Magnolia Elementary School

Comprehensive School Safety Plan
2017-2018

Education Code Section 35294 (SB 187)

“... all California public schools... in cooperation with local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, and other persons who may be interested in the prevention of campus crime and violence, develop a comprehensive school safety plan that addresses the safety concerns...” “safety plan” means a plan to develop strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on the school campus.”

Comprehensive School Safety Plan Section 35294.2 of the California Education Code

This law states that each school district and county office of education is responsible for the overall writing and development of comprehensive school safety plans for its schools operating K-12 grades.
A comprehensive school safety plan includes strategies and programs designed to maintain a high level of school safety. Plans should address procedures for:

- Disaster Response
- Safe ingress and egress to/from school
- Reporting child abuse
- Sexual harassment
- School discipline
- Provisions for school-wide dress code
- Policies related to suspension, expulsion or mandatory expulsion, etc.
- Procedures for notifying teachers about dangerous pupils

Plans must be updated by March 1st each year and taken to the Board for approval.
# Table of Contents

- Assessment of the Current Status of School Crime ................................................................. 4
- Appropriate Programs and Strategies that Provide School Safety ......................................... 5
- Component 1: Narrative on School Climate ............................................................................. 6
- Component 2: Physical Environment ..................................................................................... 11
  - Positive School Climate ........................................................................................................ 18
  - Disruptions .......................................................................................................................... 21
- Child Abuse Reporting Procedures ....................................................................................... 23
- California Penal Code 11174.3 ............................................................................................. 25
- Suspected Child Abuse Report .............................................................................................. 26
- Child Abuse Prevention And Reporting ............................................................................... 28
- Suspension and Expulsion Policies ....................................................................................... 30
  - Suspension And Expulsion/Due Process ........................................................................... 31
- Policy for Notifying Teachers of Dangerous Pupils ............................................................... 35
- Discrimination and Harassment Policy ................................................................................ 36
  - Nondiscrimination/Harassment ........................................................................................ 37
  - Sexual Harassment ............................................................................................................ 41
- Uniform Complaint Process .................................................................................................. 44
  - Suspension/Disciplinary Action ........................................................................................ 48
- Administrative Regulation ...................................................................................................... 50
- School-wide Dress Code ......................................................................................................... 53
- Safe Ingress and Egress Procedures ..................................................................................... 54
- Discipline Procedures ............................................................................................................ 55
  - Conduct ............................................................................................................................. 57
  - Discipline .......................................................................................................................... 61
- Hate Crime Policies and Procedures ...................................................................................... 63
  - Hate-Motivated Behavior .................................................................................................. 64
  - Bullying ............................................................................................................................. 66
- Disaster Procedures ............................................................................................................... 69
Assessment of the Current Status of School Crime

Magnolia Elementary School has an enrollment of 614 (February 2018) pupils in grades K-6. Pupils from this school come from across Upland Unified School District. Magnolia has close to a 50% intra/inter district transfer rate. Magnolia Elementary School's crime statistics reflect a very low incidence of crime on campus. Magnolia Elementary School's suspension and expulsions for the 2016-17 school year reflect a total of 0.01% suspension events and 0 expulsion events.

Magnolia Elementary School, as do most schools in today's society, face challenges in maintaining a safe school. This Comprehensive School Safety Plan describes programs in place at our school. Our School Site Council, PTA, Leadership Team, and school staff continually thrive to provide a safe orderly school environment conducive to learning.
Appropriate Programs and Strategies that Provide School Safety

Magnolia Elementary School's school community works diligently to provide a safe school environment for its students. We have a number of programs or procedures in place that assist us in meeting the task of school safety.

At the beginning of each school year, the site administrator speaks with each class and/or grade level. The goal of the presentation is to give students access to information on how to get help when there is a problem at school. These presentations focus on bully prevention, sexual harassment, and cyber-bullying in addition to school-wide procedures for student safety. Magnolia's teaching staff covers curriculum on technology safety using the isafe curriculum.

In order to secure our campus, Magnolia Elementary School established a "closed campus" policy. Before school, staff members are assigned to all open gate areas to ensure that students only are entering the campus. Once the bell rings, gates are secured to prevent unwanted visitors on campus. If any one needs access to the school, they must go through the front office. In the office, visitors must show identification and sign in. All volunteers and visitors are required to wear identifying badges throughout their visit. After school, staff members are assigned to the exits and the parking lot areas to ensure that all students leave safely and unwanted guest do not enter the campus.

In an effort to enhance a positive school climate, Magnolia school has implemented several programs. Our attendance program focuses on improving student attendance and reducing tardies. Student have an opportunity on a monthly basis to have their class honored for having the best "on time" record. In addition, individual students who have 100% monthly attendance can participate in a drawing to go to lunch with the principal. Several local restaurants support this program by hosting the students for lunch. Another incentive program that has been implemented rewards classes for reaching 97% attendance with an ice cream party and a glow stick party. To encourage positive school attendance, each classroom teacher has an incentive program and the district's Healthy Start Program has a school attendance incentive program.

Another component that Magnolia Elementary School has implemented to enhance a positive school climate is the Project Wisdom Program. This program provides a daily broadcast message to students in each of the seven moral intelligence identified by Dr. Michelle Borba. The school focuses on one trait each month. We emphasis the development of all three of the core traits of moral intelligence, empathy, self-control and conscience. Many students participate in our Magnolia Links Program, Reading Buddies Program, and Student Council.
Component 1: Narrative on School Climate

School Profile – Area of Pride and Strength
Our mission at Magnolia Elementary School is to ensure every student acquires the skills and knowledge needed to meet or exceed common core state standards. We are a staff that will intervene on every level possible to assist and support their learning. We believe that Magnolia Elementary School is the best school in Upland! Magnolia, home of the Mustangs, enjoys a picturesque setting nestled in a suburban community at the base of the San Gabriel Mountains in Upland, California. As you walk onto Magnolia’s campus, you are greeted by beautiful rose gardens that line the walkway at the front of the school. You will also encounter a variety of other gardens throughout the campus that have been purposefully planted to represent different aspects of student learning. Just as these gardens are so carefully and meticulously tended, each one of the 614 students at Magnolia are cared for and nurtured as well. All staff members work diligently to provide a comprehensive program, driven by rigorous academic standards, to ensure student's proficiency in all areas. The professional teaching staff at Magnolia values high expectations and high achievement, integrity of character, collaboration and innovation.

The professional teaching staff at Magnolia uses a variety of research-based instructional strategies to help students attain mastery of academic standards. Instructional programs include 23 regular education classes, 3 SDC classes, Resource Specialist Program, Speech and Language Specialist, a full-time psychologist, librarian, and instructional aides. Magnolia’s success is evident when one reviews CAASPP data which shows Magnolia students are achieving above the state and district average in both reading and math. Magnolia has twice been named a California Distinguished School and continues to make great strides in implementation of the new Common Core State Standards.

School leadership and the community of stakeholders are committed to providing a learning environment that actively engages both students and teachers in a challenging program that leads to academic success. It is our goal to establish a learning environment in which all students can be successful in meeting rigorous academic and behavioral standards at high levels. We have internalized the belief that all students can achieve at high standards and work as a Professional Learning Community to make this a reality.

Curriculum and Educational Activities
Curriculum and Instruction provides teachers with the background knowledge, current research, and instructional and assessment strategies necessary for students to succeed in a rigorous, standards-aligned curriculum. Programs and services support teachers to answer five essential questions:
- What should my students learn?
- Which instructional strategies will be most effective for my students?
- How will I know if my students have learned and understood what I teach them?
- What can I do when my students encounter challenges to their learning?
- How can I extend learning for my students?

Student learning is a continuous process. Teachers begin with the Common Core Content Standards and collaboratively identify essential standards that students must master. Professional development and coaching enhance effective teaching strategies. Frequent common formative assessments allow teachers to adjust the instructional program and provide interventions and extensions to enhance student success. Benchmark and end-of-unit assessments measure learning outcomes and support long-term planning.

To achieve the District vision of Excellence and Equity for all students, effective programs for English Learners need to be fully implemented and English Learners need to attain proficiency in listening, speaking, reading and writing academic English while also mastering the state content standards.
We are committed to a school environment that fosters excellence and the achievement of every student’s potential. This belief in excellence and achievement is the basis for the Gifted and Talented Education (GATE) program in the Upland Unified School District. Productive, complex, abstract, higher level thinking skills are developed and integrated into instruction of grade level standards. GATE identified students are presented with opportunities to analyze, apply, and synthesize information. They are expected to devise viable solutions to real problems. GATE identified students are presented with opportunities to explore problems and situations that do not necessarily have one correct answer. Students are expected to generate a variety of high quality answers and debate both sides of an issue.

Magnolia's staff provides opportunities and additional activities for students in the areas of reading, math and academic competitions such as the annual Spelling Bee and Science Fair. Students also have the opportunity to participate in after-school activities such as the garden club, after-school tutoring, and enrichment classes.

**The School's Social Environment**

Leadership at Magnolia Elementary school is a shared process. A proactive role is assumed in all phases of the school's operation. The Magnolia staff is committed to progressing Magnolia Elementary School toward excellence in the areas of academic and social behavior. The principal sets a positive tone for the site and carefully guides the staff to work collaboratively on curricular and safety issues.

Magnolia Elementary School stresses the importance of student leaders. The Student Council takes on many responsibilities that include raising money for needy causes, participation in the morning announcements, and monthly school assemblies.

Magnolia Elementary School has two parent groups the PTA and School Site Council that support the school’s academic and social environment by providing input on programming they feel will enhance the students experience while at Magnolia Elementary School.

**Classroom Organization and Structure**

Magnolia Elementary School's teaching staff is highly qualified, with a number of teachers holding advance degrees. The dedicated staff strives to provide quality education for all student in a safe and orderly learning environment. Teachers work collaboratively to enhance the learning experience and promote positive interactions among students and staff.

Magnolia Elementary School teachers provide a varied learning environment using a variety of instructional strategies including: projects, presentations, hands-on activities, journals, visual and performing arts, cooperative learning, and more. Recent staff development in the use of technology to enhance student learning, Kagan Structures for Cooperative Learning and Student Engagement, Thinking Maps, Google Classroom, Daily 5 along with training in the Common Core State Standards has enhanced teachers effectiveness in the classroom.

**Professional Development**

The Upland Unified School District's Staff Development Department works collaboratively with the district's Educational Services Department to provide ongoing training for improved student learning. Both entities have taken an active role in working with administrators and teachers to align instruction, technology, and assessments with the new Common Core standards. Training is offered throughout the year on a number of relevant topics.

Magnolia Elementary School using the expertise of staff members to provide professional development for teachers, parents and community members. When applicable, outside consultants are brought in to assist with training that is relevant to enhancing student achievement.
The district safety committee also provides ongoing support to sites as they work to refine safety policies and procedures.

**School Cultural Environment**

There is a high level of cohesiveness among the staff members at Magnolia Elementary School. Cooperation and support between teachers and the administration is evident. Students know that the administrators and staff have a genuine concern for them. Our students are expected to be ambassadors for our school and to promote pride, safety and order. Students are encouraged to bring problems to the principal, teacher or other staff members so that issues may be addressed in a proactive manner.

Magnolia Elementary School actively analyzes data that is collected through school surveys and reported crimes committed on the school campus. The school staff is committed to the beliefs that our students must demonstrate certain values to live and work in society. Our Behavior Plan emphasis the seven traits outlined in the research of Dr. Michelle Borba. These include: Empathy, Conscience, Self-control, Tolerance, Kindness, Respect and Fairness. Teachers teach lessons based on a school-wide schedule so as to emphasis the positive characteristics throughout the campus.

Students who exemplify these character traits are recognized in their classrooms, at monthly assemblies and in our school newsletter.

**Discipline Policy and Code**

Magnolia Elementary School has developed and consistently enforces school-wide rules that are clear, broad-based and fair. Our school-wide discipline policy includes a code of conduct and specific rules and consequences that accommodates student differences on a case-by-case basis when necessary. Discipline consequences are commensurate with the offense, applied in a nondiscriminatory manner, and accommodate cultural diversity. Magnolia Elementary School uses both classroom and school-wide discipline codes that clearly communicate the positive behavioral expectations for pupils on school grounds, as well as to and from school. Over the course of the last few years, through consistent use of our established disciplinary policies and anti-bullying programs, we have been able to substantially reduce the number of fights occurring at Magnolia Elementary School. We will continue to educate our students in ways to avoid conflict. Discipline procedures shall focus on finding the cause of problems and working with all concerned to reach the proper solutions. The school's discipline plan begins at the classroom level. Teachers shall use a visible classroom management plan to communicate classroom rules, promote positive pupil conduct, and reduce unacceptable conduct. Appropriate consequences are administered based on the seriousness of the pupil's misbehavior.

**Safe Schools Assessment**

Magnolia Elementary School actively analyzes data that is collected through school surveys and reported crimes committed on the school campus. Each school site works with the local law enforcement to identify safety concerns and an action plan for dealing with those concerns. The school staff is committed to the beliefs that our students must demonstrate certain values to live and work in society. Our Behavior Plan emphasis the seven traits outline in the research of Dr. Michelle Borba. These include: Empathy, Conscience, Self-Control, Tolerance, Kindness, Respect and Fairness. Teachers teach lessons based on a school-wide schedule so as to emphasis the positive characteristics throughout the campus. Students who exemplify these character traits are recognized in their classrooms, at monthly assemblies and in our school newsletter.

At Magnolia Elementary we believe that a byproduct of good characteristics is a positive and safe school environment.
Gang Affiliation
Gang affiliation and activity will not be tolerated at Magnolia School. The staff at Magnolia Elementary School works closely with District personnel and local law enforcement regarding all issues and matters that are gang related. At present, we have no gang affiliation and activity present at Magnolia Elementary School.

Drug and Violence Prevention Programs
The district uses "Here's Looking at You" drug prevention program in the Elementary schools and has partnered with Reach Out West End to provide grades 7-12 with an intervention program. Each school also conducts activities from character building, words of wisdom, anti-bullying prevention presentations at all grade levels.

Parent/Guardian Involvement
Staff members at Magnolia Elementary School make persistent efforts to involve parents/guardians by informing them about discipline policies, procedures, and rules about their children's behavior, both desirable and undesirable; involving them in making decisions concerning school-wide disciplinary policies and procedures; and encouraging them to participate in prevention programs, intervention programs and crisis planning. All site level volunteers must complete the district application process to work with students.

The Magnolia PTA, School Site Council and ELAC are active organizations that provide support to the school staff and programs. The PTA plans year-long events for students and work with our families throughout the year to provide educational activities and lifelong memories. All students benefit and participate in a number of PTA sponsored events. These include educational assemblies, family nights, fundraisers, music program, art program, reflections art program, talent show, clothes closet, food drive, just to name a few. In addition to special events, Magnolia is fortunate to have a large number of volunteers who assist in classrooms daily.

Campus Supervisor and Administrative Positions
Magnolia Elementary School enhances physical safety by monitoring the surrounding school grounds - including landscaping, parking lots, crosswalks and bus stops. Recognizing that pupils are often the first to know of dangerous plans or actions, the principal of Magnolia Elementary School makes herself visible and available for any student to safely report troubling behaviors that may lead to dangerous situations. When it comes to school safety, students are taught not to keep secrets. Positive relationships between the principal, students, staff and parents helps 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. The principal, along with the office and teaching staff, have developed procedures to monitor the school campus and the surrounding areas, and have designated safe entrance and exit routes to school.

Truancy
Magnolia Elementary School recognizes the importance of punctuality and regular attendance. The staff of Magnolia keeps accurate records of attendance for all students. Parents of students with poor attendance are contacted. Students with poor attendance due to medical issues are referred to the school nurse for tracking. Should attendance problems continue, official action is taken, which could result in a referral to the School Attendance Review Board. The following guidelines are adhered to when students have attendance issues: Combo of 3 absences/tardies - Phone call to parent, conference with student and attendance letter #1 sent home, Combo of 5 absences/tardies - parent conference and attendance letter #2 sent home, Combo of 7 absences/tardies - Pre-SARB mtg. with Administrator, Probation Officer, Healthy Start representative and parent signs a contract. Combo of 9 absences/tardies - Probation Officer makes a home visit with the Administrator. If attendance issues continue - Referral to SARB.
**Campus Disturbances and Crimes**

Magnolia Elementary School recognizes that visitors and outsiders to the campus may commit campus disturbances and crimes. Having a locked campus is in place to protect the school, staff and pupils from safety threats by individuals visiting the campus. Several steps have been taken to protect the school, staff and pupils from safety threats by individuals visiting the campus. In addition, disputes often occur because of parental custody disputes. The staff of Magnolia Elementary School maintains information regarding custodial documents in the student records as well as on the District computer system. If necessary, the school will request assistance from local law enforcement and the Office of Child Welfare and Attendance as needed.

**Visitors and Disruptions to Educational Process**

Magnolia Elementary School is aware of the laws, policies and procedures, which govern the conduct of visitors to the school campus. Magnolia Elementary School uses continuing efforts to minimize the number of campus entrance and exit points used daily. Access to school grounds is limited and supervised on a regular basis by staff members. Campus traffic, both pedestrian and vehicular flows through areas that can be easily and naturally supervised. We have a state of the art camera/surveillance system which is monitored in the front office, which covers all of the school grounds and immediate surrounding areas. At the push of a button, we are able to zoom in on any area that may need extra monitoring and/or attention and can quickly assess if we need to involve any kind of backup resources. The office also has the ability to lock the front entrance electronically should the need arise.
Component 2: Physical Environment

Introduction
Magnolia Elementary is the proud home to approximately 614 ethnically diverse students from a predominantly middle/upper class, business and professional community. A rich cultural diversity is recognized in the numerous languages and varied ethnic backgrounds represented by our student body. We are the largest transfer school in our district and our students come from all over Upland and the surrounding communities. Approximately 50% of our students are listed as living with an other or are on inter/intra district transfers. We are also experiencing a small yearly increase in the number of second language learners and socioeconomically disadvantaged students. We have become a school of choice due to our high expectations and rigorous curriculum. Magnolia Elementary School is an orderly and purposeful place where students and staff are free to learn and teach without the threat of physical and psychological harm. Magnolia Elementary School promotes educationally and psychologically healthy environments for all children and youth. We recognize there are comprehensive, broad factors directly related to a safe school environment such as the school facility, school programs, staff, parents and the community.

The Schools' Location and Physical Environment
Magnolia Elementary School is situated in the northern area of the city of Upland in San Bernardino County. In our immediate north Upland area, there is a low crime rate and a low poverty level. The immediate area around the school includes single family dwellings, a park, as well as other elementary schools, a comprehensive high school and churches. Present safety hazards included heavy traffic areas.

Description of School Ground
Magnolia Elementary School consists of several buildings. The buildings have corridors and three playgrounds; one on the upper north end of the school, one on the west side of the school, and another one located in the kindergarten yard. The upper playground consists of grass, concrete and asphalt and includes basketball and volleyball courts, handball courts, large play structure (encompassed by wood chips), baseball diamonds and a track. The smaller playgrounds consist of grass, concrete and asphalt and include basketball courts, toys, handball courts, play structure, toys, and a sand box in the kindergarten yard. Magnolia Elementary is completely enclosed by a fence with gates which are kept locked during school hours. There are several pods and/or clusters of classrooms, including 26 classrooms (7 of which are portables). Other ancillary structures include: office, multi-purpose room, restrooms, library and daycare facility. During the school day, staff members and administrators provide campus supervision. Identified problem areas receive increased supervision to reduce discipline or other school safety concerns.

Maintenance of School Buildings/Classrooms
The school's physical facility is well maintained and is neat and clean. District personnel periodically examine the school's physical facility and help eliminate obstacles to school safety. Additionally, health and fire department inspectors contribute to school safety. The classrooms are monitored for safety and appearance by the administration, custodial staff and individual classroom teachers. The students also take pride in the appearance of the school.

Internal Security Procedures
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. District employees shall wear appropriate identification badges while on campus conducting business. Magnolia Elementary School is equipped with a state-of-the-art security system, which is monitored from the front office and/or principal's office and can scan the entire property, including the immediate outlying grounds if necessary. This helps us to focus on any problem areas that may occur and help us to engage outside local law agencies if necessary as soon as possible.

Inventory System – Engraved ID, Security Storage
Most school-site equipment has a metal ID tag or a bar code sticker adhered to its surface. These items are inventoried annually and there is an established accountability system. Office and classroom supplies are secured.
**Disaster Procedures, Routine and Emergency**

The District conducts a district-wide disaster drill annually. During this time, we also hold a communication drill in which each site reports to the central disaster control office regarding a detailed event. Disaster and emergency procedures are practiced and documented on a regular basis throughout the year (fire, earthquake, and lockdown drills occur monthly on an alternating basis. The complete emergency plan is on file in the school office, in a red binder, and is reviewed at the beginning of each school year. Staff responsibilities are revised annually. Annual inservice and quarterly practices add to our ability to respond to disasters. Magnolia Elementary School also has an "Emergency Preparedness Plan," which each staff member has and which is separate from this document.

**Disaster Drill or Actual Emergency: Overview**

**Earthquake: Intercom announcement or real earthquake**

**GENERAL RESPONSIBILITIES:**

Should a significant earthquake occur during school hours, the staff will maintain the following procedures:

- Duck, cover, and hold. Then, cope with the hazards during the tremor and immediately thereafter.
- Conduct an orderly evacuation to the north primary field area.
- Reduce the potential of fire, electrical damage, gas explosion, and/or injuries.
- Provide first aid to the injured.
- Account for all students and staff and direct them to assigned areas with home room teachers.
- Be prepared to remain on campus up to 72 hours when assistance from community agencies may be available.
- Be prepared to work with local community members who will come to the campus to seek shelter and assistance.
- Release students ONLY to authorized adults.

1. Parent volunteers on campus may sign out their own children and other children (with authorization).
2. Parent must sign the emergency card for the child.
3. Parent may take the child, but must sign out the child again at the release point at the east gate.
4. Assigned student runners will pick up students for release to parents of other authorized adults.

**GENERAL RESPONSIBILITIES:**

During the Tremor - Indoors, in Classrooms:

All personnel, adults, and students will DUCK – COVER – HOLD at the first sign of an earthquake. Cover should be sought under the nearest shelter: a desk, table, etc. to avoid shattering glass and falling debris. All should hold onto the cover to keep it in place during the tremor.

- The adults present should give the command: DUCK – COVER – HOLD and should also insist that everyone stay in place, even when the initial tremor has subsided. When the tremor has subsided students and adults will exit with special consideration given to exit routes as structural damage could be possible. Students will be taken to the designated, open area away from trees, power poles, etc.

The adult will:

- Make a visual sweep after students and adults exit the room.
- Place the green side of the door hanger on the doorknob if no one is injured and everyone has exited the room.
- Place the red side of the door hanger on the doorknob if anyone injured is left in the room. Advise injured person that the Search and Rescue Team will find them.
- Take the following items out of the room: Emergency backpack and walkie talkie, optional – second backpack with games or reading to occupy students.
- Leave the door OPEN.

During the Tremor – Other Indoor Locations, Cafeteria, MPR, Daycare, Outdoor Eating Area:

- Adults present should give the command: DUCK – COVER – HOLD.
- Exit with special consideration given to exit routes as structural damage could be possible. Doors should be left open. Students will be taken to designated areas on north primary field area, away from trees and power poles.
- Adults will take students to their classroom teacher(s) on the north primary field. Daycare stays together and acts as a separate class.
- Classroom teacher / Daycare will need to account for absent or missing students as soon as possible by sending red and green absent/ missing forms to the Command Post.

During the Tremor – Outdoors, Before School Lineup in Front of the School:
• Teacher on duty should give the command: DUCK – COVER - HOLD (Note: If debris is falling, students should be instructed to move away from building and overhangs until shaking stops.) Exit with special consideration given to exit routes as structural damage could be possible.

• Students will be taken to the designated north primary field area, away from trees and power poles.

• Adults will take students to their classroom teacher on the north primary field area. Teachers will need to account for absent or missing students as soon as possible by sending a red and green attendance / missing forms to the Command Post.

• Students arriving later will need to enter the campus through the east lot gates because the campus will be locked down. They will be directed to their homeroom teacher on the north primary field area.

During the Tremor – Outdoors, on Playground:

• Move students away from buildings, playground equipment, signs, utility poles, trees, exposed wires, and wet areas. The safest place is in the open. DUCK – COVER until the tremor stops.

• Adults will take students to their classroom teacher(s) on north primary field area. Teachers will need to account for absent or missing students as soon as possible.

• Supervise students until notified to do otherwise.

During the Tremor – Outdoors, Walking to / from School:

• After the earthquake, if on the way TO school, students should continue to school, enter the campus through the east lot gates, and report to their classroom teacher on the north primary field if safety permits. If on the way FROM school, students should continue home, if safety permits. (Parents will know where to find students.)

During the Tremor – On the School Bus:

• If possible, the bus driver will pull to the side of the road AWAY FROM ANY BUILDINGS and issue the command DUCK – TAKE COVER. Students will be instructed to drop below the window line.

Comprehensive School Safety Plan 12 of 69 10/13/14

• Driver will set the brake, turn off the ignition, and wait until the earthquake is over.
• Driver will render first aid, perform other appropriate procedures, and/or evacuate the bus if necessary.
• If possible, the driver will resume the route and deliver students to the east lot gates.
• Students report to their classroom teachers on the north primary field.

AFTER THE TREMOR – ROLES OF THE STAFF:

Building Administrators will:

• Take charge of the school and assume responsibility for making all duty assignments of school personnel.

• Direct the Search and Rescue Team and the Medical Team. In case of serious or structural damage to the buildings, injured individuals are removed from rooms and directed to medical help.

• Direct the process of Command Post in accounting for all students as red and green Absent/Missing Student forms are sent from teachers via assigned runners.

• Coordinate through the Release Team the orderly dismissal of students to their parents or other authorized adults.

• Direct the supervision Team to ensure the safety of students and personnel.

• Establish a designated area for media and visitors.

• Coordinate dismissal of staff.

• Maintain communication with the District Office

Teachers will:

• Wait in the classroom until movements stop.

• Conduct an orderly evacuation of non-injured students immediately to designated location on the north primary field.

• Check with “Buddy Teachers” to be sure the classes are together on the field.

• Double check to be sure all procedures are followed, especially if another teacher is missing / injured or a substitute teacher is present.

• Relieve each other for any necessary reason. The remaining teacher is responsible for all classes in that line and will assist other lines if necessary.

• insure proper lineup in their location on the field.

• Take class roll immediately. Students must wear “Emergency Cards” attached to a necklace or pinned on to be transported for medical care.
• Record “injured” on the card of any student who is immobilized and note injury prior to transport.
• Send a runner to the Command Post as soon as possible with the completed red and green Absent / Missing Form.
• Be sure the Supervising Teacher at the front of the line has any updates such as absent, missing, or injured students or students helping other Disaster Teams (ex.: Student Release runners).
• Supervising Teachers remain with the lines. Other teachers will begin their Disaster Team Assignments.
Office Manager and Clerical Staff will:
• Transport designated emergency cards, registers, and equipment to the Command Post.
• After checking in, transfer emergency cards to the Release Team.
• Monitor radio in order to maintain log with time, event, and response.
• Account for all students and staff using red and green Absent / Missing logs sent from classroom teachers.
• Monitor release of students from Release Station to parents or other authorized adults.
• Assist in coordinating Command Post with other teams, as needed.
• Report disaster to appropriate agency whenever possible
Health Technician will:
• Take first aid supplies and critical student medication to the designated Emergency First Aid Center located in the quad. Critical student medications include (but are not limited to) inhalers, Epipens, and insulin.
• After evacuation, Search and Rescue teams will retrieve the balance of non-critical medications from the Health Office using a key provided by the Health Technician or Office Manager.
Comprehensive School Safety Plan 13 of 69 10/13/14
• Coordinate with the First Aid / Triage Team and assist in the administration of first aid.
• Log injured personnel and students for treatment provided.
• Log fatalities and arrange for their movement to the Fatality Post in the Quad.
• Assist Office Manager as needed if time allows.
Custodians will:
• Immediately secure campus and turn off gas, electricity, and water if needed.
• Report to the Command Post in case any other immediate tasks are needed.
• After checking in with the Command Post, help disperse emergency supplies from the Emergency Storage Bin and any other locations.
• Make emergency water supply available to the Latrine Team if requested.
• If safe to enter buildings, turn off “to and from” valves of hot water heaters to trap water.
• Assist as directed by the Command Post.
Other Staff will:
• Check the Disaster Team Assignments to locate their assignments.
• If unsure about assignment, report to the Command Post.
Parent / Other Volunteers on Campus will:
• Try to remain on campus to aid the staff and report to the Command Post.
• Sign the blue emergency card worn by their own child.
• Give the blue emergency card to their child’s teacher.
• Sign out their child again at the release point at the east gate.

Fire
SIGNAL: Intermittent Fire Alarm __________ __________ __________
GENERAL RESPONSIBILITIES:
Should a fire occur during school hours, the staff must be prepared to deal with the following factors:
• Cope with the hazards during the fire and immediately thereafter.
• Conduct an orderly evacuation to a prescribed area or alternative area if necessary.
• Reduce the potential of the fire spreading, electrical damage, gas, explosion, and / or injuries.
• Provide first aid to the injured.
• Account for all students and staff and direct them to assigned or alternative areas.
• Be prepared to remain with students to ensure their safety and well-being.
• Be prepared to work with local community members who will come to the campus to seek assistance.
• Release student ONLY to authorized adults.
FIRE EMERGENCY PROCEDURES DURING SCHOOL HOURS:
The extent of the emergency (fire within the school campus or fire near the school campus) will dictate the course of action to be taken. Students and staff shall not return to the school buildings until the area has been determined safe for re-entry.

Teachers and Support Staff responsibilities if a fire occurs in a room will:
- Order immediate evacuation of the area on fire.
- NOT touch any light switches or take out the Emergency Food Bin.
- Send one student runner AWAY from the fire to the office or other safe location to advise another adult that help is needed.
- Notify another teacher or staff member to call the office or 9-1-1.

Comprehensive School Safety Plan 14 of 69 10/13/14
- After students are evacuated, use a fire extinguisher if appropriate.
- Be sure the last person out CLOSED the doors.
- Have an adult pull the FIRE ALARM if possible.
- Take the Emergency Backpack and walkie talkie to the north Primary Field
- Lead students to alternative area if directed by Principal or Designee.
- Take class roll immediately. Students must wear “Emergency Cards” attached to a necklace or pinned on to be transported for medical care.
- Record “injured” on the card of any student who is immobilized and note injury prior to transport.
- Send a runner to the Command Post as soon as possible with the completed, yellow, Absent / Missing Form.
- Keep an ongoing log of students.
- If off-campus evacuation occurs, use administrative directions to begin class lines that would normally be on the north primary field.
- Supervision Team will monitor other classes to keep track of students in their lines when other Teams report.

Principal (or designee) will:
- Initiate fire alarm from office to begin campus – wide evacuation.
- Assist in the control of students at a safe distance from the fire and firefighting equipment.
- Assist in keeping access roads open for emergency vehicles due to the location / extent of the fire.
- Determine if alternate evacuation route and/or location will be required due to the location/ extent of the fire.
- Direct teachers and staff to evacuate students to an alternative location.
- Direct other Teacher Teams to initiate procedures in order to safeguard and release student to a parent or other authorized adult.

Secretary will:
- Immediately notify Fire and Police Departments.
- Notify the District Office
- Notify District Maintenance
- Aid the Release Team in accounting for all students and staff

Health Technician will
- Administer first aid.
- Have the Medical Team reports to him/her.
- Assign Search & Rescue to help if possible.

Custodian will:
- Shut off utilities to unaffected buildings as needed.
- Notify utility companies of an actual or suspected break in service.

Superintendent will:
- Initiate “Directed Mass Transportation” or “Directed Mass Release” if deemed necessary.

NO STUDENTS OR STAFF MEMBERS WILL BE RELEASED UNTIL AUTHORIZED BY THE RELEASE TEAM AT THE EAST LOT GATES. EVACUATION TO AN OFF CAMPUS LOCATION MAY CAUSE CHANGES IN THE STEPS LISTED BELOW.
Releasing Students to Authorized Adults
Comprehensive School Safety Plan 15 of 69 10/13/14
Adults must report to the Release Team to request the release of any student(s). The Release Team must keep track of each student’s status at all times.

- A parent information area will be established at the top of the East Lot gates.
- Information signs explaining the procedure for student release will be obtained from the office and placed in front of the Release Team table if possible.
- All parents or other adults must report to the Release Team table and remain there during the procedure for student release.
- The authorized adult fills out The Emergency Release sign-out sheet.
- Students will be released to authorized adults WITH PROPER IDENTIFICATION upon confirmation of parent’s permission as specified on each student’s Emergency Card.
- The Release Team will send a student runner from an upper grade class to bring the listed students back to the Release Team table.
- A parent or other authorized adult MUST sign the blue Emergency Card.
- If a student is unaccounted for, the Release Team will contact the Command Team to obtain additional information.
- Staff members will be released in order of necessity.

All Other Disaster Teams will:
- Set up according to Emergency procedures as directed by the administrator or designee.
- Take into account that a fire situation can affect these procedures. If in doubt, check with the Command Post before proceeding.

Lockdown
Notification: Direct communication with the school will be established from a district administrator and/or civil agency. Teachers will be notified with specific verbal information by intercom first. If the intercom system is not working, phones, an alarm, computer e-mail or Walkie-Talkies may be used depending on the reason for the lockdown.
SIGNAL: Intercom announcement
A lockdown would be determined by the following incident or situation occurring in the vicinity of the school and which could constitute a threat to the welfare of students and staff. These include, but are not limited to:
1. Police stakeout or pursuit of suspected criminals, gang disturbances, hostage situations
2. Menacing person on campus
3. Bee swarms
4. Wildlife
5. Aircraft crash
6. Bomb threat
7. Windstorm or very high winds
8. Flood
9. Utility failure

GENERAL RESPONSIBILITIES:
The extent of the emergency will dictate the course of action to be taken.

Custodian will:
- Lock down the campus.

Principal or designee will:
- Take appropriate action to assure that student and staff, if outside, return to and remain inside school buildings.
- Determine information to be relayed to all teachers and staff members.

Comprehensive School Safety Plan updated 2/16/2018
- Interface with civil agencies or district administrator to determine the best course of action, including the cancellation of the lockdown when the situation has ceased.

Secretary will:
- Begin signal or message by intercom.
- Notify all teachers and staff concerning the action to be taken by intercom, phone, computer e-mail, or Walkie Talkies depending on the reason for the lockdown and available methods of communication.
• Relay information from teachers or staff on the whereabouts of students who are not with their class.

Office Clerk or Other Staff Designated by the Principal will:
• Notify the Police Department
• Notify the District Office

Health Technician will:
• Administer First Aid if necessary
• Help the office staff

KEEP IN MIND THAT EACH BUILDING SHARES ONE PHONE LINE. COMPUTERS MAY NEED TO BE USED FOR COMMUNICATION.

Teachers and Support Staff will:
• Lock all doors and windows immediately
• Listen for any student arriving after lockdown begins and allow them to enter the room
• Direct students to drop to the floor away from windows and remain still and keep voices off
• Turn off lights and leave them off
• Initiate roll call to account for your own students and extra students
• Await information for several minutes from other teachers or office staff to verify the location of missing students who are on campus. Information should be by computer e-mail or subs may phone information
• Notify other teachers or office staff if extra students are in your room during the lockdown. Information may be computer e-mail or phoned (if needed)
• Supervise students in the classroom until notified that the emergency situation no longer exists.
• E-mail class status to Principal/office staff and type in subject line one of three options:
  room number – all clear (all students accounted for)
  room number- clear and have student (full name) from room___
  room number – missing student (full name) & (last location of student)

STUDENT RELEASE PROCEDURES
1. Keep calm & be patient please.
2. Report to the Release Team table located at the kindergarten gate.
4. A runner will bring your student(s) to the Release Team table.
5. You must sign the Blue Emergency Card before we can release your student(s).
6. Help us help you!
Board Policy

Positive School Climate

BP 5137

Students

The Governing Board desires to enhance student learning by providing an orderly, caring, and nurturing educational and social environment in which all students can feel safe and take pride in their school and their achievements. The school environment should be characterized by positive interpersonal relationships among students and between students and staff.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3515 - Campus Security)
(cf. 3515.2 - Disruptions)
(cf. 5030 - Student Wellness)
(cf. 5131.4 - Student Disturbances)
(cf. 5142 - Safety)
(cf. 5145.3 - Nondiscrimination/Harassment)

All staff are expected to serve as role models for students by demonstrating positive, professional attitudes and respect toward each student and other staff members. Teachers shall use effective classroom management techniques based on clear expectations for student behavior.

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

Staff shall consistently enforce Board policies and regulations which establish rules for appropriate student conduct, including prohibitions against bullying, cyberbullying, harassment of students, hazing, other violence or threats of violence against students and staff, and drug, alcohol, and tobacco use.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3513.3 - Tobacco-Free Schools)
(cf. 4020 - Drug and Alcohol-Free Workplace)
(cf. 5131 - Conduct)
(cf. 5131.1 - Bus Conduct)
(cf. 5131.6 - Alcohol and Drugs)
(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5136 - Gangs)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 5145.2 - Freedom of Speech/Expression)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

The district's curriculum shall include age-appropriate character education which includes, but is not limited to, the principles of equality, human dignity, mutual respect, fairness, honesty, and citizenship. Teachers are encouraged to employ cooperative learning strategies that foster positive interactions in the classroom among students from diverse backgrounds.
The Superintendent or designee may develop other strategies to enhance students' feelings of connectedness with the schools, such as campus beautification projects, graffiti removal, development of extracurricular activities and after-school programs, pairing of adult mentors with individual students, recognition of student achievement, and encouragement of strong family and community involvement in the schools.

Students shall have opportunities to voice their concerns about school policies and practices and to share responsibility for solving problems that affect their school.

The schools shall promote nonviolent conflict resolution techniques in order to encourage attitudes and behaviors that foster harmonious relations. As part of this effort, students shall be taught the skills necessary to reduce violence, including communication skills, anger management, bias reduction, and mediation skills.

Staff shall receive professional development designed to improve classroom management, conflict resolution techniques, and communications with students and parents/guardians including persons of diverse backgrounds.

Legal Reference:
EDUCATION CODE
233-233.8 Hate violence prevention
32280-32289 School safety plans
32295.5 Teen court programs
35181 Governing board policy on responsibilities of students
35291-35291.5 Rules
44807 Teachers' duty concerning conduct of students
48900-48925 Suspension and expulsion
Management Resources:

CSBA PUBLICATIONS
Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007
Protecting Our Schools: Governing Board Strategies to Combat School Violence, rev. 1999
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Bullying at School, 2003
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Preventing Bullying: A Manual for Schools and Communities, 1998
WEB SITES
CSBA: http://www.csba.org
California Department of Education, Learning Support: http://www.cde.ca.gov/ls
National School Safety Center: http://www.schoolsafety.us

Policy
UPLAND UNIFIED SCHOOL DISTRICT
adopted: September 27, 2011  Upland, California
Board Policy

Disruptions

BP 3515.2
Business and Noninstructional Operations

The Governing Board is committed to providing a safe environment for district students, staff, and others while they are on district property or engaged in school activities.

The Superintendent or designee shall remove any individual who, by his/her presence or action, disrupts or threatens to disrupt normal district or school operations, threatens the health or safety of anyone on district property, or causes or threatens to cause damage to district property or to any property on school grounds.

(cf. 1250 - Visitors/Outsiders)
(cf. 3515 - Campus Security)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4158/4258/4358 - Employee Security)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5131.4 - Student Disturbances)

The Superintendent or designee shall establish a plan describing staff responsibilities and actions to be taken when an individual is causing a disruption. In developing such a plan, the Superintendent or designee shall consult with law enforcement to create guidelines for law enforcement support and intervention in the event of a disruption.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515.3 - District Police/Security Department)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)

The Superintendent or designee shall provide training to school staff on how to identify and respond to actions or situations that may constitute a disruption.

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

Any employee who believes that a disruption may occur shall immediately contact the principal. The principal or designee shall notify law enforcement in accordance with Education Code 48902 and 20 USC 7151 and in other situations, as appropriate.

Safe School Zone

Possession of a firearm within 1000 feet of any district school is prohibited except when authorized by law. (Penal Code 626.9)

Possession of any other unauthorized weapon or dangerous instrument is prohibited on school grounds or buses and at school-related or school-sponsored activities without the written permission of school authorities.

(cf. 5131.7 - Weapons and Dangerous Instruments)
Legal Reference:
EDUCATION CODE
32210 Willful disturbance of public school or meeting, misdemeanor
32211 Threatened disruption or interference with classes; misdemeanor
35160 Authority of governing boards
44810 Willful interference with classroom conduct
44811 Disruption of classwork or extracurricular activities
48902 Notification of law enforcement authorities
51512 Prohibited use of electronic listening or recording device

PENAL CODE
243.5 Assault or battery on school property
415.5 Disturbance of peace of school
626-626.11 Schools, crimes, especially:
626.7 Failure to leave campus or facility; wrongful return; penalties; notice; exceptions
626.8 Disruptive presence at schools
626.81 Misdemeanor for registered sex offender to come onto school grounds
626.85 Misdemeanor for specified drug offender presence on school grounds
626.9 Gun Free School Zone Act
627-627.10 Access to school premises
653b Loitering about schools or public places
12556 Imitation firearms
UNITED STATES CODE, TITLE 20
7151 Gun-Free Schools Act

COURT DECISIONS

ATTORNEY GENERAL OPINIONS

Management Resources:
CSBA PUBLICATIONS
911! A Manual for Schools and the Media During a Campus Crisis, 2001

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, May 2003
WEB SITES
CSBA: http://www.csba.org
California Department of Education, Safe Schools Office: http://www.cde.ca.gov/ls/ss

Policy UPLAND UNIFIED SCHOOL DISTRICT
adopted: September 27, 2011 Upland, California
Child Abuse Reporting Procedures

A mandated reporter who knows or reasonably suspects that a minor is the victim of child abuse must report immediately by telephone and in writing by follow-up report within 36 hours to a law enforcement agency. The law penalizes the failure to report by imposing a jail sentence on the defaulting mandated reporter. On the other hand, the law rewards the reporter who meets the reporting obligation by granting absolute immunity from civil or criminal prosecution. (Penal Code Section 11166)

Mandated Reporter: a “Child care custodian”; includes teachers, administrators, supervisors of child welfare and attendance, certificated pupil personnel staff, instructional aides, teacher’s aides, and teacher assistants and paid athletic coaches. District employed child care workers and health practitioners (doctors, nurses and psychologists) are also mandated reporters.

Knowledge of or Reasonably Suspects Abuse: When a mandated reporter observes a child with physical “injuries which appear to have been inflicted...by other than accidental means by any other person...” Whether or not there are visible physical injuries, all suspected sexual abuse must be reported.

To Whom is the Report Made: An oral report to designated law enforcement agencies must be made immediately. The observing employee must contact:

- The Child Protective Services (CPS) Unit of the local Welfare or Human Services Department:

  or

- Upland Police Department (909) 982-1331
  Emergency Number 911

All law enforcement officers are mandated reporters.

A follow up written report must be submitted within 36 hours. Forms are available on-line at: http://ag.ca.gov/childabuse/pdf/ss-8572.pdf

School Interview Law: Penal Code 11174.3 imposes both a time sequence and series of duties on school personnel and the law enforcement investigator. This law is limited to child abuse victims only. The law speaks only to abuse which takes place in the home. When law enforcement comes to school to take the child into custody, rather than question the child, the interview procedures do not apply. The child is effectively under arrest.

Law enforcement (sheriff, police or CPS) may interview suspected victims of child abuse on school premises during school hours concerning child abuse in the home. The child may choose to be interviewed in private or may select an adult staff member to be present “to lend support.”

  Step One – The investigator comes to school.
  All investigations begin in the school office. The staff member “in charge” should ask for identification and the purpose of the proposed interview. When it is made clear that the interview will focus on allegation of abuse in the home, the staff member in charge should be present with the child before the interview begins.
Step Two - The investigator must advise the child of the right to choose a staff member to be present during the interview.

What the school employee should do if:
1. The child chooses not to have a staff member present?
   The staff member should leave the room.
2. The child asks for either the mother or father to be present?
   School employees do not grant or deny such requests. This responsibility lies with the investigator.
3. The child changes their mind during the interview?
   The law gives the child a continuous option to ask for an adult staff member or to send the staff member away.

Step Three – The child asks for an adult staff member to be present

What can the selected staff member do:
   a. The staff member, by law, may decline to sit in the interview
   b. The school administrator should inform the selected staff member of their duties during the interview. A copy of Penal Code 11174.3 should be supplied to the staff member who has agreed to be present.
   c. The staff member’s role is one of a “comforter” during the interview. There is no questioning by the staff member and no discussion of the child abuse incident with the child. There must be no prompting by the staff member. Investigators should not attempt to ask or direct the staff member to coerce, suggest or elicit a response from the child.
   d. The law forbids disclosure of what the staff member hears or learns during the interview. This confidentiality disappears when a court orders testimony. No written report is required by the staff member.
California Penal Code 11174.3
“School Interview Law”

11174.3.(a) Whenever a representative of a government agency investigating suspected child abuse or neglect or the State Department of Social Services deems it necessary, a suspected victim of child abuse or neglect may be interviewed during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child’s home or out-of-home care facility. The child shall be 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. A representative of the agency investigating suspected child abuse or neglect or the State Department of Social Services shall inform the child of that right prior to the interview.

The purpose of the staff person's presence at the interview is to lend support to the child and enable him or her to be as comfortable as possible. However, the member of the staff so elected shall not participate in the interview. The member of the staff so present shall not discuss the facts or circumstances of the case with the child. The member of the staff so present, including, but not limited to, a volunteer aide, is subject to the confidentiality requirements of this article, a violation of which is punishable as specified in Section 11167.5. A representative of the school shall inform a member of the staff so selected by a child of the requirements of this section prior to the interview. A staff member selected by a child may decline the request to be present at the interview. If the staff person selected 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. Failure to comply with the requirements of this section does not affect the admissibility of evidence in a criminal or civil proceeding.
Suspected Child Abuse Report

To Be Completed by Mandated Child Abuse Reporters
Pursuant to Penal Code Section 11166

CASE NAME:

CASE NUMBER:

A. REPORTING PARTY

NAME OF MANDATED REPORTER

TITLE

MANDATED REPORTER CATEGORY

REPORTER’S BUSINESS/AGENCY NAME AND ADDRESS

Street

City

Zip

REPORTER’S TELEPHONE (DAYTIME)

SIGNATURE

TODAY’S DATE

B. REPORT NOTIFICATION

OFFICIAL CONTACTED - TITLE

TELEPHONE

DATE/TIME OF PHONE CALL

C. VICTIM

NAME (LAST, FIRST, MIDDLE)

BIRTHDATE OR APPROXIMATE AGE

SEX

ETHNICITY

ADDRESS

City

Zip

TELEPHONE

PHYSICALLY DISABLED?

YES

NO

DEVELOPMENTALLY DISABLED?

YES

NO

OTHER DISABILITY (SPECIFY)

PRIMARY LANGUAGE

SPOKEN IN HOME

IN FOSTER CARE?

YES

NO

IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE:

YES

NO

DAY CARE

CHILD CARE CENTER

FOSTER FAMILY HOME

RELATIVE'S HOME

PHYSICAL

MENTAL

SEXUAL

NEGLECT

OTHER (SPECIFY)

RELATIONSHIP TO SUSPECT

PHOTOS TAKEN?

YES

NO

DID THE INCIDENT RESULT IN VICTIMS DEATH?

YES

NO

INK

D. INVOLVED PARTIES

1. NAME (LAST, FIRST, MIDDLE)

BIRTHDATE OR APPROXIMATE AGE

SEX

ETHNICITY

ADDRESS

City

Zip

PHONE

2. NAME (LAST, FIRST, MIDDLE)

BIRTHDATE OR APPROXIMATE AGE

SEX

ETHNICITY

ADDRESS

City

Zip

PHONE

3. NAME (LAST, FIRST, MIDDLE)

BIRTHDATE OR APPROXIMATE AGE

SEX

ETHNICITY

ADDRESS

City

Zip

PHONE

D. INVOLVED PARTIES (PARENTS/GUARDIANS)

NAME (LAST, FIRST, MIDDLE)

BIRTHDATE OR APPROXIMATE AGE

SEX

ETHNICITY

ADDRESS

City

Zip

PHONE

OTHER RELEVANT INFORMATION

E. INCIDENT INFORMATION

DATE / TIME OF INCIDENT

PLACE OF INCIDENT

NARRATIVE DESCRIPTION (What victim(s) said, what the mandated reporter observed, what person accompanying the victim(s) said, similar or past incidents involving the victim(s) or suspect)

DEFINITIONS AND INSTRUCTIONS ON REVERSE

DO NOT submit a copy of this form to the Department of Justice (DOJ). The investigating agency is required under Penal Code Section 11169 to submit to DOJ a Child Abuse Investigation Report Form SS 8583 if (1) an active investigation was conducted and (2) the incident was not determined to be unfounded.

WHITE COPY - Police or Sheriff's Department; BLUE COPY - County Welfare or Probation; GREEN COPY - District Attorney's Office; YELLOW COPY - Reporting Party
DEFINITIONS AND GENERAL INSTRUCTIONS FOR COMPLETION OF FORM SS 8572

All Penal Code (PC) references are located in Article 2.5 of the PC. This article is known as the Child Abuse and Neglect Reporting Act, also known as CANRA. The Internet site is: http://www.leginfo.ca.gov/calaw.html (specify Penal Code and search for Sections 11164-11174.3). A mandated reporter must complete and submit the form SS 8572 even if some information is not known. (PC Section 11167(a).)

I. MANDATED CHILD ABUSE REPORTERS

- Mandated child abuse reporters include all those individuals and entities as defined in PC Section 11165.7.

II. TO WHOM REPORTS ARE TO BE MADE (DESIGNATED AGENCIES)

- Reports of suspected child abuse or neglect shall be made by mandated reporters to any police department or sheriff’s department (not including a school district police or security department), county probation department (if designated by the county to receive mandated reports) or the county welfare department. (PC Section 11165.9.)

III. REPORTING RESPONSIBILITIES

- Any mandated reporter who has knowledge of or observes a child, in his or her professional capacity or within the scope of his or her employment, whom he or she knows or reasonably suspects has been the victim of child abuse or neglect shall report such suspected instance of abuse or neglect to a designated agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. (PC Section 11166(a).)

- No mandated reporter who reports a suspected instance of child abuse or neglect shall be held civilly or criminally liable for any report required or authorized by the CANRA. Any other person reporting a known or suspected instance of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by the CANRA unless it can be proven the report was false and the person knew it was false or made the report with reckless disregard of its truth or falsity. (PC Section 11172(a).)

IV. INSTRUCTIONS (Continued)

- SECTION B - REPORT NOTIFICATION: Complete the name and address of the designated agency notified, date of the written report, date/time of the phone call and the name, title and telephone number of the official contacted.

- SECTION C - VICTIM (One Report per Family, siblings must have same parents/guardians): Enter the victim’s name, address, telephone number, birth date or approximate age, sex, ethnicity, present location, and where applicable enter the school class (indicate the teacher’s name or room number), and grade. List the primary language spoken in the victim’s home. Check the appropriate yes-no box for: developmentally disabled?, physically disabled? and specify the victim’s other disability. To determine if the victim has a disability, ask the victim’s parent or care giver. Also check the appropriate yes-no box for in foster care?, indicate type of care if the victim was in out-of-home care, indicate the type of abuse. List the victim’s relationship to the suspect, check the appropriate yes-no box for photos taken?, indicate whether the incident resulted in this victim’s death.

- SECTION D - INVOLVED PARTIES: Enter the requested information for: Victim’s Siblings, Victim’s Parents/Guardians and the Suspect.

- SECTION E - INCIDENT INFORMATION: If multiple victims, enter the number. Enter date/time and place of the incident. Provide a narrative of the incident. Attach extra sheets if needed.

V. DISTRIBUTION

- Reporting Party: After completing Form SS 8572, retain the yellow copy for your records and submit the top three copies to the designated agency.

- Designated Agency: Within 36 hours of receipt of Form SS 8572, send white copy to police or sheriff. blue copy to county welfare or probation, and green copy to district attorney.
Board Policy

Child Abuse Prevention And Reporting

BP 5141.4

Students

Child Abuse Prevention

The Governing Board recognizes the district's responsibility to educate students about the dangers of child abuse so that they will acquire the skills and techniques needed to identify unsafe situations and to react appropriately and promptly.

The district's instructional program shall include age-appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain students' right to live free of abuse, inform them of available support resources, and teach them how to obtain help and disclose incidents of abuse. The curriculum also shall include training in self-protection techniques.

(cf. 6143 - Courses of Study)

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

(cf. 1020 - Youth Services)

Child Abuse Reporting

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

(cf. 0450 - Comprehensive Safety Plan)

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

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

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

Legal Reference:
EDUCATION CODE
32280-32288 Comprehensive school safety plans
33308.1 Guidelines on procedure for filing child abuse complaints
44690-44691 Staff development in the detection of child abuse and neglect
44807 Duty concerning conduct of students
48906 Notification when student released to peace officer
Dissemination of reporting guidelines to parents
Prohibition of corporal punishment
Parenting skills education

PENAL CODE
Duty to report murder, rape, or lewd or lascivious act
Willful cruelty or unjustifiable punishment of child; endangering life or health
Definition of lewd or lascivious act requiring reporting
Child Abuse and Neglect Reporting Act
WELFARE AND INSTITUTIONS CODE
Dependent adult abuse reporting

CODE OF REGULATIONS, TITLE 5
Filing complaints with CDE, special education students

Management Resources:
CDE LEGAL ADVISORIES
Guidelines for parents to report suspected child abuse

WEB SITES
California Attorney General's Office, Crime and Violence Prevention Center: http://safestate.org
California Department of Education, Safe Schools: http://www.cde.ca.gov/ls/ss
California Department of Social Services, Children and Family Services Division: http://www.childsworld.ca.gov

Policy UPLAND UNIFIED SCHOOL DISTRICT
adopted: September 27, 2011 Upland, California
Suspension and Expulsion Policies

Suspensions and Expulsion Policies

“Policies ...for pupils who committed an act listed in subdivision (d) of Section 48915 and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion...”

Zero Tolerance - A student must be expelled at least one year for the following:

Section 48915(c)
(1) Possessing, selling, or otherwise furnishing a firearm.
(2) Brandishing a knife at another person.
(3) Unlawfully selling a controlled substance.
(4) Commits or attempts to commit a sexual assault, or commits a sexual battery.

SPECIFIC ACTS OF MISCONDUCT

Specific Acts of Misconduct for which a student may be suspended or expelled as listed in Education Code, (EC) 48900, 48900.2, 48900.3, 48900.4, 48915(a) and 48915(c) are summarized below. These acts are related to school activities or attendance which occur at any time, including, but not limited to:
(1) While on school grounds;
(2) While going to or coming from school;
(3) During the lunch, whether on or off campus; or
(4) During, or while going to or coming from a school sponsored activity.

Section 48900 Grounds for suspension
(a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person; or
(2) Willfully used force or violence upon the person of another, except in self-defense.
(b) Possessed, sold or otherwise furnished any firearm, knife, explosive, or other dangerous object.
(c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of any controlled substance.
(d) Unlawfully offered, arranged, or negotiated to sell any controlled substance and then deliver a false substance.
(e) Committed robbery or extortion.
(f) Caused or attempted to cause damage to school property or private property.
(g) Stolen or attempted to steal school or private property.
(h) Possessed or used tobacco, or any products, containing tobacco or nicotine products.
(l) Committed an obscene act or engaged in habitual profanity or vulgarity.
(j) Had unlawful possession of, or unlawfully offered, arranged or negotiated to sell any drug paraphernalia.
(k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials.
(l) Knowingly received stolen school property or private property.
(m) Possession of an imitation firearm.
(n) Committed or attempted to commit a sexual assault.
(o) Harassed, threatened, or intimidated a student who is a complaining witness.
(p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
(q) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel.
(r) Aiding or abetting the infliction or attempted infliction of physical injury to another (being a “back-up”).

Note: Look-a-like items apply to b, c, d, h and j.
Board Policy

Suspension And Expulsion/Due Process

BP 5144.1

Students

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

(cf. 5131 - Conduct)
(cf. 5144 - Discipline)

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 administrative regulation.

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

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

Except for single acts of a grave nature or offenses for which suspension or expulsion is required by law, suspension or expulsion shall be used only when the student involved has a history of misconduct and other means of correction have failed to bring about proper conduct or the student's presence causes a continuing danger to himself/herself or others.

To correct the behavior of students who are subject to discipline, the Superintendent or designee, to the extent allowed by law, shall use alternative disciplinary measures that keep students in school during the school day.

(cf. 1020 - Youth Services)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)

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

(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Chronic Absence and Truancy)

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

(cf. 6145 - Extracurricular and Co-curricular Activities)
(cf. 6145.2 - Athletic Competition)
Due Process

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

(cf. 5119 - Students Expelled from Other Districts)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

Removal from Class by a Teacher and Parental Attendance

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

Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and his/her parents/guardians and to improve classroom behavior.

Any teacher requiring parental attendance pursuant to this policy shall apply the policy uniformly to all students within the classroom. (Education Code 48900.1)

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is required pursuant to law. (Education Code 48900.1)

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

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

(cf. 5125 - Student Records)

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

(cf. 5145.6 - Parental Notifications)

Decision Not to Enforce Expulsion Order

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law and administrative regulation.
Legal Reference:
EDUCATION CODE
212.5 Sexual harassment
1981 Enrollment of students in community school
17292.5 Program for expelled students
32261 Interagency School Safety Demonstration Act of 1985
35146 Closed sessions (re suspensions)
35291 Rules (for government and discipline of schools)
35291.5 Rules and procedures on school discipline
48660-48667 Community day schools
48900-48927 Suspension and expulsion
48950 Speech and other communication
49073-49079 Privacy of student records
CIVIL CODE
47 Privileged communication
48.8 Defamation liability
CODE OF CIVIL PROCEDURE
1985-1997 Subpoenas; means of production
GOVERNMENT CODE
11455.20 Contempt
54950-54963 Ralph M. Brown Act
HEALTH AND SAFETY CODE
11014.5 Drug paraphernalia
11053-11058 Standards and schedules
LABOR CODE
230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child
PENAL CODE
31 Principal of a crime, defined
240 Assault defined
241.2 Assault fines
242 Battery defined
243.2 Battery on school property
243.4 Sexual battery
245 Assault with deadly weapon
245.6 Hazing
261 Rape defined
266c Unlawful sexual intercourse
286 Sodomy defined
288 Lewd or lascivious acts with child under age 14
288a Oral copulation
289 Penetration of genital or anal openings
626.2 Entry upon campus after written notice of suspension or dismissal without permission
626.9 Gun-Free School Zone Act of 1995
626.10 Dirks, daggers, knives, razors or stun guns
868.5 Supporting person; attendance during testimony of witness
WELFARE AND INSTITUTIONS CODE
729.6 Counseling
UNITED STATES CODE, TITLE 18
921 Definitions, firearm
UNITED STATES CODE, TITLE 20
7151 Gun free schools

Comprehensive School Safety Plan 33 of 69 4/13/18
COURT DECISIONS

ATTORNEY GENERAL OPINIONS

Management Resources:
CSBA PUBLICATIONS
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Civil Rights Data Collection Summary, March 2012

WEB SITES
CSBA: http://www.csba.org
California Attorney General's Office: http://www.oag.ca.gov
California Department of Education: http://www.cde.ca.gov
U.S. Department of Education, Office of Safe and Drug-Free Schools: http://www.ed.gov/about/offices/list/osdfs

Policy        UPLAND UNIFIED SCHOOL DISTRICT
adopted: August 28, 2012        Upland, California
Policy for Notifying Teachers of Dangerous Pupils

DISCLOSURE OF STUDENT DISCIPLINARY HISTORY TO TEACHERS

The Education Code requires that teaching staff be informed if any of their students have a history of committing acts of the type described in Education Code 48900 (i.e. offenses justifying suspension or expulsion). Magnolia Elementary School maintains a summary of students with a history of such disciplinary problems, which is available for review by the teaching staff. Information contained in this summary is confidential and provided solely for the benefit of our teachers. Further dissemination is prohibited.
Discrimination and Harassment Policy

PROCEDURES FOR HANDLING HARASSMENT COMPLAINTS

Magnolia Elementary School is committed to a work and educational environment that is free of unlawful discrimination on the basis of actual or perceived ethnic group identification, race, ancestry, national origin, religion, physical or mental disability, gender, sex, color, age or sexual orientation. Civil rights guarantees and equal access laws shall be adhered to in all educational programs or activities and personnel/employment practices.
Board Policy

Nondiscrimination/Harassment

BP 5145.3

Students

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

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6164.6 - Identification and Education Under Section 504)

Prohibited discrimination, harassment, intimidation, or bullying includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe and pervasive that it affects a student's ability to participate in or benefit from an educational program 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.

The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

The Superintendent or designee shall provide age-appropriate training and information to students, parents/guardians, and employees regarding discrimination, harassment, intimidation, and bullying, including, but not limited to, the district's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made.

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

In providing instruction, guidance, supervision, or other services to district students, employees and volunteers shall carefully guard against segregating or stereotyping students.

(cf. 1240 - Volunteer Assistance)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.2 - Guidance/Counseling Services)
The principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

Students who engage in discrimination, harassment, intimidation, bullying, or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate discipline, up to and including counseling, suspension, and/or expulsion. Any employee who permits or engages in prohibited discrimination, harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 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. 5145.2 - Freedom of Speech/Expression)

Grievance Procedures

The following position is designated Coordinator for Nondiscrimination to handle complaints regarding discrimination, harassment, intimidation, or bullying, and to answer inquiries regarding the district’s nondiscrimination policies:

Assistant Superintendent Human Resources
390 N. Euclid Avenue
Upland, CA 91786
(909) 985-1864

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)

Any student who feels that he/she has been subjected to discrimination, harassment, intimidation, or bullying should immediately contact the Coordinator, the principal, or any other staff member. In addition, any student who observes any such incident should report the incident to the Coordinator or principal, whether or not the victim files a complaint.

Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying shall report the incident to the Coordinator or principal, whether or not the victim files a complaint.

In addition, the employee shall immediately intervene when safe to do so. (Education Code 234.1)

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Coordinator shall immediately investigate the complaint in accordance with the site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

(cf. 5145.7 - Sexual Harassment)

Within 30 days of receiving the district's report, the complainant may appeal to the Board if he/she disagrees with the resolution of the complaint. The Board shall make a decision at its next regular meeting and its decision shall be final.

The Superintendent or designee shall ensure that the student handbook clearly describes the district's nondiscrimination policy, procedures for filing a complaint regarding discrimination, harassment, intimidation, or bullying, and the
resources that are available to students who feel that they have been the victim of any such behavior. The district’s policy shall also be posted on the district web site or any other location that is easily accessible to students.

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 6163.4 - Student Use of Technology)

When required pursuant to Education Code 48985, complaint forms shall be translated into the student's primary language.

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
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
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
CODE OF FEDERAL REGULATIONS, TITLE 34
100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex
COURT DECISIONS

Management Resources:
CSBA PUBLICATIONS
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010
CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES
California Student Safety and Violence Prevention - Laws and Regulations, April 2004
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: 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.firstamendment.org
National School Boards Association: http://www.nsba.org
U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr

Policy  UPLAND UNIFIED SCHOOL DISTRICT
adopted: August 28, 2012  Upland, California
Board Policy

Sexual Harassment

BP 5145.7
Students

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against any person who files a complaint, testifies, or otherwise participates in district 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)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate instruction and information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence

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 district’s procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made

5. Information about the rights of students and parents/guardians to file a criminal complaint, as applicable

Complaint Process

Any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity (e.g., by 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 Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative regulation. When the 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 or sexual violence 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. 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 Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in the 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
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
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:
CSBA PUBLICATIONS
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010
OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter: Sexual Violence, April 4, 2011
Sexual Harassment: It's Not Academic, September 2008
Revised Sexual Harassment Guidance, January 2001
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr

Policy  UPLAND UNIFIED SCHOOL DISTRICT
adopted: August 28, 2012  Upland, California
Uniform Complaint Process

SEXUAL HARASSMENT COMPLAINT PROCEDURE

The Upland Unified School District prohibits sex-based discrimination, including sexual harassment, and the district and school site staffs are committed to investigating and resolving, fairly, all reports and complaints of sex-based discrimination and sexual harassment.

The Assistant Superintendent of Human Resources is the Chief Complaint Officer for the District. The Assistant Superintendent may be contacted at (909) 985-1864, extension 229, or at Upland Unified School District, 390 N. Euclid Avenue, Upland, California, 91786.

Any report or complaint of sex-based discrimination or harassment against a student may be presented in person or in writing to the principal or assistant principal of the school the student attends. Any report or complaint of sex-based discrimination or harassment made by a student against an employee should be presented in person or in writing to the Assistant Superintendent of Human Resources at the above address. A complaint may also be filed directly with the U.S. Department of Education, Office for Civil Rights at 50 United Nations Plaza, Room 239, San Francisco, CA 94102.

The administration is committed to prohibiting sex-based discrimination and sexual harassment and will thoroughly investigate and resolve all such reports or complaints.

Reporting Procedures

1. The Board encourages and expects students to immediately report incidents of sexual harassment to any teacher, counselor, or administrator at the school site or to the District Complaint Officer.
2. Any teacher, counselor, or administrator who has received a report, verbally or in writing, from any student regarding sexual harassment of that student or any other student by a student or adult in the educational setting must forward that report to the building principal and the Assistant Superintendent of Human Resources, District Complaint Officer, Upland Unified School District, 390 N. Euclid Avenue, Upland, California 91786, Telephone (909) 985-1864 within twenty-four (24) hours, or within a reasonable extension of time thereafter for good cause.
3. Verbal reports of sexual harassment will be put in writing by the individual complaining or the person who receives the complaint and should be signed by the person complaining.
4. Each complaint of sexual harassment shall be promptly investigated in a way that respects the privacy of all parties concerned to the extent permitted by law and to the extent practical and appropriate under the circumstances.
5. The complaint investigator will put his/her findings in writing after concluding the investigation.
6. The investigator will communicate his/her finding to the complainant and the alleged harasser as expeditiously as possible. Appropriate discipline may be imposed.
7. Results may sustain the complaint, not sustain the complaint or be indeterminate. If indeterminate, the matter will be recorded as unresolved.
8. A written record of the investigation will be maintained by the school district separate and apart from any student or personnel file.
9. If dissatisfied with the district’s decision, the complainant may seek assistance through local resources, i.e., Legal Aid Society of the West End, Inland Counties Legal Services or Tel-Law General information. If unable to resolve the dispute via local remedies, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district’s decision. Other resources available include the Office of Civil Rights and the American Civil Liberties Union.

If you have any questions about Upland Unified’s policy against sexual harassment or the procedure for filing complaints, please contact:

Assistant Superintendent Human Resources, Upland Unified School District
Phone: (909) 985-1864
WILLIAMS CRITERIA LEGISLATION
Policies and procedures regarding deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff, and teacher vacancy or mis-assignment will be addressed through Uniform Complaint Procedures process to identify and resolve complaints per the Williams Criteria Legislation.
(Education Code 35186)

UNIFORM COMPLAINT PROCEDURES
The Governing Board recognizes that the district has the primary responsibility for ensuring compliance with state and federal laws and regulations governing educational programs. The district shall investigate and seek to resolve complaints at the local level. The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination based on religion, age, gender, color, sex, sexual orientation, ethnic group identification, race, ancestry, national origin, or physical or mental disability in any program or activity that receives or benefits from state financial assistance. The district shall also follow uniform complaint procedures when addressing complaints alleging failure to comply with state or federal laws including adult basic education, consolidated categorical aid programs, vocational education, child care and development programs, child nutrition programs and special education programs.

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

Upon receipt of a written complaint from an individual, public agency or organization, uniform complaint procedures shall be initiated. The Superintendent or designee shall distribute full information about these procedures.

The Board prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in complaint procedures. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

The Board acknowledges and respects student and employee rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis.

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.

COMPLIANCE OFFICER
The Governing Board designates the following compliance officer to receive and investigate complaints and ensure district compliance with law:
   Assistant Superintendent of Human Resources
   390 N. Euclid Avenue
   Upland, California 91786
   (909) 985-1864

The Superintendent or designee shall annually notify in writing, as applicable, its students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, and other interested parties of their local educational agency complaint procedures, including the opportunity to appeal to the California Department of Education. The notice shall include the identity (identities) of the person(s) responsible for processing complaints. The notice shall also advise the recipient of the notice of any civil law remedies that may be available, and of the appeal and review procedures. This notice shall be in English, and when necessary, in the primary language or mode of communication of the recipient of the notice.
The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs. The Compliance Officer shall maintain a record of each complaint and subsequent related actions, including:

a) The original complaint;

b) A copy of the district decision;

c) A summary of the nature and extent of the investigation conducted by the district if not covered in the district decision;

d) A report of any action taken to resolve the complaint;

e) A copy of the district complaint procedures; and

f) Such other relevant information.

The district will use its uniform complaint procedures when addressing all complaints regarding sex equity.

Investigations of discrimination complaints shall be conducted in a manner that protects confidentiality of the parties and the facts.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

**Step 1: Filing of Complaint**

Any individual, public agency or organization may file a written complaint of alleged noncompliance.

The complaint shall be presented to the Superintendent or designee, who will then give it to the appropriate compliance officer. The Superintendent or designee will maintain a log of complaints received, providing each with a code number and a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other handicaps, district staff shall help him/her to file the complaint.

Complaints alleging unlawful discrimination may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination.

**Step 2: Investigation of Complaint**

The compliance officer shall hold an investigative meeting within five days of receiving the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally. The complainant and/or his/her representative and the district's representatives shall also have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses.

To ensure that all pertinent facts are made available, the compliance officer and the complainant may ask other individuals to attend this meeting and provide additional information.

**Step 3: Response**

Within 30 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five days, file his/her complaint in writing with the Governing Board. The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision is final. If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 days of the district's initially receiving the complaint or within the time period that has been specified in a written agreement with the complainant.
Step 4: Final Written Decision

The report of the district's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the district will arrange a meeting at which a community member will interpret it for the complainant.

This report shall include:

1. The findings and disposition of the complaint, including corrective actions, if any.
2. The rationale for the above disposition.
3. Notice of the complainant's right to appeal the decision to the California Department of Education, and procedures to be followed for initiating such an appeal.
4. A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved.

If an employee is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

APPEALS TO THE CALIFORNIA DEPARTMENT OF EDUCATION

If dissatisfied with the district's decision, the complainant may seek assistance through resources, i.e., Legal Aid Society of the West End, Inland Counties Legal Services or Tel-Law General information. If unable to resolve the dispute via local remedies, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision. Other resources available include the Office of Civil Rights and the American Civil Liberties Union.

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the district's decision and must include a copy of the locally filed complaint and the district's decision.

Disciplinary Action

Any student who is found to be responsible for sexual harassment will be subject to appropriate discipline up to and including expulsion. The severity of the disciplinary action will be based upon the circumstances of the infraction. (Education Code 48900) (Cross Reference: CSBA Policy No. 5145.7)

EC 48900.3 states that suspension or expulsion may be applied if a student “caused, attempted to cause, threatened to cause, or participated in an act of hate violence.”

Hate violence is generally directed against an individual or group of individuals because of their race, religion, ethnicity, or other characteristic.

EC 48900.4 states that suspension or expulsion may be used if a student has “intentionally engaged in harassment, threats, or intimidation, directed against a student or group of students, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of that student or group of students by creating an intimidating or hostile educational environment.”

Examples of harassment, threats, or intimidation include mad dogging (intimidating stares), statements like “you better watch your back,” any action that is intended to harass, intimidate, or threaten another student.

Students should feel free from threats and intimidation at school. As always, if you have any questions or comments about these or any other school rules or policies, we at Magnolia Elementary School stand ready to assist.
The Governing Board expects all employees to exhibit professional and appropriate conduct and serve as positive role models both at school and in the community. An employee may be suspended or disciplined for unprofessional or inappropriate conduct in accordance with law, the district's collective bargaining agreement, Board policy, and administrative regulation.

(cf. 4000 - Concepts and Roles)
(cf. 4112.5/4312.5 - Criminal Record Check)
(cf. 4117.4 - Dismissal)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4141/4241 - Collective Bargaining Agreement)

The Superintendent or designee may take disciplinary action as he/she deems appropriate in light of the particular facts and circumstances involved and based on the severity of the misconduct. Disciplinary actions may include, but not be limited to, verbal warnings, written warnings, reassignment, suspension, compulsory leave, or dismissal.

The Superintendent or designee shall ensure that, consistent with law, disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 4032 - Complaints Concerning Discrimination in Employment)
(cf. 4112.6/4212.6/4312.6 - Personnel Files)
(cf. 4119.1/4219.4/4319.1 - Civil and Legal Rights)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

In accordance with law, the Superintendent or designee shall notify the Commission on Teacher Credentialing when the status of a credentialed employee has been changed as a result of alleged misconduct.

(cf. 4117.7 - Employment Status Reports)

Legal Reference:
EDUCATION CODE
44008 Effect of termination of probation
44009 Conviction of specified crimes
44010 Sex offense - definitions
44011 Controlled substance offense - definitions
44242.5 Reports and review of alleged misconduct
44425 Conviction of a sex or narcotic offense
44660-44665 Evaluation and assessment of performance of certificated employees
44830.1 Criminal record summary certificated employees
44930-44988 Resignations, dismissal, and leave of absence, especially:
44940 Sex offenses and narcotic offenses; compulsory leave of absence
44940.5 Compulsory leave of absence
45055 Drawing of warrants for teachers
48907 Exercise of free speech, expression
48950 Speech and other communication
51530 Advocacy or teaching of communism

GOVERNMENT CODE
3543.2 Scope of representation

HEALTH AND SAFETY CODE
11054 Schedule I; substances included
11055 Schedule II, substances included
11056 Schedule III, substances included
11357-11361 Marijuana
11363 Peyote
11364 Opium
11370.1 Possession of controlled substances with a firearm

PENAL CODE
187 Murder
291 School employees arrest for sex offense
667.5 Prior prison terms, enhancement of prison terms
1192.7 Plea bargaining limitation

CODE OF REGULATIONS, TITLE 5
80303 Reports of change in employment status
80304 Notice of sexual misconduct

COURT DECISIONS

Management Resources:
COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS
California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007
WEB SITES
CSBA: http://www.csba.org
Commission on Teacher Credentialing: http://www.ctc.ca.gov

Policy  UPLAND UNIFIED SCHOOL DISTRICT
adopted: September 27, 2011  Upland, California
Administrative Regulation

Complaints Concerning Discrimination In Employment

AR 4031
Personnel

Complaint Procedure

Any complaint by an employee or job applicant alleging discrimination or harassment shall be addressed in accordance with the following procedures:

1. Notice and Receipt of Complaint: Any employee or job applicant (the "complainant") who believes he/she has been subjected to prohibited discrimination or harassment shall promptly inform his/her supervisor, the district's Coordinator for Nondiscrimination in Employment, or the Superintendent.

   The complainant may file a written complaint in accordance with this procedure, or if he/she is an employee, may first attempt to resolve the situation informally with his/her supervisor.

   A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the Coordinator, whether or not the complainant files a written complaint.

   The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, other evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

   (cf. 0410 - Nondiscrimination in District Programs and Activities)
   (cf. 4030 - Nondiscrimination in Employment)
   (cf. 4032 - Reasonable Accommodation)
   (cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

2. Investigation Process: The Coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five school days of receiving notice of the behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

   The Coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The Coordinator shall inform the complainant that the allegations will be kept confidential to the extent possible, but that some information may be revealed as necessary to conduct an effective investigation.

   (cf. 3580 - District Records)
   (cf. 4112.6/4212.6/4312.6 - Personnel Files)
   (cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

   If the Coordinator determines that a detailed fact-finding investigation is necessary, he/she shall begin the investigation immediately. As part of this investigation, the Coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.
When necessary to carry out his/her investigation or to protect employee or student safety, the Coordinator may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.

The Coordinator also shall determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed to ensure that further incidents do not occur. The Coordinator shall ensure that such interim measures do not constitute retaliation.

3. Written Report on Findings and Corrective Action: No more than 30 days after receiving the complaint, the Coordinator 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 Coordinator shall notify the complainant 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 a determination has been made that discrimination or harassment occurred, the report also shall include any corrective action(s) that have been or will be taken to address the behavior, correct the effect on the complainant, and ensure that retaliation or further discrimination or harassment does not occur.

The report shall be presented to the complainant, the person accused, and the Superintendent or designee.

4. Appeal to the Governing Board: The complainant or the person accused may appeal any findings to the Board within 10 working days of receiving the written report of the Coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 working days.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 9321 - Closed Session Purposes and Agendas)

Other Remedies

In addition to filing a discrimination or harassment complaint with the district, a person may also file a complaint with either the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. To file a valid complaint with DFEH, within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960)

2. To file a valid complaint directly with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)

3. To file a valid complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-5)

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination
GOVERNMENT CODE
12920-12921 Nondiscrimination
12940-12948 Discrimination prohibited; unlawful practices, generally
UNITED STATES CODE, TITLE 20
1681-1688 Title IX of the Education Amendments of 1972
UNITED STATES CODE, TITLE 29
621-634 Age Discrimination in Employment Act
794 Section 504 of the Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2001d-2001d-7 Title VI, Civil Rights Act of 1964
2001e-2001e-17 Title VII, Civil Rights Act of 1964, as amended
2001h-2-2001h-6 Title IX of the Civil Rights Act of 1964
12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.101-35.190 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 34
106.8 Designation of responsible employee for Title IX

Management Resources:
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS
Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002
Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999
WEB SITES
California Department of Fair Employment and Housing: http://www.dfeh.ca.gov

UPLAND UNIFIED SCHOOL DISTRICT
approved: September 27, 2011 Upland, California
Comprehensive School Safety Plan

School –wide Dress Code

STUDENT DRESS AND APPEARANCE REGULATIONS

Under the Constitution of the State of California, the students of the Upland Unified School District have the inalienable right to attend schools that are safe, secure and peaceful. The Upland Unified School District Board of Trustees subscribes to the philosophy that students should be provided with a quality education in a safe, secure and peaceful environment. The Board has determined and finds that the presence of any gang related jewelry, insignia, colors, paraphernalia, apparel, clothing and attire on school campuses and at school activities results in substantial disruption of or material interference with institutional and other activities and so incites students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations or the substantial disruption of the orderly operation of the school. Specifically, the Board finds that it is necessary to establish dress and grooming regulations designed to regulate the wearing of or display of clothing, attire, jewelry, apparel, insignia, colors, paraphernalia or materials that evidence membership in or affiliation with any gang, which are obscene, sexually explicit or suggestive; which promote the use/abuse of drugs, tobacco and/or alcohol; which pose a threat to the physical wellbeing and safety of students or are likely to cause others to be intimidated by fear of violence; or which so incite students as to create a clear and present danger of the commission of unlawful acts on school premises or at school activities, or the violation of law or lawful school regulations or the substantial disruption of or material interference with the orderly operation of the school or school-sponsored activities.

In recognition of the instructional responsibilities and goals of the Upland Unified School District, the district hereby adopts the following regulations relative to the dress and appearance of the students:

1. No gang-related jewelry, insignia, colors, paraphernalia, materials, apparel, clothing or attire may be worn or carried on campus or at school activities. Also prohibited are notebooks, manner of grooming or gesture, which, by virtue of its color, arrangement, trademark, graffiti or any other attribute, denotes membership in such a group.

2. Each school site shall allow for outdoor use during the school day, articles of sun-protective clothing, including, but not limited to, hats. Each school site may set a policy related to the type of sun-protective clothing, including, but not limited to, hats, that pupils will be allowed to use outdoors. Specific clothing and hats determined by the school district or school site to be gang related or inappropriate apparel may be prohibited by the dress code policy. No gang-related hats or other gang related head attire may be worn on campus or at school activities.

3. Clothing, jewelry, paraphernalia or material, or manner of grooming, which is obscene, sexually explicit or which depicts or suggests sexually-related or obscene gestures, pictures or wording or which promotes violence, the use/abuse of drugs, tobacco, or alcohol, may not be worn or carried on campus or at school activities.

4. No student may wear articles of clothing, jewelry, paraphernalia or accessories which pose a threat to the physical and/or emotional well-being and safety of the student or others on campus or at school activities.

5. Clothing or articles of clothing (including, but not limited to, gloves, bandanas, shoestrings, wristbands, jewelry) which are likely to provoke others to acts of violence or which are likely to cause others to be intimidated by the fear of violence may not be worn on campus or at any school activity.

6. The principal or principal’s designee shall enforce the Student Dress and Appearance Regulations.

7. Gang-related clothing, apparel, attire including hats, jewelry, insignias, colors, paraphernalia and materials are prohibited from being worn at school or at school activities.
Safe Ingress and Egress Procedures

Procedures for safe ingress and egress of pupils, parents, and school employees to and from school.

In order to ensure the safety of students, parents and staff, Magnolia Elementary School has established the following procedures:

- School hours have been established that provide access to our campus when supervision is provided.
- School personnel monitors’ student safety while entering and departing from school.
- School Personnel are posted at the gates designated for students entering and exiting campus, before and after school.
- Students are urged to walk with friends to and from school and discouraged from walking alone.
- Our School Resource Officer is another level of safety provided to our school community.
- Student bus riders are informed of bus safety rules, and are supervised by school personnel until they are loaded on the bus to return home.
- Parents and all visitors must check in at the Office and show proper identification before access to a student or student records.
- All staff members must display their District Identification Badges while on campus.
- All visitors must display a valid visitor’s pass while on campus.
## Discipline Procedures

**Upland Unified School District**

**UNIFORM DISCIPLINARY PROCEDURES**

Students who violate district rules are subject to the disciplinary actions listed on the following chart. Schools also have the right to make additional school rules. School administrators will determine the appropriate action after considering the severity of the infraction, other factors such as age, health and maturation of the student and all alternative measures designed to bring about proper conduct. Students whose behavior is insubordinate or incorrigible will be referred for appropriate action to the school administrator. If no improvement is noted or if a sanction more severe than a five-day suspension is considered appropriate, the principal may recommend expulsion or an involuntary transfer. A student who becomes a victim of a violent criminal offense while in or on the grounds of a school that the student attends, has the right to transfer to another school within the district.

### RANGE OF DISCIPLINARY ACTIONS

(Individual Schools May Have Additional Rules)
A pupil may be suspended or expelled for acts which are enumerated in this section and related to school activity or attendance that occur at any time, including but not limited to, any of the following:

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

(Education Code 48900)

<table>
<thead>
<tr>
<th>Grounds for Discipline</th>
<th>Minimum Action</th>
<th>Maximum Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tardiness: Truancy</td>
<td>Conference/Meeting</td>
<td>SARB/Alternative Placement</td>
</tr>
<tr>
<td>Defiance of Authority to School Personnel</td>
<td>Conference/Meeting</td>
<td>Suspension/Expulsion</td>
</tr>
<tr>
<td>Disorderly conduct, profanity, obscene behavior, vulgar language</td>
<td>Conference/Meeting</td>
<td>Suspension/Expulsion</td>
</tr>
<tr>
<td>Dress Code</td>
<td>Conference/Meeting</td>
<td>Suspension</td>
</tr>
<tr>
<td>Harassment, threats, intimidation, bullying to pupils or school personnel including through electronic means</td>
<td>Conference/Suspension</td>
<td>Expulsion</td>
</tr>
<tr>
<td>Forgery</td>
<td>Conference/Detention</td>
<td>Suspension</td>
</tr>
<tr>
<td>Smoking, tobacco possession</td>
<td>Suspension</td>
<td>Alternative Placement</td>
</tr>
<tr>
<td>Damage to school or private property</td>
<td>Suspension</td>
<td>Expulsion</td>
</tr>
<tr>
<td>Fighting</td>
<td>Conference/Suspension</td>
<td>Alternative Placement</td>
</tr>
<tr>
<td>Physical assault/willful use of force or violence</td>
<td>Conference/Suspension</td>
<td>Expulsion</td>
</tr>
<tr>
<td>Selling/delivering material represented to be a controlled substance</td>
<td>Suspension</td>
<td>Alternative Placement, Expulsion</td>
</tr>
<tr>
<td>Possessing a material represented to be a controlled substance</td>
<td>Suspension</td>
<td>Alternative Placement</td>
</tr>
<tr>
<td>Grounds for Discipline</td>
<td>Minimum Action</td>
<td>Maximum Action</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------------</td>
<td>---------------------------------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>Threatening to cause injury</td>
<td>Suspension</td>
<td>Alternative Placement, Expulsion</td>
</tr>
<tr>
<td>Possession of drug paraphernalia</td>
<td>Suspension / Alternative Placement</td>
<td>Expulsion</td>
</tr>
<tr>
<td>Stealing or attempting to steal school or private property (including electronic files and databases)</td>
<td>Conference/Suspension</td>
<td>Expulsion</td>
</tr>
<tr>
<td>Receiving stolen property</td>
<td>Suspension</td>
<td>Expulsion</td>
</tr>
<tr>
<td>Possession of an imitation firearm</td>
<td>Suspension / Alternative Placement</td>
<td>Expulsion</td>
</tr>
<tr>
<td>Threatening a witness</td>
<td>Suspension / Alternative Placement</td>
<td>Expulsion</td>
</tr>
<tr>
<td>Aiding or abetting the infliction of physical injury</td>
<td>Suspension</td>
<td>Expulsion</td>
</tr>
<tr>
<td>Hate violence</td>
<td>Suspension / Alternative Placement</td>
<td>Expulsion</td>
</tr>
<tr>
<td>Hazing</td>
<td>Suspension / Alternative Placement</td>
<td>Expulsion</td>
</tr>
<tr>
<td>Sexual Harassment</td>
<td>Suspension / Alternative Placement</td>
<td>Expulsion</td>
</tr>
<tr>
<td>Making a terrorist threat</td>
<td>Suspension / Alternative Placement</td>
<td>Expulsion</td>
</tr>
<tr>
<td>Causing serious physical injury</td>
<td>Suspension / Alternative Placement</td>
<td>Expulsion</td>
</tr>
<tr>
<td>Possessing a knife or dangerous object</td>
<td>Suspension / Alternative Placement, Expulsion</td>
<td>Expulsion</td>
</tr>
<tr>
<td>Possessing or under the influence of drugs or alcohol</td>
<td>Suspension / Alternative Placement, Expulsion</td>
<td>Expulsion</td>
</tr>
<tr>
<td>Robbery, extortion</td>
<td>Suspension / Alternative Placement</td>
<td>Expulsion</td>
</tr>
<tr>
<td>Assault/battery upon a school employee</td>
<td>Alternative Placement, Expulsion</td>
<td>Expulsion</td>
</tr>
<tr>
<td>Possessing, selling or furnishing a firearm</td>
<td>Expulsion</td>
<td>Expulsion</td>
</tr>
<tr>
<td>Brandishing a knife</td>
<td>Expulsion</td>
<td>Expulsion</td>
</tr>
<tr>
<td>Selling a controlled substance</td>
<td>Expulsion</td>
<td>Expulsion</td>
</tr>
<tr>
<td>Sexual assault or battery</td>
<td>Expulsion</td>
<td>Expulsion</td>
</tr>
<tr>
<td>Possessing an explosive</td>
<td>Expulsion</td>
<td>Expulsion</td>
</tr>
</tbody>
</table>
Board Policy

Conduct

BP 5131

Students

The Governing Board believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, going to or coming from school, at school activities, or using district transportation.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5131.1 - Bus Conduct)
(cf. 5137 - Positive School Climate)
(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall ensure that each school develops standards of conduct and discipline consistent with Board policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

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

(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5142 - Safety)

2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption

(cf. 5131.2 - Bullying)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

3. Conduct that disrupts the orderly classroom or school environment

(cf. 5131.4 - Student Disturbances)

4. Willful defiance of staff's authority

5. Damage to or theft of property belonging to students, staff, or the district

(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 5131.5 - Vandalism and Graffiti)
The district shall not be responsible for students' personal belongings which are brought on campus or to a school activity and are lost, stolen, or damaged.

6. Obscene acts or use of profane, vulgar, or abusive language
   (cf. 5145.2 - Freedom of Speech/Expression)

7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs
   (cf. 5131.6 - Alcohol and Other Drugs)
   (cf. 5131.62 - Tobacco)
   (cf. 5131.63 - Steroids)

8. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose (Penal Code 417.27)

Prior to bringing a laser pointer on school premises for a valid instructional or school-related purpose, a student shall obtain permission from the principal or designee.

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

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

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

10. Plagiarism or dishonesty on school work or tests
    (cf. 5131.9 - Academic Honesty)
    (cf. 6162.54 - Test Integrity/Test Preparation)
    (cf. 6162.6 - Use of Copyrighted Materials)

11. Inappropriate attire
    (cf. 5132 - Dress and Grooming)

12. Tardiness or unexcused absence from school
    (cf. 5113 - Absences and Excuses)
    (cf. 5113.1 - Chronic Absence and Truancy)

13. Failure to remain on school premises in accordance with school rules
    (cf. 5112.5 - Open/Closed Campus)

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene 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 an administrator for further investigation.

When a school official suspects that a search of a student or his/her belongings will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

(cf. 5145.12 - Search and Seizure)

When a student uses any prohibited device, or uses a permitted device in any unethical or illegal activity, a district employee may confiscate the device. The employee shall store the item in a secure manner until an appropriate time.

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

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5127 - Graduation Ceremonies and Activities)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6020 - Parent Involvement)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6159.4 - Behavioral Interventions for Special Education Students)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)

Students also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination
32280-32289 Comprehensive safety plan
35181 Governing board authority to set policy on responsibilities of students
35291-35291.5 Rules
44807 Duty concerning conduct of students
48900-48925 Suspension and expulsion
51512 Prohibition against electronic listening or recording device in classroom without permission
CIVIL CODE
1714.1 Liability of parents and guardians for willful misconduct of minor
PENAL CODE
288.2 Harmful matter with intent to seduce
313 Harmful matter
417.25-417.27 Laser scope or laser pointer
647 Use of camera or other instrument to invade person's privacy; misdemeanor
653.2 Electronic communication devices, threats to safety

VEHICLE CODE
23123-23124 Prohibitions against use of electronic devices while driving

CODE OF REGULATIONS, TITLE 5
300-307 Duties of students

UNITED STATES CODE, TITLE 42
2000h-2000h6 Title IX, 1972 Education Act Amendments

COURT DECISIONS
LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981
Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675

Management Resources:
CSBA PUBLICATIONS
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010
Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Bullying at School, 2003

WEB SITES
CSBA: http://www.csba.org
California Department of Education, Safe Schools Office: http://www.cde.ca.gov/ls/ss
Center for Safe and Responsible Internet Use: http://cyberbully.org
National School Boards Association: http://www.nsba.org
National School Safety Center: http://www.schoolsafety.us

Policy UPLAND UNIFIED SCHOOL DISTRICT
adopted: August 28, 2012 Upland, California
Board Policy

 Discipline

BP 5144
Students

The Governing Board desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, effective classroom management, and parent involvement can minimize the need for discipline. Staff shall use preventative measures and positive conflict resolution techniques whenever possible. In addition, discipline shall be used in a manner that corrects student behavior without intentionally creating an adverse effect on student learning or health.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5137 - Positive School Climate)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 6020 - Parent Involvement)

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

(cf. 5131 - Conduct)
(cf. 5131.1 - Bus Conduct)

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. Persistently disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy, and administrative regulation.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515 - Campus Security)
(cf. 3515.3 - District Police/Security Department)
(cf. 4158/4258/4358 - Employee Security)
(cf. 5136 - Gangs)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6159.4 - Behavioral Interventions for Special Education Students)
(cf. 6164.5 - Student Success Teams)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)

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

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)
The Superintendent or designee shall provide professional development as necessary to assist staff in developing consistent classroom management skills, implementing effective disciplinary techniques, and establishing cooperative relationships with parents/guardians.

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

Legal Reference:
EDUCATION CODE
32280-32288 School safety plans
35146 Closed sessions
35291 Rules
35291.5-35291.7 School-adopted discipline rules
37223 Weekend classes
44807.5 Restriction from recess
48900-48926 Suspension and expulsion
48980-48985 Notification of parent/guardian
49000-49001 Prohibition of corporal punishment
49330-49335 Injurious objects
CIVIL CODE
1714.1 Parental liability for child's misconduct
CODE OF REGULATIONS, TITLE 5
307 Participation in school activities until departure of bus
353 Detention after school

Management Resources:
CSBA PUBLICATIONS
Maximizing Opportunities for Physical Activity during the School Day, Fact Sheet, 2009
CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES
STATE BOARD OF EDUCATION POLICIES
01-02 School Safety, Discipline, and Attendance, March 2001
WEB SITES
California Department of Education: http://www.cde.ca.gov

Policy  UPLAND UNIFIED SCHOOL DISTRICT
adopted: September 27, 2011  Upland, California
Hate Crime Policies and Procedures

Hate crime policies and procedures

EC 48900.3 states that suspension or expulsion may be applied if a student “caused, attempted to cause, threatened to cause, or participated in an act of hate violence.”

Hate violence is generally directed against an individual or group of individuals because of their race, religion, ethnicity, or other characteristic.

EC 48900.4 states that suspension or expulsion may be used if a student has “intentionally engaged in harassment, threats, or intimidation, directed against a student or group of students, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of that student or group of students by creating and intimidating or hostile educational environment.”

Examples of harassment, threats, or intimidation include mad dogging (intimidating stares), statements like “you better watch your back,” any action that is intended to harass, intimidate, or threaten another student.

Students should feel free from threats and intimidation at school. These two provisions will help ensure a safe place for learning.
Board Policy

Hate-Motivated Behavior

BP 5145.9

Students

In order to create a safe learning environment for all students, the Governing Board 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 district 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 district 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 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 Coordinator for Nondiscrimination/Principal. Upon receiving such a complaint, the Coordinator/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)
Staff who receive notice of hate-motivated behavior or personally observe such behavior shall notify the Coordinator/Principal, Superintendent or designee, and/or law enforcement, as appropriate.

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

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 UPLAND UNIFIED SCHOOL DISTRICT
adopted: September 27, 2011 Upland, California
Board Policy

Bullying

BP 5131.2
Students

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

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

(cf. 5131 - Conduct)
(cf. 5136 - Gangs)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

Cyberbullying includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

(cf. 5145.2 - Freedom of Speech/Expression)

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

(cf. 0420 - School Plans/Site Councils)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 1220 - Citizen Advisory Committees)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 6020 - Parent Involvement)

Bullying Prevention

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

(cf. 5137 - Positive School Climate)
(cf. 6164.2 - Guidance/Counseling Services)
The district may provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

(cf. 6163.4 - Student Use of Technology)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6142.94 - History-Social Science Instruction)

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

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

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

Intervention

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

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

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

Complaints and Investigation

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

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

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

Discipline
Any student who engages in bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with district policies and regulations.

(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6159.4 - Behavioral Interventions for Special Education Students)

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination
32282 Comprehensive safety plan
35181 Governing board policy on responsibilities of students
35291-35291.5 Rules
48900-48925 Suspension or expulsion
48985 Translation of notices
PENAL CODE
647 Use of camera or other instrument to invade person's privacy; misdemeanor
647.7 Use of camera or other instrument to invade person's privacy; punishment
653.2 Electronic communication devices, threats to safety
UNITED STATES CODE, TITLE 47
254 Universal service discounts (e-rate)
COURT DECISIONS

Management Resources:
CSBA PUBLICATIONS
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010
Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008
Bullying at School, 2003
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter: Harassment and Bullying, October 2010
WEB SITES
CSBA: http://www.csba.org
California Cybersafety for Children: http://www.cybersafety.ca.gov
California Department of Education, Safe Schools Office: http://www.cde.ca.gov/ls/ss
Center for Safe and Responsible Internet Use: http://cyberbully.org
National School Boards Association: http://www.nsba.org
National School Safety Center: http://www.schoolsafety.us
U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr

Policy UPLAND UNIFIED SCHOOL DISTRICT
adopted: August 28, 2012 Upland, California

Comprehensive School Safety Plan 68 of 69 4/13/18
## Disaster Procedures

### Disaster procedures, routine and emergency.

#### Disaster Service Workers

All public employees are designated as disaster service workers subject to service as may be assigned to them by their superiors or by law (Govt. Code, Chapter 8, Section 3100). **Should a disaster strike during school hours, NO employee will leave his/her assignment under any circumstances unless officially released by the Superintendent or his designee.**

“The Upland Unified School District agrees that, after meeting its responsibilities to pupils, it will permit, to the extent of its ability and upon request by the Red Cross, the use of its physical facilities by the Red Cross as mass shelters for the victims of disasters.”

All District staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and events that threaten to result in disaster.

The Superintendent or designee shall develop and maintain a disaster preparedness plan, which details provisions for handling all foreseeable emergencies and disasters. This plan shall be reviewed and updated at least annually.

Principals are the responsible party at each site and shall augment the district plan with working plans and procedures reviewed by the Superintendent and/or designee specific to each school site. All students and employees shall receive instruction regarding these plans.

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

The Superintendent, or designee, may provide a plan that allows bus seating capacity limits to be exceeded when a disaster or hazard requires students to be moved immediately to ensure their safety.

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

Disaster simulation exercises shall be held annually at each school site and coordinated with the city when possible. The exercises shall demonstrate how safety procedures may be applied to various types of emergencies.

All employees should become proficient in first aid and cardiopulmonary resuscitation. Each principal shall ascertain that at least one staff member at each school holds a valid certificate in these areas. The Superintendent or designee shall provide for CPR in-service training to be offered at least once a year for district staff.