a complainant who is not satisfied with the resolution proffered by the principal or County Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving SCCOE's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687)

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)

(cf. 1340 - Access to SCCOE Records)

Reports

The County Superintendent or designee shall report summarized data on the nature and resolution of all complaints to the County Board on a quarterly basis. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. These summaries shall be publicly reported on a quarterly basis at a regularly scheduled County Board meeting. (Education Code 35186; 5 CCR 4686)

Forms and Notices

The County Superintendent or designee shall ensure that SCCOE's Williams complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. However, complainants need not use the SCCOE Williams complaint form in order to file a complaint. (Education Code 35186)

The County Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186. (Education Code 35186)

Legal Reference:

EDUCATION CODE

234.1 Prohibition of discrimination, harassment, intimidation, and bullying

1240 County superintendent of schools, duties

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School accountability report card

35186 Williams uniform complaint procedure

3 5292.5 Restrooms, maintenance and cleanliness

48985 Notice to parents in language other than English

60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

4600 - 4687 Uniform complaint procedures, especially:

4680 - 4687 Williams uniform complaint procedures

Management Resources:

WEB SITES

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

California County Superintendents Educational Services Association:

<http://www.ccesa.org>

California Department of Education, Williams case:

<http://www.cde.ca.gov/eo/celwc/index.asp>

State Allocation Board, Office of Public School Construction:
<http://www.opsc.dgs.ca.gov>

Effective: March 29, 2016

Jon R. Gundry

County Superintendent of Schools

Santa Clara COE

Exhibit

Williams Uniform Complaint Procedures

E 1312.4

Community Relations

NOTICE TO PARENTS/GUARDIANS, PUPILS, AND TEACHERS: COMPLAINT RIGHTS

Parents/Guardians, Pupils, and Teachers:

Pursuant to Education Code 35186, you are hereby notified that:

1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials, each pupil, including English learners, must have a textbook or instructional material, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners, if present.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

5. A complaint form can be obtained at the school office or Santa Clara County Office of Education office, or downloaded from the SCCOE web site. You may also download a copy of the California Department of Education complaint form from the following web site:
<http://www.cde.ca.gov/re/cp/uc>.

WILLIAMS UNIFORM COMPLAINT PROCEDURES

COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURES

Education Code 35186 creates a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, teacher vacancy or misassignment, or the lack of opportunity to receive intensive instruction and services to pupils who did not pass one or both parts of the high school exit examination by the end of grade 12. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? ☐ Yes ☐ No

Contact Information:

Name:

Address:

Phone Number: Day: Evening:

E-mail address, if any:

Location of the problem that is the subject of this complaint:

School:

Course title/grade level and teacher name:

Room number/name of room/location of facility:

Date problem was observed:

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please use the appropriate district complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)

☐ A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or Santa Clara County Office of Education-adopted textbooks or other required instructional materials to use in class.

☐ A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.

___ Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

___ A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment: (Education Code 35186; 5 CCR 4681)

___ A semester begins and a teacher vacancy exists. A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

___ A teacher lacking credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.

___ A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

3. Facility conditions: (Education Code 35186, 35292.5; 5 CCR 4683)

___ A condition exists that poses an emergency or urgent threat to the health or safety of pupils or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff; or structural damage creating a hazardous or uninhabitable condition.

___ A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.

___ The school has not kept all restrooms open during school hours when pupils are not in classes and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when closing of the restroom is necessary for pupil safety or to make repairs.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of pupils or staff.

Please file this complaint at the following location:

Chief Schools Officer
Student Services Branch, MC 271
1290 Ridder Park Drive
San Jose, CA 95131

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

(signature)

(date)

Santa Clara COE

Board Policy

Weapons and Dangerous Instruments

BP 5131.7
Students

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

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515.3 - District Police/Security Department)
(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5131 - Conduct)
(cf. 5144 - Discipline)
(cf. 5138 - Conflict Resolution/Peer Mediation)

Possession of Weapons

The County Board prohibits any student from possessing weapons, imitation firearms, or dangerous instruments of any kind 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 County Board to maintain order and discipline in the schools and to protect the safety of students, staff, and the public, any school employee is authorized to confiscate a weapon, dangerous instrument, or imitation firearm from any 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 dangerous weapon or 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)

Advance Permission for Possession of a Weapon for Educational Purposes

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

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

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

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

Possession of Pepper Spray

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

Reporting of Dangerous Objects

The County 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 Santa Clara County Superintendent of Schools 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 County Superintendent or designee also shall inform staff, students, and parents/guardians that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

Legal Reference:

EDUCATION CODE

35291 District to prescribe rules for discipline of the schools

48900 Grounds for suspension/expulsion

48902 Notification of law enforcement authorities

48915 Required recommendation for expulsions

48916 Readmission
49330-49335 Injurious objects
PENAL CODE
245 Assault with deadly weapon
417.4 Imitation firearm; drawing or exhibiting
626.9 Gun-Free School Zone Act of 1995
626.10 Dirks, daggers, knives, razor or stun gun; bringing or possessing in
schoolSwitchblade knife
16100-17350 Definitions
12001 Control of deadly weapons
12020-12036 Unlawful carrying and possession of concealed weapons
12220 Unauthorized possession of a machine gun
12401-12404 Tear gas
12550-12556 BB devices and imitation firearms
UNITED STATES CODE, TITLE 20
6301-7941 No Child Left Behind Act, especially:
7151 Gun-Free Schools Act

Policy adopted:
October 20, 2010

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California

Revised: May 16, 2012

Santa Clara COE

Administrative Regulation

Weapons and Dangerous Instruments

AR 5131.7
Students

Prohibited weapons and dangerous instruments include, but are not limited to:

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

Any employee may take any weapon or dangerous instrument from the personal possession of a student while the student is on school premises or under the authority of the SCCOE. (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 do one of the following:

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

(cf. 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)

Regulation approved:
October 20, 2010

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California

Santa Clara County Office of Education

Community School

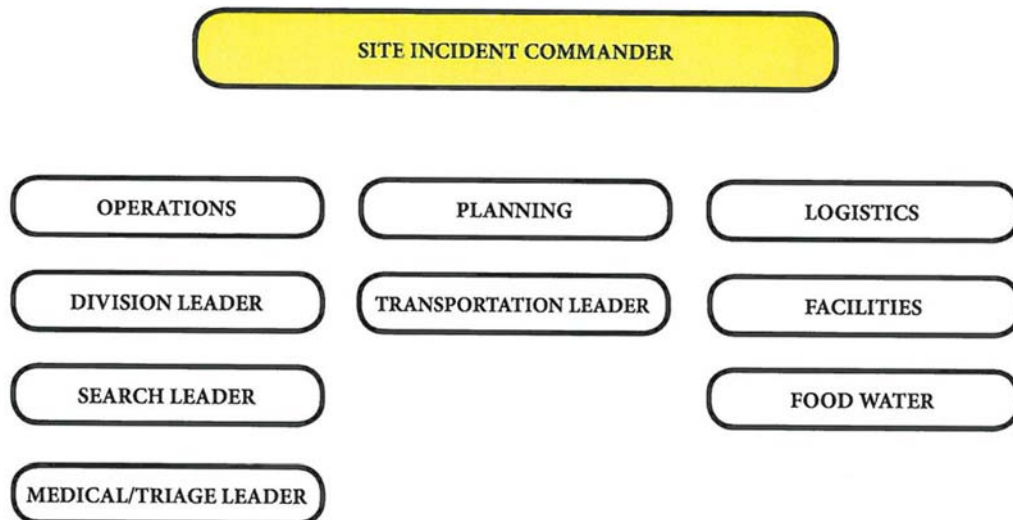
COMPREHENSIVE SCHOOLS SAFETY PLAN:

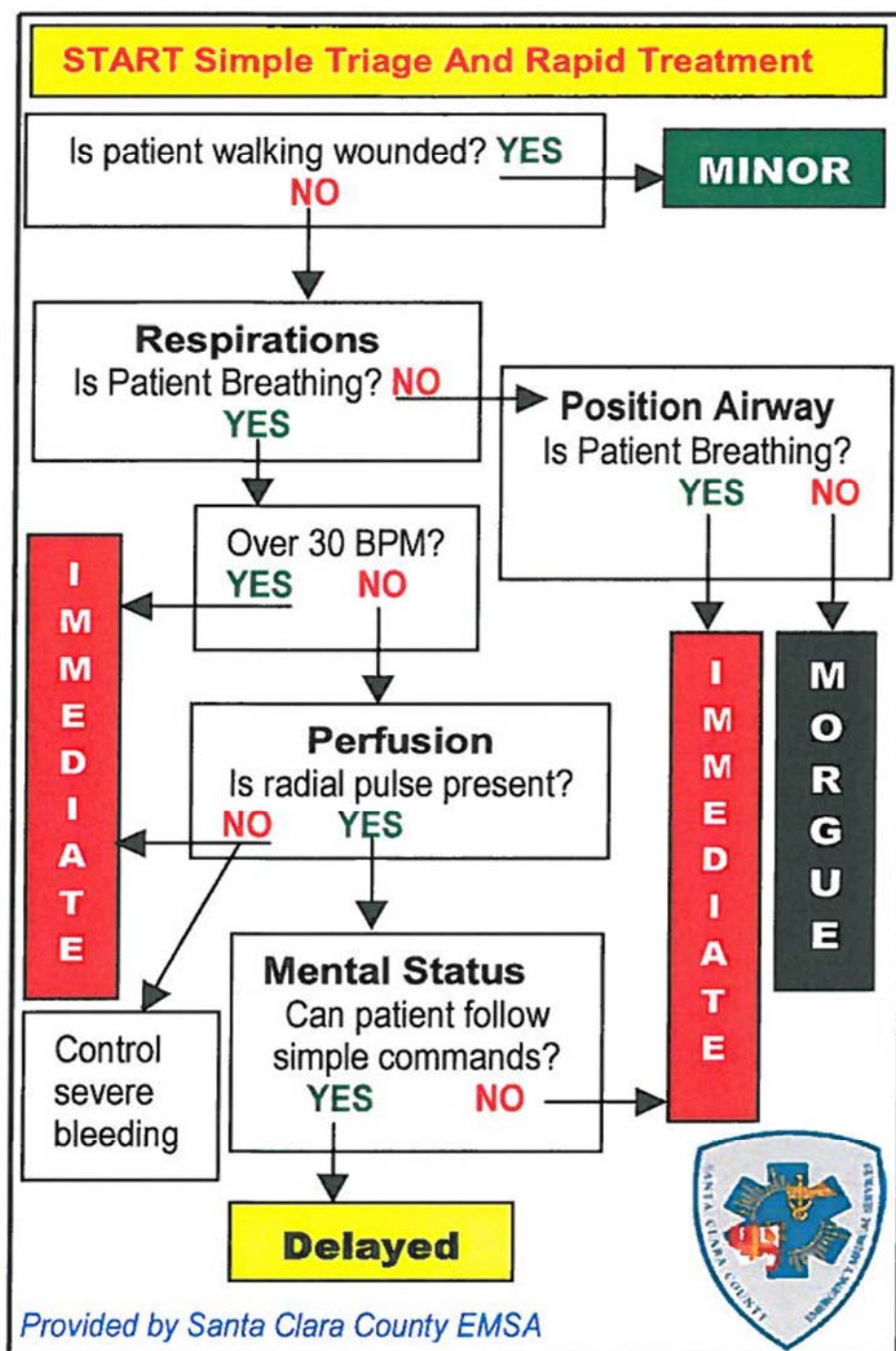
**County Community Safety Committee
Evaluation and Certification**

2017-18

California law requires the Comprehensive School Safety Plan of each school to be annually evaluated and amended, as needed, to ensure the plan is being properly implemented (Education Code 35294.2[e]). An updated file of all safety-related plans and materials is maintained by County Community School and is readily available for inspection by the public.

INCIDENT COMMAND SYSTEM



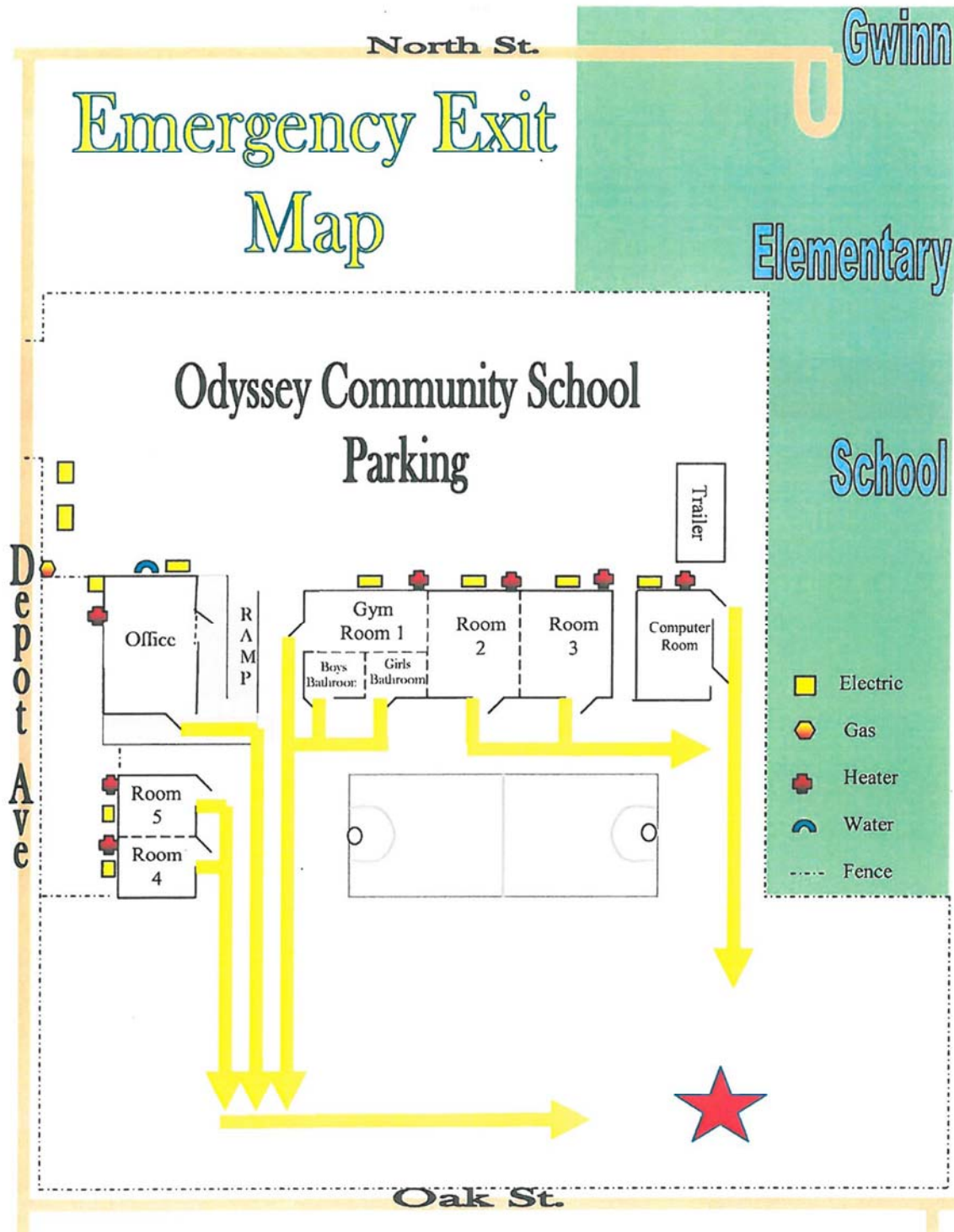


SCHOOL MAPS

Odyssey Community School
100 North Street, San Martin, CA 95046



Emergency Exit Map



Snell Community School
3550 Snell Ave., San Jose, CA 95136



Snell Assembly Area Map

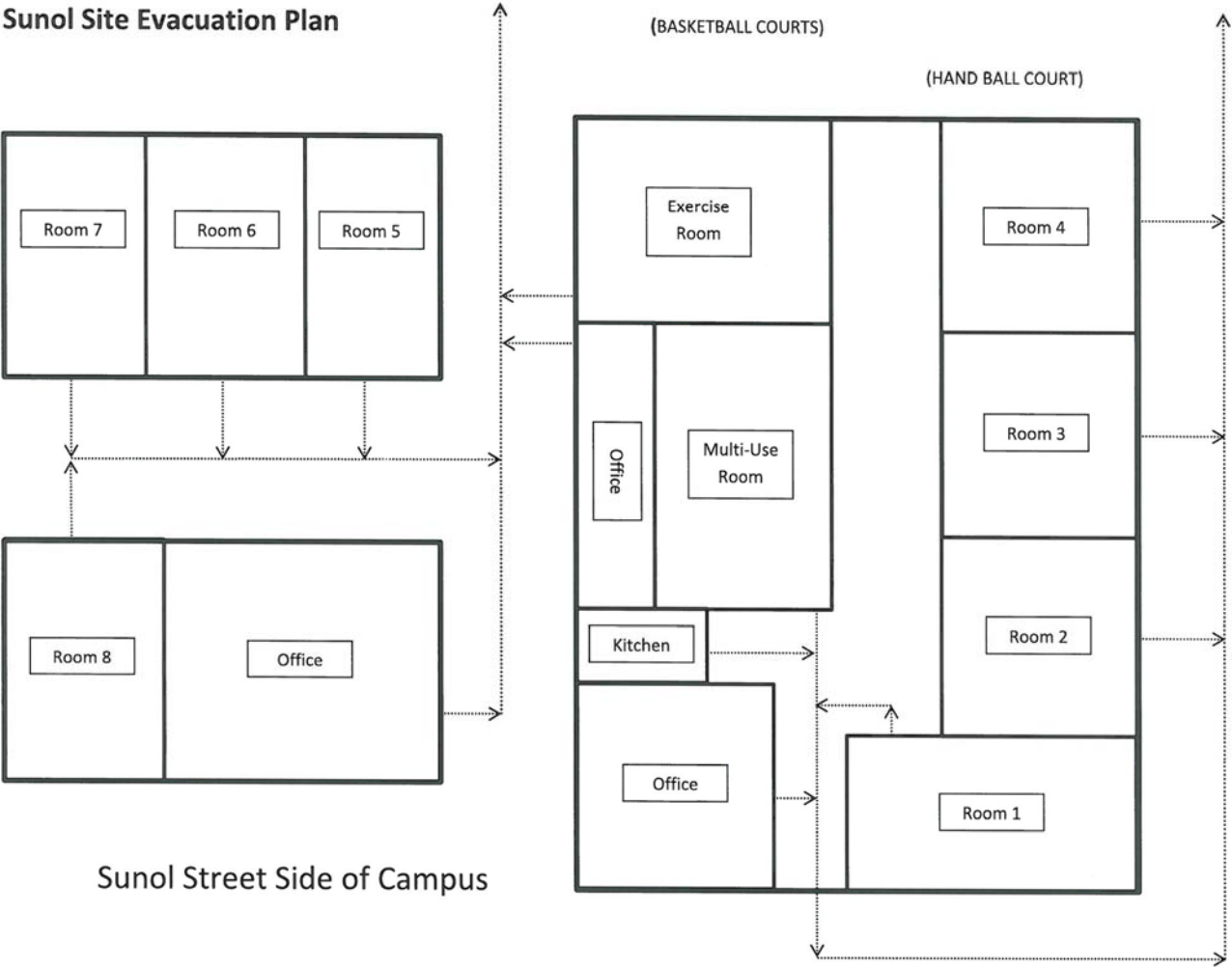


Command Cte

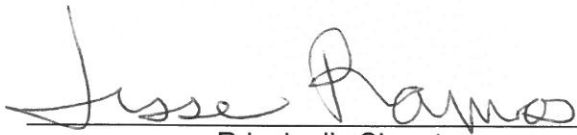
Sunol Community School
258 Sunol St., San Jose, CA 95126

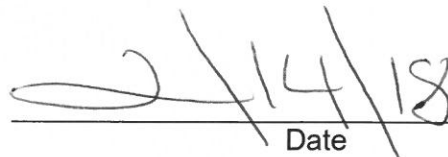


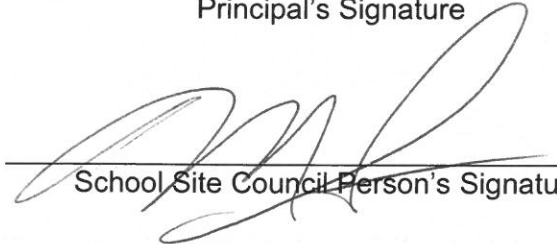
Sunol Site Evacuation Plan



Signatures of the County Community School's School Site Council


Principal's Signature


Date


School Site Council Person's Signature


Date

School Site Council

Angela Brown: Counselor
Annette Hernandez: Teacher
Gary J. Pike: Parent
Jesse Ramos: Principal
Kevin Le: Student
Kyle West: Student
Laura Vargas: Parent
Mark Shadduck: Teacher
Robert Alanis: Campus Monitor
Steven Hardin: Student
Tara Strong: Teacher
Tracie Bunyan: Parent