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STUDENT SERVICES



MT. DIABLO UNIFIED SCHOOL DISTRICT

COMPREHENSIVE SCHOOL SITE SAFETY PLAN

CLAYTON VALLEY HIGH SCHOOL

(School Site)

Gary Swanson, Principal

Mildred Browne, Assistant Superintendent, Pupil Services and Special Education

Rose Lock, Assistant Superintendent, Elementary Education

Gail Isserman, Assistant Superintendent, Personnel

Peder Pedersen, Interim Assistant Superintendent, Administrative Services

Alan Young, Associate Superintendent, Educational Services

Steven Lawrence, Superintendent

2009-2010

Plan Developed by:

Name	Position
<u>Gary Swanson</u>	<u>Principal</u>
<u>Rick Leach</u>	<u>Administrator</u>
<u>Adevinka Fashokun</u>	<u>Administrator</u>
<u>Susan Seeley</u>	<u>Teacher</u>
<u>Mundy Viar</u>	<u>Teacher</u>
<u>Danielle Dell</u>	<u>Teacher</u>
<u>Lisa Ihle</u>	<u>Teacher</u>
<u>Joyce Meyer</u>	<u>Teacher</u>
<u>Bodhi Young</u>	<u>Teacher</u>
<u>Robin Soto</u>	<u>Teacher</u>
<u>Sandi Michels</u>	<u>Staff Member</u>
<u>Jeff Greenwald</u>	<u>Parent</u>
<u>Alison Bacigalupo</u>	<u>Parent</u>
<u>Michele McNeill</u>	<u>Parent</u>
<u>Andrea Jacobson</u>	<u>Parent</u>
<u>Michjael Oviedo</u>	<u>Student</u>
<u>Sehar Qureshi</u>	<u>Student</u>

Public Hearing Date: March 17, 2010

Date Adopted by School Site Council March 17, 2010

Mount Diablo Unified School District

Comprehensive School Site Safety Plan

Clayton Valley High School

School

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COMPREHENSIVE SCHOOL SITE SAFETY PLAN MEMBERSHIP

Clayton Valley High School
School

School Site Council or Delegated School Safety Planning Committee Members (A)	Principal or designee (B)	Classified Employee (C)	Classroom Teacher (D)	Parent (E)	Law Enforcement (F)	Other school staff (G)	Community Representative (H)	Student (I)	Other (specify) (J)
1. Gary Swanson	X								
2. Rick Leach						X			
3. Adeyinka Fashokun						X			
4. Sandi Michels		X							
5. Danielle Dell			X						
5. Bodhi Young			X						
6. Lisa Ihle			X						
7. Mundy Viar			X						
8. Susan Seeley			X						
9. Robin Soto			X						
10. Alison Bacigalupo				X					
11. Michele McNeill				X					
12. Jeff Greenwald				X					
13. Andrea Jacobson				X					
14. Sehar Qureshi								X	
15. Michael Oviedo								X	
16. Kevin Choe					X				

SCHOOL MISSION STATEMENT

The mission of Clayton Valley High School is:

- Provide an academic program in a humane environment
- Help students develop respect and appreciation for themselves and for others
- Help students grow into competent, confident, caring adults with a sense of responsibility to themselves and to society.
- Help each individual realize his/her potential to the fullest extent
- Provide a safe and welcoming environment for staff, students and the community

STUDENT DATA SUMMARY

Data Source	2006-2007	2007-2008	2008-2009	2009-2010 (partial)
Suspensions (number of incidents)	197	132	120	130
▪ Violence	54	54	41	31
▪ Tobacco	3	10	2	4
▪ Drugs/Alcohol	71	65	45	30
▪ Weapons	15	3	1	4
Expulsions	0		0	5
Attendance (percentage)	98%	95.6%	96.1%	95.44
SART # of Referrals	128	69	431	147
SARB # of referrals	41	17	215	73
SARB # referred to Court	4	3	8	4
SST (number of referrals)	53	24	22	25
Coordinated Care Team (number of referrals)	48	12	21	11
Positive Behavior Team Referrals*				1
Site Safety Surveys**				
Vandalism Reports		7	81	45

*implementation 2006-2007

** site developed, see attached

Conclusions from Data:

The data from the four school years identified above reflected a decrease in the total number of suspensions until 2009-2010 when we observed an increase from 2008-2009. The data also shows an increase in suspensions for violence and an increase in expulsions from previous years. The number of suspensions for drugs and alcohol continues to be one of Clayton Valley's number one causes for suspension. The Safety Plan Committee believes the major contributors to the increases are in the freshman class, more specifically, are a small number of repeat offenders in the freshman class. The committee also feels that the increases are largely due to the following:

- 1) Class size reduction discontinued, leading to less individual attention
- 2) Bad economy resulting in stress on families
- 3) A new administrator responsible for discipline
- 4) Challenge Day Program being dissolved due to lack of funding

Conclusions from Parent, Teacher and Student Input:

The WASC Self Study Survey of students, parents and staff reflected a sense that students felt safe on campus despite the data. However, alcohol and drug use was a concern based on the Healthy Kids Survey. The conclusion the committee came to was that students were disconnected from school socially and academically which resulted in the absenteeism (tardy) issues, fights and drug use, many times which occur off campus due to the openness of the campus.

2009-2010

Comprehensive School Site Safety School Plan

List Data Sources Reviewed i.e., surveys, focus groups, discipline, and attendance SWISS.

Suspension reports, attendance records, Healthy Kids Survey, semester grades, vandalism incidents/reports, WASC Self-Study, WASC Visiting Committee report to the staff and the SLC survey of students conducted by MDUSD.

Areas of Pride and Strength (include school programs and practices that promote a positive learning environment).

CVHS offers its students many opportunities to use their talents and skills in and outside of the normal classroom routine. For those that participate, these programs promote a sense of pride and accomplishment as well as recognition for participation and effort:

Some of the programs that help accomplish these goals are:

- Instrumental Music, Vocal, Art and Drama programs:
These programs introduce, encourage and help students develop their artistic talents.
- Eagle Arts Expo: Sponsored by Renaissance and the Clayton Valley Performing Arts Center Committee, open to students in our feeder pattern in grades 6-12.
- Clayton Arts Academy, Public Service Academy, and Engineering Academy: (Small learning communities which help foster the feelings of inclusion and acceptance)
- Engineering Academy received a grant from Chevron and a grant from California Partnership Academy through Project Lead the Way.
- Leadership and Class Officers: Students are elected by student body grades 9-12 to make up the CVHS Student Government (ASB). Develops unique characteristics, attitudes and skills that empower students to make significant campus changes.
- Renaissance: A school service class that hones individual leadership abilities to make significant changes to individuals and groups on campus.

- Senior Men and Senior Women: School service organizations that have activities and fundraise to provide scholarships and charitable donations to the community.
- Academic Letter program: A program that recognizes students for all academic achievements.
- Every 15 Minutes Program: A parent sponsored program that is designed to help students learn and understand the serious consequences of drinking and driving. This is a student participation program that simulates the serious effects that can occur when people drink and drive.
- Grad Night: Parent organized safe and sober celebration following our graduation ceremonies. Particularly designed to help students learn they can celebrate without the use of alcohol.
- Science Fair: An activity to showcase the student projects in biological and physical sciences.
- Brain Bowl: A student/staff competition held annually that helps encourage positive interactions between staff and students.
- Campus Radio Station: An ROP program that trains students to produce and broadcast news, music and public information programs.
- Student-run child preschool program: An actual on-campus day care runs entirely by students. This is a hands-on day care that serves the local community preschool students. Activities are planned, developed and taught by CV students.

- ROP Programs: A career training program for high school students in Contra Costa County. CV currently offers eight ROP classes on campus. These may include classes such as forensic science, automotive tech, computer graphics, web design, creative writing, sports medicine, child development, and radio communications.
- Athletic Programs and new state-of-the-art athletic facilities: CV offers sports for all seasons at the freshman, JV and Varsity levels for both girls and boys sports. We now have an all-weather track and field, a recently refurbished baseball field and new tennis courts.
- Parent Faculty Club: Our parent faculty club is a parent volunteer organization which sponsors various fundraising activities such as our annual Spring Fundraiser which donates directly to our new technology fund. The club also sponsors Project Pride which is responsible for campus beautification, teacher appreciation events, student awards assemblies and various other projects to build pride in our school.
- Music Boosters and Athletic Boosters: Programs that allow and encourage parents to have a strong connection with the school and its students involved in both athletic and music programs. Both programs work strongly to fundraise and foster each program.
- The United Mt. Diablo Athletic Foundation: A district-wide organization which sponsors fundraising activities to acquire funds for our athletic programs.
- Athletic Advisory Committee: A committee that advises the Board of Education and makes recommendations regarding athletics for the league.

Comprehensive School Site Safety School Plan

- California Scholarship Federation: A rigorous academic program that encourages and recognizes outstanding academic achievement.
- Girls Group: A character awareness/self esteem group that deals with the issues young girls face
- On-Campus Clubs including: Art Club, Black Students United, Christian Club, Fencing Club, French Club, Gay Straight Alliance, Green People, Hip-Hop Club, Multi-Cultural Club, Senior Men, and Senior Women,. These clubs are to help and encourage students to develop their particular interests.
- Student Study Center: A center specifically created to help tutor students when a teacher, parent or student recognized the need for additional help in academic areas, most specifically English and Math.
- Clayton Valley Library open after school with teacher tutors to provide academic help to students struggling in core subject areas.
- Back to School Night
- Open House format changed from classroom visitations to a showcase format
- AIMS and Academic Literacy classes: Class developed to provide support to students struggling in English and Math classes.
- SART/SARB: A process that monitors student attendance. Designed as an intervention program to help students stay in school.
- SST: A meeting for individual students which includes parent, student and teachers to develop strategies to help the student succeed.

2009-2010

Comprehensive School Site Safety School Plan

- School Resource Officer: Concord Police officer that serves the CVHS and feeder school community. Daily presence of police officers helps the students and community feel safe on campus, subject to the City of Concord's budget restrictions.
- Campus Supervisors: Four adult supervisors who monitor the campus during school hours to help create a safe environment, subject to budget cuts.
- Tobacco Awareness Workshops: Intervention program designed to help teach students the dangers of smoking and strategies to help them quit.
- After School Career Exploration Workshops: A hands on seminar to explore different career opportunities.

Areas of Focus:

I. Social Climate

II. Physical Environment

I. There are many isolated groups of students who do not have a strong identity with the school as an area of pride. Implement programs to connect all students with their school.

II. Students do not take pride in the appearance of their campus as evidenced by the amount of daily trash and petty vandalism that repeatedly occurs after hours.

2009-2010 School – Safe School Plan

2009-2010 Component I The Social Climate People and Programs (Have at least one goal, objective and activity for each component)	Who will take the Lead	Completion Date and Budget	Resources Needed	How We Will Monitor and evaluate
<p>Goal #1 Connect all students to the school. Objective: By June 2010, 50% of the students will be publicly recognized as being part of a campus group or for their individual achievement.</p> <p>Activities:</p>				
<p>1.0 a. Clubs will publicize their focus and recruit members. b. To address this we have lunchtime activities such as Homecoming Week and the first week of the second semester, Winter Ball and Class Olympics.</p>	Student Leadership	Heavy emphasis during registration and first month of school then on-going	Publicity through mail outs, tables at registration, and announcements	Membership lists for each club.
<p>2.0 a. Use bulletin boards to recognize campus groups and their activities. b. Use bulletin boards to recognize students for their achievement in class work.</p>	Student Leadership Teachers in each department	By December 2009, 4 new bulletin boards \$800	Teachers, student leaders, Leadership class, administration	Installation of the bulletin boards. Bulletin boards with postings changed monthly or more.

Component II Physical Environment Place (Have at least one goal, objective and activity for each component)	Who will take the Lead	Completion Date and Budget	Resources Needed	How We Will Monitor and evaluate
<p>Goal #1: Students will show pride in their campus.</p> <p>Objective: By June 2010, 80% of the student body will participate in some form of campus beautification.</p>				
<p>Activities:</p>				
<p>1.0</p> <p>a. Students to design graphics to be painted in each hallway identifying the subject(s) primarily taught in the building.</p> <p>b. Contest for the entries will be judged by students voting and the winner(s) then painting their graphics.</p> <p>c. To address this issue we have added the Clean Campus Committee as a part of Leadership. We have periodic clean campus days throughout the year.</p>	<p>Teachers, administration, student leadership, Renaissance</p>	<p>June 2010 Budget will vary depending on how many designs are selected. Student Leadership will be asked to fund \$100 per graphic as a budget.</p>	<p>Teacher cooperation, Renaissance to get the message out</p>	<p>Designs painted in hallways.</p>
<p>2.0</p> <p>a. Fencing will be installed to limit the current unrestricted ingress and egress to the campus</p>	<p>Site Council, Principal</p>	<p>Aug. 2009 Prop 55</p>	<p>Funding approval District approval</p>	<p>Installation Completed, Reports of students off</p>

Component II Physical Environment Place (Have at least one goal, objective and activity for each component)	Who will take the Lead	Completion Date and Budget	Resources Needed	How We Will Monitor and evaluate
b. Installation of surveillance camera system	District/PFC	June 2009	District/PFC funding approved	campus during school day reduced; Reports of non-registered visitors on campus reduced

Procedures for Safe Ingress and Egress of Pupils

Include considerations for safe access when students are entering and leaving school grounds. Describe campus supervision and include a map.

Include information regarding campus security. Access to campus, use of campus supervisors, security personnel, security equipment (e.g. communications systems, surveillance cameras and any other detection devices, etc.) are appropriately utilized.

Describe safe ingress and egress procedures of students, parents and school employees to and from school:
Ed Code 32282G

The majority of students arrive daily by automobile, some drive and park on campus, some dropped off by parents. There are five entrance areas in the front of the school as well as one entrance into the back parking lot. There is one designated drop-off area in the front of the school. *Campus Supervisors oversee the driveways and parking lots throughout the day to minimize traffic and parking concerns. The Concord Police Department enforces traffic regulations when necessary. Students who walk to school have sidewalks and marked crosswalks to assure their safety.

Campus Supervisors make every effort to help monitor the parking lots and entrances to the school especially during the beginning and end of the school day. The campus supervisors monitor the school on a rotation basis. The rotation consists of dividing the campus into four general areas and each supervisor is assigned to an area for a period of one week. They are assigned to these areas specifically during brunch and lunch periods, and during class they patrol the entire school. After school the campus supervisors stay primarily in the front and back student parking lots, but in emergency situations they go where needed.

DUTIES AND SCHEDULING OF CAMPUS SECURITY

CAMPUS SUPERVISORS (4)

DUTIES:

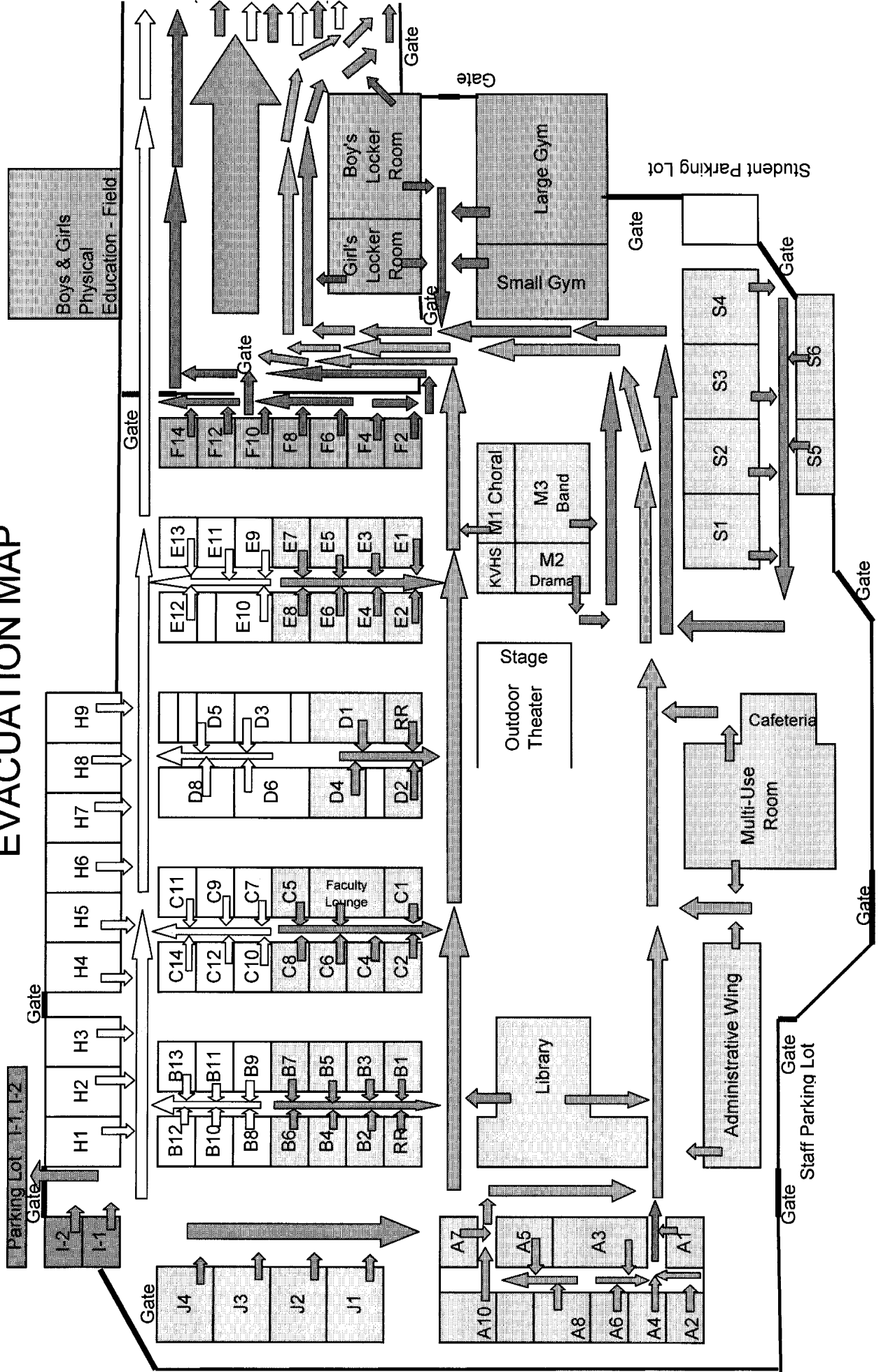
- Enforce school rules
- Observe and report on student behavior and activities
- Monitor and control students in assigned areas
- Intervene on student misconduct
- Check visitors and control intruders
- Patrol campus including hallways, restrooms and all other areas in and around the school campus
- Monitor parking lots
- Respond to injuries of students
- Respond to emergencies, ie, fires, drills, alarms
- Interact with students and visitors and offer information as needed

There are four campus supervisors assigned to Clayton Valley. The hours are as follows:

- (1) 7:00 am – 1:30 pm
- (2) 7:45 am – 2:15 pm
- (3) & (4) 8:45 am – 3:15 pm

The campus supervisors monitor the school on a rotation basis. The campus is divided into four general areas and assigned to each supervisor for a period of one week. They are assigned to these areas for the brunch and lunch periods. During class time, they patrol the entire school.

CLAYTON VALLEY HIGH SCHOOL EVACUATION MAP



Main School Entrance
1101 Alberta Way

CLAYTON VALLEY HIGH SCHOOL EVACUATION MAP

Grass Area and Baseball Field

Class Room Numbers

H-9	H-8	H-7	H-6	H-5	H-4	H-3	H-2	H-1	H				
PE-Gyms/Locker Rooms	F-14	F-12	F-10	F-8	F-6	F-4	F-2	F-2	F				
E-13	E-11	E-10	E-9	E-8	E-7	E-6	E-5	E-4	E-3	E-2	E-1		
J-4	J-3	J-2	J-1	D-8	D-6	D-5	D-4	D-3	D-2	D-1	D		
C-14	C-12	C-11	C-10	C-9	C-8	C-7	C-6	C-4	C-2	C-1	C		
B-13	B-12	B-11	B-10	B-9	B-8	B-7	B-6	B-5	B-4	B-3	B-2	B-1	B
A-10	A-8	A-7	A-6	A-5	A-4	A-3	A-2	A-1	A-2	A-1	A	A	
M-3	M-2	M-1	S-6	S-5	S-4	S-3	S-2	S-1	S-2	S-1	S	S	

Wing Rows

Tennis Courts

Main School Entrance
1101 Alberta Way

Child Abuse

CHILD ABUSE AND NEGLECT

[POLICY 5141.4(A)]

DEFINITION

The following information, taken from Penal Code Sections 273a, 273d, and 11165.6, will assist school employees in deciding whether to file a complaint of child abuse.

WHAT IS CHILD ABUSE

Child abuse is a physical injury which is inflicted by other than accidental means on a child by another person.

It also means the sexual abuse of a child.

It also means willful cruelty or unjustifiable punishment of a child, or willfully inflicting unjustifiable physical pain or mental suffering, or failure to safeguard a child from these injuries when the child is under a person's care or custody.

It also means unlawful corporal punishment or injury resulting in a traumatic condition.

Child abuse also means neglect of a child or abuse in out-of-home care. (Out-of-home care is defined in Penal Code Section 11165.5 as a situation where the person responsible for the child's welfare is a licensee, administrator, or employee of any facility licensed to care for children, or an administrator or employee of a public or private school or other institution or agency.)

WHAT IS NOT CHILD ABUSE

Child abuse does not mean a mutual affray or fight between minors.

In addition, child abuse does not include injury caused by any force that is reasonable and necessary for a person employed by or engaged in a public school:

1. To stop a disturbance threatening physical injury to people or damage to property;
2. For purposes of self-defense; or
3. To obtain possession of weapons or other dangerous objects within the control of a student (see Education Code Sections 44807 and 49001).

WHO MUST REPORT

The law requires that a teacher or any certificated employee "child care custodian" 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 to have been the victim of child abuse shall report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and shall prepare and send a written report within 36 hours of receiving the information concerning the incident.

"Reasonable suspicion" means that it is objectively reasonable for a person to entertain such a suspicion, based upon facts that cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect child abuse.

A "child care custodian" required by statute to report child abuse has absolute immunity from civil liability for reporting such abuse.

QUESTIONING BY LAW ENFORCEMENT OR SOCIAL SERVICES

When students become involved with law enforcement officers or social service workers because of suspected child abuse, the following steps shall be taken to cooperate with the authorities:

1. The officer or social worker shall properly identify himself/herself to the principal or other designated administrator.
2. Any student alleged to be a victim of suspected child abuse shall be afforded the option of being interviewed in private or selecting any adult who is a member of the staff of the school to be present at the interview. The purpose of the staff person's presence at the interview is to lend support to the student and enable him or her to be as comfortable as possible. The following guidelines apply:
 - 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 is subject to confidentiality requirements, a violation of which is punishable as specified in Section 11167.5 of the Penal Code.
 - The school administrator shall inform the member of the staff so selected by the student of this requirement prior to the interview.
 - The staff member selected by a student 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.
 - It is the responsibility of the officer or social worker to advise the student of his/her rights.
3. Police officers, probation officers, or other authorized law enforcement officials have a right to take a student into custody. If the student is taken into custody at a school, as a victim of suspected child abuse:
 - The school official shall provide the peace officer with the address and telephone number of the minor's parent or guardian.
 - The peace officer shall take immediate steps to notify the parent, guardian, or responsible relative of the minor that the minor is in custody and the place where he/she is being held.
 - If the officer has a reasonable belief that the minor would be endangered by a disclosure of the place where the minor is being held, or that the disclosure would cause the custody of the minor to be disturbed, the officer may refuse to disclose the place where the minor is being held for a period not to exceed 24 hours.
 - The officer shall, however, inform the parent, guardian, or responsible relative whether the child requires and is receiving medical or other treatment.

ADVICE TO SCHOOL OFFICIALS WHEN RELEASING A STUDENT TO LAW ENFORCEMENT CUSTODY IN CHILD ABUSE CASES

- Obtain the officer's badge number and/or business card with the time and telephone numbers where the law enforcement official may be reached.
- When furnishing the law enforcement official with the address and telephone number of the minor's parent/guardian, discuss the importance of contacting the parent by the end of the school day.
- Provide the law enforcement with the school's dismissal time and your best estimate of when the student might be arriving home or to child care.
- **If the parent calls your school or comes to the office before the law enforcement official has contacted them:**
 1. Stay calm. Try to keep the parent calm.
 2. Advise the parent that the child is not lost or kidnapped.
 3. Explain that the student was taken into custody by the law enforcement, who have the right to do so, and that you were required to release the student (E.C. 48906).
 4. Do not say why the student was taken into custody or refer to any abuse issues.
 5. Provide the parent/guardian with the name and telephone number of the appropriate law enforcement official.

HOW TO REPORT SUSPECTED CHILD ABUSE AND NEGLECT

A child care custodian shall report known or suspected child abuse to a child protection agency (Children's Protective Services or police) 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.

When making a child abuse referral by telephone to the Contra Costa County Social Service Department, plan to provide this information in the following order:

- Mother's name.
- Mother's address.
- Are children living with parents at present time.
- Reporter's name, relationship to child, address, and telephone number.
- Do you want feedback?
- Information regarding family members:
 - Names
 - Sex
 - Birth dates
 - Social security numbers
- Who is alleged victim.
- Specific allegations of child abuse – who, what, when, where, how, etc.

The written report is made by completing the **SUSPECTED CHILD ABUSE REPORT** (Form SS 8572) and following the procedures outlined on the reverse side of the form. The following district procedures **must** also be followed:

1. Consult with the school principal or designee on suspected child abuse cases before filing a report.
2. Make a copy of the written report for the school's file.
3. **DO NOT** place a copy of the written report in the student's cum folder,
4. **SEND** the yellow copy of the written report to Student Services. If the yellow copy is illegible, make a copy of the original and attach to yellow.
5. Send all other copies of the written report to the agency that you reported to by telephone. You may file a report directly with your local police agency if the child is in immediate danger.
6. Be sure all copies of the written report are legible.

The forms for making a written report should be kept in a central location at the school. Additional SS 8572 forms may be requested by calling Student Services, Extension 4056.

REPORT TO APPROPRIATE AGENCY

AGENCY	TELEPHONE	REPORTING ADDRESS
Protective Services (Central County)	646-1680	30 Muir Road, Martinez 94553
Protective Services (East County)	427-8811	4545 Delta Fair Blvd., Antioch 94509
Concord Police Department	671-3200	1350 Galindo Street, Concord 94520
Clayton Police Department	672-4455	1005 Oak Street, Clayton 94517
Martinez Police Department	372-3550	525 Henrietta Street, Martinez 94553
Pleasant Hill Police Department	671-4600	330 Civic Drive, Pleasant Hill 94523
Walnut Creek Police Department	943-5844	1666 North Main Street, Walnut Creek 94596

CHILDREN MAY BE ENDANGERED BY

- Being physically abused, battered, beaten, bruised, burned.
- Being left alone without proper supervision.
- Being without proper food.
- Being without adequate medical care.
- Being sexually mistreated.
- Not being sent to school.
- Not having a parent or guardian.
- Living in filthy conditions endangering their health.
- Being required to do things that are inappropriate for their age.

REPORTING THAT A SCHOOL EMPLOYEE HAS ENGAGED IN ABUSE

Parents or guardians of students have the right to file a complaint against a school district employee or other person that they suspect has engaged in abuse of a child at a school site.

If such an incident comes to your attention, **CALL IMMEDIATELY** to the appropriate personnel director and the appropriate assistant superintendent to apprise them of the situation.

SUSPECTED CHILD ABUSE REPORT

To Be Completed by Reporting Party
Pursuant to Penal Code Section 11166

A. CASE IDENTIFICATION	TO BE COMPLETED BY INVESTIGATING CPA
	VICTIM NAME: _____
	REPORT NO./CASE NAME: _____
DATE OF REPORT: _____	

B. REPORTING PARTY	NAME/TITLE											
	ADDRESS											
	PHONE ()			DATE OF REPORT			SIGNATURE					
C. REPORT SENT TO	<input type="checkbox"/> POLICE DEPARTMENT <input type="checkbox"/> SHERIFF'S OFFICE <input type="checkbox"/> COUNTY WELFARE <input type="checkbox"/> COUNTY PROBATION											
	AGENCY					ADDRESS						
	OFFICIAL CONTACTED					PHONE ()			DATE/TIME			
D. INVOLVED PARTIES	VICTIM	NAME (LAST, FIRST, MIDDLE)					ADDRESS			BIRTHDATE	SEX	RACE
		PRESENT LOCATION OF CHILD									PHONE ()	
	SIBLINGS	NAME		BIRTHDATE	SEX	RACE	NAME		BIRTHDATE	SEX	RACE	
		1. _____		4. _____		2. _____		5. _____		3. _____		
		2. _____		5. _____		3. _____		6. _____		6. _____		
		3. _____		6. _____		6. _____		6. _____		6. _____		
PARENTS	NAME (LAST, FIRST, MIDDLE)					BIRTHDATE	SEX	RACE	NAME (LAST, FIRST, MIDDLE)			
	ADDRESS					ADDRESS						
	HOME PHONE ()			BUSINESS PHONE ()			HOME PHONE ()			BUSINESS PHONE ()		
E. INCIDENT INFORMATION	IF NECESSARY, ATTACH EXTRA SHEET OR OTHER FORM AND CHECK THIS BOX. <input type="checkbox"/>											
	1. DATE/TIME OF INCIDENT			PLACE OF INCIDENT			(CHECK ONE)		<input type="checkbox"/> OCCURRED		<input type="checkbox"/> OBSERVED	
	IF CHILD WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE:											
	<input type="checkbox"/> FAMILY DAY CARE <input type="checkbox"/> CHILD CARE CENTER <input type="checkbox"/> FOSTER FAMILY HOME <input type="checkbox"/> SMALL FAMILY HOME <input type="checkbox"/> GROUP HOME OR INSTITUTION											
	2. TYPE OF ABUSE: (CHECK ONE OR MORE)											
<input type="checkbox"/> PHYSICAL <input type="checkbox"/> MENTAL <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> NEGLECT <input type="checkbox"/> OTHER												
3. NARRATIVE DESCRIPTION:												
4. SUMMARIZE WHAT THE ABUSED CHILD OR PERSON ACCOMPANYING THE CHILD SAID HAPPENED:												
5. EXPLAIN KNOWN HISTORY OF SIMILAR INCIDENT(S) FOR THIS CHILD:												

SS 8572 (Rev. 1/93)

INSTRUCTIONS AND DISTRIBUTION ON REVERSE

DO NOT submit a copy of this form to the Department of Justice (DOJ). A CPA is required under Penal Code Section 11169 to submit to DOJ a Child Abuse Investigation Report Form SS-8583 if (1) an active investigation has been conducted and (2) the incident is not unfounded.

Police or Sheriff-WHITE Copy; County Welfare or Probation-BLUE Copy; District Attorney-GREEN Copy; Reporting Party-YELLOW Copy

DEFINITIONS AND GENERAL INSTRUCTIONS FOR COMPLETION OF FORM SS 8572

I. REPORTING RESPONSIBILITIES

- No child care custodian or health practitioner or commercial film and photographic print processor reporting a suspected instance of child abuse shall be civilly or criminally liable for any report required or authorized by this article (California Penal Code Article 2.5). Any other person reporting a suspected instance of child abuse shall not incur civil or criminal liability as a result of any report authorized by this section unless it can be proved that a false report was made and the person knew or should have known that the report was false.
- Any child care custodian, health practitioner, commercial film and photographic print processor, or employee of a child protective agency 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 reasonably suspects has been the victim of child abuse shall report such suspected instance of child abuse to a child protective 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.
- Any child care custodian, health practitioner, commercial film and photographic print processor, or employee of a child protective agency who has knowledge of or who reasonably suspects that mental suffering has been inflicted on a child or its emotional well-being is endangered in any other way, may report such suspected instance of child abuse to a child protective agency. Infliction of willful and unjustifiable mental suffering must be reported.

II. DEFINITIONS

- "Child care custodian" means a teacher; an instructional aide, a teacher's aide, or a teacher's assistant employed by any public or private school, who has been trained in the duties imposed by this article, if the school district has so warranted to the State Department of Education; a classified employee of any public school who has been trained in the duties imposed by this article, if the school has so warranted to the State Department of Education; an administrative officer, supervisor of child welfare and attendance, or certificated pupil personnel employee of any public or private school; an administrator of a public or private day camp; an administrator or employee of a public or private youth center, youth recreation program, or youth organization; an administrator or employee of a public or private organization whose duties require direct contact and supervision of children; a licensee, an administrator, or an employee of a licensed community care or child day care facility; a headstart teacher; a licensing worker or licensing evaluator; a public assistance worker; an employee of a child care institution including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities; a social worker, probation officer, or parole officer; an employee of a school district police or security department; any person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in any public or private school; a district attorney investigator, inspector, or family support officer unless the investigator, inspector, or officer is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor; or a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of this code, who is not otherwise described in this section.
- "Health practitioner" means a physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code; a marriage, family and child counselor; any emergency

medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code; a psychological assistant registered pursuant to Section 2913 of the Business and Professions Code; a marriage, family and child counselor trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code; an unlicensed marriage, family and child counselor intern registered under Section 4980.44 of the Business and Professions Code; a state or county public health employee who treats a minor for venereal disease or any other condition; a coroner; a medical examiner, or any other person who performs autopsies; or a religious practitioner who diagnoses, examines, or treats children.

- "Commercial film and photographic print processor" means any person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, for compensation. The term includes any employee of such a person; it does not include a person who develops film or makes prints for a public agency.
- "Child protective agency" means a police or sheriff's department, a county probation department, or a county welfare department. It does not include a school district police or security department.

III. INSTRUCTIONS

(Section A to be completed by investigating child protective agency)

SECTION A - "CASE IDENTIFICATION": Enter the victim name, report number or case name, and date of report.

(Sections B through E are to be completed by reporting party)

SECTION B - "REPORTING PARTY": Enter your name/title, address, phone number, date of report, and signature.

SECTION C - "REPORT SENT TO": (1) Check the appropriate box to indicate which child protective agency (CPA) this report is being sent; (2) Enter the name and address of the CPA to which this report is being sent; and (3) Enter the name of the official contacted at the CPA, phone number, and the date/time contacted.

SECTION D - "INVOLVED PARTIES":

- a. VICTIM: Enter the name, address, physical data, present location, and phone number where victim is located (attach additional sheets if multiple victims).
- b. SIBLINGS: Enter the name and physical data of siblings living in the same household as the victim.
- c. PARENTS: Enter the names, physical data, addresses, and phone numbers of father/stepfather and mother/stepmother.

SECTION E - "INCIDENT INFORMATION": (1) Enter the date/time and place the incident occurred or was observed, and check the appropriate boxes; (2) Check the type of abuse; (3) Describe injury or sexual assault (where appropriate, attach Medical Report - Suspected Child Abuse Form DOJ 900 or any other form desired); (4) Summarize what the child or person accompanying the child said happened; and (5) Explain any known prior incidents involving the victim.

IV. DISTRIBUTION

- A. Reporting Party: Complete Suspected Child Abuse Report Form SS 8572. Retain yellow copy for your records and submit top three copies to a child protective agency.
- B. Investigating Child Protective Agency: Upon receipt of Form SS 8572, *within 36 hours* send white copy to police or sheriff, blue copy to county welfare or probation, and green copy to district attorney.

Suspension Policy

Students

SUSPENSION and EXPULSION/DUE PROCESS

Definitions

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

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

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

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

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

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

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

Notice of Regulations

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

(cf. 5144 - Discipline)

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

(cf. 5145.6 – Parental Notification)

Grounds for Suspension and Expulsion

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

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

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

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

(cf. 5131 - Conduct)
(cf. 5131.7 - Weapons and Dangerous Instruments)

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

(cf. 5131.6 - Alcohol and Other Drugs)

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

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

6. Caused or attempted to cause damage to school property or private property. (Education Code 48900(f))
7. Stole or attempted to steal school property or private property. (Education Code 48900(g))
8. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code 48900(h))
9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 48900(j))
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))
12. Knowingly received stolen school property or private property. (Education Code 48900(l))
13. Possessed an imitation firearm, i.e., a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))
14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4. (Education Code 48900(n))
15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness. (Education Code 48900(o))
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(p))
17. Engaged in, or attempted to engage in, hazing as defined in Education Code 48900(q).
18. 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. (Education Code 48900(r)).

19. A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a). Education Code 48900(t)).

As used in this section, "school property" includes, but is not limited to, electronic files and databases. (Education Code 48900(u)).

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

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

(cf. 5145.7 - Sexual Harassment)

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

(cf. 5145.9 - Hate-Motivated Behavior)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

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

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

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

(cf. 5138 - Conflict Resolution/Peer Mediation)

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

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

Removal from Class by a Teacher/Parental Attendance

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

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

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

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

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

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

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

Pursuant to Board policy, a teacher may provide that the parent/guardian of a student

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

This notice shall also:

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

Suspension by Superintendent, Principal or Principal's Designee

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

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

1. Possessing, as verified by a district employee, selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife, as defined in Education Code 48915(g), at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possession of an explosive as defined in 18 USC 921

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

A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment the student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48912). Please refer to BP and AR 5144.2

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

Suspensions shall be initiated according to the following procedures:

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

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

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

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

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

In addition, the notice may state the date and time when the student may return to school.

If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

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

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

5. Extension of Suspension: If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. This does not apply to students who are eligible under IDEA. Please refer to BP and AR 5144.2. (Education Code 48911(g))

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

Suspension by the Board

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

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

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

(cf. 9321 - Closed Session Purposes and Agendas)

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

On-Campus Suspension Program

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

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. Each student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

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

Authority to Expel

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

The Board may also order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the principal, Superintendent, hearing officer or administrative panel, based on either or both of the following finding(s): (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about

proper conduct

2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

Mandatory Recommendation for Expulsion

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

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(g), explosive or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance, as listed in Health and Safety Code 11053-11058, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

Mandatory Recommendation and Mandatory Expulsion

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

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possessing an explosive as defined in 18 USC 921

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

Student's Right to Expulsion Hearing

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

The student is entitled to one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a)) If the Board finds it impractical during the school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a)) Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

Rights of Complaining Witness

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental or emotional needs of a student who is the complaining witness. (Education Code 48918.5) Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

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

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

Written Notice of the Expulsion Hearing

Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing.
2. A statement of the specific facts, charges and offense upon which the proposed expulsion is based.
3. A copy of district disciplinary rules which relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c). (cf. 5119 - Students Expelled from Other Districts)
5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney advisor. Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California. Nonattorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case, and has been selected by the student or student's parent/guardian to provide assistance at the hearing.
6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The opportunity to confront and question all witnesses who testify at the hearing.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public unless another student's privacy rights would be violated. (Education Code 48918(c)) Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student shall also be allowed to attend the closed session. (Education Code 48918(c))

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

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

3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20 (Education Code 48918(i)) Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i)) If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

4. Presentation of Evidence: While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel must be supported by substantial evidence that the student committed any of the acts listed in "Grounds for Suspension and Expulsion" above. Findings of fact shall be based solely on the evidence at the hearing. While no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f) and (h))

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

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

- a. Any complaining witness shall be given five days' notice before being called to testify.
- b. Any complaining witness shall be entitled to have up to two adult support persons, including but not limited to a parent/guardian or legal counsel, present during his/her testimony.
- c. Before a complaining witness testifies, support persons shall be admonished that the

hearing is confidential.

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

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

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

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

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

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

(3) The person conducting the hearing may:

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

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

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

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

7. Decision within 40 School Days: If the Board does not meet on a weekly basis, its

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

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

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

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

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

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

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

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

Final Action by the Board

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

(cf. 9321.1 - Closed Session Actions and Reports)

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

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

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

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

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

Written Notice to Expel

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

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed in Education Code 48900(a)-(q), Education Code 48900.2-48900.4, 48900.8, and 48915(c). (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian. (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board of Education. (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during

the time of expulsion. (Education Code 48918)

5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1. (Education Code 48918)

Decision Not to Enforce Expulsion Order

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

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

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

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program.
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct.
4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings.
6. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board of Education.

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

Right to Appeal

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

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

Post-Expulsion Placements

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

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle, junior or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site
3. Not housed at the school site attended by the student at the time of suspension

(cf. 6185 - Community Day School)

When the placement described above is not available, and when the County Superintendent of Schools so certifies, students expelled for acts described in items #6-13 and #18-21 under "Grounds for Suspension and Expulsion" above may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school. (Education Code 48915)

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

Readmission After Expulsion

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)

2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met.

School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.

3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.

4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.

5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)

6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)

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

Maintenance of Records

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

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

(cf. 5119 - Students Expelled from Other Districts)
(cf. 5125 - Student Records)

Notifications to Law Enforcement Authorities

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

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

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

Outcome Data

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

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

Regulation
approved: March 24, 2009

MT. DIABLO UNIFIED SCHOOL DISTRICT
Concord, California

SUSPENSION

[POLICY 5131.1.2(A-D)]

It is the policy of the Mt. Diablo Unified School District to provide all of its students a safe instructional environment. To that end, students may be disciplined pursuant to Education Code (E.C.) Section 48900. Suspension should be imposed when appropriate, and after other means of correction have been attempted. An exception to prior attempts at other means of correction may be made when the superintendent, principal or designee determines that the student's presence in school would constitute a threat to the safety of the student or others, or severely disrupt the educational process or violation of 48900 (a-e).

DEFINITION

Suspension is the temporary removal of a student from ongoing instruction for adjustment purposes.

GROUND FOR SUSPENSION [E.C. 48900, 48900.2, 48900.3, 48900.4, 48900.7, and 48915(c)]

A student shall not be suspended from school nor recommended for expulsion unless the superintendent/principal/designee of the school in which the student is enrolled determines that the student has engaged in acts enumerated below.

Grounds for Suspension Contained in E.C. 48900:

- a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person.
- a) (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 unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.

Knife as defined under §48915(g): A knife is a dirk, dagger, or other weapon with a fixed, sharpened blade, fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3½", a folding knife with a blade that locks into place, or a razor with an unguarded blade.

Firearm means any device, designed to be used as a weapon, from which is expelled through a barrel a projectile by the force of any explosion or other form of combustion.

- (A) any explosive, incendiary, or poison gas bomb
- (i) grenade,
 - (ii) rocket having a propellant charge of more than four ounces,
 - (iii) missile having an explosive or incendiary charge of more than one-quarter ounce
 - (iv) mine, or
 - (v) device similar to any of the devices described in the preceding clauses;

- c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of any controlled substance listed in Chapter 2 (commencing with § 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance, listed in Chapter 2 (commencing with §11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property.
- g) Stole or attempted to steal school property or private property.
- h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use of or possession by a student of his or her own prescription products.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in §11014.5 of the Health and Safety Code.
- k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.

Pursuant to (k) above, the principal or principal's designee may suspend a student for other causes including, but not limited to:

- Trespassing or making a forced entry to school buildings.
- When a student is present on the campus of a school other than that in which the student is enrolled without prior valid permission.
- Possession of any electronic listening or recording device (beepers, pagers) without prior consent of the principal or his/her designee. No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician to be essential for the health of the student.

- l) Knowingly received stolen school property or private property.
- m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

- n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code (P.C.) or committed a sexual battery as defined in Section 243.4 of the Penal Code.

Pursuant to (n) above:

The sections enumerated are Section 261, Rape; Section 266c, Inducing consent to sexual act by fraud or fear; Section 286, Sodomy; Section 288, Lewd or lascivious acts involving children; Section 288a, Oral copulation; Section 289, Penetration by a foreign object; Section 243.4, defines battery as uninvited sexual touching.

1. The following are mandatory expulsion offenses and must be coupled with E.C. 48915(C)4.

Be sure a Penal Code violation has occurred prior to charging this offense.

2. Call Director of Student Services immediately. There are numerous procedural safeguards to be considered.

The following definitions:

- Rape as defined in Penal Code 261 is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under a number of circumstances including but not limited to where a person is incapable of giving legal consent, is accomplished by means of force, or for some other reason where a person has not legally consented to the act.
- Inducing consent to sexual act by fraud or fear as defined in Penal Code Section 266(c) is sexual penetration, oral copulation, or sodomy when consent is procured by false or fraudulent representation or pretense that is made with the intent to create fear, and which does induce fear, and that would cause a reasonable person in like circumstances to act contrary to the person's free will.
- Lewd or lascivious acts involving children as defined in Penal Code Section 288 is the committing of acts upon or with the body of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desire of either the person committing the acts or the child.
- Oral copulation as defined in Penal Code Section 288a is the act of copulating the mouth of one person with the sexual organ or anus of another person.
- Penetration by a foreign object as defined in Penal Code Section 289 occurs when a person by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury causes the penetration, however, slight, of the genital or anal openings of any person.
- Sexual battery as defined in Penal Code Section 243.4 is the touching of an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse.

- o) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that student from being a witness or retaliating against that student for being a witness, or both.
- p) Unlawfully offered/arranged to sell/negotiated to sell or sold the prescription drug Soma.
- q) Engaged in, or attempted to engage in, hazing as defined in Section 32050.
- r) A pupil may not be suspended or expelled for any of the acts enumerated in this section unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that 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:
 - (1) While on school grounds.
 - (2) While going to or coming from school.
 - (3) During the lunch period whether on or off the campus.
 - (4) During, or while going to or coming from, a school sponsored activity.
- s) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may suffer suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).
- t) As used in this section, "school property" includes, but is not limited to, electronic files and databases.
- u) A superintendent or principal may use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this section.
- v) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against any pupil who is truant, tardy, or otherwise absent from school activities. (Amended Stats 2003, Ch. 21, Sec. 2)

E.C. 48900.2

A student in grades 4-12, inclusive, may be suspended from school if the principal determines that the student has committed sexual harassment as defined in E.C. 212.5, provided that the conduct is considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the victim's academic performance or to create an intimidating, hostile or offensive educational environment.

- In general sexual harassment is defined to mean unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature.
- A detailed definition is found in Section 12: nondiscrimination/harassment.
- Guidelines for administrative investigation of sexual harassment complaints are outlined in Section 12: nondiscrimination/harassment.
- Reporting form in Section 12: nondiscrimination/harassment.

E.C. 48900.3

A student in any of grades 4 to 12, inclusive, may be suspended from school if the principal of the school in which the student is enrolled determines that the student has caused, attempted to cause, threatened to cause, or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code.

- In general hate violence is defined as the use of force or threat of force to intimidate or injure a person or a person's property because of that individual's race, color, religion ancestry, national origin, disability, gender, or sexual orientation.
- A detailed definition of hate violence is found in subdivision (e) of Section 233 of the Education Code. E.C. 233 (e) refers you to P.C. 422.6 (interference with exercise of civil rights; damaging property; punishment; speech) and P.C. 422.7 and 422.75 (aggravating factors for punishment).
- The person engaging in hate violence must have the ability to carry out the threat; the threat against property must cause damages in excess of \$500.00.

E.C. 48900.4

A student enrolled in any of grades 4 to 12, inclusive, may be suspended from school if the principal of the school in which the student is enrolled determines that the student has intentionally engaged in harassment, threats, or intimidation, directed against a school district personnel or students, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of other school personnel or students by creating an intimidating or hostile educational environment.

- All three (3) sub-clauses must be true before charging E.C. 49800.4
- E.C. 48900.4 may be charged against a student who committed an act off campus that results in creating a hostile educational environment for students on your campus and interferes with student attendance at school.

Suspension; restrictions on imposition; exception.

§ 48900.5

Suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Amended by Stats. 1985, Ch. 907, Sec. 1.)

Community service on school grounds during non-school hours; alternative disciplinary action.

§ 48900.6

As part of or instead of disciplinary action prescribed by this article, the principal of a school, the principal's designee, the superintendent of schools, or the governing board may require a pupil to perform community service on school grounds or, with written permission of the parent or guardian of the pupil, off school grounds, during the pupil's non-school hours. For the purposes of this section "community service" may include, but is not limited to, work performed in the community or on school grounds in the areas of outdoor beautification, community or campus betterment, and teacher, peer, or youth assistance programs. This section does not apply if a pupil has been suspended, pending expulsion, pursuant to Section 48915. However, this section applies if the recommended expulsion is not implemented or is, itself, suspended by stipulation or other administrative action (Amended by Stats. 2000, Ch. 225, Sec. 1.)

E.C. 48900.7

Made terrorist threats against school officials or school property, or both.

- (a) In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.

Use 48900.7 strictly for charges against school officials, not students.

For the purposes of this section, "terroristic threat" shall include:

- Any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000)
- With the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out
- Which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat
- And thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.

Records of expulsions or suspensions for the commission of offenses.

§ 48900.8

For purposes of notification to parents, and for the reporting of expulsion or suspension offenses to the State Department of Education, each school district shall specifically identify, by offense committed, in all appropriate official records of a pupil each suspension or expulsion of that pupil for the commission of any of the offenses set forth in subdivisions (a) to (o), inclusive, of Section 48900, in Section 48900.2, in Section 48900.3, in Section 48900.4, or in paragraphs (1) to (4), inclusive, of subdivision (c) of, Section 48915. (Added Stats. 1997, Ch. 637, Sec. 2)

Smoking or use of tobacco or tobacco or nicotine products prohibited; steps to discourage smoking.

§ 48901

- (a) No school shall permit the smoking or use of tobacco, or any product containing tobacco or nicotine products, by pupils of the school while the pupils are on campus, or while attending school-sponsored activities or while under the supervision and control of school district employees.
- (b) The governing board of any school district maintaining a high school shall take all steps it deems practical to discourage high school students from smoking. (Amended by Stats. 1986, Ch. 1136, Sec. 2.)

Electronic signaling device; possession or use prohibited; exception.

§ 48901.5

- (a) The governing board of each school district, or its designee, may regulate the possession or use of any electronic signaling device that operates through the transmission or receipt of radio waves, including, but not limited to, paging and signaling equipment, by pupils of the school district while the pupils are on campus, while attending school-sponsored activities, or while under the supervision and control of school district employees.
- (b) No pupil shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician and surgeon to be essential for the health of the pupil and use of which is limited to purposes related to the health of the pupil. (Amended by Stats. 2002, Ch. 253, Sec. 2.)

Notification of law enforcement authorities; liability for making report; failure to notify; penalty.

§ 48902

- (a) The principal of a school or the principal's designee shall, prior to the suspension or expulsion of any pupil, notify the appropriate law enforcement authorities of the county or city in which the school is situated, of any acts of the student which may violate Section 245 of the Penal Code.

- (b) The principal of a school or the principal's designee shall, within one schoolday after suspension or expulsion of any pupil, notify, by telephone or any other appropriate method chosen by the school, the appropriate law enforcement authority of the county or the school district in which the school is situated of any acts of the students which may violate subdivision (c) or (d) of Section 48900 of the Education Code.
- (c) Notwithstanding subdivision (b), the principal of a school or the principal's designee shall notify the appropriate law enforcement authorities of the county or city in which the school is located of any acts of a student that may involve the possession or sale of narcotics or of a controlled substance or a violation of Section 626.9 or 626.10 of the Penal Code.
- (d) A principal, the principal's designee, or any other person reporting a known or suspected act described in subdivision (a) or (b) is not civilly or criminally liable as a result of making any report authorized by this article unless it can be proven that a false report was made and that the person knew the report was false or the report was made with reckless disregard for the truth or falsity of the report.
- (e) The willful failure to make any report required by this section is an infraction punishable by a fine to be paid by the principal or principal's designee who is responsible for the failure of not more than five hundred dollars (\$500).
- (f) The principal of a school or the principal's designee reporting a criminal act committed by a schoolage individual with exceptional needs, as defined in Section 56026, shall ensure that copies of the special education and disciplinary records of the pupil are transmitted, as described in paragraph (9) of subsection (k) of Section 1415 of Title 20 of the United States Code, for consideration by the appropriate authorities to whom he or she reports the criminal act. Any copies of the pupil's special education and disciplinary records may be transmitted only to the extent permissible under the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g et seq.). (Amended by Stats. 2002, Ch. 492, Sec. 1)

Restrictions on days of suspension.

§ 48903

- (a) Except as provided in subdivision (g) of Section 48911 and in Section 48912, the total number of days for which a pupil may be suspended from school shall not exceed 20 schooldays in any school year, unless for purposes of adjustment, a pupil enrolls in or is transferred to another regular school, an opportunity school or class, or a continuation education school or class, in which case the total number of schooldays for which the pupil may be suspended shall not exceed 30 days in any school year.
- (b) For the purposes of this section, a school district may count suspensions that occur while a pupil is enrolled in another school district toward the maximum number of days for which a pupil may be suspended in any school year. (Amended by Stats. 1998, Ch. 527, Sec. 1.)

Notification of parent, guardian or relative of release of pupil to peace officer; procedure for victims of suspected child abuse.

§ 48906

When a principal or other school official releases a minor pupil to a peace officer for the purpose of removing the minor from the school premises, the school official shall take immediate steps to notify the parent, guardian, or responsible relative of the minor regarding the release of the minor to the officer, and regarding the place to which the minor is reportedly being taken, except when a minor has been taken into custody as a victim of suspected child abuse, as defined in Section 11165 of the Penal Code, or pursuant to Section 305 of the Welfare and Institutions Code. In those cases, the school official shall provide the peace officer with the address and telephone number of the minor's parent or guardian. The peace officer shall take immediate steps to notify the parent, guardian, or responsible relative of the minor that the minor is in custody and the place where he or she is being held. If the officer has a reasonable belief that the minor would be endangered by a disclosure of the place where the minor is being held, or that the disclosure would cause the custody of the minor to be disturbed, the officer may refuse to disclose the place where the minor is being held for a period not to exceed 24 hours. The officer shall, however, inform the parent, guardian, or responsible relative whether the child requires and is receiving medical or other treatment. The juvenile court shall guardian, or responsible relative whether the child requires and is receiving medical or other treatment. The juvenile court shall review any decision not to disclose the place where the minor is being held at a subsequent detention hearing. (Amended by Stats. 1984, Ch. 1712, Sec. 1.)

Suspension by teacher; reports; conferences; referrals.

§ 48910

- (a) A teacher may suspend any pupil from class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the designee of the principal for appropriate action. If that action requires the continued presence of the pupil at the *schoolsite*, the pupil shall be under appropriate supervision, as defined in policies and related regulations adopted by the governing board of the school district. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. *If* practicable, a school counselor or a school psychologist *may* attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the lass from which he or she was suspended, during the period of the suspension
- (b) A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day this subdivision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended.
- (c) A teacher may also refer a pupil, for any of the acts enumerated in Section 48900, to the principal or the designee *of the principal* for consideration of a suspension from the school. (Amended by Stats. 2004, Ch. 498, Sec. 91.)

Suspension by principal, principal's designee, or superintendent.

§ 48911

- (a) The principal of the school, the principal's designee, or the superintendent of schools may suspend a pupil from the school for any of the reasons enumerated in Section 48900, and pursuant to Section 48900.5, for no more than five consecutive schooldays.
- (b) Suspension by the principal, the principal's designee, or the superintendent of schools shall be preceded by an informal conference conducted by the principal or the principal's designee or the superintendent of schools between the pupil and, whenever practicable, the teacher, supervisor, or school employee who referred the pupil to the principal, the principal's designee, or the superintendent of schools. At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense.
- (c) A principal, the principal's designee, or the superintendent of schools may suspend a pupil without affording the pupil an opportunity for a conference only if the principal, the principal's designee, or the superintendent of schools determines that an emergency situation exists. "Emergency situation," as used in this article, means a situation determined by the principal, the principal's designee, or the superintendent of schools to constitute a clear and present danger to the life, safety, or health of pupils or school personnel. If a pupil is suspended without a conference prior to suspension, both the parent and the pupil shall be notified of the pupil's right to a conference and the pupil's right to return to school for the purpose of a conference.

The conference shall be held within two schooldays, unless the pupil waives this right or is physically unable to attend for any reason, including, but not limited to, incarceration or hospitalization. The conference shall then be held as soon as the pupil is physically able to return to school for the conference.

- (d) At the time of suspension, a school employee shall make a reasonable effort to contact the pupil's parent or guardian in person or by telephone. Whenever a pupil is suspended from school, the parent or guardian shall be notified in writing of the suspension.
- (e) A school employee shall report the suspension of the pupil, including the cause therefor, to the governing board of the school district or to the school district superintendent in accordance with the regulations of the governing board.
- (f) The parent or guardian of any pupil shall respond without delay to any request from school officials to attend a conference regarding his or her child's behavior.

No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

- (g) In a case where expulsion from any school or suspension for the balance of the semester from continuation school is being processed by the governing board, the school district superintendent or other person designated by the superintendent in writing may extend the suspension until the governing board has rendered a decision in the action. However, an extension may be granted

only if the school district superintendent or the superintendent's designee has determined, following a meeting in which the pupil and the pupil's parent or guardian are invited to participate, that the presence of the pupil at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process. If the pupil or the pupil's parent or guardian has requested a meeting to challenge the original suspension pursuant to Section 48914, the purpose of the meeting shall be to decide upon the extension of the suspension order under this section and may be held in conjunction with the initial meeting on the merits of the suspension.

- (h) For the purposes of this section, a "principal's designee" is any one or more administrators at the schoolsite specifically designated by the principal, in writing, to assist with disciplinary procedures.

In the event that there is not an administrator in addition to the principal at the schoolsite, a certificated person at the schoolsite may be specifically designated by the principal, in writing, as "principal's designee," to assist with disciplinary procedures. The principal may designate only one such person at a time as the principal's primary designee for the school year.

An additional person meeting the requirements of this subdivision may be designated by the principal, in writing, to act for the purposes of this article when both the principal and the principal's primary designee are absent from the schoolsite. The name of the person, and the names of any person or persons designated as "principal's designee," shall be on file in the principal's office

This section is not an exception to, nor does it place any limitation on, Section 48903. (Amended by Stats. 2002, Ch. 492, Sec. 3.)

Suspended pupils; supervised suspension classroom; apportionments requirements.

§ 48911.1

- (a) A pupil suspended from a school for any of the reasons enumerated in Sections 48900 and 48900.2 may be assigned, by the principal or the principal's designee, to a supervised suspension classroom for the entire period of suspension if the pupil poses no imminent danger or threat to the campus, pupils, or staff, or if an action to expel the pupil has not been initiated.
- (b) Pupils assigned to a supervised suspension classroom shall be separated from other pupils at the schoolsite for the period of suspension in a separate classroom, building, or site for pupils under suspension.
- (c) School districts may continue to claim apportionments for each pupil assigned to and attending a supervised suspension classroom provided as follows:
- (1) The supervised suspension classroom is staffed as otherwise provided by law.
 - (2) Each pupil has access to appropriate counseling services.
 - (3) The supervised suspension classroom promotes completion of schoolwork and tests missed by the pupil during the suspension.

- (4) Each pupil is responsible for contacting his or her teacher or teachers to receive assignments to be completed while the pupil is assigned to the supervised suspension classroom. The teacher shall provide all assignments and tests that the pupil will miss while suspended. If no classroom work is assigned, the person supervising the suspension classroom shall assign schoolwork.
- (d) At the time a pupil is assigned to a supervised suspension classroom, a school employee shall notify, in person or by telephone, the pupil's parent or guardian. Whenever a pupil is assigned to a supervised suspension classroom for longer than one class period, a school employee shall notify, in writing, the pupil's parent or guardian.
- (e) This section does not place any limitation on a school district's ability to transfer a pupil to an opportunity school or class or a continuation education school or class.
- (f) Apportionments claimed by a school district for pupils assigned to supervised suspension shall be used specifically to mitigate the cost of implementing this section. (Added by Stats. 1994, Ch. 1016, Sec. 2.)

High percentage of pupils suspended; consideration of alternatives to off-campus suspension; suspension reduction report; intent.

§ 48911.2

- (a) If the number of pupils suspended from school during the prior school year exceeded 30 percent of the school's enrollment, the school should consider doing at least one of the following:
 - (1) Implement the supervised suspension program described in Section 48911.1.
 - (2) Implement an alternative to the school's off-campus suspension program, which involves a progressive discipline approach that occurs during the schoolday on campus, using any of the following activities:
 - (A) Conferences between the school staff, parents, and pupils.
 - (B) Referral to the school counselor, psychologist, child welfare attendance personnel, or other school support service staff.
 - (C) Detention.
 - (D) Study teams, guidance teams, resource panel teams, or other assessment-related teams.
- (b) At the end of the academic year, the school may report to the district superintendent in charge of school support services, or other comparable administrator if that position does not exist, on the rate of reduction in the school's off-campus suspensions and the plan or activities used to comply with subdivision (a).

- (c) It is the intent of the Legislature to encourage schools that choose to implement this section to examine alternatives to off-campus suspensions that lead to resolution of pupil misconduct without sending pupils off campus. Schools that use this section should not be precluded from suspending pupils to an off-campus site. (Added by Stats. 1994, Ch. 1016, Sec. 3.)

Continuation school; suspension; time.

§ 48912.5

The governing board of a school district may suspend a pupil enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts enumerated in Section 48900 occurred. The suspension shall meet the requirements of Section 48915. (Added by Stats. 1983, Ch. 498, Sec. 91.)

Completion of work missed by suspended pupil.

§ 48913

The teacher of any class from which a pupil is suspended may require the suspended pupil to complete any assignments and tests missed during the suspension. (Repealed and added by Stats. 1983, Ch. 498, Sec. 91.)

Suspension; meeting with parent or guardian.

§ 48914

Each school district is authorized to establish a policy that permits school officials to conduct a meeting with the parent or guardian of a suspended pupil to discuss the causes, the duration, the school policy involved, and other matters pertinent to the suspension. (Amended by Stats. 1987, Ch. 134, Sec. 6.)

Grounds for Suspension and Expulsion Contained in §48915 (A) — §48915 (C)

§48915 (A)

The principal or superintendent shall immediately suspend, and shall recommend expulsion of a student that he or she determines has committed any of the following acts at school or at a school activity off school grounds; unless, after holding a conference, the principal finds that expulsion is inappropriate because of the particular circumstances.

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

- Determining "Serious Bodily Injury" - Definitions taken from P.C. Section 243
- "Injury" means any physical injury which requires professional medical treatment.
- "Serious bodily injury" means a serious impairment of physical condition including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

- 2) Possession of any knife or other dangerous object of no reasonable use to the student.

- 3) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
- 4) Robbery or extortion.
- 5) Assault/battery upon school employee, P.C. 240/242.

- Definition of P.C. 240: An assault is an unlawful attempt, coupled with a present ability to commit a violent injury on the person of another.
- Definition of P.C. 242: A battery is any willful and unlawful use of force or violence upon the person of another.

§48915 (C)

The principal or the superintendent of schools shall immediately suspend, pursuant to §48911 and shall recommend expulsion of a student that he or she determines has committed any of the following acts at school or at a school activity off school grounds. The governing board shall expel that student whenever the principal or superintendent of schools and the governing board confirm that the student was:

- 1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the student had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district.
- 2) Brandishing a knife at another person. Brandish: to waive or flourish menacily. To display ostentatiously. (The American Heritage Dictionary, 4th Edition, 2001)
- 3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
- 4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
- 5) Possession of an explosive, as defined by E.C., 48915(h).

PROCEDURAL SAFEGUARDS, LIMITATIONS

Alternatives to Suspension

E.C. 48900 (u)

A superintendent or principal may use their discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this section.

Community Service on School Grounds During Non-School Hours:

Alternative Disciplinary Action

E.C. 48900.6

As part of or instead of disciplinary action prescribed by this article, the principal of a school, the principal's designee, the superintendent of schools, or the governing board may require a pupil to perform community service on school grounds or, with written permission of the parent or guardian of the pupil, off school grounds, during the pupil's non-school hours. For the purposes of this section, "community service" may include, but is not limited to, work performed in the community or on school grounds in the area of outdoor beautification, community or campus betterment, and teacher, peer, or youth assistance programs. This section does not apply if a pupil

has been suspended, pending expulsion, pursuant to Section 48915. However, this section applies if the recommended expulsion is not implemented or is, itself, suspended by stipulation or other administrative action.

Authority to Suspend

The Education Code clearly describes misconduct that can result in student suspension and expulsion. Knowing where and when the misconduct occurs is important in determining the authority to suspend. Consider the following Education Code Sections:

E.C. 48900 (r)

A pupil may not be suspended or expelled for any of the acts enumerated unless the act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts which are enumerated in this section and related to school activity or attendance that occur any time, including but not limited to, any of the following:

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

E.C. 44807

Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess.

E.C. 48900 (v)

It is the intent of the legislature that alternatives to suspension or expulsion be imposed against any pupil who is truant, tardy, or otherwise absent from school activities.

These sections provide definition to the school administrator's authority to suspend with regard to time and place limitations.

There are also practical limitations that exist, especially regarding students' travelling to and from school. School administrators are advised to communicate this authority to students and parents, but to exercise caution when strictly enforcing all acts of misconduct in the community as they go to and from school. It is not practical, nor is it desirable for school authorities to take on the responsibility of managing student behavior in the community.

When determining whether to suspend or recommend expulsion for misconduct occurring (in the community) while a student is travelling to and from school, the following should be considered:

1. Did the misconduct occur on the student's most direct and usual route to/from school?
2. What impact does the misconduct have on the school environment?
3. Is access to the school or exit from the school impacted by the misconduct?

When there is little or no impact at school, misconduct occurring while a student is going to/from school should be considered an issue for the parents and police, if appropriate, to resolve.

When the misconduct occurs on most direct route and usual route to/from school, and there is a significant impact on the school environment or access routes to/from the school, school officials should consider taking appropriate disciplinary action.

White - Parent or Guardian
Green - Received by Student
Canary - Student Cum Record
Pink - Student Services
Goldenrod - School Use

MT. DIABLO UNIFIED SCHOOL DISTRICT
1936 Carlotta Drive, Concord, CA 94519

Student No. _____
Ethnic Code _____
Special Education Yes No
504 Yes No

OFFICIAL NOTICE OF SUSPENSION

(MUST BE TYPED)

Student's Name _____ Birthdate _____ Grade _____ School _____

Parent's Name _____ Address _____ (Home) Phone _____

Offense Occurred: Time _____ a.m./p.m. Date _____ (Work) Phone _____ (Cell) Phone _____

Suspension: Number of Days _____ From _____ Date _____ Return _____ Date _____ Accumulated Days of Suspension _____

CAUSES FOR SUSPENSION AND/OR EXPULSION Always Check EC 48900 Section(s). Check EC 48915 Section(s) as applicable.

State Education Code 48900

- a. (1) Caused, attempted to cause, or threatened to cause physical injury to another person; or
- a. (2) Willfully used force or violence upon the person of another, except in self-defense.*
- b. Possessed/sold/furnished any firearm/knife/explosive/dangerous object.*
- c. Possessed/used/sold/furnished or been under influence of any controlled substance/alcoholic beverage/intoxicant.*
- d. Offered/arranged/negotiated to sell a controlled substance/alcoholic beverage/intoxicant—and then—sold/delivered/furnished another liquid/substance/material represented as a controlled substance/alcoholic beverage/intoxicant.*
- e. Committed or attempted to commit robbery or extortion.
- f. Caused/attempted to cause damage to school/private property.
- g. Stole/attempted to steal school/private property.
- h. Possessed/used tobacco/other nicotine product.
- i. Committed obscene act or engaged in habitual profanity/vulgarity.
- j. Unlawfully possessed/offered/arranged/negotiated to sell any drug paraphernalia. (Section 11014.5 of the Health and Safety Code)
- k. Disrupted school activities/defied valid authority.
- l. Knowingly received stolen school property or private property.
- m. Possessed an imitation firearm.
- n. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266C, 286, 288, 288a or 289 or committed a sexual battery, as defined by Penal Code 243.4.*
- o. Harassed, threatened, or intimidated a student to prevent/retaliate for being a witness in a school disciplinary hearing.
- p. Unlawfully offered/arranged to sell/negotiated to sell/sold the prescribed drug Soma.
- q. Engaged in, or attempted to engage in hazing as defined in Section 32050.
- s. Aided or abetted in the attempted or infliction of physical injury of another person, as defined by Penal Code, Section 31.

Police Report Yes No Report No. _____

* Within one school day after a student's suspension, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means.

State Education Code 48900.2, 48900.3, 48900.4, 48900.7

- EC 48900.2 Committed sexual harassment as defined by EC 212.5. (Grades 4-12 only)
- EC 48900.3 Caused/attempted to cause/threatened to cause or participated in an act of hate violence as defined by EC 233(e). (Grades 4-12 only)
- EC 48900.4 Engaged in harassment/threats/intimidation against student(s) or employee(s) which disrupted classwork, created substantial disorder, invaded rights of student(s) or employee(s) by creating an intimidating or hostile environment. (Grades 4-12 only)
- EC 48900.7 Made terrorist threats against school officials or school property, or both.

State Education Code 48915 Subsections A and C

- (A) MANDATORY SUSPENSION AND EXPULSION WITH PRINCIPAL'S EXCEPTION:
- 1. Caused **serious** physical injury to another person, except in self defense.*
 - 2. Possessed any knife or other dangerous object of no reasonable use to the student.*
 - 3. Unlawful possession of any controlled substance listed in Chapter 2 (Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.*
 - 4. Robbery or extortion.*
 - 5. Assault or battery, as defined by Sections 240 and 242 of the Penal Code, upon any school employee.*
- (C) SUSPENSION AND EXPULSION WITHOUT EXCEPTION:
- 1. Possessing/selling/furnishing a firearm at school or at a school activity. Possession must be verified by a school employee.*
 - 2. Brandishing a knife at another person.*
 - 3. Unlawfully selling a controlled substance listed in Chapter 2 (Section 11053) of Division 10 of the Health and Safety Code.*
 - 4. Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section EC 48900 or committing a sexual battery as defined in subdivision (n) of Section EC 48900.*
 - 5. Possession of an explosive, as defined by EC 48915(h).*

PARENT/STUDENT CONFERENCE (state specific reasons if conference unable to be held) Date _____

Persons Present: _____

Specific action of student that resulted in suspension (describe): _____

Observed by: _____

1. Pursuant to Section 48911 of the *Education Code*, parents or guardians are required to respond without delay to requests that they attend a conference with school officials regarding the pupil's behavior. No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at such conference.
2. When a pupil is suspended from school, the parent, guardian, or pupil may request a meeting with the Office of Student Services. Such a meeting will ordinarily be held within 3 days of the time said request is received by the Office of Student Services at 1936 Carlotta Drive, Concord, CA 94519, Telephone: 682-8000, ext. 4069. *It is suggested that you meet with your school principal prior to requesting such a meeting.*
3. Pursuant to Section 48913 of the *Education Code*, the teacher of any class from which a pupil is suspended may require the suspended pupil to complete any assignments and tests missed during the suspension.

PLEASE NOTE: During the period of this suspension, your child must not be on or near any school campus and must remain home unless under the direct supervision of the parent or guardian. Supervision is the responsibility of the parent or guardian. Student is suspended from all school sponsored activities, including bus transportation.

Principal/Designee Signature _____

Time _____ a.m./p.m. Date _____

Student's Signature (if available to sign) _____

**Student's signature merely acknowledges receipt of the suspension notice.

Attempt to contact parents made by _____

Time _____ a.m./p.m. Date _____

PROCEDURES FOR TEACHER NOTIFICATION

State law requires that teachers be provided with a three-year history of suspension of students in their class and a notice of suspensions as they occur during the school year. A three-year history of student suspensions and a routing form are produced by MDUSD Student Services in October and February. This report is sent to school principals for their use with teachers. This report must be available to teachers.

The following procedure should be used to provide the information to teachers:

- Teachers should only be provided information for students in their classes.
- Route the MDUSD report to the teachers of each student using the attached routing sheet. All teachers must sign the routing sheet indicating their review of the data.
- Teachers should be advised about the confidential nature of the data and directed to keep the data secure.
- All routing sheets and suspension reports should be returned to the principal. The routing sheets should be filed in the principal's office.

This process notifies teachers of the suspension history of students. Principals also have the responsibility to notify teachers of suspensions as they occur during the school year. Other means that notify teachers in a timely manner can be used, such as providing teachers notice their student has been suspended and inviting them to the office of the appropriate administrator to review the suspension report.

APPEALS

Parents are not always satisfied that their son/daughter has been treated fairly when suspension occurs. The student/parent have a right to appeal a suspension. The appeal process should begin with the principal. If the parent disagrees with the principal's decision regarding the appeal, the parent should be referred to the Director, Student Services. The district's suspension form identifies an appeal process.

DURATION

The principal of the school or the principal's designee may suspend a student from the school for any of the reasons enumerated above. The suspension for all students shall be for no more than five (5) consecutive days.

No student shall be suspended from school for more than twenty (20) days in one school year unless, for adjustment purposes, a student is transferred to, or enrolled in, another regular school, an opportunity class, or the continuation education school. The days of suspension following such reassignment are limited to ten (10) additional days for a total of thirty (30) days of suspension in one school year.

Students may not be suspended at the end of a school year for a time period that extends into the beginning of the following school year. All suspensions must terminate at the end of the current school year and cannot be extended into the new school year.

PROCEDURES

Except in an emergency situation, suspension must be preceded by an informal conference between the principal or his/her designees, the student and, where practical, by the person who referred the student to the principal. The suspension conference is a basic due process right. No student should be suspended without a conference unless an emergency situation exists. [48911 (b)]

Purposes of Conference

- to inform student of the reason for disciplinary action
- to inform student of the evidence against him/her
- to allow the student to present his/her version and evidence in his or her defense

Conference Delayed by an Emergency Situation

- an emergency is defined as a situation constituting a clear and present danger of the lives, safety, or health of students or school personnel
- an emergency is determined by the principal or the principal's designee
- the delayed conference is to be held as soon as practical but not later than two (2) school days from the time the suspension is ordered

If the student is suspended without a conference prior to suspension, both the parent and the student shall be notified of the student's right to a conference, and the student's right to return to school for the purpose of a conference.

The conference shall be held within two (2) school days, unless the student waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. The conference shall then be held as soon as the student is physically able to return to school for the conference. The principal may delegate the suspension conference, but may not delegate the principal's conference to another administrator, except in cases where the conference must be held to meet timeline requirements and the principal is not available to conduct the conference.

Parent Notification

At the time of suspension, a school employee shall make a reasonable effort to contact the student's parent or guardian in person or by telephone. The notice shall be, insofar as is practical, in the primary language of the student's parent or guardian. If the parent cannot be reached, the student must be kept at school for the remainder of the school day. However, the principal, or designee, is authorized to turn over to the police any suspended student whose continued presence on campus is disruptive to the educational process.

All teachers who instruct the student must be notified of the reason for suspension unless the suspension is for smoking.

Suspension Forms to be Completed

Principal, or designee, completes the MDUSD Official Notice of Suspension. A copy of this form must be mailed to the parent or guardian of the suspended student. Principal, or designee, distributes copies of the form to:

- student, when possible
- student's cumulative folder
- Student Services office

All other copies (if using an NCR form) shall be retained for school use. If you are using a computerized suspension form, care must be taken not to send duplicate copies to Student Services. Sending duplicate copies causes suspensions to be double-entered in the district data base.

A suspension notice contains the following and will be mailed by a school employee within one (1) school day of the beginning of the suspension:

- a statement of the facts leading to the decision to suspend
- the date and time when the student will be allowed to return to school
- a request that the parent or guardian attend a conference with school officials regarding the student's behavior, including notice that state law requires parents or guardians to respond to such request without delay
- a statement of the right of the student or parent to request a meeting with the Director, Student Services pursuant to E.C. 48914. The meeting shall ordinarily be held within three (3) school days of the time such request is received by the Director of Student Services.
- a statement of the parent's or student's rights to have access to the student's records as provided by E.C. 49069.

The parent or guardian of any student shall respond without delay to any request from school officials to attend a conference regarding their child's behavior.

No penalties may be imposed on a student for failure of the student's parent or guardian to attend a conference with school officials. Reinstatement of the suspended student shall not be contingent upon attendance by the student's parent or guardian at such conference.

SUSPENSION OF STUDENTS WITH DISABILITIES UNDER THE IDEA

Contact your Program Specialist with any questions.

Procedures listed for general education students shall also apply to the suspension of individuals with exceptional needs.

Definition

A student with previously identified exceptional needs is defined as "an individual with disabilities pursuant to the Individuals with Disabilities Education Act." In other words, any student with an active IEP, or a student who, because of his/her disability, is eligible for special education services must be considered as an individual with disabilities, or a student with exceptional needs. Such a student would be entitled to the procedural safeguards described in this section.

Duration

Students with exceptional needs may be suspended for up to 5 days for a single incident of misconduct. If the student is recommended for expulsion, this suspension can be extended pending the expulsion hearing. However, manifestation determination and functional behavioral assessment procedures must be followed. Student must also be provided educational services after the 10th cumulative day of suspension in the school year.

Following the procedures outlined below (manifestation determination and functional behavioral assessments), students with disabilities under the IDEA may be suspended beyond 10 cumulative days for up to 20 days in a school year, unless, for adjustment purposes, a student, through the IEP team, is transferred to, or enrolled in, another school, an opportunity class, or the continuation education school. The days of suspension following such reassignment are limited to 10 additional days for a total of 30 days of suspension in one school year. See page 3-21.

Students may not be suspended at the end of a school year for a time period that extends into the beginning of the following school year.

Procedures Based on Cumulative Days of Suspension/Change in Placement

No special procedures are required to suspend a student up to 10 cumulative days of suspension.

Federal regulations state, however, that the cumulative days of suspension cannot exceed 10 school days and would be a "change in placement" requiring an IEP team meeting if the removal is for more than 10 consecutive days, or the student is subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

Manifestation Determination

In Mt. Diablo Unified, a manifestation determination is required only when a student is suspended for more than 10 cumulative days in a school year.

Manifestation Determination Process

As a first step in the manifestation determination process, the school and parent must determine the relevant members of the IEP team who should attend the IEP team meeting. The IEP team shall review all relevant information in the student's file, including the IEP, any teacher observations, psychologist manifestation review report and any relevant information provided by the parents to determine whether the misconduct is a manifestation of the student's disability.

In MDUSD, the school psychologist will review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information provided by the parents and make a recommendation regarding whether the misconduct is a manifestation of the student's disability. A summary report of findings will be completed referencing all the sources. If the psychologist feels that additional assessments must be completed in order to complete this manifestation report, an assessment plan must be signed by the parent. If the parent refuses consent to an assessment which the school psychologist feels is necessary, refer the issue to Assistant Superintendent, Pupil Services and Special Education.

A MDUSD IEP Manifestation Determination Finding form must be completed to document the review and team's determination.

The team determines:

1. If the conduct in question was caused by, or had a direct and substantial relationship to the student's disability, or
2. If the conduct in question was the **direct result** of the school or district's failure to implement the IEP.

If the answer to 1 or 2 is yes, then the conduct shall be determined to be a manifestation of the student's disability.

**If it is determined that the misconduct is not a manifestation of the student's disability, the student may be excluded from school in the same manner as are similarly-situated students who do not have disabilities as long as they receive FAPE following 10 cumulative days of suspension in the school year. The placement of services is to be determined by the IEP team.

Determination that the behavior was a manifestation/Functional Behavioral Assessment:

If it is determined that the misconduct was a manifestation of the student's disability, the student should be allowed to return to school and the IEP team shall:

1. Conduct a functional behavioral assessment and implement a BSP or PBIP or
2. If a BSP or PBIP had been developed, modify it as necessary to address the behavior
3. Return the student to the placement from which the student was removed, unless the parent and school or district agree to a change in placement as part of the modification of the BSP or PBIP.

DUE PROCESS

Case by case determination

School administration may consider any unique circumstances on a case by case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

Procedural protections regarding a "Change in Placement"

When suspensions constitute a "change in placement," the student and his or her parent or guardian are entitled to procedural protections. (See definition on previous page.) These protections include:

1. Appropriate notice to parents or guardian
2. An opportunity to examine the student's records
3. A due process hearing with the participation of parents or guardians which may include representation by counsel and a review procedure

Thus, if, after a Manifestation Determination and FBA, the parents disagree with the determination regarding the relationship of the behavior to the disability, or with the placement proposal, they may request a due process hearing.

In addition, if the local educational agency believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others, the district may request a hearing.

Placement during appeals

When an appeal has been requested of the Hearing Office by the district or the parents:

1. The student will remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period designated in (**above) which may be 45 school days or the suspension period as applicable to general education students, unless the parent and district agree otherwise; and
2. The hearing office shall arrange for an expedited hearing which shall occur within 20 school days of the date the hearing is requested, and shall result in a determination within 10 school days after the hearing.

Previously Unidentified Students

A pupil not previously identified as a student with disabilities under the IDEA who violates a behavior rule may claim protection as provided to individuals identified with exceptional needs if **there was knowledge that the pupil had a disability** before the behavior violation occurred.

Knowledge arises when:

1. The parent has expressed concern in writing to supervisory or administrative personnel or a teacher of the student, that the student is in need of special education and related services.
2. The parent of the student has requested an evaluation of the student.
3. The teacher or other school personnel has expressed specific concerns about the student's behavior and/or performance. The concern must be expressed in accordance with the district's established special education referral process, to supervisory personnel of the school or district.

A public agency is not deemed to have knowledge when:

1. The agency conducted a special education evaluation and determined the student was not a student with a disability under the IDEA, or
2. The parent has not allowed an initial evaluation of the student or has refused initial services after an initial evaluation.

If there was no prior knowledge, disciplinary measures can be applied as to all general education pupils.

If a parent/guardian indicates they believe their student should have been previously identified, contact the Director, Student Services for assistance.

If the parent requests an evaluation for a student who has not been assessed recently and found ineligible, the evaluation shall be conducted in an expedited manner. If the student is found to be a student with a disability, the student will receive special education services as determined by the IEP team.

Suspension from School Bus Transportation

If a student with exceptional needs is excluded from school bus transportation, the student shall be provided with an alternative form of transportation at no cost to the student or parent/guardian, provided transportation is specified in the student's IEP. The Administrator of Special Day Classes and Transportation should be contacted to determine an alternate form of transportation. Alternative forms of transportation may include parent reimbursement for transporting their child to and from school, with parent consent, and a county bus pass if age appropriate.

Suspension of Students with Disabilities Under the IDEA

Student commits offense listed in Education Code sections 48900, 48900.2, 48900.3, 48900.4, 48900.7, or 48915(c).

The student may be suspended for up to 5 consecutive school days for a single offense.

The student must receive FAPE after 10 cumulative days. FAPE must be provided in an alternative educational setting. The alternative setting is determined by the IEP team.

The student may not be suspended for more than 20 consecutive school days in one school year, unless for adjustment purposes, they are transferred to another school. If so, they may be suspended for 30 cumulative days in a school year.

When cumulative suspensions total less than 10 days in a school year:

No special procedures are required to suspend a student up to 10 cumulative days of suspension.

When suspensions exceed 10 cumulative days in a school year:

The IEP team must meet to complete a manifestation determination within 10 school days of the decision to go beyond 10 cumulative days.

If it is determined that the misconduct was a manifestation of the student's disability, the IEP team shall conduct a FBA and implement or modify a BSP or PBIP. The student should be returned to school unless under special circumstances the parent and district should agree to a change in placement as part of the modification of the BSP or PBIP.

If it is determined that the misconduct was not a manifestation of the student's disability, the student may be excluded from school in the same manner as general education students as long as they receive FAPE following the 10th cumulative day. The IEP team determines the location of the services.

SUSPENSION OF STUDENTS WITH DISABILITIES UNDER SECTION 504

Procedures listed for general education students shall also apply to the suspension of individuals with disabilities eligible for Section 504 accommodations.

Definition

A student with previously identified disabilities eligible for Section 504 accommodations is any student with an active Section 504 accommodation plan ("AP"). Such a student would be entitled to the procedural safeguards described in this section.

Duration

Students eligible for Section 504 may be suspended for up to 5 days for a single incident of misconduct. If the student is recommended for expulsion, this suspension can be extended pending the expulsion hearing. However, manifestation determination and functional behavioral assessment procedures must be followed. Student must also be provided educational services after the 10th cumulative day of suspension in the school year.

Following the procedures outlined below (manifestation determination and functional behavioral assessments), students with disabilities under Section 504 may be suspended beyond 10 cumulative days for up to 20 days in a school year, unless, for adjustment purposes, a student, through the Section 504 team, is transferred to, or enrolled in, another school, an opportunity class, or the continuation education school. The days of suspension following such reassignment are limited to 10 additional days for a total of 30 days of suspension in one school year. See page 3-11.

Students may not be suspended at the end of a school year for a time period that extends into the beginning of the following school year.

Procedures Based on Cumulative Days of Suspension/Change in Placement

No special procedures are required to suspend a student up to 10 cumulative days in a school year. Federal regulations state, however, that the cumulative days of suspension cannot exceed 10 school days and would be a "change in placement" requiring a Section 504 team meeting if the removal is for more than 10 consecutive days, or the student is subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

Manifestation Determination

In Mt. Diablo Unified, a manifestation determination is required when a student is suspended for more than 10 cumulative days in a school year.

Manifestation Determination Process

As a first step in the manifestation determination process, the school and parent must determine the relevant members of the Section 504 team who should attend the Section 504 team meeting. The Section 504 team shall review all relevant information in the student's file, including the accommodation plan, any teacher observations, psychologist manifestation review report and any relevant information provided by the parents to determine whether the misconduct is a manifestation of the student's disability.

In MDUSD, the school psychologist will review all relevant information in the student's file, including the accommodation plan, any teacher observations, and any relevant information provided by the parents

and make a recommendation regarding whether the misconduct is a manifestation of the student's disability. A summary report of findings will be completed referencing all the sources. If the psychologist feels that additional assessments must be completed in order to complete this manifestation report, an assessment plan must be signed by the parent. If the parent refuses consent to an assessment which the school psychologist feels is necessary, refer the issue to the Director, Student Services.

A MDUSD Section 504 Manifestation Determination Finding Form must be completed to document the review and team's determination.

The team determines:

1. If the conduct in question was caused by, or had a direct and substantial relationship to the student's disability, or
2. If the conduct in question was the direct result of the school or district's failure to implement the Accommodation Plan:

If the answer to 1. or 2. is yes, then the conduct shall be determined to be a manifestation of the student's disability.

**If it is determined that the misconduct is not a manifestation of the student's disability, the student may be excluded from school in the same manner as are similarly-situated students who do not have disabilities as long as they receive FAPE following 10 cumulative days of suspension in the school year. The placement of services is to be determined by the Section 504 team.

Determination that the behavior was a manifestation/Functional Behavioral Assessment:

If it is determined that the misconduct was a manifestation of the student's disability, the student should be allowed to return to school and the Section 504 team shall:

1. Conduct a functional behavioral assessment and implement a BSP or PBIP or
2. If a BSP or PBIP had been developed, modify it as necessary to address the behavior
3. Return the student to the placement from which the student was removed, unless the parent and school or district agree to a change in placement as part of the modification of the BSP or PBIP.

DUE PROCESS

Case by Case Determination

School administration may consider any unique circumstances on a case by case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

Procedural Protections regarding a "change in placement"

When suspension constitutes a "change in placement," the student and his or her parent or guardian are entitled to procedural protections. These protections include:

1. Appropriate notice to parents or guardian
2. An opportunity to examine the student's records
3. An impartial hearing with the participation of parents or guardians which may include representation by counsel and a review procedure

Thus, if, after a Manifestation Determination and FBA, the parents disagree with the determination regarding the relationship of the behavior to the disability, or with the placement proposal, they may request an impartial hearing.

Placement during appeals:

When an appeal has been requested by the district or the parents:

1. The student will remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the suspension period or 45 day placement, unless the parent and district agree otherwise; and
2. The District shall arrange for an expedited hearing which shall occur within 20 school days of the date the hearing is requested, and shall result in a determination within 10 school days after the hearing.

Previously Unidentified Students

A pupil not previously identified as a student with disabilities under Section 504 who violates a behavior rule may claim protection as provided to individuals identified with exceptional needs **if there was knowledge that the pupil had a disability** before the behavior violation occurred.

Knowledge arises when:

1. The parent has expressed concern in writing to supervisory or administrative personnel or a teacher of the student, that the student is in need of Section 504 accommodations and related services.
2. The parent of the student has requested an evaluation of the student.
3. The teacher or other school personnel has expressed specific concerns about a pattern of the student's behavior and/or performance. The concern must be expressed in accordance with the district's established special education referral process, to supervisory personnel of the school or district.

A public agency is not deemed to have knowledge when:

1. The agency conducted an evaluation and determined the student was not a student with a disability under Section 504, *or*
2. The parent has not allowed an initial evaluation of the student or has refused initial services after an initial evaluation.

If there was no prior knowledge, disciplinary measures can be applied as to all general education pupils.

If a parent/guardian indicates they believe their student should have been previously identified, contact the Director, Student Services for assistance.

If the parent requests an evaluation for a student who has not been assessed recently and found ineligible, the evaluation shall be conducted in an expedited manner. If the student is found to be a student with a disability, the student will receive accommodations as determined by the Section 504 team.

Suspension from School Bus Transportation

If a student eligible for Section 504 accommodations is excluded from school bus transportation, the student shall be provided with an alternative form of transportation at no cost to the student or parent/guardian, provided transportation is specified in the student's accommodation plan. The Director, Student Services and Transportation should be contacted to determine an alternate form of transportation. Alternative forms of transportation may include parent reimbursement for transporting their child to and from school, with parent consent, and a county bus pass if age appropriate.

Suspension of Students with Disabilities Under Section 504

Student commits offense listed in Education Code sections 48900, 48900.2, 48900.3, 48900.4, 48900.7, or 48915(c).

Student is suspended.

(Refer to "Suspension of Students with Disabilities under Section 504" for suspension limitations!)

Student may be suspended for up to 5 consecutive school days for a single offense.

The suspension can be extended pending expulsion if the student would cause a danger to persons or property or a threat of disrupting the educational process.

Student can be suspended for no more than 20 cumulative school days, unless for adjustment purposes, they are transferred to another school. If so, they may be suspended for 30 cumulative days in a school year.

When cumulative suspensions total less than 10 in a school year:

No special procedures are required to suspend a student up to 10 cumulative days of suspension.

When suspensions exceed 10 cumulative days in a school year and if there is a change in placement:

The section 504 team must meet to complete a manifestation determination form, a behavior support plan, and revise the 504 plan if necessary. This meeting must be held within 10 school days of the decision to go beyond 10 cumulative days.

For subsequent suspensions which do not constitute a change in placement:

A section 504 team meeting is needed within 10 school days of every suspension beyond the 10th cumulative day in the school year to determine if the behavior is a manifestation of the student's disability.

PREVIOUSLY UNIDENTIFIED STUDENTS

A pupil not previously identified as a student with disabilities under section 504 who violates a behavior rule may claim protection if there was knowledge that the pupil had a disability before the behavior violation occurred. If there was no prior knowledge, disciplinary measures can be applied as to all general education students. If a parent/guardian of a student who has been suspended indicates they believe their student should have been previously identified, contact the Director, Student Services for assistance.

For additional information, consult MDUSD Section 504 *Handbook Student Access: A Resource Guide for Educators*.

TRUANCY/ABSENCES

The California Education Code prohibits the use of suspension in cases of truancy/absence.

CONDUCTING A REVIEW OF STUDENT RECORDS – CUM FOLDER

When a pattern of suspensions for a general or special education student become apparent, an administrator should conduct a review of the student's cum folder. The reviewer should look for:

- Documentation of previous disciplinary actions
- Suspensions (cumulative number/cause?)
- Expulsions (cause/readmission hearing conducted?)
- Other action, such as behavior chronologies/trackers
- Documentation of pertinent parent or professional communications
- Documentation of special education services
- Previously served - now exited students (properly exited/still eligible?)
- Currently served - IEP requirements (IEP being served/placement correct?, appropriate behavioral interventions implemented?)
- Documentation of section 504 plan
- Previous and current plans (plan requirements)
- Other historical documentation
- Record of Student Success Team meetings
- Assessment data

It is best to learn important student history before disciplinary action is taken that would reasonably require prior administrative knowledge.

TEACHER SUSPENSION [E.C. 48910]

Length of Suspension

A teacher may suspend any student from the teacher's class for any of the acts enumerated in "Grounds For Suspension" for the day of the suspension and the day following. The teacher shall inform the student of the facts leading to the decision to suspend from the class. The student shall be given an opportunity to explain the student's version of the facts.

Elementary teachers may suspend a student from their classes or periods of instruction for the remainder of the teaching period or day and for the following teaching period or day that the class is held.

Secondary teachers may suspend a student from their classes for the remainder of the teaching period or periods and also for the same teaching period or periods on the following day that the class is held.

The teacher shall immediately report the suspension to the principal of the school and send the student to the principal or the principal's designee for appropriate discipline. The principal or the principal's designee shall arrange for appropriate supervision during the period(s) of suspension from the classroom. Students suspended from class shall not be placed in another regular class during the period of suspension.

Teacher suspensions count towards cumulative days of suspension in a school year. If a student with disabilities under the IDEA or section 504 is consistently suspended, an IEP or section 504 team meeting may be necessary to address appropriateness of placement, including behavioral interventions such as BSP.

Procedures

Student is sent from class to the principal/designee.

Teacher completes suspension form.

Principal shall mail suspension form to the parent or guardian of the suspended student.

Removal from a particular class shall not occur more than once every five (5) school days.

Teacher shall schedule a parent conference with a specific date and time on the suspension form.

PARENT REQUIRED TO ATTEND CLASS [E.C. 48900.1]

A teacher may require the parent of a student suspended by the teacher to attend a portion of a school day in the child's classroom if the suspension from class is for: 1) committing an obscene act or engaging in habitual profanity or vulgarity; or 2) disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.

The parents/guardians who attend their child's classroom shall be informed that a meeting shall take place between the parent or guardian and the principal or his/her designee after completing the classroom visitation and before leaving the school site.

The parent or guardian may not be required to comply with the notice to attend if the following reasonable factors exist:

- illness or other personal necessity that would create a hardship for the parent or guardian
- parent or guardian will be out of town on work-related or family business
- court appearance or jury duty

The principal or designee shall contact the parent or guardian who does not respond to the request to attend school and schedule another classroom visitation time.

No penalties may be imposed on a student for the failure of the student's parent or guardian to attend a classroom visitation or a conference with school officials.



MT. DIABLO UNIFIED SCHOOL DISTRICT
SPECIAL EDUCATION

**INDIVIDUALIZED EDUCATION PROGRAM (IEP)
MANIFESTATION DETERMINATION FINDING**

1936 Carlotta Drive, Concord, CA 94519
Phone (925) 682-8000 or TDD 685-1962

FAX (925) 687-3139
Community Advisory Committee (CAC)
Parent Resource Network (925) 687-2129

IEP Date: ____/____/____

Student: _____ ID#: _____ Page ____ of ____

Assessment History:

Date of most recent evaluation ____/____/____

- Reassessment completed if appropriate. Yes (Date ____/____/____) No
- Functional behavioral assessment conducted, if necessary. (Date ____/____/____)
- Behavior Support Plan or Positive Behavior Intervention Plan developed, (Date ____/____/____) or modified, if necessary. (Date ____/____/____)
- Statement of behavior subject to disciplinary action _____
- Disciplinary action taken/proposed _____
- Date on which decision to take disciplinary action was made: ____/____/____

In determining whether the student's behavior was a manifestation of his/her disability, the IEP team considered the following in relation to the behavior subject to discipline (check applicable items):

- Evaluation and diagnostic result(s) (describe): _____
- Observations of the student by: _____
- Student's IEP, services and placement.
- Other relevant information provided by parents (list): _____

The IEP Team determined that:

- Yes No The conduct in question was caused by, or had a direct and substantial relationship to the student's disability;
or
- Yes No The conduct in question was the direct result of the district's failure to implement the IEP.

Comments _____

<p>Finding of the IEP Team:</p> <p>The behavior <input type="checkbox"/> was not a manifestation of the student's disability. (Answer "no" to both boxes above.)</p> <p style="padding-left: 100px;"><input type="checkbox"/> was a manifestation of the student's disability. (Answer "yes" to one or more boxes above.)</p> <p>The parent(s)/guardian(s) <input type="checkbox"/> agrees <input type="checkbox"/> disagrees with the determination of the IEP team.</p>

Meeting Comments: (attach additional pages as needed)

- See goals written today
- Continue goals in progress
- See facesheet for placement



MT. DIABLO UNIFIED SCHOOL DISTRICT
ADDENDUM TO SECTION 504 PLAN

MANIFESTATION DETERMINATION FINDING

1936 Carlotta Drive, Concord, CA 94519
Phone (925) 682-8000 or TDD 685-1962

FAX (925) 687-3139
Community Advisory Committee (CAC)
Parent Resource Network (925) 687-2129

Section 504 Meeting Date: ____/____/____

Student: _____ ID#: _____ Page ____ of ____

Assessment History:

Date of most recent evaluation ____/____/____

- Reassessment completed if appropriate. Yes (Date ____/____/____) No
- Functional behavioral assessment conducted, if necessary. (Date ____/____/____)
- Behavior Support Plan or Positive Behavior Intervention Plan developed, (Date ____/____/____) or modified, if necessary. (Date ____/____/____)
- Statement of behavior subject to disciplinary action _____

- Disciplinary action taken/proposed _____
- Date on which decision to take disciplinary action was made: ____/____/____

In determining whether the student's behavior was a manifestation of his/her disability, the Section 504 team considered the following in relation to the behavior subject to discipline (check applicable items):

- Evaluation and diagnostic result(s) (describe): _____
- Observations of the student by: _____
- Student's Accommodation Plan.
- Other relevant information provided by parents (list): _____

The Section 504 Team determined that:

- Yes No The conduct in question was caused by, or had a direct and substantial relationship to the student's disability; or
- Yes No The conduct in question was the direct result of the district's failure to implement the Section 504 Accommodation Plan.

Comments _____

<p>Finding of the Section 504 Team:</p> <p>The behavior <input type="checkbox"/> was not a manifestation of the student's disability. (Answer "no" to both boxes above.)</p> <p style="padding-left: 40px;"><input type="checkbox"/> was a manifestation of the student's disability. (Answer "yes" to one or more boxes above.)</p> <p>The parent(s)/guardian(s) <input type="checkbox"/> agrees <input type="checkbox"/> disagrees with the determination of the Section 504 team.</p>
--

Meeting Comments: (attach additional pages as needed)

- See goals written today
- Continue goals in progress
- See facesheet for placement

White - CUM Canary - MIS Pink - Parent Golden - Teacher



BEHAVIOR SUPPORT PLAN – SPECIAL EDUCATION

1936 Carlotta Drive, Concord, CA 94519
Phone (925) 682-8000 or TDD 685-1962

FAX (925) 687-3139
Community Advisory Committee (CAC)
Parent Resource Network (925) 687-2129

for _____
Behavior Interfering with Learning of Student or Peers

Page _____ of _____

Student _____ ID Number _____ IEP Date: ____/____/____

Behavior impeding learning is _____

It impedes learning because _____

Team estimate of need for behavior support plan extreme serious moderate needing attention, early state intervention

Current Frequency/Intensity/Duration of Behavior _____ Any current predictors for behavior? _____

IEP Team believes behavior occurs because (team hypothesis-behavior function) _____

What team believes student should do instead of this behavior (match to hypothesis) _____

What supports the student using the problem behavior (in or missing in environment, in or missing in instruction) _____

Behavioral Goals/Objectives related to this plan: _____

- To achieve this outcome, both teaching of new alternative behavior and reinforcement is needed yes no
- To achieve this outcome, reinforcement of alternative behavior alone is emphasized (no new teaching is necessary) yes no
- To achieve this outcome, environmental supports or changes are needed yes no
- Are curriculum accommodations necessary? yes no Is there a curriculum accommodation plan? yes no

Teaching strategies and necessary curriculum or materials for new behavior instruction

By whom? _____ How frequent? _____

Environmental structure and supports to be provided (Time/Space/Materials/Interactions)

Who establishes? _____ Who monitor? _____

Reinforcement procedures

By whom? _____ Frequency? _____

Reactive strategy to employ/debriefing procedures to use if problem behavior occurs again

Personnel: _____

Communication provisions – Daily/Weekly Reports/Record Keeping

Between _____ Frequency? _____

SAMPLE TEACHER FORM

REQUEST FOR PARENT/GUARDIAN TO ATTEND CLASSROOM

Date: _____

TO: Principal/Designee

FROM: _____
(Teacher)

Please schedule a time for the parent/guardian of

_____ to attend my class.
(Student Name)

Student Name: _____

Class or Period: _____

Date of Visitation: _____

(Should allow five (5) working days between referral date and visitation day.)

Attachment: Teacher Suspension Form



MT. DIABLO UNIFIED SCHOOL DISTRICT
SPECIAL EDUCATION

BEHAVIOR SUPPORT PLAN – SECTION 504

1936 Carlotta Drive, Concord, CA 94519
Phone (925) 682-8000 or TDD 685-1962

FAX (925) 687-3139
Community Advisory Committee (CAC)
Parent Resource Network (925) 687-2129

for _____
Behavior Interfering with Learning of Student or Peers

Page _____ of _____

Student _____ ID Number _____ IEP Date: ____/____/____

Behavior impeding learning is _____

It impedes learning because _____

Team estimate of need for behavior support plan extreme serious moderate needing attention, early state intervention

Current Frequency/Intensity/Duration of Behavior _____ Any current predictors for behavior? _____

IEP Team believes behavior occurs because (team hypothesis-behavior function) _____

What team believes student should do instead of this behavior (match to hypothesis) _____

What supports the student using the problem behavior (in or missing in environment, in or missing in instruction) _____

Behavioral Goals/Objectives related to this plan: _____

- To achieve this outcome, both teaching of new alternative behavior and reinforcement is needed yes no
- To achieve this outcome, reinforcement of alternative behavior alone is emphasized (no new teaching is necessary) yes no
- To achieve this outcome, environmental supports or changes are needed yes no
- Are curriculum accommodations necessary? yes no Is there a curriculum accommodation plan? yes no

Teaching strategies and necessary curriculum or materials for new behavior instruction

By whom? _____ How frequent? _____

Environmental structure and supports to be provided (Time/Space/Materials/Interactions)

Who establishes? _____ Who monitor? _____

Reinforcement procedures

By whom? _____ Frequency? _____

Reactive strategy to employ/debriefing procedures to use if problem behavior occurs again

Personnel: _____

Communication provisions – Daily/Weekly Reports/Record Keeping

Between _____ Frequency? _____



MT. DIABLO UNIFIED SCHOOL DISTRICT

TEACHER'S NOTICE OF PUPIL SUSPENSION

Student No. _____

Ethnic Code _____

Special Education Yes No

School _____

Telephone No. _____

TO: Building Administrator and Parent

Pursuant to Section 48900 of the Education Code, _____

Name of Pupil

Grade

has been suspended from _____ on _____

Name of Class

Period

Date & Time of Suspension

because: _____

Pupil suspension is only from the class stated above and not from the school. Attendance by the pupil is required at all other classes during the period of suspension.

The period of suspension is for:

___ 1. The remainder of the day or period on which the suspension occurred.

___ 2. The remainder of the day or period on which the suspension occurred and the school day following.

You are hereby requested to attend a parent-teacher conference regarding the suspension of your child at _____

Time

on _____ at _____

Date

Location

NOTE: Parent-Teacher Conference must be requested on all suspensions by teachers. (Education Code Section 48910)

If another time is more convenient, please telephone the undersigned teacher to arrange a meeting as soon as possible.

Dated: _____

Signature of Teacher

DETACH AND RETURN TO: BUILDING PRINCIPAL (Only if you wish to have an administrator present at the parent-teacher conference)

PARENT REQUEST FOR ATTENDANCE BY ADMINISTRATOR AT SUSPENSION CONFERENCE

Pursuant to Section 48910 of the Education Code, the undersigned parent of _____

Name of Pupil

hereby requests that a school administrator shall attend the Parent-Teacher Conference regarding the _____

Date

suspension from class by _____

Name of Teacher

Dated: _____

Signature of Parent

White	- Parent or Guardian
Blue	- Received by Student
Green	- School Use
Canary	- Student Cum Record
Pink	- Student Services
Golden	- School Use

SAMPLE LETTER

PARENT TO ATTEND CLASS

Dear _____:

_____ (Teacher Name) _____ is requesting you attend a portion of

_____ (Student Name) _____'s class for the following reason(s):

The date and time for your classroom visit is on _____ (Date) _____ at _____ (Time) _____. Your attendance is required by law (Education Code, Section 48900.1, Subdivision (c)).

If, for some reason, you are unable to attend on the date indicated, please contact the school to schedule a new date.

The Board of Education approved Policy 5131.1.2(d) on February 28, 1989, to comply with Section 48900.1 of the Education Code which authorizes a teacher to require a parent or guardian to attend a portion of the school day. Attached is a copy of the Teacher Suspension, along with a brief explanation of the policy and the Education Code sections dealing with this issue.

I am also requesting a conference with you upon completion of your visit to the classroom. This will provide us with an opportunity to review _____ (Student Name) _____'s behavior and discuss possible solutions in trying to solve the problem.

Please contact my office as soon as possible to confirm the date for your visitation to the class.

Sincerely,

(Principal/Designee)

Mt. Diablo Unified School District
STUDENT SUSPENSION CHECKLIST

Date: _____

Student: _____

Yes No

Education Code Section Violated: _____

___ ___

Student Statement(s) completed.
List student names, if other students involved:

___ ___

Staff Statement(s) completed.

___ ___

Physical/photographic evidence collected.

___ ___

Administrative summary of incident/investigation completed.

___ ___

Student in police custody? If yes, parent/guardian must be immediately contacted.

___ ___

Police Report taken. (Case # _____)

___ ___

Parent Contacted. Date: _____ Time: _____
Conference set for: _____

___ ___

Expellable action?
If yes: Principal's Conference scheduled for: _____
MDUSD Student Services Staff contacted: Date: _____

___ ___

Special Education? Appropriate services provided, including behavioral interventions?

___ ___

Section 504? Appropriate services provided, including behavioral interventions?

___ ___

Suspension form completed/given to student at time of suspension

___ ___

Student dismissed early with parent permission.

___ ___

Behavior recorded in activity tracker.

___ ___

If first time offense, were suspension alternatives considered?

Other notes:

Expulsion Policy

EXPULSION

[POLICY 5131.1.3(A-I)]

It is the policy of the Mt. Diablo Unified School District that expulsion should be imposed when other means of correction have failed, or when keeping the student in school would be detrimental to the general welfare of the school, the student, or other students.

The decision to expel a student depends upon the seriousness of the offense, the history of infractions of school rules and regulations, and upon a consideration of the safety and welfare of the student, other students, and the staff.

DEFINITION

Expulsion is defined as the removal of a student from all schools of the district and from all school district activities and programs by order of the Board of Education.

GROUNDS FOR EXPULSION [E.C. 48900, 48900.2, 48900.3, 48900.4, 48900.7, AND 48915]

Important Note: Education Code §48915 charges should be added when appropriate and may not be used alone.

Only 48915(c) charges may be used independent of E.C. §48900 charge.

A student shall not be suspended from school or recommended for expulsion unless the principal of the school in which the student is enrolled determines that the student has engaged in acts enumerated in E.C. §48900, §48900.2, §48900.3, §48900.4, or 48900.7.

It is important that the recommendation contain as many grounds for expulsion as apply to the individual student's situation. By charging multiple violations, if one ground is not sustained, there are others upon which an expulsion can be based.

The student must be suspended for each charge contained in the recommendation for expulsion.

Grounds for Expulsion Contained in E.C. 48900

- a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person.
- a) (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 unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.

Knife as defined under §48915(g): A knife is a dirk, dagger, or other weapon with a fixed, sharpened blade, fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3½", a folding knife with a blade that locks into place or a razor with an unguarded blade.

Firearm means any device, designed to be used as a weapon, from which is expelled through a barrel a projectile by the force of any explosion or other form of combustion.

- (A) any explosive, incendiary, or poison gas bomb,
 - (i) grenade,
 - (ii) rocket having a propellant charge of more than four ounces,
 - (iii) missile having an explosive or incendiary charge of more than one-quarter ounce
 - (iv) mine, or
 - (v) device similar to any of the devices described in the preceding clauses;
- (B) any type of weapon (other than a shotgun or a shotgun shell which the Secretary of the Treasury finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and
- (C) any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

- c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of any controlled substance listed in Chapter 2 (commencing with § 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- d) Unlawfully offered, arranged, or negotiated to sell any controlled substance, listed in Chapter 2 (commencing with § 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- e) Committed or attempted to commit robbery or extortion.
- f) Caused or attempted to cause damage to school property or private property.
- g) Stole or attempted to steal school property or private property.
- h) Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use of or possession by a student of his or her own prescription products.
- i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- j) Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in § 11014.5 of the Health and Safety Code.
- k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.

Pursuant to (k) above, the principal or principal's designee may suspend a student for other causes including, but not limited to:

- Trespassing or making a forced entry to school buildings.
- When a student is present on the campus of a school other than that in which the student is enrolled without prior valid permission.
- Possession of any electronic listening or recording device (beepers, pagers) without prior consent of the principal or his/her designee. No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician to be essential for the health of the student.

- l) Knowingly received stolen school property or private property.
- m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code (P.C.) or committed a sexual battery as defined in Section 243.4 of the Penal Code.

Pursuant to (n) above:

The sections enumerated are Section 261, Rape; Section 266c, Inducing consent to sexual act by fraud or fear; Section 286, Sodomy; Section 288, Lewd or lascivious acts involving children; Section 288a, Oral copulation; Section 289, Penetration by a foreign object; Section 243.4, defines battery as uninvited sexual touching.

1. The following are mandatory expulsion offenses and must be coupled with E.C. 48915(C)4.
Be sure a Penal Code violation has occurred prior to charging this offense.
2. Call Director of Student Services immediately. There are numerous procedural safeguards to be considered.

The following definitions:

- Rape as defined in Penal Code 261 is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under a number of circumstances including but not limited to where a person is incapable of giving legal consent, is accomplished by means of force, or for some other reason where a person has not legally consented to the act.
- Inducing consent to sexual act by fraud or fear as defined in Penal Code Section 266(c) is sexual penetration, oral copulation, or sodomy when consent is procured by false or fraudulent representation or pretense that is made with the intent to create fear, and which does induce fear, and that would cause a reasonable person in like circumstances to act contrary to the person's free will.

- Lewd or lascivious acts involving children as defined in Penal Code Section 288 is the committing of acts upon or with the body of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desire of either the person committing the acts or the child.
- Oral copulation as defined in Penal Code Section 288a is the act of copulating the mouth of one person with the sexual organ or anus of another person.
- Penetration by a foreign object as defined in Penal Code Section 289 occurs when a person by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury causes the penetration, however, slight, of the genital or anal openings of any person.
- Sexual battery as defined in Penal Code Section 243.4 is the touching of an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse.

- o) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that student from being a witness or retaliating against that student for being a witness, or both.
- p) Unlawfully offered/arranged to sell/negotiated to sell/sold the prescription drug Soma.
- q) Engaged in, or attempted to engage in hazing as defined in Section 32050.
- s) Aided or abetted in the infliction or attempted infliction of physical injury of another person, as defined by Penal Code, Section 31.

E.C. 48900.2

A student in grades 4-12, inclusive, may be suspended from school if the principal determines that the student has committed sexual harassment as defined in E.C. 212.5, provided that the conduct is considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the victim's academic performance or to create an intimidating, hostile or offensive educational environment.

- In general sexual harassment is defined to mean unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature.
- A detailed definition is found in Section 12: nondiscrimination/harassment.
- Guidelines for administrative investigation of sexual harassment complaints are outlined in Section 12: nondiscrimination/harassment.
- Reporting form in Section 12: nondiscrimination/harassment.

E.C. 48900.3

A student in any of grades 4 to 12, inclusive, may be suspended from school if the principal of the school in which the student is enrolled determines that the student has caused, attempted to cause, threatened to cause, or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code.

- In general hate violence is defined as the use of force or threat of force to intimidate or injure a person or a person's property because of that individual's race, color, religion ancestry, national origin, disability, gender, or sexual orientation.
- A detailed definition of hate violence is found in subdivision (e) of Section 233 of the Education Code. E.C. 233 (e) refers you to P.C. 422.6 (interference with exercise of civil rights; damaging property; punishment; speech) and P.C. 422.7 and 422.75 (aggravating factors for punishment).
- The person engaging in hate violence must have the ability to carry out the threat; the threat against property must cause damages in excess of \$500.

E.C. 48900.4

A student enrolled in any of grades 4 to 12, inclusive, may be suspended from school if the principal of the school in which the student is enrolled determines that the student has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or students, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or students by creating an intimidating or hostile educational environment.

- All three (3) sub-clauses must be true before charging E.C. 49800.4
- E.C. 48900.4 may be charged against a student who committed an act off campus that results in creating a hostile educational environment for students on your campus and interferes with student attendance at school.

E.C. 48900.7

Made terrorist threats against school officials or school property, or both.

Use 48900.7 strictly for charges against school officials, not students.

For the purposes of this section, "terroristic threat" shall include:

- Any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000).
- With the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out
- Which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat
- And thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.

Grounds for Suspension and Expulsion Contained in §48915 (A) — §48915 (C)

§48915 (A)

The principal or superintendent shall immediately suspend, and shall recommend expulsion of a student that he or she determines has committed any of the following acts at school or at a school activity off school grounds; unless, after holding a conference, the principal finds that expulsion is inappropriate because of the particular circumstances.

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

- Determining “Serious Bodily Injury” - Definitions taken from P.C. Section 243
- “Injury” means any physical injury which requires professional medical treatment.
- “Serious bodily injury” means a serious impairment of physical condition including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

- 2) Possession of any knife or other dangerous object of no reasonable use to the student.
- 3) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
- 4) Robbery or extortion.
- 5) Assault/battery upon school employee, P.C. 240/242.

- Definition of P.C. 240: An assault is an unlawful attempt, coupled with a present ability to commit a violent injury on the person of another.
- Definition of P.C. 242: A battery is any willful and unlawful use of force or violence upon the person of another.

§48915 (C)

The principal or the superintendent of schools shall immediately suspend, pursuant to §48911 and shall recommend expulsion of a student that he or she determines has committed any of the following acts at school or at a school activity off school grounds. The governing board shall expel that student when-ever the principal or superintendent of schools and the governing board confirm that the student was:

- 1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the student had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district.
- 2) Brandishing a knife at another person. Brandish: to waive or flourish menacily. To display ostentatiously. (The American Heritage Dictionary, 4th Edition, 2001)
- 3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
- 4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section E.C. 48900 or committing a sexual battery as defined in subdivision (n) of Section E.C. 48900.
- 5) Possession of an explosive, as defined by E.C. 48915(h).

The Administrative Panel, after finding that the student committed any of the acts listed in 48915 (c), shall recommend the student's expulsion to the governing board.

The governing board shall expel the student and refer that student to a program of study appropriately prepared to accommodate students who exhibit discipline problems. The referral shall not be to a comprehensive middle or high school or housed at the school site attended by the student at the time the expulsion was recommended.

Students expelled under Section (A) or (C) of E.C. 48915 shall not be permitted to enroll in any other school or school district during the period of expulsion unless it is a County Community School or a Juvenile Court School or Community Day School run by the district.

Additional or Dual Finding Required for Violations other than 48915(c)

The school official must prove by presenting evidence that a student committed the violation(s) with which he/she has been charged AND EITHER of the following:

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

The only charges exempted from a dual finding are E.C. 48915 Subsection (C) "the big five" possessing, selling or furnishing a firearm, selling a controlled substance, brandishing a knife, committing or attempting to commit sexual assault/battery, or possessing an explosive device.

PROCEDURAL SAFEGUARDS, LIMITATIONS

Alternatives to Suspension

E.C. 48900 (u)

A superintendent or principal may use their discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this section.

Community Service on School Grounds During Non-School Hours:

Alternative Disciplinary Action

E.C. 48900.6

As part of or instead of disciplinary action prescribed by this article, the principal of a school, the principal's designee, the superintendent of schools or the governing board may require a pupil to perform community service on school grounds or, with written permission of the parent or guardian of the pupil, off school grounds, during the pupil's non-school hours. For the purposes of this section, "community service" may include, but is not limited to, work performed in the community or on school grounds in the area of outdoor beautification, community or campus betterment, and teacher, peer, or youth assistance programs. This section does not apply if a pupil has been suspended, pending expulsion, pursuant to Section 48915. However, this section applies if the recommended expulsion is not implemented or is, itself, suspended by stipulation or other administrative action.

Authority to Suspend

The Education Code clearly describes misconduct that can result in student suspension and expulsion. Knowing where and when the misconduct occurs is important in determining the authority to suspend. Consider the following Education Code Sections:

E.C. 48900 (r)

A pupil may not be suspended or expelled for any of the acts enumerated unless the act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be suspended or expelled for acts which are enumerated in this section and related to school activity or attendance that occur any time, including but not limited to, any of the following:

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

E.C. 44807

Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess.

E.C. 48900 (v)

It is the intent of the legislature that alternatives to suspension or expulsion be imposed against any pupil who is truant, tardy, or otherwise absent from school activities.

These sections provide definition to the school administrator's authority to suspend with regard to time and place limitations.

There are also practical limitations that exist, especially regarding students' travelling to and from school. School administrators are advised to communicate this authority to students and parents, but to exercise caution when strictly enforcing all acts of misconduct in the community as they go to and from school. It is not practical, nor is it desirable for school authorities to take on the responsibility of managing student behavior in the community.

When determining whether to suspend or recommend expulsion for misconduct occurring (in the community) while a student is travelling to and from school, the following should be considered:

1. Did the misconduct occur on the student's most direct and usual route to/from school?
2. What impact does the misconduct have on the school environment?
3. Is access to the school or exit from the school impacted by the misconduct?

When there is little or no impact at school, misconduct occurring while a student is going to/from school should be considered an issue for the parents and police, if appropriate, to resolve.

When the misconduct occurs on most direct route and usual route to/from school, and there is a significant impact on the school environment or access routes to/from the school, school officials should consider taking appropriate disciplinary action.

PROCEDURAL SAFEGUARDS

Conducting a Principal's Conference and Extension of Suspension

1. Procedures for suspension listed in the Student Conduct, Welfare and Discipline manual apply.
2. Expulsion must be preceded by a Principal's Conference. A decision to recommend expulsion cannot be made until a Principal's Conference is held, to which the student and the student's parents have been invited to attend.
3. Prior notice of the Principal's Conference must be provided to the parent. When possible, written notification should occur two days prior to the conference. When this is not possible, the parent must be given a notification letter at the beginning of the conference.
4. Principal's Conference may be held without parents. Non-attendance should be noted in the written materials included in the expulsion packet, and efforts to invite the parents should be documented.
5. The principal and parent may invite any person with relevant information to the Principal's Conference.
6. Tape recording the conference is permissible. Principals are not encouraged to tape record. If a parent tape records a conference, the principal should obtain a tape recorder and make recordings also.
7. Written minutes from the Principal's Conference are not required, but often are useful if the case proceeds to an expulsion hearing.
8. Principal's Conference must be held before the end of the student's original suspension period, typically within 5 days. If it is held after the suspension period has ended, the student has the right to return to school at the end of the suspension period even if the principal intends to recommend expulsion.
9. At the Principal's Conference, the principal should:
 - a. Introduce everyone.
 - b. Cite reasons for the Principal's Conference.
(Example: "The Principal's Conference is a formal hearing scheduled when a student commits a serious offense that can result in a recommendation for expulsion. The purpose of the conference is to review the incident and give everyone in attendance an opportunity to become familiar with what is known about the incident and to provide relevant information related to the incident. Following this conference, the principal will decide an appropriate course of action to take with the student. Actions can include keeping the student at the school with a behavior contract or other program modifications, involuntarily transferring the student to another school, or recommending expulsion.")
 - c. State the charge(s) from the suspension form and provide all relevant information and evidence known about the incident.
 - d. Provide an opportunity for the student and parent to respond and to state any additional information.
 - e. Ask any relevant clarifying questions.
 - f. Ask the student and parent for closing comments.
 - g. Let the student and parent know about the timeline for the principal's decision to recommend expulsion. Please note that a decision must be made before the student's suspension period ends, or the student must return to school.

10. If a decision to recommend expulsion is made:
- a. The student's suspension may be extended if there is a finding the presence of the student at the school or in an alternative school would cause a danger to persons or property or a threat of disrupting the instructional process.
 - i. All students may be suspended pending the expulsion hearing.
 - ii. If extension of suspension is recommended, principals must refer student to student services for interim placement.
 - b. If the student is a Student with Disabilities under the IDEA or 504, the principal shall notify the student and parent that a manifestation determination/pre-expulsion IEP or 504 meeting must be held before the expulsion process can proceed. See **Expulsion of Student with Disabilities under the IDEA and Section 504** for procedure.

EXPULSION HEARING AND WAIVER PROCEDURE

The decision to expel rests with the governing board. In order that students and their parents are treated fairly, the Board establishes the following due process procedures. Note: Early communication with a Student Services' administrator is encouraged to review required steps and/or to discuss any questions to the pre-expulsion process.

Under the California Education Code, all students recommended for expulsion are entitled to an impartial hearing. The timeline of steps taken to consider a recommendation for expulsion are also governed by the Education Code. The Mt. Diablo Unified School District respects and complies with the timeline and fact finding requirements prescribed in the California Education Code, Section 48918.

DISTRICT ADMINISTRATIVE PANEL

Pursuant to E.C. 48918(d), in lieu of conducting expulsion hearings itself, the governing board directs that an impartial administrative panel hear expulsion cases.

Each panel shall be composed of three or more certificated persons, none of whom shall be members of the Board or employed on the staff of the school in which the student is enrolled.

In certain expulsion cases, students and their parents/guardians wish to expedite the expulsion process by waiving their right to the expulsion hearing and the timeline governing the expulsion process.

When parents/guardians make such a request, an alternative process that eliminates the need for an expulsion hearing and expedites the timeline may be used. The advantages of this process include:

- Expedited placement of the student in an alternative educational program.
- Elimination of the need for the student and parent/guardian to appear before an administrative panel to review the incident that led to the expulsion recommendation.

REINSTATEMENT FROM EXPULSION STATUS FOR GENERAL EDUCATION AND SECTION 504 ELIGIBLE STUDENTS

In order for a student to be readmitted to the school district, the student must meet the conditions of his/her rehabilitation plan and appear at a readmission hearing conducted before an administrative panel.

Upon completion of the readmission process, the governing board shall readmit unless it makes a finding that the student has not met the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other students or employees of the district. Education Code, Section 48916, subd. (c).

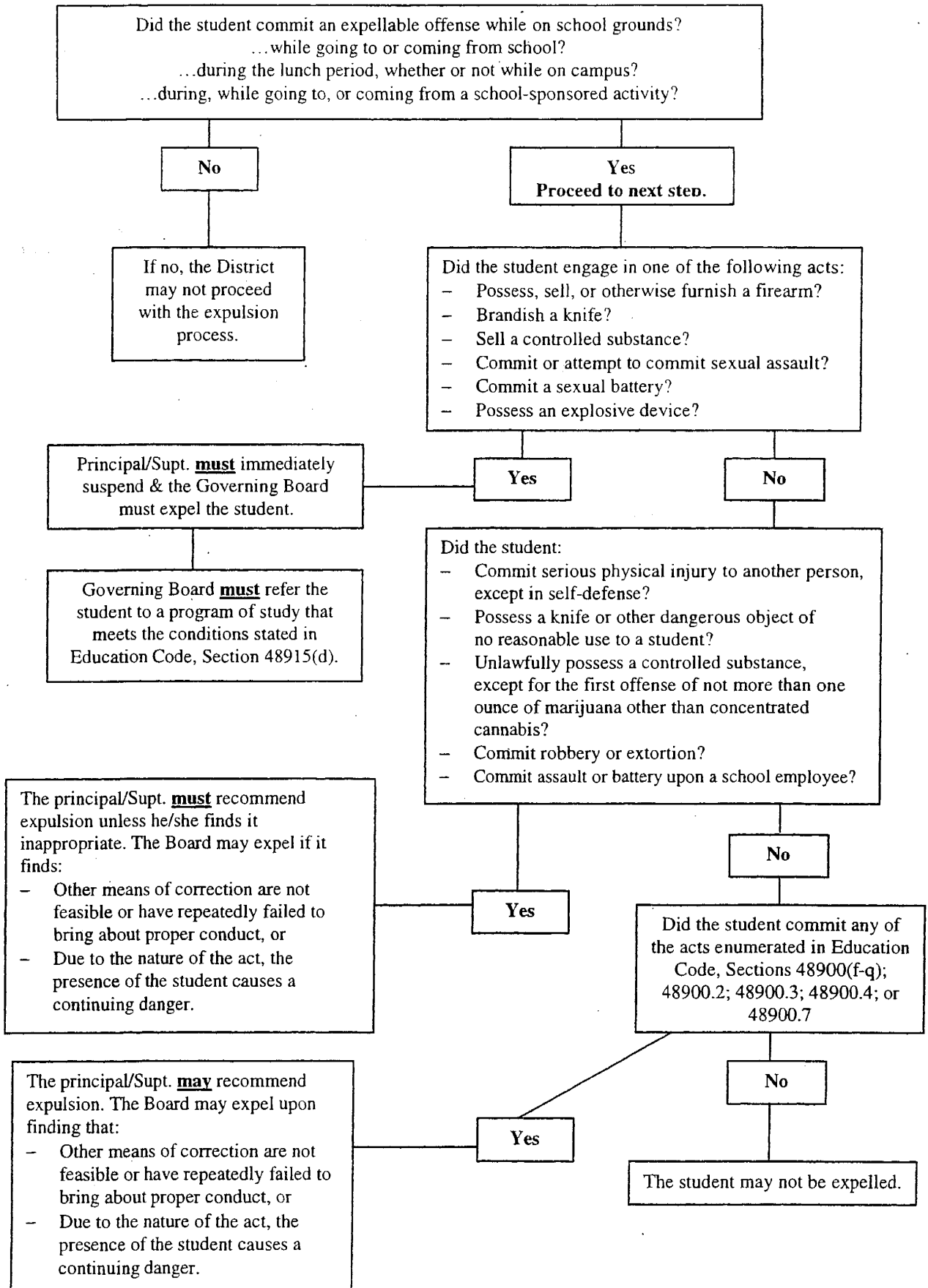
If a student is denied readmission, the board must determine to either continue placement in an alternative educational program that was used during the expulsion period, or to place the pupil in another program. Ed. Code, Section 48916, subd. (d).

If a student is denied readmission, the student and parent must be provided written notice stating the reasons and identifying the alternative educational program. Ed. Code, Section 48916, subd. (e).

On determination that a student has been inadvertently admitted to school after an expulsion and without a Readmission or Admission Hearing, the student shall be dropped from school until such a hearing is requested and held. Please call Student Services immediately.

For Reinstatement of Students with Disabilities under the IDEA, please refer to "Expulsion of Students with Disabilities Under the IDEA" section that follows.

Student Expulsion Chart



EXPULSION OF STUDENTS WITH DISABILITIES UNDER THE IDEA

Contact your Program Specialist with any questions.

Definition

A student with previously identified exceptional needs is defined as "an individual with disabilities pursuant to the Individuals with Disabilities Education Act." In other words, any student with an active IEP, or a student who, because of his/her disability, is eligible for special education services must be considered as an individual with disabilities, or a student with exceptional needs. Such a student would be entitled to the procedural safeguards described in this section.

Procedural Safeguards/IDEA 2004

When determining any course of discipline with a student with disabilities under the IDEA, administrators must follow the procedural safeguards that exist in federal (Individual with Disabilities Education Improvement Act, 2004) and state law. Violation of these procedural safeguards constitute a violation of the student's civil rights and may serve as grounds for the discipline being disallowed. Students with exceptional needs can be disciplined, but administrators must follow identified procedures when determining disciplinary action.

The following pre-expulsion procedure shall be used when a student with exceptional needs commits an offense for which student expulsion is considered.

PREVIOUSLY UNIDENTIFIED STUDENTS

A pupil not previously identified as a student with disabilities under the IDEA who violates a behavior rule may claim protection as provided to individuals identified with exceptional needs **if there was knowledge that the student had a disability** before the behavior violation occurred.

Knowledge arises when:

1. The parent has expressed concern in writing to supervisory or administrative personnel or a teacher of the student, that the student is in need of special education and related services.
2. The parent of the student has requested an evaluation of the student.
3. The teacher or other school personnel expressed specific concerns about a pattern of the student's behavior and/or performance. The concern must be expressed in accordance with the district's established special education referral process, to supervisory personnel of the school or district.

A public agency is not deemed to have knowledge when:

1. The agency conducted a special education evaluation and determined the student was not a student with a disability under the IDEA, or
2. The parent has not allowed an initial evaluation of the student or has refused initial services after an initial evaluation.

If there was no prior knowledge, disciplinary measures can be applied as to all general education pupils.

If a parent/guardian indicates they believe their student should have been previously identified, contact the Director, Student Services for assistance.

If the parent requests an evaluation for a student who has not been assessed recently and found ineligible, the evaluation shall be conducted in an expedited manner. If the student is found to be a student with a disability, the student will receive special education services as determined by the IEP team.

PROCEDURES TO FOLLOW FOR MANIFESTATION AND FUNCTIONAL BEHAVIORAL ASSESSMENTS AND IEP MEETING

1. Suspension

Procedures listed in the Suspension of Students with Disabilities section of the Student Conduct, Welfare and Discipline manual apply.

2. Principal's Conference

Procedures listed in the Principal's Conference-Expulsion section of the Student Conduct, Welfare and Discipline manual apply. The principal must recommend expulsion for the pre-expulsion process described below to proceed.

The expulsion hearing shall to be conducted until after completion of:

- a. The Psychologist Manifestation Determination Report, and
- b. The IEP team meeting to make the manifestation determination.

3. Manifestation Determination and Functional Behavioral Assessment

If school administration seeks to order a change in placement that would exceed 10 cumulative school days (i.e. place the student up for an expulsion hearing) and the behavior that gave rise to the violation is determined **not** to be a manifestation of the student's disability:

- a. The relevant disciplinary procedures applicable to students without disabilities may be applied in the same manner and for the same duration in which the procedures would be applied to students without disabilities except that the students must receive education in a setting that provides FAPE. This may be provided in an alternative educational setting.
- b. FAPE means the student is to continue to participate in the general curriculum and progress towards meeting the goals set out in the students' IEP, and receive services according to the behavior support plan or positive behavioral intervention plan.
- c. The alternative setting is determined by the IEP team. If the parent disagrees with the IEP team determination, the parent may challenge this in a due process hearing. During the pendency of the due process hearing, the student remains in the alternative setting.

4. Scheduling the IEP

The IEP team meeting shall be held within 10 school days of decision to go beyond 10 cumulative days in a school year or the principal's decision to recommend expulsion.

5. Psychologist Manifestation Determination Report

In MDUSD, the school psychologist will review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information provided by the parents and make a recommendation regarding whether the misconduct is a manifestation of the student's disability. A summary report of findings will be completed referencing all the sources. If the psychologist feels that additional assessments must be completed in order to complete this manifestation report, an assessment plan must be signed by the parent. If the parent refuses consent to an assessment which the school psychologist feels is necessary, refer the issue to Assistant Superintendent, Pupil services and Special Education.

6. **Manifestation Determination IEP Team Meeting**

As a first step in the manifestation determination process, the school and parent must determine the relevant members of the IEP team who should attend the IEP team meeting. The IEP team shall review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information provided by the parents, as well as the psychologist summary of findings to determine whether the misconduct is a manifestation of the student's disability.

A MDUSD IEP Manifestation Determination Finding form must be completed to document the review and team's determination.

The team determines:

- a. If the conduct in question was caused by, or had a direct and substantial relationship to the student's disability, or
- b. If the conduct in question was the **direct result** of the school or district's failure to implement the IEP.

If the answer to 1 or 2 is yes, then the conduct shall be determined to be a manifestation of the student's disability.

**If it is determined that the misconduct is not a manifestation of the student's disability, the student may be excluded from school in the same manner as are similarly-situated students who do not have disabilities as long as they receive FAPE as described above.

7. **Determination that the behavior was a manifestation:**

If it is determined that the misconduct was a manifestation of the student's disability, the student should be allowed to return to school and the IEP team shall:

- a. Conduct a functional behavioral assessment and implement a BSP or PBIP, or
- b. Modify a previously developed BSP or PBIP, as necessary, to address the specific behavior.
- c. Return the student to the placement from which the student was removed, unless the parent and school or district agree to a change in placement as part of the modification of the BSP or PBIP.

The MDUSD Manifestation Determination Finding form should be used to document the IEP team's determination with regard to these questions.

8. **Special Circumstances – Interim Alternative Setting**

If the IEP team determines the student's action is a manifestation of his disability, or after placing the student in an interim alternative setting for not more than 45 school days for misconduct involving a weapon or drugs or serious bodily injury:

- a. The student shall continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, even if in an alternative setting, and to progress toward meeting the goals set out in the student's IEP.
- b. If the student does not have a Behavior Support Plan (BSP) or Positive Behavior Intervention Plan (PBIP), the IEP team meeting shall conduct a functional behavioral assessment (FBA), and develop a BSP or PBIP designed to address the behavior violation so that it does not reoccur.
- c. If the student has a BSP or PBIP, the IEP team must review the plan as necessary and make changes designed to address the behavior violation so that it does not reoccur.

9. **Placement During the Expulsion Process**

- a. If the IEP team determines that the student is subject to expulsion, the IEP team shall determine an interim placement for the student pending the expulsion hearing. For weapon or drug violations, or serious bodily injury upon another person, refer to next section on 45 School Day Interim Alternative Education Setting.
- b. The interim placement is determined by the IEP team. Two district options for the interim placement include the Home/Hospital Program and the Diablo Day Community School. Availability of space must be determined by contacting the Director of Alternative Education prior to the IEP team meeting. A representative from the proposed interim placement programs must be in attendance.
- c. If the parent disagrees with the IEP team determination, the parent may challenge this in a due process hearing. During the pendency of the due process hearing, the student remains in the alternative setting.

Note: When giving consideration for temporary placement during a manifestation IEP meeting, the team must first involve and get pre-authorization from the program being considered for placement a minimum of one day prior to the IEP meeting. (Ex. Home and Hospital and/or Diablo Day). All questions regarding this procedure should be directed to Student Services. If a representative of the program being considered is not available, it is appropriate to a phone call to the Director of Alternative Education or Diablo Day Administration.

10. **Expulsion Process following Manifestation Determination IEP and/or Administrative Hearing Panel**

- a. If the recommendation for expulsion continues following the Manifestation Determination IEP meeting, the Director, Student Services should be notified immediately.
- b. *If the recommendation for expulsion is denied by the administrative hearing panel or MDUSD Board of Education*, an IEP team meeting must be convened as soon as possible by the home school with the interim placement program in attendance to determine the educational placement of the student. During this period, the student remains in the interim placement. If the administrative hearing panel or associate superintendent has recommended administrative transfer to another school, a representative of the proposed school must be in attendance. Staff should not be encouraged to expect that the student will attend a different school. Parent consent is required for change in placement.
- c. *If the recommendation for expulsion is approved by the administrative hearing panel*, the home school must pre-schedule an IEP meeting to be held as soon as possible after the School Board ratifies or denies the expulsion, as stated in number 11 below.

11. **Placement During Period of Expulsion**

- a. If the student is expelled by the Board of Education, an IEP team meeting is held as soon as possible to determine and document the placement of the student during the expulsion period.
- b. This IEP will involve representatives of the student's home school, the program specialist, the case manager/Special Education teacher, a representative of the program providing interim services, and a representative of the proposed placement during the period of expulsion.

- c. The period of the expulsion placement must be noted in the student's IEP.
- d. The expulsion placement is not a long term placement.
- e. All annual and 3-year information must be updated if due within 6 months.

DUE PROCESS

Case by Case Determination

School administration may consider any unique circumstances on a case by case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

Procedural Protections Regarding a "Change in Placement"

When suspensions constitute a "change in placement," the student and his or her parent or guardian are entitled to procedural protections (See definition of change in placement on page 3-24). These protections include:

1. Appropriate notice to parents or guardian
2. An opportunity to examine the student's records
3. A due process hearing with the participation of parents or guardians which may include representation by counsel and a review procedure

Thus, if, after a Manifestation Determination and FBA, the parents disagree with the determination regarding the relationship of the behavior to the disability, or with the placement proposal, they may request a due process hearing.

In addition, if the local educational agency believes that maintaining the current placement of the student is substantially likely to result in injury to the student or to others, the district may request a hearing.

Placement during Appeals

When an appeal has been requested of the Hearing Office by the district or the parents:

1. The student will remain in the interim placement pending the decision of the hearing officer or until the expiration of the 45 day placement which may be 45 school days or the suspension period as applicable to general education students, unless the parent and district agree otherwise; and
2. The hearing office shall arrange for an expedited hearing which shall occur within 20 school days of the date the hearing is requested, and shall result in a determination within 10 school days after the hearing.

Readmission Following Period of Expulsion

1. No later than two weeks prior to the end of the expulsion period, a Readmission Hearing is scheduled to determine if the student has met the terms of his/her rehabilitation plan.
2. If the student is readmitted to the District, an IEP team meeting is held at the conclusion of the Readmission Hearing to determine the new placement.

3. If the student is denied readmission and the Board recommends an alternative educational program, an IEP meeting is held to address the new placement recommendation.
4. These IEPs will be scheduled by the student's home school. In attendance should be representatives from the home school, the program specialist, and the program providing interim services. Representatives from the school(s) where the student may be placed should also attend. The IEP team must include an administrator, a general and special education teacher, and parents must be invited.

For additional information regarding readmission, see p. 6-13.

45 DAY INTERIM ALTERNATIVE EDUCATION SETTING FOR WEAPON/DRUG/SERIOUS BODILY INJURY VIOLATIONS

If a student with disabilities under the IDEA, while at school, on school premises, or at a school function,

1. Carries a weapon or
2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of controlled substances, or
3. Inflicts serious bodily injury upon another person

Student Services has the authority to place the student in an Interim Alternative Education Setting for up to 45 school days. The IEP team selects the location of the interim alternative educational setting (Note: The Diablo Day School is one district option for the Interim Alternative Education Setting. Availability of space must be determined by contacting the Director of Alternative Education prior to the IEP team meeting. A representative of the alternate setting must be in attendance at the IEP team meeting.)

When such misconduct occurs, the principal should:

1. Confirm that a weapon and/or an illegal drug or controlled substance or resultant serious bodily injury was involved in the misconduct.
2. Notify the parent/guardian of the misconduct, the need to suspend the student, and the need to schedule an IEP to complete a manifestation determination and initiate an Interim Alternative Education placement. Parents must be provided with a copy of their procedural safeguards notice with the suspension notice.
3. Contact Student Services to request a recommendation of an Interim Alternative Education Setting.
4. Availability of space in either Diablo Day or Home/Hospital must be determined by contacting the Director of Alternative Education prior to the IEP team meeting.
5. Notify the school psychologist to complete a summary report of findings of a review of the records.
6. Schedule the IEP team meeting with the parent/guardian and the administrator of the proposed Interim Alternative Education Setting. The parent/guardian should be given reasonable notice and the IEP team should meet before the end of the 5 day suspension and in no case later than 10 school days after the decision to suspend for more than 10 cumulative days in school year.

7. Conduct the IEP. The principal should:
 - a. Follow standard protocol for conducting an IEP.
 - b. Confirm the nature of the student's offense with the student and parent/guardian(s).
 - c. Conduct a manifestation determination.
 - d. Determine the Interim Alternative Education Setting.
 - e. Review the student's Behavior Support Plan or Positive Behavioral Intervention Plan. If none exists, develop a Behavior Support Plan or develop an assessment plan to complete a Functional Behavior Assessment or a Functional Analysis Assessment.
 - f. Include in the IEP services and/or modifications designed to prevent the misconduct from recurring.
 - g. Complete an IEP face sheet to document the placement and services for the 45 school day period.
 - h. At this time schedule the next IEP to be held before the end of the 45 school day period to determine a new placement or return the student to the previous placement.
 - i. Direct the parent/guardian to complete registration at the Interim Alternative Education Setting to enroll the student at a designated time.
 - j. Complete the Special Education Transportation Request Form, if needed.
8. Expulsion timelines are not changed as the result of a 45 school day placement. Refer to Expulsion section of MDUSD Student Conduct, Welfare, and Discipline manual for applicable timelines for holding an expulsion hearing

Expulsion of Students with Disabilities under the IDEA

Student commits an offense that subjects the student to expulsion consideration.

Student is suspended.
(Refer to "Suspension of Students with Disabilities under the IDEA" for suspension limitations!)
Student may be suspended for up to 5 consecutive school days for a single offense.

Conduct Principal's Conference.

If recommended for expulsion, the suspension can be extended pending expulsion if the student would cause a danger to person or property of others or disturbing the education process. The student must receive FAPE after 10 cumulative days. FAPE may be provided in an alternative educational setting. The alternative setting is determined by the IEP team.

If expulsion is recommended, the psychologist shall conduct the manifestation determination review, write a summary report of findings, and assist in drafting a BSP (or draft revisions of a BSP or PBIP.)

A manifestation determination IEP team meeting shall be held within 10 school days following the decision to go beyond 10 cumulative days in a school year or the principal's decision to recommend expulsion. The suspension may be extended beyond pending expulsion following the principal's conference. A BSP or PBIP must also be completed at this meeting.

The IEP team may determine the behavior of the student was not a manifestation of the student's disability if:

1. If the conduct in question was caused by, or had a direct and substantial relationship to the student's disability, or
2. If the conduct in question was the direct result of the school or district's failure to implement the IEP.

If the IEP team determines that the misconduct was caused by, or had a direct and substantial relationship to the student's disability, or that the conduct in question was the direct result of the school or district's failure to implement the IEP, the process leading to expulsion may not proceed.

If it is determined that the misconduct was a manifestation of the student's disability, the IEP team shall conduct a FBA and implement or modify a BSP or PBIP. The student should be returned to school unless under special circumstances the parent and district agree to a change in placement as part of the modification of the BSP or PBIP.

If the conduct involves a weapon or illegal substance, or serious bodily injury, the IEP team can make an immediate 45-day placement. Options include Diablo Day School and Home/Hospital Program. An IEP should be completed indicating that a 45-day placement is being made due to a violation listed above. The IEP team should meet again before the 45 days are over.

If it is determined that the misconduct was not a manifestation of the student's disability, the student shall be excluded from school in the same manner as general ed students as long as they receive FAPE following the 10th cumulative day. The IEP team determines the location of these services, and they can be provided in an alternative setting. The BSP or PBIP shall be written or modified to prevent the reoccurrence of the misconduct. The student shall be subject to expulsion in accordance with procedures that apply to all students, unless the parent/guardian requests a due process hearing.

If the IEP team determines that the student is subject to expulsion, the IEP team shall determine an interim placement for the student. The MDUSD Home/Hospital program and Diablo Day School are two district options that teams may consider. Availability of space must be determined by contacting the Director of Alternative Education prior to the IEP team meeting.

Expulsion documentation needed:
Completed IEP team meeting forms, BSP or PBIP, if necessary, Manifestation Determination form and psychologist's report.

EXPULSIONS OF STUDENTS WITH DISABILITIES UNDER SECTION 504

Students with disabilities under Section 504 are subject to expulsion for violations of E.C. 48900. In order for a student with disabilities under Section 504 to be considered for expulsion, procedures must be followed that do not violate the procedural safeguards protecting these students.

The following pre-expulsion procedure shall be used when a student with disabilities under Section 504 commits an offense for which the student is considered.

Definition

A student with previously identified disabilities eligible for Section 504 accommodations is any student with an active Section 504 accommodation plan ("AP"). Such a student would be entitled to the procedural safeguards described in this section.

Procedural Safeguards

When determining any course of discipline with a student with disabilities under Section 504, administrators must follow the procedural safeguards that exist in federal and state law. Violation of these procedural safeguards constitutes a violation of the student's civil rights and may serve as grounds for the discipline being disallowed. Students with disabilities can be disciplined, but administrators must follow identified procedures when determining disciplinary action.

The following pre-expulsion procedure shall be used when a student with a disability commits an offense for which student expulsion is considered.

PREVIOUSLY UNIDENTIFIED STUDENTS

A pupil not previously identified as a student with disabilities under Section 504 who violates a behavior rule may claim protection as provided to individuals identified with exceptional needs **if there was knowledge that the pupil had a disability** before the behavior violation occurred.

Knowledge arises when:

1. The parent has expressed concern in writing to supervisory or administrative personnel or a teacher of the student, that the student is in need of Section 504 accommodations and related services.
2. The parent of the student has requested an evaluation of the student.
3. The teacher or other school personnel has expressed specific concerns about a pattern of the student's behavior and/or performance. The concern must be expressed in accordance with the district's established Section 504 referral process, to supervisory personnel of the school or district.

A public agency is not deemed to have knowledge when:

1. The agency conducted a Section 504 evaluation and determined the student was not a student with a disability under Section 504, or
2. The parent has not allowed an initial evaluation of the student or has refused initial services after an initial evaluation.

If there was no prior knowledge, disciplinary measures can be applied as to all general education pupils.

If a parent/guardian indicates they believe their student should have been previously identified, contact the Director, Student Services for assistance.

If the parent requests an evaluation for a student who has not been assessed recently and found ineligible, the evaluation shall be conducted in an expedited manner. If the student is found to be a student with a disability, the student will receive accommodations as determined by the Section 504 team.

PROCEDURES TO FOLLOW FOR MANIFESTATION AND FUNCTIONAL BEHAVIORAL ASSESSMENTS AND IEP MEETING

1. Suspension

Procedures listed in the Suspension of Students with Disabilities under Section 504 section of the Student Conduct, Welfare and Discipline manual apply.

2. Principal's Conference

Procedures listed in the Principal's Conference-Expulsion section of the Student Conduct, Welfare and Discipline manual apply. The principal must recommend expulsion for the pre-expulsion process described below to proceed.

The expulsion hearing shall not be conducted until after completion of:

- a. The Psychologist Manifestation Determination report, and
- b. The Section 504 team meeting to make the manifestation determination.

3. Pre-Expulsion Manifestation Determination and Functional Behavioral Assessment

If school administration seeks to order a change in placement that would exceed 10 cumulative school days (i.e. place the student up for an expulsion hearing) and the behavior that gave rise to the violation is determined not to be a manifestation of the student's disability,

- a. The relevant disciplinary procedures applicable to students without disabilities may be applied in the same manner and for the same duration in which the procedures would be applied to students without disabilities except that the students must receive education in a setting that provides FAPE. This may be provided in an alternative educational setting.
- b. FAPE means the student is to continue to participate in the general curriculum and progress towards meeting the goals set out in the students' accommodation plan, and receive services according to the behavior support plan or positive behavioral intervention plan.
- c. The alternative setting is determined by the Section 504 team. If the parent disagrees with the Section 504 team determination, the parent may challenge this in an impartial hearing. During the pendency of the impartial hearing, the student remains in the alternative setting.

4. Scheduling the Section 504 meeting

The Section 504 team meeting shall be held within 10 school days of the decision to go beyond 10 cumulative days in a school year or the principal's decision to recommend expulsion.

5. Psychologist Manifestation Determination Report

In MDUSD, the school psychologist will review all relevant information in the student's file, including the accommodation plan, any teacher observations, and any relevant information provided by the parents and make a recommendation regarding whether the misconduct is a manifestation of the student's disability. A summary report of findings will be completed referencing all the sources. If the psychologist feels that additional assessments must be completed in order to complete this manifestation report, an assessment plan must be signed by the parent. If the parent refuses consent to an assessment which the school psychologist feels is necessary, refer the issue to Director, Student Services.

6. **Pre-expulsion Section 504 Team Meeting**

As a first step in the manifestation determination process, the school and parent must determine the relevant members of the Section 504 team who should attend the Section 504 team meeting. The Section 504 team shall review all relevant information in the student's file, including the accommodation plan, any teacher observations, and any relevant information provided by the parents, as well as the psychologist summary of findings to determine whether the misconduct is a manifestation of the student's disability.

A MDUSD Section 504 Manifestation Determination Finding Form must be completed to document the review and team's determination.

The team determines

- a. If the conduct in question was caused by, or had a direct and substantial relationship to the student's disability, or
- b. If the conduct in question was the direct result of the school or district's failure to implement the accommodation plan.

If the answer to 1. or 2. is yes, then the conduct shall be determined to be a manifestation of the student's disability.

** If it is determined that the misconduct is not a manifestation of the student's disability, the student may be excluded from school in the same manner as are similarly-situated students who do not have disabilities as long as they receive FAPE as described above.

7. **Determination that the behavior was a manifestation:**

If it is determined that the misconduct was a manifestation of the student's disability, the student should be allowed to return to school and the Section 504 team shall:

- a. Conduct a functional behavioral assessment and implement a BSP or PBIP, or
- b. Modify a previously developed BSP or PBIP, as necessary, to address the specific behavior.
- c. Return the student to the placement from which the student was removed, unless the parent and school or district agree to a change in placement as part of the modification of the BSP or PBIP.

The MDUSD Section 504 Manifestation Determination Finding form should be used to document the Section 504 team's determination with regard to these questions.

8. **Special Circumstances- Interim Alternative Setting**

If the Section 504 team determines the student's action is a manifestation of his disability, or after placing the student in an interim alternative setting for not more than 45 school days for misconduct involving a weapon or drugs or serious bodily injury:

- a. The student shall continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, even if in an alternative setting, and to progress toward meeting the goals set out in the student's accommodation plan.
- b. If the student does not have a Behavior Support Plan (BSP) or Positive Behavior Intervention Plan (PBIP), the Section 504 team meeting shall conduct a functional behavioral assessment (FBA), and develop a BSP or PBIP designed to address the behavior violation so that it does not reoccur.
- c. If the student has a BSP or PBIP, the Section 504 team must review the plan as necessary and make changes designed to address the behavior violation so that it does not reoccur.

9. **Placement During the Expulsion Process**

- a. If the Section 504 team determines that the student is subject to expulsion, the Section 504 team shall determine an interim placement for the student pending the expulsion hearing. For weapon or drug violations, or serious bodily injury upon another person, refer to next section on 45 School Day Alternative Education Setting.
- b. The interim placement is determined by the Section 504 team. Two district options for the interim placement include the Home/Hospital Program and the Diablo Day Community School. Availability of space must be determined by contacting the Director of Alternative Education prior to the Section 504 team meeting. A representative from the proposed interim placement programs must be in attendance.
- c. If the parent disagrees with the Section 504 team determination, the parent may challenge this in an impartial hearing. During the pendency of the impartial hearing, the student remains in the alternative setting.

10. **Expulsion Process following Pre-expulsion Manifestation Determination meeting and/or Administrative Hearing Panel**

- a. If the recommendation for expulsion continues following the pre-expulsion manifestation determination Section 504 meeting, the Director, Student Services should be notified immediately.
- b. If the recommendation for expulsion is denied by the administrative hearing panel or MDUSD Board of Education, a Section 504 team meeting must be convened as soon as possible by the home school with the interim placement program in attendance to determine the educational placement of the student. During this period, the student remains in the interim placement. If the administrative hearing panel or associate superintendent has recommended administrative transfer to another school, a representative of the proposed school must be in attendance. Staff should not be encouraged to expect that the student will attend a different school.
- c. If the recommendation for expulsion is approved by the administrative hearing panel, the home school must pre-schedule a Section 504 meeting to be held as soon as possible after the School Board ratifies or denies the expulsion, as stated in number 11 below.

11. **Placement During Period of Expulsion**

- a. If the student is expelled by the Board of Education, a Section 504 team meeting is held as soon as possible to determine and document the placement of the student during the expulsion period.
- b. This Section 504 meeting will involve representatives of the student's home school, a representative of the program providing interim services, and a representative of the proposed placement during the period of expulsion.
- c. The period of the expulsion placement must be noted in the student's accommodation plan.
- d. The expulsion placement is not a long term placement.

DUE PROCESS

Case by Case Determination

School administration may consider any unique circumstances on a case by case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

Procedural Protections regarding a "change in placement"

When suspensions constitute a "change in placement" the student and his or her parent or guardian are entitled to procedural protections. These protections include:

1. Appropriate notice to parents or guardian
2. An opportunity to examine the student's records
3. An impartial hearing with the participation of parents or guardians which may include representation by counsel and a review procedure

Thus, if, after a Manifestation Determination and FBA, the parents disagree with the determination regarding the relationship of the behavior to the disability, or with the placement proposal, they may request an impartial hearing.

Placement during appeals

When an appeal has been requested by the district or the parents:

1. The student will remain in the interim placement pending the decision of the hearing officer or until the expiration of the 45 day placement which may be 45 school days or the suspension period as applicable to general ed students, unless the parent and district agree otherwise; and
2. MDUSD shall arrange for an expedited hearing which shall occur within 20 school days of the date the hearing is requested, and shall result in a determination within 10 school days after the hearing.

Readmission Following Period of Expulsion

1. No later than two weeks prior to the end of the expulsion period, a Readmission Hearing is scheduled to determine if the student has met the terms of his/her rehabilitation plan.
2. If the student is readmitted to the District, a Section 504 team meeting is held at the conclusion of the Readmission Hearing to determine the new placement.
3. If the student is denied readmission and the Board recommends an alternative educational program, a Section 504 meeting is held to address the new placement recommendation.
4. These Section 504 meetings will be scheduled by the student's home school, and will involve representatives of the home school, and the program providing interim services. Representatives from the school(s) where the student may be placed should also attend.

For additional information regarding readmission, see p. 6-13

45 DAY INTERIM ALTERNATIVE EDUCATION SETTING FOR WEAPON/DRUG/SERIOUS BODILY INJURY VIOLATIONS

If a student with disabilities under Section 504, while at school, on school premises, or at a school function,

1. Carries a weapon or
2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of controlled substances, or
3. Inflicts serious bodily injury upon another person.

Student Services has the authority to place the student in an Interim Alternative Education Setting for up to 45 calendar days. The Section 504 team selects the location of the interim alternative educational setting (Note: The Diablo Day School is one district option for the Interim Alternative Education Setting. Availability of space must be determined by contacting the Director of Alternative Education prior to the Section 504 team meeting. A representative of the alternate setting must be in attendance at the Section 504 team meeting.)

When such misconduct occurs, the principal should:

1. Confirm that a weapon and/or an illegal drug or controlled substance or resultant serious bodily injury was involved in the misconduct.
2. Notify the parent/guardian of the misconduct, the need to suspend the student, and the need to schedule a Section 504 meeting to complete a manifestation determination and initiate an Interim Alternative Education placement. Parents must be provided with a copy of their procedural safeguards notice with the suspension notice.
3. Contact Student Services to request a recommendation of an Interim Alternative Education Setting.
4. Availability of space in either Diablo Day or Home/Hospital must be determined by contacting the Director of Alternative Education prior to the Section 504 team meeting.
5. Notify the school psychologist to complete a summary report of findings of a review of the records.
6. Schedule the Section 504 team meeting with the parent/guardian and the administrator of the proposed Interim Alternative Education Setting. The parent/guardian should be given reasonable notice and the Section 504 team should meet before the end of the 5 day suspension and in no case later than 10 school days after the decision to suspend for more than 10 cumulative days in the school year.
7. Conduct the Section 504 meeting. The principal should:
 - a. Follow standard protocol for conducting a Section 504 meeting.
 - b. Confirm the nature of the student's offense with the student and parent/guardian(s).
 - c. Conduct a manifestation determination.
 - d. Determine the Interim Alternative Education Setting.
 - e. Review the student's Behavior Support Plan or Positive Behavioral Intervention Plan. If none exists, develop a Behavior Support Plan or develop an assessment plan to complete a Functional Behavior Assessment or a Functional Analysis Assessment.
 - f. Include in the accommodation plan services and/or modifications designed to prevent the misconduct from recurring.
 - g. Complete a Section 504 face sheet to document the placement and services for the 45 school day period.
 - h. held before the end of the 45 school day period to determine a new placement or return the student to the previous placement.
 - i. Direct the parent/guardian to complete registration at the Interim Alternative Education Setting to enroll the student at a designated time.
 - j. Complete the Transportation Request Form, if needed.
8. Expulsion timelines are not changed as the result of a 45 school day placement. Refer to Expulsion section of MDUSD Student Conduct, Welfare, and Discipline manual for applicable timelines for holding an expulsion hearing.

Expulsion of Students with Disabilities under Section 504

Student commits an offense that subjects the student to expulsion consideration.

Student is suspended.
(Refer to "Suspension of Students with Disabilities under Section 504" for suspension limitations!)
Student may be suspended for up to 5 consecutive school days for a single offense.

Conduct Principal's Conference.

The suspension can be extended until the expulsion hearing if the student would cause a danger to persons or property or a threat of disrupting the educational process

If expulsion is recommended, conduct the pre-expulsion assessment.

A pre-expulsion Section 504 team meeting is scheduled in no case later than 10 school days after the decision to recommend expulsion.

The 504 team may determine the behavior of the student was not a manifestation of the student's disability if:

1. The student's 504 and placement were appropriate and behavior intervention strategies were provided consistent with the student's 504 and placement.
2. The student's disability did not impair the ability of the student to understand the impact and consequences of the behavior subject to disciplinary action, and
3. The student's disability did not impair the ability of the student to control the behavior subject to disciplinary action.

If the 504 team determines that the misconduct was a manifestation of the student's disability, the process leading to expulsion may not proceed.

If the 504 team determines that the alleged misconduct was not a manifestation of, the student's disability, the student shall be subject to expulsion in accordance with procedures that apply to all students. The parent/guardian may request an impartial hearing. If a hearing is requested, the expulsion may proceed, but the student may be returned if it is found on appeal that the behavior was a manifestation of the student's disability.

Expulsion documentation needed:
Completed Section 504 team meeting forms, including
Manifestation Determination form.

PREPARING THE EXPULSION PACKET

(See page 6-45 for an overview and check list of required items and the order in which they should be submitted.) All of the following must be included in the packet:

- Recommendation for Expulsion Form #1949 (see sample)
- Recommendation for Principal's Expulsion Letter (see sample)
- Summary of Principal's Conference to Review Charges and Evidence (see sample)
- School Conference Notification Letter (see sample)
- Witnesses and Statements [E.C. 48918(f)]: the school must provide witnesses at the hearing or submit dated and signed statements, depending on the situation. Parent permission should be sought prior to having a student testify at a hearing and also prior to submitting sworn reluctant witness statements.
- For students with disabilities under the IDEA, submit IEP, and FBA. Include assessments, manifestation determination, IEP forms, notice of IEP meeting, conference notes, and BSP or PBIP if applicable.
- For student with disabilities under Section 504, submit pre-expulsion evaluation, including manifestation determination, BSP, assessments and revised Section 504 plan as applicable.

Any written statement is hearsay if offered to prove a particular point. Documents such as witness declarations, and police reports are hearsay, and cannot be the sole evidence to expel. In order to avoid the hearsay limitation, the school should have at least one person who witnessed the event(s) in question testify at the hearing to present direct evidence supporting the expulsion recommendation. A "sworn declaration" as discussed on page 6-29 can also be presented if the witness is reluctant due to fear. A blank form for duplication and an example is located on pages 6-59 and 6-61.

An exception to the hearsay rule occurs when the accused student makes a verbal admission to a school administrator. The administrator's testimony of the student's admission can be accepted as direct testimony.

A school administrator should ask Student Services to subpoena percipient witnesses if necessary to prove the school's case.

- **IF THE STUDENT ADMITS TO THE CHARGES**, you must provide either a witness to testify to the admission or the accused student's written statement containing the admission.
- Witnesses should write out their statement. Do not paraphrase. Do not write the statements for them. When submitting a packet for a student who admits to the charge, type all statements but do not correct

- THE STUDENT DENIES ALL OR PART OF THE CHARGES. The school must provide a person to testify or a sworn statement that includes the reason the individual is unwilling to testify. A sworn statement may be submitted only if ... "the disclosure of either the identity of a witness or the testimony of that witness at the hearing or both would subject the witness to an unreasonable risk of psychological or physical harm."

The sworn statement will be considered separately by the panel to determine whether the document will be accepted as evidence. The administrator must make a case/statement as to why the sworn statement should be admitted.

If the statement does not meet the unreasonable risk test (physical/psychological harm) and the statement is not accepted as evidence, the school will have no evidence and no way to prove the case. The hearing will be dismissed at this point. For these reasons, it is desirable in this situation to bring witnesses to the hearing.

- When submitting a packet where the STUDENT DENIES ALL OR PART OF THE CHARGES, make sure any sworn statements are submitted *with the student's signature on them*. A copy will be prepared by the panel chairperson, deleting names from statements read by parents and the student referred for expulsion.

- Chronology of Student Behavior

Nearly all charges now require a dual finding. (See page 6-9 if you are unclear about what a dual finding is.) In order to prove that other means of correction are not feasible or have repeatedly failed to bring about proper conduct by the student, the school must provide written documentation describing the student's behavior and be prepared to describe attempts to correct this behavior.

Include the total number of referrals and suspensions for the current school year. Include relevant related incidents from prior years at your level.

- Explain (k) on the suspension form and in the narrative explaining the incident.
- The case #'s of police reports are required for mandatory referrals for expulsion.
- Teacher comments should be dated and submitted by all current teachers. Keep in mind these comments will be read by a variety of people including parents and Board members of our district and county.
- Report card: please include the latest report card or transcript at the high school level.
- Attendance Calendar, form 1943, or OSIRIS printout.
- Cum folder: please organize the cum folder, placing all report cards, suspensions and behavior referrals, health records, and test scores together.
- If an interpreter is necessary, please advise the Student Services Office immediately.

PRESENTING THE CASE TO THE PANEL

The school administrator will be expected to explain the incident, evidence, and the reason for asking for expulsion to the panel in the initial presentation of the case.

Direct evidence is needed to substantiate the evidence presented by the school administrator. Hearsay evidence, by itself, is not sufficient to substantiate a finding for expulsion.

Hearsay evidence is information that is heard or learned from someone else and not personally known to be true.

Direct evidence is information that is based on what is seen, heard, or experienced personally.

Information that is accepted as direct evidence includes:

- Admission by the student at the hearing.
- Victim/witness testimony at the hearing.
- Reluctant witness statement. (Sworn Declaration)
- Testimony by the school administrator that the student admitted to the offense in his/her presence.

The school administrator should expect to answer questions regarding his/her case presentation and offer rebuttal testimony when appropriate. The school administrator may also ask relevant questions during the proceedings.

If sworn reluctant witness statements have been presented rather than live witnesses, the school administrator must convince the panel that disclosure of the identity of a witness and the testimony of that witness at the hearing would subject the witness to an unreasonable risk of (physical or psychological) harm.

The best way to prove that the student brought forth for expulsion might harm someone is prior history. Bring to the Panel's attention any past incidents of fighting, hurtful behavior or complaints by others of threats, harassment, and/or intimidation, documenting the behavior chronologically.

The school administrator should expect to make a closing statement summarizing the following:

- The seriousness of the offense(s);
- If appropriate, a statement that your request for expulsion is based on "other means of correction having been tried unsuccessfully and are no longer feasible."
- If appropriate, a statement that your request for expulsion is based on the student posing a danger to him/herself or others.
- A request that the student be expelled from all schools and programs of the Mt. Diablo Unified School District.

If a student is recommended for expulsion and the parent plans to appeal to the Board of Education, the school administrator must attend the closed session where the final decision will be made.

White - Parent or Guardian
Green - Received by Student
Canary - Student Cum Record
Pink - Student Services
Goldendrod - School Use

MT. DIABLO UNIFIED SCHOOL DISTRICT
1936 Carlotta Drive, Concord, CA 94519

Student No. _____
Ethnic Code _____
Special Education Yes No
504 Yes No

OFFICIAL NOTICE OF SUSPENSION

(MUST BE TYPED)

Student's Name _____ Birthdate _____ Grade _____ School _____
Parent's Name _____ Address _____ (Home) Phone _____
Offense Occurred: Time _____ a.m./p.m. Date _____ (Work) Phone _____ (Cell) Phone _____
Suspension: Number of Days _____ From _____ Date _____ Return _____ Date _____ Accumulated Days of Suspension _____

CAUSES FOR SUSPENSION AND/OR EXPULSION Always Check EC 48900 Section(s). Check EC 48915 Section(s) as applicable.

State Education Code 48900

- a. (1) Caused, attempted to cause, or threatened to cause physical injury to another person; or
- a. (2) Willfully used force or violence upon the person of another, except in self-defense.*
- b. Possessed/sold/furnished any firearm/knife/explosive/dangerous object.*
- c. Possessed/used/sold/furnished or been under influence of any controlled substance/alcoholic beverage/intoxicant.*
- d. Offered/arranged/negotiated to sell a controlled substance/alcoholic beverage/intoxicant—and then—sold/delivered/furnished another liquid/substance/material represented as a controlled substance/alcoholic beverage/intoxicant.*
- e. Committed or attempted to commit robbery or extortion.
- f. Caused/attempted to cause damage to school/private property.
- g. Stole/attempted to steal school/private property.
- h. Possessed/used tobacco/other nicotine product.
- i. Committed obscene act or engaged in habitual profanity/vulgarity.
- j. Unlawfully possessed/offered/arranged/negotiated to sell any drug paraphernalia. (Section 11014.5 of the Health and Safety Code)
- k. Disrupted school activities/defied valid authority.
- l. Knowingly received stolen school property or private property.
- m. Possessed an imitation firearm.
- n. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266C, 286, 288, 288A or 289 or committed a sexual battery, as defined by Penal Code 243.4.*
- o. Harassed, threatened, or intimidated a student to prevent/retaliate for being a witness in a school disciplinary hearing.
- p. Unlawfully offered/arranged to sell/negotiated to sell/sold the prescribed drug Soma.
- q. Engaged in, or attempted to engage in hazing as defined in Section 32050.
- s. Aided or abetted in the attempted or infliction of physical injury of another person, as defined by Penal Code, Section 31.

State Education Code 48900.2, 48900.3, 48900.4, 48900.7

- EC 48900.2 Committed sexual harassment as defined by EC 212.5. (Grades 4-12 only)
- EC 48900.3 Caused/attempted to cause/threatened to cause or participated in an act of hate violence as defined by EC 233(e). (Grades 4-12 only)
- EC 48900.4 Engaged in harassment/threats/intimidation against student(s) or employee(s) which disrupted classwork, created substantial disorder, invaded rights of student(s) or employee(s) by creating an intimidating or hostile environment. (Grades 4-12 only)
- EC 48900.7 Made terrorist threats against school officials or school property, or both.

State Education Code 48915 Subsections A and C

(A) MANDATORY SUSPENSION AND EXPULSION WITH PRINCIPAL'S EXCEPTION:

- 1. Caused **serious** physical injury to another person, except in self defense.*
- 2. Possessed any knife or other dangerous object of no reasonable use to the student.*
- 3. Unlawful possession of any controlled substance listed in Chapter 2 (Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.*
- 4. Robbery or extortion.*
- 5. Assault or battery, as defined by Sections 240 and 242 of the Penal Code, upon any school employee.*

(C) SUSPENSION AND EXPULSION WITHOUT EXCEPTION:

- 1. Possessing/selling/furnishing a firearm at school or at a school activity. Possession must be verified by a school employee.*
- 2. Brandishing a knife at another person.*
- 3. Unlawfully selling a controlled substance listed in Chapter 2 (Section 11053) of Division 10 of the Health and Safety Code.*
- 4. Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section EC 48900 or committing a sexual battery as defined in subdivision (n) of Section EC 48900.*
- 5. Possession of an explosive, as defined by EC 48915(h).*

Police Report Yes No Report No. _____

* Within one school day after a student's suspension, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means.

PARENT/STUDENT CONFERENCE (state specific reasons if conference unable to be held) Date _____

Persons Present: _____

Specific action of student that resulted in suspension (describe): _____

Observed by: _____

1. Pursuant to Section 48911 of the *Education Code*, parents or guardians are required to respond without delay to requests that they attend a conference with school officials regarding the pupil's behavior. No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at such conference.
2. When a pupil is suspended from school, the parent, guardian, or pupil may request a meeting with the Office of Student Services. Such a meeting will ordinarily be held within 3 days of the time said request is received by the Office of Student Services at 1936 Carlotta Drive, Concord, CA 94519, Telephone: 682-8000, ext. 4069. *It is suggested that you meet with your school principal prior to requesting such a meeting.*
3. Pursuant to Section 48913 of the *Education Code*, the teacher of any class from which a pupil is suspended may require the suspended pupil to complete any assignments and tests missed during the suspension.

PLEASE NOTE: During the period of this suspension, your child must not be on or near any school campus and must remain home unless under the direct supervision of the parent or guardian. Supervision is the responsibility of the parent or guardian. Student is suspended from all school sponsored activities, including bus transportation.

Principal/Designee Signature _____ Time _____ a.m./p.m. Date _____

Student's Signature (if available to sign**) _____ **Student's signature merely acknowledges receipt of the suspension notice.

Attempt to contact parents made by _____ Time _____ a.m./p.m. Date _____



MT. DIABLO UNIFIED SCHOOL DISTRICT
SPECIAL EDUCATION

**INDIVIDUALIZED EDUCATION PROGRAM (IEP)
MANIFESTATION DETERMINATION FINDING**

1936 Carlotta Drive, Concord, CA 94519
Phone (925) 682-8000 or TDD 685-1962

FAX (925) 687-3139
Community Advisory Committee (CAC)
Parent Resource Network (925) 687-2129

IEP Date: ____/____/____

Student: _____ ID#: _____ Page ____ of ____

Assessment History:

Date of most recent evaluation ____/____/____

- Reassessment completed if appropriate. Yes (Date ____/____/____) No
- Functional behavioral assessment conducted, if necessary. (Date ____/____/____)
- Behavior Support Plan or Positive Behavior Intervention Plan developed, (Date ____/____/____) or modified, if necessary. (Date ____/____/____)
- Statement of behavior subject to disciplinary action _____
- Disciplinary action taken/proposed _____
- Date on which decision to take disciplinary action was made: ____/____/____

In determining whether the student's behavior was a manifestation of his/her disability, the IEP team considered the following in relation to the behavior subject to discipline (check applicable items):

- Evaluation and diagnostic result(s) (describe): _____
- Observations of the student by: _____
- Student's IEP, services and placement.
- Other relevant information provided by parents (list): _____

The IEP Team determined that:

- Yes No The conduct in question was caused by, or had a direct and substantial relationship to the student's disability; or
- Yes No The conduct in question was the direct result of the district's failure to implement the IEP.

Comments _____

<p>Finding of the IEP Team:</p> <p>The behavior <input type="checkbox"/> was not a manifestation of the student's disability. (Answer "no" to both boxes above.)</p> <p style="padding-left: 100px;"><input type="checkbox"/> was a manifestation of the student's disability. (Answer "yes" to one or more boxes above.)</p> <p>The parent(s)/guardian(s) <input type="checkbox"/> agrees <input type="checkbox"/> disagrees with the determination of the IEP team.</p>

Meeting Comments: (attach additional pages as needed)

- See goals written today
- Continue goals in progress
- See facesheet for placement



BEHAVIOR SUPPORT PLAN – SPECIAL EDUCATION

1936 Carlotta Drive, Concord, CA 94519
Phone (925) 682-8000 or TDD 685-1962

FAX (925) 687-3139
Community Advisory Committee (CAC)
Parent Resource Network (925) 687-2129

for

Page _____ of _____

Behavior Interfering with Learning of Student or Peers

Student _____ ID Number _____ IEP Date: ____/____/____

Behavior impeding learning is _____

It impedes learning because _____

Team estimate of need for behavior support plan extreme serious moderate needing attention, early state intervention

Current Frequency/Intensity/Duration of Behavior _____ Any current predictors for behavior? _____

IEP Team believes behavior occurs because (team hypothesis-behavior function) _____

What team believes student should do instead of this behavior (match to hypothesis) _____

What supports the student using the problem behavior (in or missing in environment, in or missing in instruction) _____

Behavioral Goals/Objectives related to this plan: _____

To achieve this outcome, both teaching of new alternative behavior and reinforcement is needed yes no

To achieve this outcome, reinforcement of alternative behavior alone is emphasized (no new teaching is necessary) yes no

To achieve this outcome, environmental supports or changes are needed yes no

Are curriculum accommodations necessary? yes no Is there a curriculum accommodation plan? yes no

Teaching strategies and necessary curriculum or materials for new behavior instruction

By whom? _____ How frequent? _____

Environmental structure and supports to be provided (Time/Space/Materials/Interactions)

Who establishes? _____ Who monitor? _____

Reinforcement procedures

By whom? _____ Frequency? _____

Reactive strategy to employ/debriefing procedures to use if problem behavior occurs again

Personnel: _____

Communication provisions – Daily/Weekly Reports/Record Keeping

Between _____ Frequency? _____



BEHAVIOR SUPPORT PLAN - SECTION 504

1936 Carlotta Drive, Concord, CA 94519
Phone (925) 682-8000 or TDD 685-1962

FAX (925) 687-3139
Community Advisory Committee (CAC)
Parent Resource Network (925) 687-2129

for _____
Behavior Interfering with Learning of Student or Peers

Page _____ of _____

Student _____ ID Number _____ IEP Date: ____/____/____

Behavior impeding learning is _____

It impedes learning because _____

Team estimate of need for behavior support plan extreme serious moderate needing attention, early state intervention

Current Frequency/Intensity/Duration of Behavior _____ Any current predictors for behavior? _____

IEP Team believes behavior occurs because (team hypothesis-behavior function) _____

What team believes student should do instead of this behavior (match to hypothesis) _____

What supports the student using the problem behavior (in or missing in environment, in or missing in instruction) _____

Behavioral Goals/Objectives related to this plan: _____

To achieve this outcome, both teaching of new alternative behavior and reinforcement is needed yes no

To achieve this outcome, reinforcement of alternative behavior alone is emphasized (no new teaching is necessary) yes no

To achieve this outcome, environmental supports or changes are needed yes no

Are curriculum accommodations necessary? yes no Is there a curriculum accommodation plan? yes no

Teaching strategies and necessary curriculum or materials for new behavior instruction

By whom? _____ How frequent? _____

Environmental structure and supports to be provided (Time/Space/Materials/Interactions)

Who establishes? _____ Who monitor? _____

Reinforcement procedures

By whom? _____ Frequency? _____

Reactive strategy to employ/debriefing procedures to use if problem behavior occurs again

Personnel: _____

Communication provisions - Daily/Weekly Reports/Record Keeping

Between _____ Frequency? _____

Teacher Notification
of
Dangerous Pupil

PROCEDURES FOR TEACHER NOTIFICATION

Education Code 49079 requires that teachers be provided with a three-year history of suspension of students in their class and a notice of suspensions as they occur during the school year. A three-year history of student suspensions and a routing form are produced by MDUSD Student Services in October. This report is sent to school principals for their use with teachers. This report must be available to teachers.

The following procedure should be used to provide the information to teachers:

- Teachers should only be provided information for students in their classes.
- Route the MDUSD report to the teachers of each student using a routing sheet. All teachers must sign the routing sheet indicating their review of the data.
- Teachers should be advised about the confidential nature of the data and directed to keep the data secure.
- All routing sheet and suspension report should be returned to the principal. The routing sheets should be filed in the principal's office.

This process notifies teachers of the suspension history of students. Principals also have the responsibility to notify teachers of suspensions as they occur during the school year. Other means that notify teachers in a timely manner can be used, such as providing teachers notice their student has been suspended and inviting them to the office of the appropriate administrator to review the suspension report.

Sexual Harassment Hate Crime Policy

NONDISCRIMINATION/HARASSMENT

[POLICY 5145.3, 5145.5 & 5145.7]

NONDISCRIMINATION/HARASSMENT

District programs and activities must be free from discrimination, including harassment, with respect to ethnic group, religion, gender, color, race, national origin, sexual orientation, and physical or mental disability.

Employees and students in the Mt. Diablo Unified School District must be able to function in a "harassment free" environment. This is to be interpreted to mean the district does not condone behavior of its employees or students to one another which is discriminatory, sexually inappropriate, or creates an intimidating or hostile environment.

Staff shall be alert and immediately responsive to student conduct which may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

It is the district's policy that sexual and racial harassment and other acts of discrimination are unacceptable behavior. The discrimination complaint procedure should be used to investigate and resolve allegations of harassment. [See **Rule 5145.6(a-d)**.]

SEXUAL HARASSMENT (EC 48900.2)

The governing board prohibits unlawful sexual harassment of or by any student by anyone in or from the district. Sexual harassment, as defined in E.C. 212.5, is that conduct considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the victim's academic performance or to create an intimidating, hostile or offensive educational environment.

Teachers shall discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of sexual harassment.

Any student who engages in the sexual harassment of anyone in or from the district may be subject to disciplinary action up to and including expulsion.

The Board expects staff to immediately report incidents of sexual harassment to the principal or designee or to another district administrator. Any student who feels that he/she is being harassed should immediately contact the principal/designee or a teacher on campus.

The district prohibits retaliatory behavior against any complainant or any participant in the complaint process. Each complaint of sexual harassment shall be promptly investigated in a way that respects the privacy of all parties concerned. Guidelines for administrative investigation of sexual harassment complaints and the mandatory reporting form are included in this section.

DEFINITIONS [E.C. 212.5]

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when:

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

Other types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations or propositions.
2. Sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.
3. Graphic verbal comments about an individual's body, or overly personal conversation.
4. Sexual jokes, stories, drawings, pictures, or gestures.
5. Spreading sexual rumors.
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class.
7. Touching a student's body or clothes in a sexual way.
8. Purposefully limiting a student's access to educational tools.
9. Cornering or blocking of normal movements.
10. Displaying sexually suggestive objects in the educational environment.
11. Any act of retaliation against a student who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

NOTIFICATION PROCEDURES

A copy of the district's sexual harassment policy shall:

1. Be included in the notifications that are sent to staff and parents/guardians at the beginning of each school year. [E.C. 48980] See page 12-7 for a copy of this notice.
2. Be displayed in a prominent location near each school principal's office. [E.C. 212.6]
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session. [E.C. 212.6]
4. Appear in any school or district publication that sets forth the school or district's comprehensive rules, regulations, procedures, and standards of conduct. [E.C. 212.6]

Investigation of Complaints at School (Site-Level Grievance Procedure)

The principal or designee shall promptly investigate all complaints of sexual harassment. In so doing, he/she shall talk individually with:

1. The student who is complaining.
 - a. The person accused of harassment.
 - b. Anyone who saw the harassment take place.
 - c. Anyone mentioned as having related information.
2. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.
3. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:
 - a. The Superintendent/designee or Student Services Administrator.
 - b. The parent/guardian of the student who complained.
 - c. The parent/guardian of the person accused of harassing someone.
 - d. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth.
 - e. Child protective agencies responsible for investigating child abuse reports.
 - f. Legal counsel for this district.
4. The principal or designee shall write a report of his/her findings, decision, and reasons for the decision and shall present this report to the student who complained and the person accused.
5. The principal or designee shall give the Superintendent or designee a written report of the complaint and investigation. If he/she verifies that sexual harassment occurred, this report shall describe the actions he/she took to end the harassment, address the effects of the harassment on the person harassed, and prevent retaliation or further harassment. (See form on page 10-5.)
6. Within two weeks after receiving the complaint, the principal or designee shall determine whether or not the student who complained has been further harassed. The principal or designee shall keep a record of this information and shall continue this follow-up at his/her discretion.

ENFORCEMENT

The principal or designee shall take appropriate actions to reinforce the district's sexual harassment policy. These actions may include:

1. Providing staff inservice and student instruction or counseling.
2. Taking appropriate disciplinary action. In addition, the principal or designee may take disciplinary measures against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.
3. Removing vulgar or offending graffiti.
4. Notifying parents/guardians of the situation and possible consequences.
5. Notifying child protective services.
6. When the student who complained and the person accused of harassment so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided.
7. The principal or designee shall tell the student who complained that he/she has the right to file a formal complaint at any time in accordance with the district's uniform complaint procedures. If the student wishes to file a formal complaint, the principal or designee shall assist the student in doing this.
8. In reaching a decision about the complaint, the principal or designee may take into account:
 - a. Statements made by the persons identified above.
 - b. The details and consistency of each person's account.
 - c. Evidence of how the complaining student reacted to the incident.
 - d. Evidence of past instances of harassment by the accused person.
 - e. Evidence of past harassment complaints that were found to be untrue.
9. To judge the severity of the harassment, the principal or designee may take into consideration:
 - a. How the misconduct affected one or more students' education.
 - b. The type, frequency and duration of the misconduct.
 - c. The number of persons involved.
 - d. The age and sex of the person accused of harassment.
 - e. The subject(s) of harassment.
 - f. The place and situation where the incident occurred.

NOTICE
MT. DIABLO UNIFIED SCHOOL DISTRICT

SEXUAL HARASSMENT POLICY
Student Conduct and Discipline

The Board of Education of the Mt. Diablo Unified School District has adopted a policy prohibiting unlawful sexual harassment of or by any student. Please read the following definition of the policy and the procedure for filing a complaint.

SEXUAL HARASSMENT

Definition: Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances for sexual favors, and other verbal, visual, or physical conduct of a sexual nature when: (Education Code 212.5)

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

EXAMPLES OF SEXUAL HARASSMENT

Sexual harassment includes, but is not limited to:

1. Unwelcome leering, sexual flirtations or propositions.
2. Sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions.
3. Graphic verbal comments about an individual's body, or overly personal conversation.
4. Sexual jokes, stories, drawings, pictures, or gestures.
5. Spreading sexual rumors.
6. Teasing or sexual remarks about students enrolled in a predominately single-sex class.
7. Touching a student's body or clothes in a sexual way.
8. Purposefully limiting a student's access to education tools.
9. Cornering or blocking of normal movements.
10. Displaying sexually suggestive objects in the educational environment.
11. Any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

Sexual harassment by any student is forbidden and will result in disciplinary action up to and including expulsion.

COMPLAINT PROCESS

Any student who believes he or she has been subjected to sexual harassment prohibited by Board Policy 5145.7 should immediately report incidents of sexual harassment to the principal or other school administrator. Any student who feels that he or she is being harassed may file a written complaint in accordance with the procedures set forth in the Uniform Complaint Procedures described in Board of Education Policy 1312. 1. Each complaint of sexual harassment shall be promptly investigated in a way that respects the privacy of all parties concerned. For more information regarding this policy, please call the Student Services Office, 682-8000, ext. 4069.

HATE VIOLENCE

(EC 48900.3)

DEFINITION & DISCIPLINARY ACTION

Students in grades 4-12 may be suspended or recommended for expulsion if they cause, try or threaten to cause, or participate in an act of hate violence. (EC 48900.3) Hate violence is defined by Ed. Code 33032.5 as follows:

1. No person shall by force or threat of force, willfully injure, intimidate, interfere with, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the constitution or laws of this state or by the Constitution of the United States because of the other person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation.
2. No person, whether or not acting under color of law, shall knowingly deface, damage or destroy the real or personal property of any person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the constitution or laws of this state or by the Constitution of laws of the United States, because of the other person's race, color, religion, ancestry, national origin.

PRACTICAL APPLICATIONS

An incident of hate-motivated behavior is any act to cause physical injury, emotional suffering or property damage through intimidation, harassment, bigoted slurs or epithets, vandalism, force, or threat of force, motivated in part or in whole by hostility toward the victim's real or perceived ethnicity, national origin, immigrant status, religious belief, gender, sexual orientation, age, disability, political affiliation, or any other physical or cultural characteristics.

An incident of hate-motivated behavior may also be a crime, as defined by the California Penal Code, or other state or local law. These incidents must be reported to the appropriate police or law enforcement agency, and may be prosecuted by the District Attorney's office. Some criminal acts may be hate motivated and when they are, they are hate crimes. Some crimes are more likely than others to be hate motivated and may include:

1. Burning crosses or other religious symbols
2. Explosives or bomb threats
3. Destruction or defacing of property
4. Unusually violent assault by groups or individuals which appear random
5. Certain kinds of vandalism
6. Unlawful use of the telephone (for harassment)

Other acts of hate-motivated behavior may not be crimes, or might not be prosecuted. In fact, such incidents will most always outnumber hate crimes on campuses. These acts of hate-motivated behavior should be considered seriously and must be addressed. Such non-criminal acts of hate-motivated behavior include:

1. Using bigoted insults, taunts or slurs (faggot, nigger, spic)
2. Posting or circulating demeaning jokes, leaflets or caricatures
3. Defacing, removing or destroying posted materials, or announcements
4. Distributing or posting hate-group literature and/or posters

HARASSMENT/INTIMIDATION/HOSTILE ENVIRONMENT

(EC 48900.4)

DEFINITION AND DISCIPLINARY ACTION

Students in grades 4-12 may also be suspended or recommended for expulsion if they 1) intentionally harass, intimidate, or threaten students enough to disrupt classwork, 2) create substantial disorder and 3) invade the rights of students by creating an intimidating or hostile environment. All three (3) clauses must be applicable to the situation to suspend under this education code section.

PRACTICAL APPLICATIONS

A hostile environment exists when harassment is sufficiently severe, pervasive or persistent so as to interfere with or limit the student's ability to participate in or benefit from school services, activities or privileges.

A hostile environment may exist at school although the physical threats or act of aggression occurred off the campus.

Examples of Creating Intimidating Environment or Hostile Harassment Include:

1. Verbal abuse or threats toward an individual student or a group of students with the intent to intimidate.
2. Physical intimidation or willful menace toward an individual student or a group of students with the intent to force compliance.
3. Material disruption to the classroom verbally or physically which is severe or pervasive.
4. Creating substantial disorder in the classroom or on the playground through interference, oppression, or threats.
5. Harassment, threats, or intimidation by a group of individuals toward an individual student or a group of students severe enough to interfere physically or emotionally with participation in or benefit from school services, activities, or privileges.



MT. DIABLO UNIFIED SCHOOL DISTRICT
Record of Student-to-Student Sexual Harassment/Hate Violence
Incident and School Site Investigation

Section I: Initial Notification of the Incident or Complaint

1. Name of Purported Victim _____ Sex _____ Age/Grade _____ Phone _____
2. Name of Alleged Harasser _____ Sex _____ Age/Grade _____ Phone _____
3. Name of Person Reporting Harassment _____ Student Staff Parent Other
 (If student, but not the victim: Home Phone _____ Age/Grade _____ Teacher _____)
4. Reported on _____ / _____ / _____ to _____ how reported _____
day of week date time name of employee (phone, note, personally)
5. Nature of the alleged harassment _____

6. Date of alleged harassment _____ Location _____ Single incident Recurrence
 If recurrence, what are approximate other dates? _____
7. Did the complainant provide a written factual statement? yes no If yes, attach a copy to this report.
8. Parent Notification (notify parents same day of incident or report, even if investigation is incomplete at time of call)
 Notification of parents of purported victim:
 Name of Parent: _____ Notified by: _____ How Notified? _____ Date _____ Given policy
 Notification of parents of purported victim:
 Name of Parent: _____ Notified by: _____ How Notified? _____ Date _____ Given policy

Section II: Investigation of Incident or Complaint

Use attached pages for your handwritten investigation and interview notes. Include the name of each interviewee, interviewer, and date of each interview, and attach all written student statements. Keep originals for your own files. Attach copies, in chronological order, to this report.

Section III: Results and Conclusions

Briefly summarize the results of the investigation, and conclusions reached. Include information from any confessions. Distinguish between substantiated and unsubstantiated allegations.

Section IV: Actions and Discipline

1. Victim informed about results of investigation and actions to be taken, and counseled about reporting any future recurrence or attempts at retaliation on _____ (date) by _____ (administrator).
2. Appeal process described to victim's parents on _____ (date) phone call in person, by _____
3. Discipline assigned harasser: _____
4. Harasser informed about discipline, including cautions about recurrence or retaliation on _____ (date) by _____ (administrator).
5. Appeal process described to harasser's parents on _____ (date) phone call in person, by _____
6. Methods/dates by which parents/students were informed about the district's harassment policy during the current year: _____

Name of School _____ Administrator's Signature _____ Date _____

White	-	School
Yellow	-	Assistant Superintendent

Bullying Policy

Anti-Bullying

The district believes that all students have a right to a safe and healthy school environment. To that end, the district, schools, and community have an obligation to promote mutual respect, tolerance and acceptance. The district will not tolerate behavior that infringes on the safety of any student. A student shall not intimidate or harass another student through words or actions. Such behavior includes direct physical contact, such as hitting or shoving, verbal assaults, such as teasing or name-calling; and social isolation or manipulation. This policy applies whenever a student is on school grounds, traveling to and from school or a school sponsored activity, during the lunch period, whether on or off campus, and during, a school-sponsored activity.

Students who act in violation of this policy may be subject to school/district disciplinary procedures up to and including expulsion.

Legal Reference:

Education Code

48900 Grounds for suspension or expulsion

48900.3 Hate violence

48900.4 Harassment, threats, or intimidation

48910 Suspension by teacher

48911 Suspension by principal, designee, or superintendent

48915 Expulsion

48915.5 Expulsion of pupils with exceptional needs

48918 Rules governing expulsion proceedings

48918.5 Expulsion hearings; District rules and regulations

Policy MT. DIABLO UNIFIED SCHOOL DISTRICT

adopted: August 24, 2004 Concord, California

Mt. Diablo USD

Administrative Regulation

AR 5145.4

Students

Student Conduct And Discipline

Anti-Bullying

The Governing Board prohibits bullying at any location or activity under the jurisdiction of the school system. Any student who engages in bullying may be subject to disciplinary action up to and including expulsion.

The Board expects students and/or staff to immediately report incidents of bullying to the principal or designee. Each complaint of bullying should be promptly investigated. If the complainant or the parent of the student feels that appropriate resolution of the investigation or complaint has not been reached, the student or the parent of the student should contact the Principal or the Office of Student Services. The school system prohibits retaliatory behavior against any complainant or any participant in the complaint process.

Teachers should discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of bullying.

Definitions

1. General Definitions

Bullying occurs when one or more students threaten, harass or intimidate another student through words, or actions including:

- a. Direct physical contact such as hitting or shoving
- b. Verbal assaults such as teasing or name-calling
- c. Socially isolating or manipulating a student

These incidents will be acted upon when they occur:

- a. On the school grounds at any time
- b. En route to and from school or a school-sponsored activity
- c. During the lunch period whether on or off campus; or
- d. During, or while going to or coming from, a school-sponsored activity.

2. Specific Examples

For the purpose of further clarification, bullying includes, but is not limited to:

a. Making unsolicited written, verbal, physical and/or visual contact. Examples include:

- (1) Written – intimidating/threatening letters, notes, or messages
- (2) Verbal – intimidating/threatening comments, slurs, innuendos, teasing, jokes or epithets.
- (3) Visual – leering or gestures
- (4) Physical – hitting, slapping and/or pinching

b. Making reprisals, threats of reprisal, or implied threats of reprisal.

c. Engaging in implicit or explicit coercive behavior to control, influence or affect the health and well being of a student.

Confidentiality

Reasonable efforts will be made to keep a report of bullying and the results of the investigation confidential. Witnesses should be informed of the confidential nature of the investigation and should be asked to refrain from disclosing the nature of the investigation to others.

Retaliation Prohibited

The initiation of a report of bullying should not reflect on the reporting student or witnesses in any way. It should not affect the student's future relationship with the school system, grades, class section or other matters pertaining to his/her status as a student in any program. It is a violation of this policy to engage in such retaliation.

Disciplinary Action

Students who act in violation of this policy and/or the law may be subject to discipline up to and including expulsion. Such disciplinary action shall be in accordance with school system procedures and state and federal laws.

Investigation Procedures

1. Informal Resolution

Students who feel aggrieved because of conduct that may constitute bullying are encouraged, but not required, to inform the person engaging in such conduct that the bullying is offensive and should stop.

2. Formal Reporting of Allegations of Bullying

If direct communication with the person whose conduct is offensive has been to no avail or would be inappropriate, the aggrieved student should communicate his/her concern to a teacher, counselor, principal or assistant principal. The student should also complete a formal, written report. If the student is unable to complete a written report, school staff may help him/her complete the report.

3. Responsibilities of Employees

Employees who receive reports of bullying or observe an act of bullying should immediately inform the principal or designee at the school the student attends.

4. Administrative Review and Procedure

a. Filing

While reports of bullying should be in writing, any report received, whether written or oral should be investigated.

b. Investigation

All matters regarding bullying should be promptly and thoroughly investigated in a confidential manner. The student accused of bullying should be informed of the results of the investigation and given the opportunity to present his/her version of the situation and to identify witnesses on his/her behalf. Parents of both the accused and the student filing the complaint should be contacted as appropriate.

c. Corrective Action/Discipline

Upon completion of the investigation, the principal or designee should determine the appropriate action, if any, to take. Corrective action may include, but not be limited to, counseling, warning, or initiating disciplinary procedures against the offending student. Corrective action should be designed to prevent recurrence of the bullying.

Mandated Notification

1. At the beginning of the school year, each student should receive a summary of this policy prohibiting bullying.
2. A summary of this policy should be part of new student orientation programs and included in student handbooks or information packets.
3. A summary of this policy should be included as part of the school system's annual notification to parents.
4. A copy of this policy should be provided for each staff member.

Regulation MT. DIABLO UNIFIED SCHOOL DISTRICT

approved: August 24, 2004 Concord, California

Dress Code Policy

CLAYTON VALLEY HIGH SCHOOL DRESS CODE

The MDUSD Governing Board believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate.

Students have the right to make individual choices from a wide range of clothing and grooming styles, but they must not present a health or safety hazard or a distraction which would interfere with the educational process. Dress and accessories which are disruptive and contrary to school rules regarding drugs/alcohol/violence/harassment, and gangs is not permitted.

MDUSD Board Policy 5132.

Dress code expectations for all students:

- No tube tops, backless tops, or strapless shirts
- Tank tops are okay as long as undergarments are concealed
- No skirts or shorts which are shorter than mid-thigh in length (i.e. arm's length) or expose underwear
- No sagging pants which expose underwear
- No ribbed, thin cotton tank tops, traditionally worn as an undershirt
- No gang related apparel
- No racial slurs or advertisements for drugs, alcohol or tobacco
- No sexually suggestive apparel
- No see through or fishnet apparel of any kind
- No slippers or pajamas
- Feet must be covered (shoes or sandals must be worn)
- Other expectations at staff discretion

If a student is NOT appropriately dressed, the following could take place:

The student will be required to change clothes at school and leave the inappropriate clothing in the office until after school. Students will be allowed to change into P.E. clothes, loaner t-shirt or clean clothes from the lost & found.

Student will have to wait in the office. The parent will receive a phone call and will be asked to bring a change of clothing to the office. Once the student has changed, they will be allowed back to class.

Mt. Diablo USD

Board Policy

BP 5132

Students

Dress And Grooming

The Governing Board believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Therefore, students are to dress appropriately on all school campuses and at all school activities in the district. Students have the right to make individual choices from a wide range of clothing and grooming styles, but they must not present a health or safety hazard or a distraction which would interfere with the educational process. Students and parents/guardians shall be informed about dress and grooming standards at the beginning of the school year and whenever these standards are revised. Students should project an appearance that is conducive to a safe learning environment. Dress which is disruptive and contrary to school rules regarding drugs/alcohol/violence, and gangs is not permitted. Student clothing, emblem, badge, jewelry, symbol, or other insignia which creates a clear and present danger on school premises or the disruption of the orderly operation of the school is prohibited. Students and parents/guardians shall be informed about the school dress code at the beginning of the year and when revised. A student who violates the dress code shall be subject to appropriate disciplinary action.

(cf. 4119.22 - Dress and Grooming)

(cf. 5136 - Gangs)

(cf. 5144 - Discipline)

(cf. 5145.2 - Freedom of Speech/Expression)

School Dress Code

The principal may establish a dress code that prohibits students from wearing apparel that it presents a distraction or threatens to disrupt the school's activities. Inappropriate dress is attire that causes a distraction or a safety concern on a school campus. The outdoor use of sun-protective clothing, including but not limited to hats, is permitted. However, specific clothing and hats determined to be gang-related or otherwise inappropriate under the policy are prohibited. Principals may determine that hats are prohibited in certain locations or areas where sun-protection is not necessary. A dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the staff, students, parents/guardians and educational community.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 4119.22 - Dress and Grooming)

(cf. 5136 - Gangs)

(cf. 5145.2 - Freedom of Speech/Expression)

Uniforms

The Board believes that appropriate dress and grooming contribute to a productive learning environment. The Board recognizes that in order to promote student safety and discourage theft, peer rivalry and/or gang activity, the principal may wish to establish a dress code requiring students to wear uniforms. The principal may recommend to the Board that a voluntary school uniform dress code would be beneficial. Such a dress code shall be included as part of the school safety plan. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students and maintain a positive school climate.

If a school's plan to require uniforms is adopted, the Superintendent or designee shall establish procedures whereby parents/guardians may choose to have their children exempted from the school uniform policies. Students shall not be penalized academically, otherwise discriminated against or denied attendance to school if their parents/guardians so decide. (Education Code 35183) The school shall establish guidelines identified in the school dress code and school safety plans provisions whereby parents/guardians may choose not to have their children comply with an adopted school uniform policy which is contrary to their beliefs or exceptions deemed appropriate by the principal. The Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms.

Legal Reference:

EDUCATION CODE

32281 School safety plans

35183 School dress codes; uniforms

~~35183.5~~ Sun-protective clothing

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

CODE OF REGULATIONS, TITLE 5

302 Pupils to be neat and clean on entering school

COURT DECISIONS

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

827 F.Supp. 1459

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

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

Policy MT. DIABLO UNIFIED SCHOOL DISTRICT

Adopted: June 7, 2005 Concord, California

Discipline Policy

DISCIPLINE POLICY/SITE RULES

Distribution and Notification to Students:

The following school and district rules are provided to all students before the start of school. All new incoming students get a paper copy of the *CVHS Course Catalog and Student Handbook* which explains all of the rules and guidelines for discipline of student behavior. In March, students who are already enrolled are given instructions on how to find the *CVHS Course Catalog and Student Handbook* online at the CVHS website. This information is provided when students are preparing to make course selections for classes for the upcoming school year. This website is available for any students, parents or the general public to access. Teachers review the rules with their students during the first two weeks of school. The rules are again reviewed when the school's administrators hold grade level meetings during the first month of school. Parents are also reminded of the rules at Back-To-School Night and at other parent meetings.

DISCIPLINE POLICY/SITE RULES

Rules and procedures on school discipline:

Clayton Valley administrators observe and support all rules, policies and procedures of the Mt. Diablo Unified School District, state and federal law. The discipline chart (Guidelines for Discipline of Student Behavior) is distributed to every new incoming student in the *Student Handbook* portion of the *Course Catalog*. It is also made available to all students online via the CVHS website by going to the *Course Catalog*. In addition, this chart is made available to all teachers in the *Staff Handbook*. Administrators receive training and updating as needed on all phases of student discipline, due process, suspension and expulsion procedures.

Rules and procedures on school discipline pursuant to Education Code § 35294.21, Clayton Valley High School students are supported in the following ways:

- **Assuring each pupil a safe physical environment:**
 1. Four administrators supervise the campus at brunch and lunch.
 2. Four campus supervisors supervise the campus and surrounding area throughout the school day.
 3. Students referred for any act in violation of Education Code § 48900 attend a conference with an administrator which may result in immediate discipline that may include counseling, conferencing, detention, Saturday School, suspension and/or expulsion.
 4. Students may be placed on formal Behavioral Contracts to support appropriate behavior while at school.
 5. Poor attendance will result in a student referral to the School Attendance Review Board (SARB). Continued poor attendance may result in a student appearing before the Juvenile Court and/or District Attorney.
- **Assuring each pupil a safe, respectful, accepting, and emotionally nurturing environment:**
 1. Several students have been trained in Peer Counseling and Conflict Management.
 2. Staff members have been and continue to be trained in methods and strategies for nurturing and supporting students of all types and ability levels.
 3. Student clubs, including the Gay/Straight Alliance, involve and support students of all orientations.
 4. Community agencies such as Alateen service students on campus.
 5. The school psychologist and psychologist intern see students on an as needed basis throughout the year.
 6. Student Success Teams are held and Behavioral Intervention Plans are written to further support students.
- **Providing each pupil resiliency skills:**
 1. Trained Conflict Managers (students) work with students involved in any form of conflict to a point of resolution.
 2. Values such as honesty, respect and responsibility are woven into all aspects of academics, athletics and co-curricular activities.
 3. When deemed appropriate, students and parents may be directed to Anger Management, Tobacco and/or Drug and Alcohol Awareness Workshops.
 4. Parents struggling with issues that may arise at school are referred to the Parent Project for help and support.

CLAYTON VALLEY HIGH SCHOOL GUIDELINES FOR DISCIPLINE OF STUDENT BEHAVIOR

This chart explains major disciplinary actions and their usual consequences. If the student's behavior warrants, additional consequences may occur. The Behavior Areas below are based on California Education code Section 48900-48927 and Mt. Diablo Board of Education Policy. Discipline will be enforced at all times as listed in Education Code 48900 including, but not limited to, any of the following:

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

BEHAVIOR AREAS	FIRST OFFENSE	SECOND OFFENSE	THIRD & SUBSEQUENT OFFENSES
<u>Academic Dishonesty</u> - Plagiarism of another's work on paper, quiz, test; the falsification of grade books, progress reports, report cards, or other material used for assessment purposes. This also includes the theft and use of teacher's texts, tests, or quizzes.	"F" on assignment/parent notification/detention/45 day activity suspension.	"F" on assignment. Parent conference/three day suspension.	"F" on assignment/five day suspension/principal's Conference
<u>Alcohol/Drugs</u> - Possession, use, or under influence of any alcoholic product, controlled substance, drug paraphernalia, or look alike.	Zero tolerance: five day suspension/principal's conference/Student Success Contract/Drug/alcohol abuse workshop/45 day activity suspension/Possible police notification		
<u>Assault/Battery</u> - Physical attack upon a person or persons by another person or persons. This also includes the use of pepper spray and/or mace on an individual or individuals.	Zero tolerance: five day suspension/principal's conference/Student Success Contract/possible police notification Note: Any physical confrontation that requires medical treatment for injury may result in an automatic recommendation for expulsion.		
<u>Bullying/Harassment/Sexual Harassment/ Hazing</u> - Statements that are meant to intimidate or threaten the physical and mental well being of an individual. Sexual harassment includes, but not limited to, unwelcome sexual advances, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone in the educational setting, or at any school activity.	Detention or class suspension/activity suspension/reading and writing an essay on AB 537 California Student Safety and Violence Prevention Act/possible change of class/activity suspension	2 day suspension/parent or guardian and student conference upon return/possible change of class/activity suspension	Five day suspension/principal's conference/activity suspension/police notified as appropriate

BEHAVIOR AREAS	FIRST OFFENSE	SECOND OFFENSE	THIRD & SUBSEQUENT OFFENSES
<u>Defacement/Destruction of School Property</u> -Attempting to damage, or damaging and/or destroying the property of school personnel, the school, or other individuals. Example: graffiti on school property, carving on school desks, spray painting, attempting to access restricted computer applications/files.	Five day suspension/behavior contract/possible police notification/financial restitution.	Principal's conference/five day suspension/police notification/restitution/possible recommendation for expulsion.	Principal's conference/five day suspension/police notification/restitution/possible recommendation for expulsion.
<u>Defiance</u> - Refusing to follow the reasonable direction or request by school personnel at school or school events. School personnel shall include any district employee or volunteer.	Teacher discussion/class detention/ parent call	Referral to office/class or brunch suspension/parent call	Suspension/parent conference/activity suspension
<u>Disruption of School Activities</u> - Disrupt the orderly business of school or school activities. Example: Use of pepper spray, mace, or laser pointers in school rooms, hallways, on campus or at school activities. This also includes false fire alarms.	Teacher discussion/class detention/ parent call	Referral to office/class or brunch suspension/parent call	Suspension/parent conference/activity suspension
<u>Dress Code</u> - Violation Students wearing clothing which violates the dress code as outlined in this handbook.	Removal/replacement/covering of clothing article/parent contact.	Article confiscated/detention/parent notified.	Three day suspension.
<u>Electronic Signaling Device</u> - Use of an electronic signaling device(s) including, but not limited to: cellular or digital phones, including those with the capability to capture/transmit digital images and/or photographs; pagers; beepers; and personal digital assistants, e.g., iPhone, cell phones, sidekicks, blackberry's, pagers during the full school day.	Taken and kept in office through end of day in office. Returned at end of school day.	Taken and kept in office through end of day/ Detention/ Returned at end of school day when Parent/ Guardian comes in and signs for device.	3rd time Taken and kept in office through end of day/ Parent-Guardian and student conference/Sign a Student Success Contract/Saturday School. Additional Times – the device will be confiscated and secured in a safe location. The student will be subject to suspension and loss of school privileges; principal's conference.
<u>Extortion/Robbery</u> - Solicitation of money or other item of value from another person for protection or in connection with the threat of inflicting harm or injury or robbing an individual.	Five day suspension/principal's conference/Student Success Contract/possible police notification	Five day suspension/principal's conference/activity suspension/possible recommendation for expulsion/ possible police notification	Five day suspension/principal's conference/activity suspension/possible recommendation for expulsion/ possible police notification

BEHAVIOR AREAS	FIRST OFFENSE	SECOND OFFENSE	THIRD & SUBSEQUENT OFFENSES
<p><u>Fighting</u> - Participating, provoking or being a back-up to a physical confrontation in which there is a demonstration of intent by one or more students to inflict immediate injury to others, except in self-defense. Self-defense is described as a person must using no more force than appears reasonably necessary. As a general rule, a student may not use physical force if other remedies are available e.g. moving out of the area, seeking help from an adult.</p>	<p>Five day suspension/principal's conference/Student Success Contract/possible police notification Note: Any physical confrontation that requires medical treatment for injury may result in an automatic recommendation for expulsion.</p>	<p>Five day suspension/principal's conference/activity suspension/possible recommendation for expulsion/ possible police notification</p>	<p>Five day suspension/principal's conference/activity suspension/possible recommendation for expulsion/ possible police notification</p>
<p><u>Forgery</u> - Using the signature or initials of a teacher, parent or guardian; Impersonating another adult or parent for the purpose of fraud in excusing absences or being given permits to leave class or campus.</p>	<p>One day suspension/parent notification/behavior contract.</p>	<p>Three day suspension/parent conference</p>	<p>Five day suspension/parent conference.</p>
<p><u>Gambling</u> - Any game of chance including but not limited to cards, tossing coins, dice, or betting that involves the exchange of currency.</p>	<p>Detention/behavior contract/parent contact.</p>	<p>Saturday School or Three Day Suspension</p>	<p>Five day suspension/principal's conference/possible administrative transfer.</p>
<p><u>Improper Use</u> - Using Skateboards, Laser Pointers, Squirt Guns, Video Cameras, Scooters, Bikes, etc., in a disruptive manner.</p>	<p>Confiscation/return at end of school day/Parent notification.</p>	<p>Detention/Confiscation/parent pick up.</p>	<p>Confiscation/Pending Parent/Student Conference and Contract</p>
<p><u>Off-Campus</u> – the student is found off-campus, leaving or returning to campus without written permission from the office (e.g. ASB card with appropriate decal, Attendance Pass allowing leave, etc.)</p>	<p>Saturday School if found walking. One day suspension if a moving vehicle was used.</p>	<p>One day suspension if found walking. Three day suspension if a moving vehicle was used /activity suspension.</p>	<p>Extended suspension up to five days for continued defiance/activity suspension/principal's conference.</p>
<p><u>Profanity/Obscene Behavior</u> - Commit or engage in habitual obscenity, profanity, or vulgarity; possession of, preparation of, distribution of pornographic material including but not limited to printed material, video, or audio material.</p>	<p>Detention or Saturday School,/behavior contract/parent contact.</p>	<p>Three day suspension/parent conference.</p>	<p>Five day suspension/principal's conference/possible recommendation for expulsion.</p>
<p><u>Sale or Intent to Sell Controlled Substances or Alcohol</u> See Alcohol/Drug Statement</p>	<p>Zero tolerance: five day suspension, principal's conference/ recommendation for expulsion/police notification</p>		

<u>BEHAVIOR AREAS</u>	FIRST OFFENSE	SECOND OFFENSE	THIRD & SUBSEQUENT OFFENSES
<u>Tardy</u> – Arriving in the classroom with proper texts and materials after the last bell	Parent contact by teacher. Class detention.	2 nd and 3rd Tardy – extended office or brunch detention/parent contact.	4th Tardy – Extended detention including Saturday School and 45 day activity suspension/SARB process if tardies continue.
<u>Theft</u> - Receiving, taking, or attempting to take property that does not belong to you.	Police notification dependent up value of item/parent notification/one to five day suspension/behavior contract.	Police notification/principal's conference/five day suspension/possible recommendation for expulsion.	Seriousness of offense will determine the level of discipline that may range from detention up to and including recommendation for expulsion.
<u>Tobacco</u> - Possession or use of any tobacco product at school, school activity, or while representing the school.	Detention/behavior contract. (Note: Athletes will refer to athletic/co curricular policy.)	Three day suspension/parent conference/45 day activity suspension. (Note: Athletes will refer to athletic/co-curricular policy.)	Five day suspension/principal's conference/possible administrative transfer.
<u>Truancy</u> – Absence from a class, passing time, or brunch/lunch without clearance from the attendance office.	After 3rd unexcused absence. Level 1 – Declared truant on SARB contract.	Level 2 – SART Meeting – Saturday School.	Level 3 – SARB Meeting – District level.
<u>Weapons</u> - The possession, use, or furnishing of any knife, firearm, pellet gun, explosive device, replica of such items, or other dangerous object that has no legitimate use on a school campus or school activity.	Zero Tolerance – Principal's conference with possible recommendation for expulsion/ police report per education code/district policy/five day suspension.		

STUDENTS' RIGHTS – DUE PROCESS

Suspensions and Expulsions:

The school principal or designee has the right to suspend for a period of up to five days. The student and any witness will be asked to write statements about the incident. An informal hearing between the principal or designee, student and other appropriate persons will be conducted if possible. After the hearing is completed, the principal, or designee, decides if a suspension is necessary. The principal, or designee, will attempt to notify parents by telephone. Students or parents/guardians may appear. A written notice will be sent.

The school principal has the right to recommend to the district superintendent that a student should be expelled. In cases of this type, a hearing will be conducted at the school district's central office. When the school principal recommends to the district superintendent that a student should be expelled, a hearing will be conducted before the Board of Education or a hearing panel. If a student has violated a school rule and is subject to a suspension, or transfer to a continuation school or expulsion, the student and his/her parents/guardians, will be formally notified. Part of the notification process will include instructions regarding the due process procedure.

Appeal: The student or the student's parents have the right to appeal a transfer, suspension or expulsion. An appeal for formal hearing at either a district or Board of Education level, whichever is appropriate, must be made after notice has been received regarding a potential transfer, suspension or expulsion.

PHILOSOPHY OF DISCIPLINE

[POLICY 5131(A)]

The Mt. Diablo Unified School District believes that the best discipline is self-imposed and that each student should learn to assume responsibility for his/her actions.

Schools have an educational responsibility to promote a positive understanding of discipline. Our goal is to enhance each student's awareness of his/her personal responsibility by providing an orderly and predictable set of guidelines so each student can choose the course of action in his/her best personal interests.

There are three distinct phases of this responsibility:

1. To establish a school environment where the activities of the students and adults are orderly and promote a climate of cooperation.
2. To develop an understanding of the need for discipline throughout society.
3. To develop the student's desire for self-discipline.

STUDENT CONDUCT AND DISCIPLINE

In the process of developing rules regarding student conduct and discipline, the personnel of the Mt. Diablo Unified School District shall be guided by the following general policy statements:

1. Rules of conduct and disciplinary procedures shall be consistent with state and federal law and with the rules prescribed by the State Board of Education.
2. District personnel shall implement state and federal law and district policy.
3. Each school shall develop rules and procedures on school discipline in accordance with E.C. 35294.1 and 35294.2.
4. It shall be the responsibility of the staff of each school to inform students and parents of the rules.
5. Rules and regulations dealing with discipline policy shall be distributed to students, teachers and parents at the beginning of each school year or at the time of enrollment for students who enter during the school year.
6. The administration shall be responsible for the maintenance of good discipline at the school site or wherever students may be participating in school-related activities. School district employees shall assume responsibility for the enforcement of the established rules.
7. Corporal punishment shall not be administered to a student by employees of the Mt. Diablo Unified School District.

NOTE: Nothing in this policy statement shall be construed to prohibit a teacher, administrator or other district employee from protecting himself/herself or others or school property by means of restraining a student, confiscating a weapon, or turning over a lawbreaker to appropriate law enforcement agencies.

The school district or governing board shall not be responsible or in any way liable for the conduct or safety of any student of the public schools at any time when such student is not on school property, unless the district or Board has undertaken to provide transportation for such student to and from school premises, has undertaken a school-sponsored activity off the premises of such school, has otherwise specifically assumed such responsibility or liability, or has failed to exercise reasonable care under the circumstances. [E.C. 44808]

CHARACTERISTICS OF SAFE SCHOOLS

What is a safe school?

“Safe schools are orderly and purposeful places where students and staff are free to learn and teach without the threat of physical and psychological harm. They are characterized by sensitivity and respect for all individuals, an environment of nonviolence, clear behavioral expectations, disciplinary policies that are consistently and fairly administered, students’ affiliation and bonding to the school, support and recognition for positive behavior, and a sense of community on the school campus. Safe schools are also characterized by proactive security procedures, established emergency response plans, timely maintenance, cleanliness, and a nice appearance of the campus and classrooms.”

*Taken from “Safe Schools: A Planning Guide for Action”
California State Department of Education*

QUALITY INDICATORS OF SAFE SCHOOLS

Our youth have many divergent needs. Their feelings of safety and security are influenced by wide-ranging factors. Some factors are equally important to all students, while others will be viewed with different levels of importance. The following comprehensive list of quality indicators describe factors considered to be primary in supporting the establishment and maintenance of safe schools. Because of limited resources, it is likely that few schools would meet all criteria. The factors included in this list are intended to be used as a broad measuring stick to assess school safety.

- **Focus on academic achievement**

Effective schools convey a positive attitude that all youth can achieve academically. High expectations are established and clearly communicated to students and school community stakeholders. Instruction focuses on district curriculum standards and builds on student readiness profiles, individual learning styles, and interests. The educational approach is developmentally appropriate for students and provides a safe, secure setting free from threat. Students are able to test their skills at real tasks in a safe, noncritical environment. Adequate resources and programs ensure that expectations are met.

- **Positive environment that values youth and their ideas and is responsive to their needs**

Research shows that a positive relationship with an adult who is available to provide support when needed is one of the most critical factors in preventing youth violence. Students often look to adults in the school for guidance, support, and direction. Effective schools help youth overcome feelings of isolation and support them in developing connections with others. Effective schools encourage youth to help each other and feel comfortable assisting others in getting help when needed. Academic and behavioral expectations are modeled by adult stakeholders.

- **Comprehensive safe school plan**

Safe schools are orderly and purposeful places where students and staff are free to learn and teach without the threat of physical and/or psychological harm. Safety on campus is everyone's business. In accordance with state law and district policy, each school has a Comprehensive Safe School Plan approved by the school's Site Council. It is developed by representatives from all of the school's stakeholding groups, including law enforcement.

The plan includes an assessment of the school's current crime status, strategies and programs related to various aspects of school safety, an action plan to correct areas not meeting expectations (if applicable), school-wide discipline and disaster plans, and other components required by law.

- **Zero tolerance for violence, weapons, and drugs**

Everyone in the school and community supports a zero-tolerance approach to violence, weapons, and drugs. All stakeholders have declared that resorting to physical violence or participating in hate-based violence will not be tolerated. Neither will the possession or use of drugs or weapons be permitted under any circumstance.

- **Supervision/security**

Every effort is made daily to provide supervision on campuses. Supervision is conducted to observe student interactions as well as to maintain security with regard to nonstudents. Teachers participate in supervision before, during, and after school in assigned areas. Administrators monitor the students by supervising before, during, and after school. Special attention is given to those periods of the day when large groups of students are out of class together. Multiple lunch periods are offered as one strategy to reduce the number of students out of class at one time for lunch. Schools utilize either noon or campus supervisors to assist with supervision. Parent volunteers also assist when possible. All staff are aware of contingency plans that will be implemented in the event of an emergency and all have effective means to communicate during a crisis.

- **Parent and student involvement in school activities and decision-making at school**

Students who have parents involved in their growth both inside and outside of school are more likely to experience school success and less likely to become involved in antisocial activities. Effective schools routinely provide opportunities for parents to become involved in activities related to the educational program and school governance. These schools make parents feel welcome, address barriers to their participation, and keep them positively engaged with their son/daughter's education.

Similarly, student involvement in school activities and decision-making at school provides an avenue to maintain school programs, standards, procedures, and support services that are relevant as well as ones that reflect the ideas and needs of youth. Students take more ownership and assume more responsibility when involved as partners.

- **Prevention education**

All staff, certificated and classified, systematically foster effective K-12 prevention education to create a culture that promotes a safe and supportive environment for all members of the school community. Quality prevention education is "skills-based" and teaches asset development, conflict management, anger management, tolerance of diversity, good citizenship, decision-making, and refusal skills that result in healthy life choices.

- **Intervention services**

When behavioral or emotional signs signal a troubled youth, support services are available to address the youth's needs. Students have access to caring adults who will listen to their ideas and concerns and who will take proactive steps to provide guidance when needed. Professionally trained individuals are available to provide appropriate support services when needed. Mental health needs of youth are a priority.

- **Staff training**

Staff training is ongoing, system-wide and includes both certificated and classified staff. It provides for collaboration and is delivered in a safe and respectful environment that is conducive to learning. The school builds in accountability practices and evaluation of programs to provide a foundation of program planning. All stakeholders in the community have an investment in supporting staff training in order to create and sustain a safe environment for all.

- **Parent education**

Parents do their best to provide youth with an opportunity to succeed. They frequently express the need for training to better respond to the changing needs of today's youth. Educational opportunities for parents are available to address their needs. Barriers to their participation are addressed, including time and location of classes, child care, and bilingual teachers. Schools work closely with the district's Adult Education Program to provide parenting education.

- **Links to the community/Interagency collaboration**

Links to the community provide a sense of belonging and responsibility. Opportunities for community service are offered to students. Furthermore, schools that have close ties to families, support services, community police, and the community at large can benefit from valuable resources. Schools alone cannot meet the diverse needs of youth. All community stakeholders must coordinate efforts and consolidate resources to maximize services to youth.

- **Alternative educational opportunities**

Students present more diverse needs today than at any time in our history. Traditional approaches to education are not always appropriate for some students. Modifications are made with students when needed, and alternative programs are offered to accommodate the academic and social needs of students when appropriate.

- **Availability of healthy activity choices during at-risk hours**

Studies have indicated that youth engage in a wide variety of risk taking and illegal activities during after-school hours when they are unsupervised. Schools, cities, and community organizations collaborate to provide youth with healthy choices during at-risk hours. Youth are encouraged to participate in after-school co-curricular and interscholastic activities. An effective truancy prevention program is implemented.

- **Safe, clean, and attractive physical environment**

The school setting provides an environment that is safe from physical hazards, clean and attractive. The environment should reflect student interests and display student work. All students learn that they contribute to the overall appearance of their campus. The appearance of the campus is continuously addressed by custodial staff, students through incentive programs, and other staff. Both positive and negative reinforcements are administered to all contributing to the physical attractiveness of the campus.

OTHER MEANS OF CORRECTION

[POLICY 5131.1]

DISCIPLINARY ACTION PROCEDURES

It is the intent of this policy that alternatives to suspensions or expulsions be imposed against any student who is truant, tardy, or otherwise absent from school activities. Students who become involved in areas of problem behavior will be subject to certain disciplinary actions. Depending upon the behavior problem of the student, one or more of the following actions may be taken *prior to suspension* by school officials. When determining the appropriate disciplinary steps to take with a student, administrators must act as required by district policy or state law.

In cases where discretion can be used in determining an appropriate course of action, disciplinary steps should be progressive, beginning with counseling or some other educational intervention. Administrators are advised to maintain accurate records of all actions taken with students.

The following describes actions that should be considered as "other means of correction" prior to suspending a student from school.

1. **Counsel**

A teacher, administrator or other adult staff member will talk to the student to discuss the school's behavior expectations for students and attempt to reach an agreement regarding how the student should behave. This step may also include a verbal reprimand and/or an informal warning to the student. After this meeting, the student should understand what is expected and what consequences to expect if a repetition of the behavior continues.

2. **Conference**

A formal conference is held between the student, parent and one or more school personnel. During this conference, a student must agree to correct his/her behavior. When the need arises to communicate with non-English speaking parents/guardians, administrators are reminded to use the AT&T Language Line. Up to date information on using this translation service can be obtained by calling MDUSD Student Services.

3. **Detention**

A student may be detained in school for disciplinary or other reasons for not more than one hour after the close of the maximum school day. Parent notification is required prior to imposing a detention of more than 15 minutes on a student. Notification and detention may occur on the same day. Parent notification is required on the day prior to imposing any detention upon a student who is transported by school district bus. Exceptions may be made with parent consent. Delivery of notice to student shall constitute parent notification.

4. **Friday/Saturday School**

Students may be assigned to Friday/Saturday school in lieu of more serious disciplinary action.

5. **In-School Suspension**

A student may be assigned to an in-school suspension program at the discretion of the principal or designee for suspendable offenses. Rather than being suspended from school, the student is assigned to a designated area, provided school work, and may have privileges suspended. In-school suspension shall not exceed the length for which the formal suspension would have been assigned.

6. **Student Behavior Contracts**

A formal, written agreement between student, parent, and administrator specifying behaviors to be modified and consequences for failure to meet the conditions of the contract can be very helpful in clarifying expectations and providing documentation of concerns, expectations, and consequences. Each school has been provided a computerized contract model. Use the program to individualize student contracts. All contracts should be reviewed and modified on a yearly basis. An example is included at the end of this section.

7. **Community Service**

Instead of disciplinary action, the principal, the principal's designee, or the superintendent of schools, at his or her discretion, may require a student to perform community service on school grounds during nonschool hours. For the purposes of this section, "community service" may include, but is not limited to, work performed on school grounds in the areas of outdoor beautification, campus betterment, and teacher or peer assistance programs. This section **shall not** apply to instances where the student has engaged in acts enumerated in E.C. §48900 (a), (b), (c), (d), or (e) where student has been suspended pending application pursuant to 48915.

8. **School Attendance Review Board (SARB)**

It is important to monitor students with tardy and attendance problems. Once a student has been identified as a habitual truant he/she may be referred to SARB. See section on Attendance for more details on using this intervention. Administrators are advised that the use of suspension for students who have attendance problems is a violation of Education Code.

9. **Elementary Case Conference**

An Elementary Case Conference is a modified hearing for students who are experiencing extreme behavior problems and may be moving towards expulsion. The hearing panel may include a Student Services Administrator, acting as chairperson; a Student Services Administrator, as a panelist; an elementary administrator from a different school; a school nurse; and a community representative. This intervention is described in more detail in a separate section in this handbook.

10. **Student Study Team/Coordinated Care Team/Behavior Intervention Plans**

The Student Study Team (SST) is a formal process involving the student, parent/guardian(s), staff, and other appropriate individuals - to discuss the needs of the students and to explore alternatives for student assistance. Behavior interventions that are planned should be documented in some way. They can be part of the SST Memory Sheet, included in a behavior contract, or be documented through the creation of a Behavior Intervention Plan.

Interventions can include a referral for services provided by an outside agency, special education assessment, placement in an alternative program or a referral to a Necessary Small High School/ Continuation High School Program.

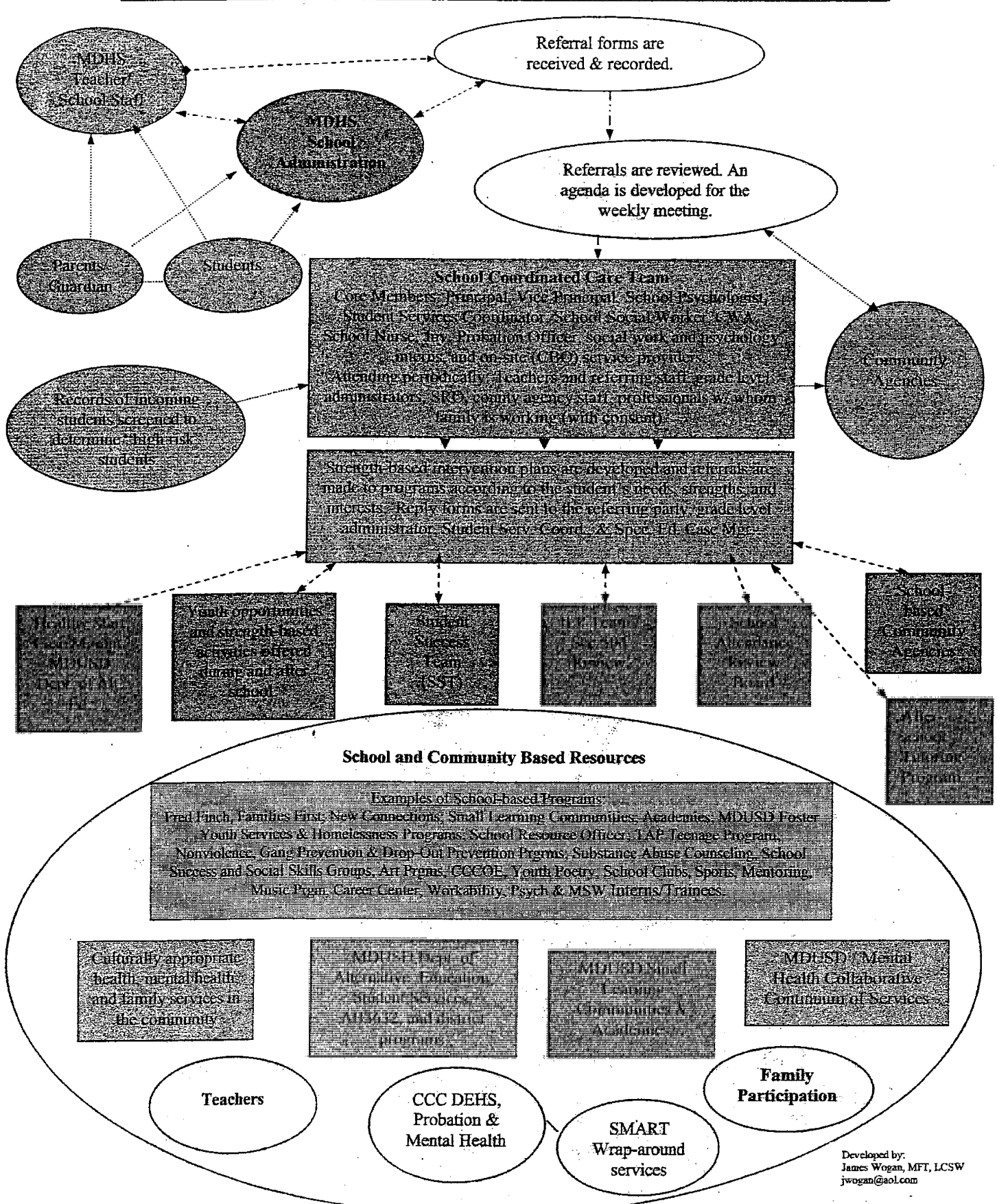
The Coordinated Care Team is a multi-disciplinary team comprised of school administrators, school social workers, child and family therapists from local community agencies, graduate level social work and psychology interns, representatives of the Contra Costa County Safe Schools Coalition, and a juvenile probation officer. Teachers, administrators, community members,

parents and guardians, and students themselves make referrals for counseling and support services when concerns arise. At most school sites, the Coordinated Care Team meets once a week to discuss students' concerns and develop strength-based plans. The purpose the Coordinated Care Team is to provide: 1) programs to make sure that all students are successful in school ; 2) promoting healthy child development and preventing problems from arising 3) a system for early detection and intervention if students are encountering difficulty learning; and 4) assisting those students with chronic and severe educational, behavioral, or emotional problems.

At many schools, school-based services include case management, individual and family therapy, and group counseling. Members of the Coordinated Care Team frequently refer families to culturally appropriate health, mental health, and social services available in the community. Coordinated Care Team members also respond to disaster and other incidents that may affect students and their families.

Members of the Coordinated Care Team provide support and services to both Special Education and General Education students and augments the school's ability to educate students in the least restrictive environment.

Mt. Diablo Unified School District Coordinated Care Team



Developed by:
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Other behavior interventions can include the following:

Physical Organization of Classroom

- The student will be seated near the teacher.
- The student will be seated near other students who present positive role models.
- The student will be seated in a location away from distracting stimuli (pedestrian routes, activity centers, air conditioners, etc.) or in a more quiet location in the room.
- The student will be provided with a study booth in the classroom to complete work.
- The distance between the student's desk and others will be increased.

Instruction

- The teacher will physically move close to the student when giving directions or presenting lessons.
- The student will be paired with another student to provide peer support and assistance.
- Key points will be provided in writing on board or on a screen using an overhead projector.
- A peer note taker will be provided to the student.
- Instructional strategies will be varied to accommodate the learning style of the student.
- The student will be allowed to tape record the lessons.
- The student will be personally asked by the teacher to orally review key points of the lesson.
- The student will have access to computer assisted instruction.
- The teacher will break lessons into shorter segments for the student.
- The teacher will verbally check for understanding with the student.
- Complex directions will be simplified for the student.
- The student will receive positive recognition in a timely manner for successfully participating in class activities and for successfully completing classwork and homework.
- The student will be permitted short breaks during or between assignments.
- The student will be given access to study support programs (i.e., math labs, after-school homework lab, student skills class, etc.)
- The student will be provided with regular periods of physical activity during class periods.
- The student will be provided with sequential tasks. Multi-task assignments or directions will be avoided.
- The student will be provided with limited choices.
- Eye contact will be provided by the teacher to the student when giving directions as often as possible and practical.
- The student will be provided with a structured program that provides as much routine as possible.
- The student will be provided with examples of work that he/she is expected to complete.
- The student's first name will be used in a constructive, positive manner when giving instructions.

Student Assignments

- Student will be provided with timely feedback on work completed.
- Positive reinforcement will be emphasized with student.
- Student will receive assistance in maintaining a daily log of assignments.
- Homework assignments will be modified and/or shortened as needed.
- The student's handwriting will not be graded.
- Alternative readings appropriate to the student's reading level will be provided.
- A modified scale will be used to grade assignments.
- Student will be provided with organization and study skill tips to more efficiently complete work.
- Extra time will be allowed for the student to complete work.
- Assignments will be provided in written form.
- Typewritten or computer generated work will be accepted.
- A "homework buddy" will be assigned to the student to provide peer support and assistance.
- The student will be permitted to have an extra set of books to keep at home.
- The student's correct responses on written assignments will be marked instead of mistakes.

Test Taking

- The student will be permitted to use text during exams.
- The student will be provided with oral exams when possible.
- The student will be provided with "take home tests" when appropriate.
- The student will be permitted to take extra time in taking tests.
- Test items will be read to student.
- More frequent, shorter quizzes will be used with the student in place of longer, less frequent tests.

Class Assignment/Daily Schedule

- The student will be given a different class schedule to accommodate morning/afternoon alertness or access to teachers using instructional strategies more compatible to the student's learning style.
- The student will be placed on a shortened day.

Behavior Management

- The student will receive positive recognition for appropriate behaviors.
- The student will receive support in developing self monitoring strategies.
- Staff will check with the student to assure an understanding of behavior expectations.
- Negative consequences will be used prudently and predictably.
- Nonverbal signals will be used by the teacher and student to communicate such things as need to stay on task or the need for a time-out.
- The student will be allowed to leave the room to see an administrator by using a prearranged nonverbal signal.
- The student will be referred for a vision and/or hearing assessment.

- The teacher will refrain from responding to inappropriate behaviors not dramatically outside classroom limits.
- The student will be allowed to move about the room when appropriate.
- The teacher/administrator will develop a behavior contract with the student and parent/guardian to identify in writing mutual expectations and responsibilities. Negative and positive consequences will be included in the contract.
- Time-out procedures will be developed with the student and parent/guardian.
- Recognition points will be awarded to the student for improved behavior.
- The student will be provided with positive opportunities to participate in community service.
- When behavior problems arise, the parent will be called to come to school and will sit with the student to assist student.
- The student will be encouraged to participate in extra-curricular and co-curricular activities.
- The student will be encouraged to participate in the school's mentor program.
- The student will be systematically excluded from class or school when identified inappropriate behaviors are present.
- When appropriate, in-school suspension or an official school suspension will be used with the student when behavior violations occur.

STUDENT BEHAVIOR CONTRACT

COMPOSITE LIST OF CONTRACT TERMS

The following is a recommended format for student behavior contracts. Included is a list of terms that can be used in a behavior contract with a student and parents. Only those terms that are relevant to the student should be used. Sample terms include ways to include mutual expectations for students, parents, and school staff.

Relevant terms should be selected to include in the contract. Terms should be amended to fit the specific circumstance and individual needs of a student. Variable data is listed in italics. School letterhead should be used for the contract.

RE: BEHAVIOR CONTRACT FOR (STUDENT NAME)

A (Conference, SST, Principal's Conference, Elementary Case Conference) was conducted on (date) and included (Persons amending conference). It was determined that (Student Name) will be allowed to remain at (School Name) and placed on a behavior contract. While concerns still exist, it is believed that allowing (Student Name) to remain at this school will give (him/her) an important opportunity to demonstrate (his/her) intent to comply with school behavior standards and classroom expectations. Continued enrollment at (School Name) will be contingent upon agreement by (Student Name) and (his/her) parents to the terms of this contract:

1. (Student Name) will provide the Principal with a written description of (his/her) behavior discussed at this conference and the detrimental impact that it had on other persons. (His/her) written work should also include (his/her) plans to avoid such behavior in the future. The written work is to be submitted to the principal by (date).

2. (Student Name) will avoid all conflict while at school. If problems arise that may lead to conflict, (he/she) is to seek assistance immediately from a school administrator, teacher, or other adult staff member.

(Student Name) is specifically directed to avoid all (name calling, running, hitting, and/or teasing, etc.) (He/she) is to immediately report any incident of harassment by other students to an adult staff member. (His/her) avoidance of conflict will apply to (his/her) going to/from school and while (he/she) is at school.

(He/she) may not threaten or intimidate any student at any time.

Furthermore, (he/she) is not to be involved as a spectator or "back up" for any other person involved in a fight or other kind of altercation.

3. The undersigned recognize that the use, possession, selling, or transporting of any drug or alcoholic substance or any paraphernalia to use such substances on school grounds is illegal.

(Student Name) agrees that (he/she) will refrain from any future involvement in any of the illegal activities cited above. (He/she) recognizes that associating with individuals who participate in any of the above mentioned activities will be unacceptable to school officials and (his/her) parents and agrees to avoid such activities.

(Student Name) and (his/her) parents will attend the Drug and Alcohol Abuse Workshop. (Student Name) will meet and work with the drug and alcohol counselor at school.

4. (Student Name) is to refrain from using or having any form of tobacco in (his/her) possession on or near campus.

5. (Student Name) is to avoid having any weapon or object that could be used or represented to be a weapon in (his/her) possession.

6. (Student Name) will refrain from stealing or causing damage to school or personal property of others, nor will (he/she) be involved in any activity that threatens or could lead to the theft or damage to school or personal property.

DISTRICT POSITIVE BEHAVIOR TEAM**Philosophy and Purpose**

The District Positive Behavior Team is designated to bring together district staff, various partners and agencies to recommend appropriate strategies/placement for students referred with 10 or more days of cumulative suspensions. The format is similar to the School Attendance Review Board or a Coordinated Care Team at the district level. The District Positive Behavior Team is an intervention for students exhibiting chronic behavioral difficulties or when the severity of a single act warrants district intervention as an alternative to expulsion. District Positive Behavior Team generated plans for students may include a change of placement (administrative placement, involuntary transfer, or voluntary transfer), strength based activities, and counseling referrals. The goal of the District Positive Behavior Team is to find a solution that supports success for the student.

Criteria

The District Positive Behavior Team will review student discipline referrals with 10 or more days of cumulative suspensions. The referred students will be identified as "at risk" due to multiple offenses and violations that have resulted in a series of suspensions during the school year. The school has identified that the student has repeatedly violated the behavior code and prior interventions have not altered the student behavior. Therefore, continuing violations would result in a recommendation for student expulsion.

District Positive Behavior Team Core Members

- Director of Student Services
- Director of Alternative Education
- Administrator of School Linked Services

AE 5113.12(d)

- Psychologist
- CWA Liaison
- Administrator from High School, Middle School, or Elementary School as appropriate (not from referring school)
- Probation Representative/SRO
- County Mental Health Representative
- Assistant Director of Student Services
- Nurse
- Parent

District Positive Behavior Team Invited Members

- Director of Adult Education
- Assistant Director of Adult Education
- Program Specialist
- School Social Worker
- New Connections Representative
- Law Enforcement Representative
- Park & Recreation Representative
- Children and Family Services Representative
- First Five Representative
- Center for Human Development Representative
- Community Violence Solutions Representative
- STAND Against Violence Representative
- Safe Schools Coalition Representative

**Core members of the committee will be selected at the beginning of each academic year. The term of service on the committee will be for one year. (Rotating/invited)*

Meetings:

The District Positive Behavior Team will meet for 3 hours at least twice a month as needed.

Procedures

A referral packet is received by Student Services at least 1 week prior to the scheduled District Positive Behavior Team.

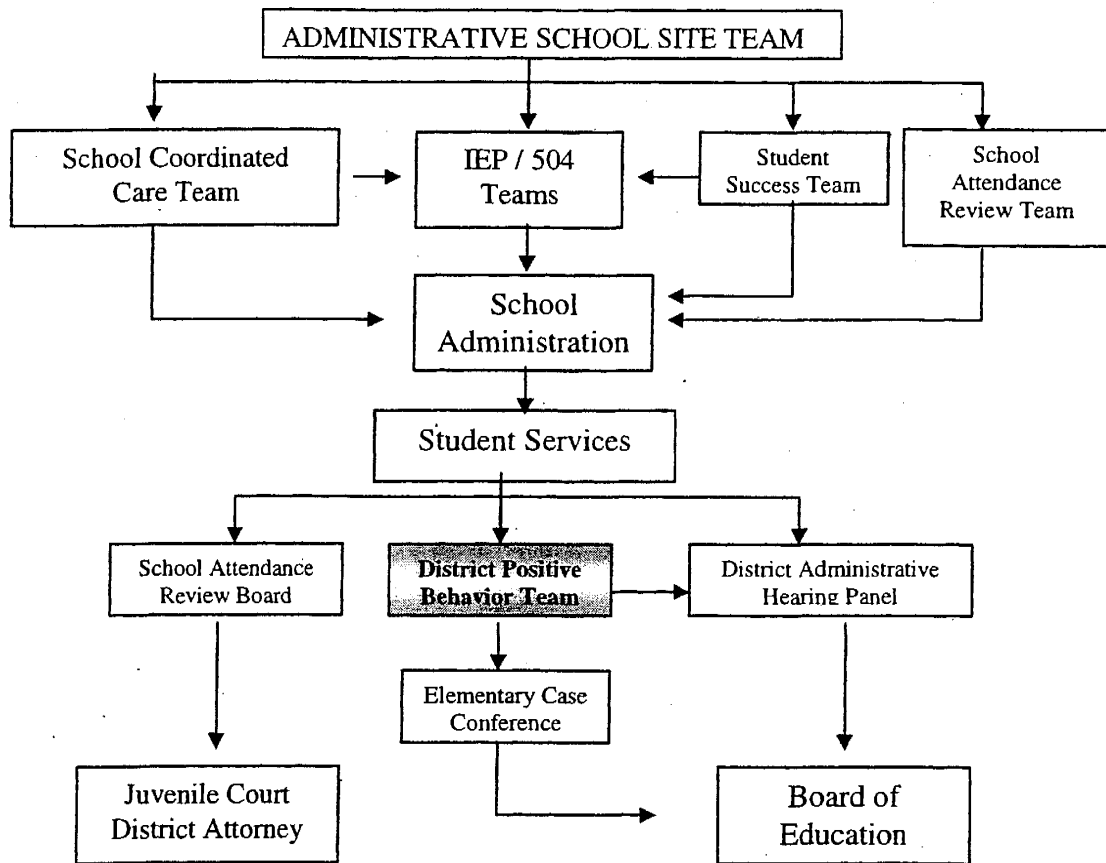
A complete referral packet contains:

- Application form including interventions, accommodations, modifications, and parent/guardian contacts
- Activity Tracker
- Attendance Record
- Special Education information including current IEP and Psych Report
- 504 Information
- Academic Record including transcript and testing information

Parents/Guardians are notified by certified mail of the date and time of the hearing

At the hearing, the referring school representative presents a short summary of the student's case. The student and their parents/guardians should attend and participate in the process. Information is shared and questions answered. The committee deliberates and determines a plan. This plan is written into an agreement signed by the committee chairperson, student, and the parent/guardian. A review date will be included in the plan to monitor the progress of the student toward meeting the expectations agreed upon. Should there be continued violations of the provisions of the agreement; the site administrator may pursue a recommendation for expulsion.

Mt. Diablo Unified School District District Positive Behavior Team



- g. The school shall provide documentation that other alternatives and interventions are found to be ineffective or inappropriate prior to a District Positive Behavior Team referral.
- h. By interdistrict mail, or e-mail, the District Positive Behavior Team clerical staff forwards the District Positive Behavior Team hearing agenda, referral packets and a copy of the letter to the parents and the school representatives.
- i. The District Positive Behavior Team clerical staff phones or e-mails the day prior to the hearing reminding all involved of the date, time and place of the meeting.

AR 5113.12(d)

- j. The District Positive Behavior Team hearing is conducted with a District Student Services Administrator as chairperson. The District Positive Behavior Team composition will include the core members which are the Director of Student Services, Director of Alternative Education, Administrator of School Linked Services, Psychologist, CWA Liaison, Administrator from High School, Middle School, or Elementary School as appropriate (not from referring school), Probation Representative, or SRO, County Mental Health Representative, and Parents/Guardians.
- k. The District Positive Behavior Team clerical staff will forward written directives of the District Positive Behavior Team by the U.S. Mail to student and parent(s) with copies to the District Positive Behavior Team panel members and school representatives.
- l. Students will be monitored on a monthly or quarterly basis by attending a District Positive Behavior Team meeting along with the site administrator/designee who presents updated behavior information. Copies of this information will be sent to Student Services one week prior to the meeting.
- m. If the student fails to comply with The District Positive Behavior Team directives, the student may be recommended by the District Positive Behavior Team for expulsion or other district disciplinary actions as appropriate.

DISTRICT POSITIVE BEHAVIOR TEAM
CHECK LIST COVER SHEET

Student _____ DOB _____

School _____ Grade _____

Referring Administrator _____ Date Submitted _____

- ___1. Copy of Parent letter regarding meeting
- ___2. District Positive Behavior Team Referral Form
- ___3. Attendance Record
- ___4. Academic Record (Report Card, Transcripts)
- ___5. Behavior Record
 - Activity Tracker(date, incident, parent contact)
 - Copies of official suspension notices
 - Total number of days suspended
- ___6. Behavior Support Plan
- ___7. IEP of 504 if applicable
- ___8. Student Success Team Meeting Summary
- ___9. CARE Team Summary of Intervention Plan
- ___10. Student Contract
- ___11. Phone Log
- ___12. Other intervention information

Please forward the completed referral packet and supporting documentation to the Student Services Office. Information must be received at least 10 days prior to the scheduled meeting date.

* Note: this data is not confidential; parents have access to this document.

**Mt. Diablo Unified School District
Positive Behavior Team
Referral Form**

Name of Student: _____ School: _____ Grade: _____
Date of Birth: _____ Age: _____ Male / Female Ethnicity: _____
Address: _____
Parent/Guardian: _____ Parent/Guardian: _____
Home Tel: _____ Work Tel: _____ Cell #: _____
Language Spoken at Home _____ Translator Required: Yes / No
Siblings: (Name, Grade, School): _____
Special Education: Yes / No: If yes, (please circle): Part-time Full-time Other: _____
Designated Instructional Services: Yes / No Behavior Support Plan: Yes / No Section 504: Yes / No
Group Home / Foster Care Placement: Yes / No Student on Probation: Yes / No / Unknown
If yes, Social Worker: _____ Tel: _____
If yes, Probation Officer: _____ Tel: _____
Name of Health Insurance (required): _____ Uninsured

Please describe your primary concern about this student:

Please describe this student's strengths/ interests/talents:

Site Intervention Summary:

Please check the following if applicable. Please enclose related documents.

- SST Care Team IEP 504: Parent Conferences SART SARB
 CWA liaison referral Modifications to School Program Referred for Special Ed. Assessment
 Site-based Counseling Referred to outside agency: _____
 Retention: If yes, grade _____.

Please describe your contacts with this student's family or caretakers:

Please describe any known difficulties this student's family is experiencing: (i.e. housing, financial, employment, separation/divorce, health problems, grief/loss, other.)

Referring Administrator: _____ Tel: _____ Date: _____

**District Positive Behavior Team
Hearing Summary Report**

Initial Hearing (Date) _____

Follow-Up Hearing (Date) _____

The Mt. Diablo Unified School District Positive Behavior Team has determined (name) _____
who attends (school) _____ will benefit from the directives of this Committee.

The directives of the Positive Behavior Team are as follows:

THE STUDENT SHALL:

- | | |
|--|---|
| ___ 1. Participate in counseling at: (name of agency/tel): _____
_____ | ___ 5. Complete Daily / Weekly Progress Reports (please circle) and submit to: _____ |
| ___ 2. Participate in the following program(s) at school: _____
_____ | ___ 6. Improve attendance and attend all scheduled classes each day. |
| ___ 3. Participate in the following program(s) at MDUSD Loma Vista Adult Education Center: 1266 San Carlos Drive, Concord: (925) 685-7340, ext. 2771: _____
_____ | ___ 7. Participate in the California Offender Program Services (COPS) 1 st Saturday of each month, Concord Police Station, 1350 Galindo Street, 9am-3:30 pm. |
| ___ 4. Meet with (staff) _____ at school on a regular basis to discuss positive changes in behavior. | ___ 8. Participate in the following activities according to his/her talents/interests: _____
_____ |
| | ___ 9. Other _____
_____ |

THE PARENT SHALL:

- ___ 1. Know their legal obligation to ensure the child (a) follows school rules; and (b) arrives at school on time ready to learn.
- ___ 2. Attend all school meetings and conferences concerning their child: (notes): _____
- ___ 3. Schedule Primary Care Physician / Medical Appointment (notes): _____
- ___ 4. Schedule Psychiatric Evaluation for Child (notes): _____
- ___ 5. Participate in Child / Family Counseling Services: (agency/tel #): _____
- ___ 6. Consider Requesting Respite Care and/or Family Support Services (Child Protective Services): (925) 646-1680
- ___ 7. Participate in the following programs at Mt. Diablo Adult Education/Parent Education Center (925) 685-7340, ext. 2771
 - Parenting Class: _____
 - Teen Anger Management Workshop: _____
 - Parent Project: _____
 - Drug & Alcohol Workshop: _____
- ___ 8. Obtain assistance obtaining health insurance / medical services, please call: _____
- ___ 9. Coordinate plans to change behavior with School Psychologist: _____ (Tel#) _____
- ___ 10. Other services/support: _____

THE SCHOOL SHALL:

- ___ 1. Monitor attendance & behavior (notes): _____
- ___ 2. Provide Daily / Weekly (please circle) progress reports: _____
- ___ 3. Assign administrator as contact person _____
- ___ 4. Keep parent informed of progress and achievements (notes) _____
- ___ 5. Hold IEP / 504 Plan / Student Success Team (please circle) meeting: _____
- ___ 6. Other: _____

THE DISTRICT POSITIVE BEHAVIOR TEAM SHALL:

- ___ 1. Review the student's and parent's compliance with the Committee's directives on (date): _____
- ___ 2. Refer for Administrative School Transfer (notes): _____
- ___ 3. Assign MDUSD School Psychologist to coordinate interventions (Name) _____ (Tel#) _____

Student's Signature Date

Signature of Parent/Guardian Date

DPBT Chairperson Date

Site Administrator (referring school) Date

MDUSD Administrator Date

MDUSD School Psychologist Date

Emergency Preparedness
and
Crisis Response Plan

EMERGENCY PREPAREDNESS AND CRISIS RESPONSE PLAN

CLAYTON VALLEY HIGH SCHOOL

Gary Swanson, Principal CVHS

Alan Young, Associate Superintendent, Secondary Education

Steve Lawrence, Superintendent

Dated Adopted by School Site Council:

Clayton Valley High School

EMERGENCY PREPAREDNESS AND CRISIS RESPONSE PLAN

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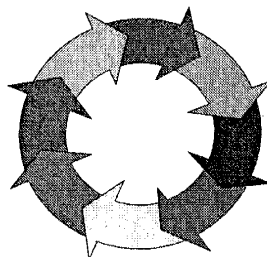
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IV. Appendix 29



I. Introduction

School communities are facing a significant challenge in being ready to respond to new types of emergency situations and trauma. Preparation to deal with emergencies now includes hostage taking, sniper attacks and other terrorist activities *in addition* to planning for natural disasters such as fire and earthquakes.

The goal of this *Emergency Preparedness and Crisis Response Plan* is to assist school staff, students, parents and local agencies organize resources of the school and community to respond to a crisis situation while school is in session. This plan is intended to:

- Develop an awareness of the diverse emergency situations that can occur on or near a school campus;
- Provide staff members with a description of their duties in emergency situations;
- Provide strategies that will help students, staff, parents, and community agencies to respond in an appropriate and safe manner to emergency conditions; and
- Support school staff in providing a school environment that provides a maximum level of safety and security for all students, parents, and staff.

Regulatory Authority

State laws and regulations require that school districts develop emergency plans and train staff and students in emergency response procedures. These include laws applicable to school staff and students as well as Cal/OSHA regulations specifically addressing the safety of district employees.

The Katz Act [California Education Code § 35295-35297] requires that schools plan for earthquakes and other emergencies. It also requires that training in earthquake preparedness procedures should be for both certificated and classified staff.

The Petris Bill [Government Code § 8607] requires that school districts be prepared to utilize the **Standardized Emergency Management System (SEMS)** when responding to emergencies. This requires that principles of SEMS be incorporated into district plans, that the **Incident Command System (ICS)** be used at school sites to respond to emergency incidents, that all school personnel be trained in how the respective systems work and correlate, and that schools have drills and exercises in order to practice using the systems.

Cal/OSHA's Emergency Action Plan Standard Title 8 [California Code of Regulations § 3220]

This regulation requires that each employer facility have an Emergency Action Plan which focuses on the specific emergency contingencies, response personnel roles, and evacuation plans of each site where employees work. Schools and school districts are included in this mandate.

II. Crisis Response

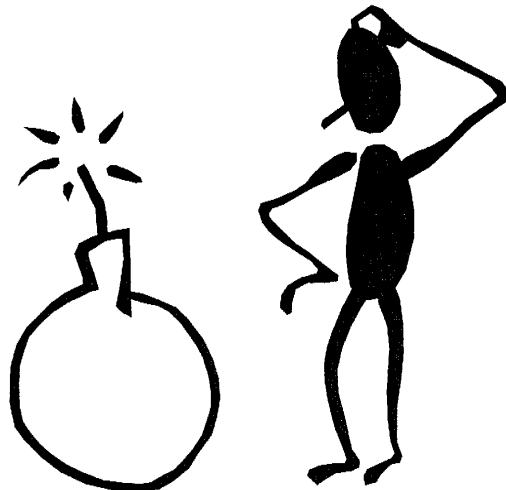
A crisis is any event of limited duration that is seriously disruptive, unpredictable, and overwhelming for those who experience it. A crisis may be volatile in nature and, at times, may threaten the survival of the individual or groups involved. The sudden change in a familiar setting due to a crisis is unwanted, frightening, and often results in individuals feeling vulnerable and helpless. Ultimately, with successful intervention, stability can be restored and the individuals involved can view the school as safe and secure. The preparedness and ability of a school crisis team to direct and maintain an appropriate course of action during a crisis is critical in achieving this outcome.

The primary goals of crisis response are to:

1. Prevent a potentially chaotic situation from escalating into a catastrophic event.
2. Help those affected to return, as quickly as possible, to a normal level of functioning.
3. Decrease the potential long-term effects of the crisis.

Examples of events that creates a crisis include but are not limited to:

- An accident involving a student or staff member
- Death of a classmate or teacher
- Suicide or homicide
- Natural disasters
- Terrorist activities
- Substance overdose
- Severe act of violence
- Hostage situation on campus
- Fire or chemical spill
- Any other event that is an emotionally significant event that creates an unstable or critical school setting.



A. Crisis Response Team

A prepared crisis response leadership team is the foundation of effective crisis response. This team will provide critical leadership before, during, and after a crisis. Crisis team members have basic knowledge of the crisis response plan and are individuals, who are familiar with each other, are trained and empowered to direct the activities of others in a crisis, and are familiar to most students and staff.

Members of our school's Crisis Team include:

<u>Team Member</u>	<u>Role</u>
• Gary Swanson, Principal	<u>Crisis Team Leader/Media Liaison</u>
• Rick Leach, Vice Principal	<u>Damage Control, First Aid</u>
• Sharon Brockman, Vice Principal	<u>Teacher Support</u>
• Adeyinka Fashokun, Vice Principal	<u>First Aid and Morgue</u>
• Rocquel Colbert, Student Services Coordinator	<u>Agency & Counseling Coordination</u>
• Brian Wise, School Psychologist	<u>Counseling Service</u>
• Dina Jacobsen, Attendance	<u>Triage/ Medical Services</u>
• Terry Jackson, Campus Supervisor	<u>Campus Security</u>
• Nancy Kahl, Office Manager	<u>Communications</u>
• Mike Huff & Byron Adams, Custodian	<u>Mechanical System Shut Down</u>
• Kevin Choe, Student Resource Officer	<u>Coordinate Emergency Support</u>
• Cheryl Long, Clerical Staff	<u>Establish "Safe-Rooms"</u>

Tasks that can be managed by the school crisis team include but are not limited to:

- Determine steps to be taken to respond to the crisis.
- Request district and/or community assistance.
- Maintain coordinated control during an emergency situation.
- Coordinate communication with students, staff, parents, district staff, community agencies, and the media.
- Discuss the needs of high-risk students and staff; plan for interventions.
- Assist teachers who need help with students.
- Staff a "safe room" for students if needed.
- Staff a "safe room" for staff members as needed.
- Monitor halls, blacktop, lunchroom, and other campus areas; be visible and ready to assist.
- Decide if any athletic or other event should be cancelled.
- Obtain pertinent information from the family or other involved individuals.
- Discuss school memorial or other appropriate follow-up school activity.
- Plan for debriefing meeting with staff.
- Check in with one another for support.

B. Chain of Command

In the event of a crisis, the Principal is the *School Crisis Team Leader* and is responsible for taking necessary emergency actions as required. The principal directs staff in the implementation of the crisis plan through the assignment of appropriate duties.

If the principal cannot assume control, the “Chain of Command” is as follows:

- 1. Rick Leach, Vice Principal**
- 2. Sharon Brockman, Vice Principal**
- 3. Adeyinka Fashokun, Vice Principal**
- 4. Rocquel Colbert, Student Services Coordinator**
- 5. Socorro Lomas, Student Services Coordinator**

This plan refers to the Principal or the above persons as the "site administrator," indicating the person who is in charge.

Throughout this plan, all key persons have been designated by role. It is assumed that each of these persons will have one or two people trained to carry out their responsibilities in their absence.

It is very important that administrators, staff, parents, students, and community agencies become familiar with the guidelines in this plan.

C. Law Enforcement Incident Command System (LEICS)

If an incident occurs at school that requires the involvement of multiple agencies such as police, fire, or other emergency services, the School Crisis Team Leader will become part of an *Incident Command System* (ICS) and will work closely with and/or take direction from an Incident Commander, who will be a representative of an emergency agency

The ICS management system will be reviewed annually by the School Crisis Team with local emergency agency officials.

The unified command of all agencies that have jurisdictional responsibility at a multi-jurisdictional event will contribute to the:

1. Determining the overall incident objectives.
2. Selecting strategies.
3. Planning for tactical activities jointly.
4. Integrating appropriate tactical operations.
5. Making maximum use of all assigned resources.

D. Response To A Crisis

Crisis situations often cause those involved to feel bewildered, shocked, and helpless. An effective crisis response makes both the physical and emotional safety of individuals a priority. It is important to think *before* acting. Steps taken should be assessed *before* being enacted.

The following are steps that should be taken in responding to a crisis:

1. Fact Gathering
 - Confirm and clarify the facts surrounding the crisis.
 - Conduct interviews.
 - Contact police or other emergency services, district officials, parents of involved students.
2. Call to Action
 - Determine the need for assembling a Crisis Response Team
 - Convene the crisis response team when needed - share facts with team members.
 - Determine/request support services needed (i.e., *MDUSD psychologists or other district or community emergency services*).
 - Notify district officials.
3. Inform staff, students, parents, and community
 - Implement communication plan with faculty and other staff.
 - Determine method and timing of providing students, parents, and the school community with information.
 - When possible, prepare a written statement – anticipate questions.
4. Taking Action
 - Implement “first-response” actions – the nature of the emergency will dictate what initial actions are needed
 - Keep adult leaders circulating through school
 - Communicate with parents
 - Plan for teacher guided discussions, assembly, classroom activities, presentations, as appropriate
 - Identify high risk individuals
 - Schedule faculty and parent meetings as needed
 - Make referrals to community agencies
 - Document events
 - Determine next steps
5. Dealing with the Media
 - Develop a response with consideration to confidentiality, other privacy issues, and liability for false information, family wishes, etc.
 - Designate a single person (principal or designee) – no one else talks to the media.
 - Refer to *MDUSD Working with the Media* for guidelines to use in dealing with the media.

6. Debrief

- Review the status of the emergency during the event and amend plans as needed
- Review the integrity and success of the crisis response after the event has passed; involve key stakeholders; modify emergency plans if needed
- Provide support to team members
- Plan follow-up actions

E. Guiding Principles of Crisis Intervention

The following actions should serve as guiding principles to use with students and staff when responding to a crisis at school.

- Intervene immediately: be direct, active, and authoritative.
The sooner students and staff are assisted in coping with the crisis situation, the better the chances are of restoring equilibrium. The longer the student remains in a state of confusion or unable to take some sort of action to address the situation, the more difficult it will be to intervene.
- Keep the focus of the intervention on the precipitating situation.
Help the individual to accept that the crisis has occurred, by encouraging him/her to express the facts of the situation as well as expressing feelings.
- Provide accurate information about the situation.
Give a realistic assessment of what has occurred, and what might be the expected outcomes.
- Do not give false reassurance. Always remain truthful and realistic.
Recognize the anxiety, depression, or tension, but at the same time, provide some sense of hope and expectation that the student will ultimately overcome the crisis. Do, however, let the individual know that things may never be the same as they were before the crisis.
- Recognize the primacy of taking action.
Every crisis-counseling interview should have an ultimate outcome of some action that the student can take. Restoring the student to the position of actor rather than victim is critical to success.
- Provide emotional support.
Find a group of peers, a group of school staff members, or a family member who can provide both support and temporary assistance to involved individuals during the crisis. Implement a buddy system so that the individual isn't left alone.
- Focus on self-concept.
Emphasize how the individual has coped with the situation so far and how he or she has already used strategies for moving forward. Encourage the individual to implement solutions or strategies that have a high probability of success.

III. Emergency Procedures

A. Statement of General Responsibility

All staff members are directly responsible for the protection of students and school assets. Administrators and teachers must ensure that appropriate steps are taken during emergencies. Emergency guidelines are described in the *MDUSD Emergency Preparedness Manual*.

1. In case of emergency, staff members are expected to:

- a. Ensure that students are properly notified of the emergency.
- b. Take appropriate action with students, as conditions require.
- c. Initiate first aid, rescue, equipment shutdown, or damage control as needed.
- d. Account for all students. Notify the principal of missing persons, or of any employees or students who require medical assistance. Display RED or GREEN cards.

2. Public Employee Responsibilities as Disaster Workers:

It is the responsibility of all public school employees to serve as disaster workers during and after an emergency. This responsibility is a part of California State law and is found in the California Government Code, section 3100, which states that "*... all public workers are hereby declared to be disaster service workers subject to such disaster service activities as may be assigned to them by their supervisors or by law.*"

All staff members should have a personal plan for themselves and their families that can be implemented during an emergency. **Staff members should be prepared to remain at the school site for as long as 72 hours or longer following an emergency, possibly without contacting their home and families.** Staff members with special home considerations should discuss these with the Principal prior to any emergency.

3. Priority Release of Employees:

Staff members with special home conditions, such as infant children or invalid relatives, are invited to submit a written petition for "first opportunity" release after the crisis stages of an emergency. The administrator in charge will exercise this release at the earliest opportunity as follows:

- a. Those with dependents
- b. Those with no dependents
- c. Administrators

B. Basic Emergency Actions and Designated Assembly Areas

When an emergency crisis occurs, or when notified of such a situation, the following basic actions should be taken:

1. Drop/Duck/Cover/Hold

If an earthquake or other situation warrants drop to the floor, take protective position under desks or furniture with backs to windows and hands covering head and face. Stay in position until directed to evacuate or take other protective action. If outside, move away from buildings and trees and take protective position. When situation permits, proceed to the designated assembly point.

Standby: Alert students in your area to stand by for further information. Make whatever assessment of the situation is possible. Render emergency first aid as required.

2. Evacuate Buildings and/or School Grounds

If evacuation of the buildings is necessary, everyone must immediately move in an orderly manner from inside the buildings to the outside assembly areas. Teachers and other staff members without class assignments or pre-assigned duties are to report to the command center.

If evacuation of the school grounds is required, staff members and students will proceed in class groups to:

Level 1 - basketball courts asphalt area

Level 2 - Newhall Community Park

Level and site to be determined by the site-administrator.

Notification of students' whereabouts will be posted by the site administrator at the front of the school using appropriate means (including rolling blackboard, handwritten notices, and email to nearby school/Dent Center, etc).

3. To Shelter

All persons outside are directed to move inside. Staff members instruct students to assemble in the interior of building and away from windows. Follow disaster procedures if necessary.

4. Convert Building

Prepare building for conversion into mass-care center.

5. Re-Entry

When all-clear signal is given, students and staff should re-enter buildings in an orderly manner.

C. Emergency Preparedness Training and Drills

Chances to survive and to minimize the negative impact of a crisis are greatly improved through education and training. Becoming aware of potential hazards and taking basic preparedness measures are essential elements of a school crisis response plan.

Because emergencies occur without warning, life-protecting actions must be taken immediately at the first indication of emergency conditions. There may no time to think through all of the options for what must be done. Emergency drills will be conducted periodically to help familiarize everyone with basic procedures, and to help students and staff learn how to react immediately and appropriately.

The essential components of emergency drills are classroom discussions, demonstrations, and exercises designed to help students learn and practice where to seek shelter and how to protect themselves based on the kind of emergency they are facing.

The following steps are taken to promote emergency preparedness:

1. Route maps posted in each room and office. A route map is located in the appendix of this plan.
2. The School Crisis Team will participate in annual training.
3. School staff members will receive annual in-service in preparing for implementing this disaster plan.
4. Students will be involved in classroom activities as described above.
5. Parents will be informed of procedures through communications sent home.
6. The principal is responsible for drills. Drills for scenarios other than fire will be held throughout the year.
7. The Site Council and the Parent Faculty Club will work with the school staff in a supportive manner.

Regarding Training:

- **Staff:** As needed, staff will review and revise this plan. Awareness training will be conducted for staff members to review classroom safety, identify potential school and classroom hazards, and become aware of various disaster possibilities. At the beginning of each school year, there will be an update on changes made to the plan.
- **Administrative personnel** will review this plan annually with appropriate community agencies.
- **Students:** At the beginning of each school year, students will be instructed in emergency procedures.
- **Parents:** At the beginning of each school year, all parents will receive information regarding the school's Emergency Plan.
- **Drills:** Regular fire drills will be held each month. The School Crisis Team will determine the scheduling of other emergency drills including Lock- Down and evacuation drills.

D. Organization During A Major Emergency

1. Control Center

A control center will begin to operate immediately after a disaster. This is where record keeping, communication, and major decision-making will take place. Such responsibilities include:

- Assignment of personnel.
- Coordination of access to student records/emergency cards/photo albums.
- Coordination of special services.
- Assessment of injuries and damage to buildings.
- Assessment of supplies.
- Identification and correction of hazardous conditions.
- Establishment of search and rescue team.
- Establishment of housing and food services.
- Communication with local agencies and district officials.
- Provision of sanitation needs.
- Communication with parents, media, agency representatives, and others.

The principal shall be responsible for establishing and directing the operations of the control center.

Primary Location: **Main Office Complex**
Alternate Location(s): **Teacher Work Rooms (C-3 & C-5)**

The Control Center will be manned by the Principal and Office Manager

The clerical staff will monitor and assist parents and emergency volunteers as they arrive on campus. All persons must check through the command center prior to entering the school

2. Communications

Communications are a major responsibility of the control center. Communications will be done in coordination with:

1. Mt. Diablo Unified School District office 682-8000
2. Alan Young, Associate Superintendent Ext. # 4011
3. Concord Police Department - 911 or 671-3333
4. Concord Parks (Newhall) 671-3329
5. American Red Cross 603-7400
6. Diablo View Middle School 672-0898
7. Pine Hollow Middle School 672-5444

Communications with local agencies and district officials will be conducted by telephone if possible. If telephones are inoperable, communications will be conducted by cellular telephones, email, school vehicle radios and/or by personal messenger.

a. With Power:

- Intercom
 - To be used directly by administrator in charge.
 - **Gary Swanson** will manage all intercom calls/reports from classrooms or other areas.
 - Calls are to be documented and kept available for the administrator in charge.
- Walkie-Talkies
 - **Kris Kobata** will serve as Base Station Dispatcher
- Telephones
 - **Nancy Kahl** will manage all in-coming calls. All calls to be documented and available to administrator in charge

b. Without power

- Walkie-talkies
 - As above
- Messengers
 - Unassigned staff and teachers on prep period, and/or students as appropriate
 - Staff may be called upon to serve as messengers to drive to other schools, district office, or other district or community location.
- Bullhorn
 - To be used by administrator in charge
 - Use as a back-up for giving directions to groups
- Telephones
 - District telephones will not operate during a power failure. (Note: A direct dial telephones may be located in C-5 and the fax machine in main office. One of these locations may need to be designated as a potential communications center.)
 - Cell phones will be relocated to Command Center
- Email
 - Laptop computers are available in A-6

3. First Aid Center

- Temporary first aid center will be located in the Career Center coordinated by **Becky Heindel**
- Athletic Training Room in the Boy's Locker Room coordinated by **Casey Coakley**
- **or Achilles Walker**
- Rendered by all qualified personnel available

4. Morgue

- Should the need arise for a morgue, M-3 shall be designated coordinated by **Adeyinka Fashokun**

5. Basic Personnel Responsibilities During An Extended Period After a Disaster

The administration/school crisis team shall:

- Set control center in operation.
- Assign teachers without classes to duties.
- Assess total school situation determining if school grounds are to be evacuated and check with superintendent.
- Announce location of disaster and first aid centers; call on principal's designee (s) to operate the first aid centers.
- Oversee conservation and distribution of water.
- Review report from custodian on conditions of utilities to determine if they should be turned off.
- Assure that parents and guardians are notified as soon as possible of any serious injured children transported to the hospital or other emergency treatment centers designated by community officials.
- If buildings are damaged, appoint staff to assure that no unauthorized person goes back into the building until they have been declared safe.
- Post traffic control at gates to keep parking lot free for emergency vehicles
- Determine runners for the school.
- Establish and coordinate activities at the first aid center.
- Direct the recovery of all disaster related and medical supplies, equipment, and information listings from the first aid supply stations.
- Release teachers according to school's first opportunity release.

Office Manager shall coordinate clerical staff to:

- Establish the communication center—assist in the Control Center
- Provide a current master list of staff; maps of the school; and current student lists.
- Account for assigned staff.
- Provide for the preservation of essential school records.
- Monitor radio emergency broadcasts.
- Direct volunteers to locations where needed.
- Answer and record all incoming calls.
- Use main office telephones if working.
- Use fax, cell phone, or email system if main telephone is not working.
- Relay messages to administrator in charge.
- Make available name tags or badges for volunteers/visitors.
- Assist with the coordination and operation of the first aid center and morgue.

The Custodial Staff shall:

- Check water, gas and electricity and report findings to the principal. Turn off utilities and intake valves on water heaters if directed.
- Assist the Vice-Principal, or designee, in establishing building security.
- Assist in any fire-fighting or recovery activities.
- Help set up emergency sanitation facilities if needed.

The Teachers shall:

- Remain with their class group, or report to the control center if they do not have a class group.
- Teachers are in charge of all first aid for the students in their class group until an emergency first aid station has been established. Students with major injuries are to remain in the classroom supervised by one teacher from a buddy group; students with minor injuries are to be cared for after evacuation. Use bottled water until notified that water systems are safe. Use red flag (bandana) in emergency to signal *major first aid needs* whether they are on the field or in the classroom.
- When evacuating the classroom, take the teacher's emergency kit and role book.
- Check with buddy classes when evacuating. If there are seriously injured persons who cannot be moved, assign one teacher to remain. Other teachers evacuate the rest of the students.
- Take roll. Send notice to control center immediately of any student who is not with the class group, or injured, noting possible whereabouts, (i.e. library, absent from school, etc.) Take roll periodically throughout the disaster period.
- Note on class roster in emergency kit the name of anyone who for any reason leaves the class group (i.e. to first aid, control center, home, etc.)
- Follow procedures outlined in *Emergency Release Plan* if students are to go home.
- Note behavior and first aid given on release form.
- Reduce anxiety by encouraging students to talk about the incident.
- Report to control center when all students have been released.

6. Procedures for Reuniting Parents and Students/ Release of Students

It is the policy of the school to reunite parents with their children at the earliest time possible after an emergency situation. However, if it is not possible for parents to pick up their children or make arrangements for others to do so, students will be held at the school or other area until such time as they can be released.

Each year the school will notify all parents of the procedure in place for reuniting parents with their children in the event of an emergency at school.

In the event students are held at school, they may be released only to a parent or person authorized in writing by the parent. Disaster Emergency Cards shall be completed by parents and used for this purpose. These cards shall be made available at the beginning of the school year and returned to the school. Completed cards will be organized alphabetically and kept on file in the office. Duplicate Disaster Emergency Cards will be available if evacuation is necessary. They will be stored in the school safe.

Following an emergency when parents are unable to come to school, staff should be prepared for parents to fax copies of a signed authorization to release their son/daughter to a friend who can come to the school.

Disaster emergency cards shall be made available to parents at the beginning of the school year and kept on file throughout the year. When release of students is imminent, students shall be reorganized into their current class (or if at break) the previous class attended.

Parents or others must check with the Command Center prior to entering the school to pick up their children. Teachers will release students according to the procedure outlined below.

Emergency Release Plan Procedures

- a. At time of emergency, students remain in their current classes. Teacher takes roll, noting absent student names. Await directive from office.
- b. The school administration will communicate with district office for dismissal directive.
- c. Campus Supervisors will lock yellow gates at both Student Parking Lots.
- d. Students will report to a specific location only upon administrative directive via intercom or bullhorn.
- e. All adults without assigned classes should report to the Command Center for assignment of duties such as:
 - cover classes
 - runners
 - first aid assistants
 - meet parents who are picking up students
 - send runners to class for pickup
 - assist students without disaster card
 - check for hand stamps at gate (red – authorized to leave)
 - assist with phone calls home, talking to parents for permission
 - direct parents to appropriate entrance and exit gates
- f. Teachers wait for directive to allow students to call for permission to leave campus. Teachers must talk directly to the parent if student is walking home or going home w/ someone not on Disaster Emergency Card.
- g. Teachers log phone notes on *Student Accountability Form*.
- h. Adults picking up students will identify themselves at the Command Center; a runner will take message to classroom teacher with name of child and name of adult here to pick them up. Teacher double checks sign-out sheet, stamps student in red and releases.
- i. Students may go home with people listed on Disaster Emergency Card if parent can't be reached. As students clear out, remaining students may be consolidated in rooms with other students and teachers.
- j. Take a new attendance after each consolidation.

E. Emergency Conditions

In concurrence with the Mt. Diablo Unified School District Guidelines, the following actions for emergency situations are included:

1. Crisis Involving Students and/or Staff

The sudden death, serious injury, or other unexpected emotional event involving students and staff are the most common of crises that occur at schools. Responding in a timely and effective manner to these events is critical. The “*MDUSD On-Site Crisis Response Team Manual*” is a separate planning guide for dealing with these events has been created and should be referred to when planning and training staff for these events.

2. Intruder Alert - Anti-Violence Response

All school visitors must report to the office before moving around the school campus. Visitors will be provided with a VISITOR PASS. Unknown persons without a visitor’s pass should be escorted to the office.

An administrator or a campus supervisor should be called if another staff person is dealing with an unidentified person on campus and needs assistance.

If anyone sees a threatening intruder on campus behaving in a dangerous or unacceptable manner, the office should be notified immediately. Police assistance will be requested if needed.

Emergency Drill Announcements:

“Intruder”

The principal will announce via the intercom, “Staff, I need you to initiate lock down procedures immediately. Remain in lock down until further notice.”

“Shelter in Place”

The principal will announce via the intercom, “Staff, I need you to initiate shelter in place procedures immediately. Continue to shelter in place until further notice.”

Staff Role:

- Remain calm and lock your door immediately.
- Close all curtains and cover all windows in doors.
- Permit no one to leave the classroom.
- Shut off all lights in the classroom. Turn off all computers, TV’s, etc.
- Move all students out of their seats and onto the floor in the safest part of the room, away from doors and windows.
- Have all students answer to a roll call.
- Ignore all bells until further notice. Be sure intercom is working, wait for the “All Clear” command before you resume your regular activity. If intercom is not working a runner will come to the door.

“Evacuation”

The principal will announce via intercom, “Staff, I need you to evacuate to primary evacuation site immediately. (If primary site is not available) Staff, I need you to evacuate to _____ site immediately.

* (The primary site is your fire drill evacuation site.)

3. Earthquake

If inside, stay inside during ground shaking:

In classrooms or offices, move away from windows, shelves, and heavy objects or furniture that may fall. Take cover under a table, desk, or counter. At the teacher’s command, students should take the DROP position.

If a “shelter” (table, desk, etc.) is not available, move to an inside wall or corner, turn away from windows, kneel alongside wall, and bend head close to knees, with elbows firmly behind neck protecting face.

If notebooks or jackets are handy, hold these over head for added protection from flying glass and ceilings debris. Remain in sheltered position for at least 60 seconds or until directed to move by an adult.

The duration of ground shaking depends on a number of factors, including the severity of the earthquake. Advise students to anticipate shorter or longer episodes of ground shaking during actual earthquakes and their aftershocks.

If outside, in halls, on stairways, or other areas where no cover is available, seek out and follow the directions of the nearest adult.

If in the library, immediately move away from windows and bookshelves and take appropriate cover.

In the science lab or shops, all burners should be extinguished (if possible) before taking cover. Stay clear of hazardous chemicals that may spill.

Earthquake hazards commonly found in school buildings:

- Glass that shatters or flies around
- Objects stored above head level on shelves, walls, and ceilings (such as unused projectors, books, science equipment, boxes)
- Objects that block movement to safe places (books on floors, tipped desks and bookcases)
- Cabinets without latches
- Objects stored on wheels

- Open shelving without a lip or restraining wire
- Free standing cabinets
- Blocked Exits
- Objects in hallways that block movement (glass, tables, locker contents)

Settling down after the first shock:

- After the first shock, teachers will evacuate the classrooms, being alert to the possibility of aftershocks.
- When leaving the classroom, teachers should make every effort to take with them the roll book and emergency supplies.
- Announce that no student is to return to the room unless directed to do so.
- Teachers will take classes to football stadium and bleachers. (map attached)
- Teachers and students will remain in designated areas until re-entry to the building has been approved, or they are directed to move elsewhere.
- School will remain open indefinitely until every student has been released to parents or to an authorized person.
- Do not light any fires after the earthquake because of possible gas leaks.
- If possible notifies utility companies of any break or suspected breaks in service.
- The principal should procure the advice of the Director of Maintenance and Operations regarding the safety of the buildings.
- The principal should keep the superintendent informed of conditions at the school.

4. Fire:

In the event a fire is detected within a school building, the school fire alarm will be sounded. This will automatically implement the action to LEAVE BUILDING. The teacher leaves the room last, checking for stragglers, closing door when out. Teachers will take with them their "Teacher Emergency Kit" and class list. Staff and students will assemble at the assembly point designated, take roll and complete the *Student Accountability Form*. Teachers are to remain with their classes until given further directions.

The fire department should be notified. The police and superintendent should also be notified.

Access roads to the school campus should be kept open and be monitored for emergency vehicles by custodians or other designated staff members.

Students and staff should not return to the buildings until the fire department declares the area safe and an "All Clear" message is given by the principal or designee.

5. Bomb Threat

An employee receiving a bomb threat by telephone or other means will:

- A. Try to ascertain as much information from the caller or source as possible.

Verbatim responses to the following questions are especially desired:

- a. When is the bomb to explode?
- b. Where is the bomb right now?
- c. What kind of bomb is it?
- d. What does it look like?
- e. Why was the bomb placed here?

Secretaries and others receiving threats will be asked to describe the caller's voice (sex, age, and tone) and whether it was familiar or not. Any background noise should also be noted. An information form should be completed by any person who receives a bomb threat (see appendix).

- B. Notify the principal.
- C. Principal will notify the police department, the fire department, and the superintendent.
- D. Upon notification of a threat, the principal will decide whether to clear the building for the safety of staff and students. If the emergency action to LEAVE BUILDING is ordered, students will move under the full control of their teacher to the designated assembly point. Proceed as during "FIRE" above.
- E. Anyone discovering a suspicious package, box, or strange device should:
- a. Not touch or remove strange objects.
 - b. Notify the principal.
 - c. Principal will notify the police department, the fire department, and the superintendent.
 - d. Principal will evacuate the buildings.
- F. Whenever a bomb threat is received or a suspicious package is found, a police officer should evaluate the threat or object before instituting a search of the buildings or sounding the signal for staff and students to return to the buildings.
- G. Volunteer staff members may assist the police in a search of the buildings.
- H. The superintendent is to be kept informed of all actions.

6. Severe Windstorm:

Warning of an impending windstorm is usually received via radio, television, or civil defense officials. The United States Weather Bureau can usually forecast severe windstorms. If high winds develop during school hours without sufficient warning, the following emergency actions should be taken:

- A. Implement action to TAKE COVER. Students and staff should assemble inside shelters or buildings.
- B. Close windows and window coverings. Seek shelter away from windows.
- C. Remain near an inside, ground level wall if the building is more than one level.
- D. Evacuate classrooms that bear the full force of the wind.
- E. Avoid auditoriums, gymnasiums, and other enclosures that have long roof spans.
- F. Keep tuned to a local radio station for the latest advisory information.
- G. Take roll and complete Student Accountability Form.
- H. Notify site administrator of any break or suspected break in utility lines or buildings which might present an additional hazard.
- I. If possible, contact and report conditions to the superintendent.
- J. Don't permit any staff to leave the building until the winds have subsided and it is safe to do so.

7. Chemical Spills at School:

In the event of a chemical spill or incident at school, the site administrator will determine what emergency action to take depending upon the circumstances. Teachers in the area should do the following:

- A. Evacuate the area as deemed necessary.
- B. Rescue injured or trapped persons and remove from area if possible.
- C. Provide First Aid as needed.
- D. If possible, determine the name(s) of the chemical(s).
- E. Restrict the area of the incident.
- F. Allow no one in the immediate area except emergency personnel.

8. Chemical Accident Near School:

Warning of a chemical accident is usually received from the fire and/or police departments or from emergency services officials when such accident occurs sufficiently near the school to be a threat to the safety of students and staff at the school. An overturned tanker, a broken fuel line, and an accident in a commercial establishment that uses chemicals are all potential hazards if such accidents occur near the school or if the wind is such that it would carry fumes from such accidents to the school.

Whether the accident occurs at the school or off the school grounds, the site-administrator shall:

- a. Determine if there is need to implement action to LEAVE THE BUILDING. This decision should be made in coordination with community emergency service personnel.
- b. Determine whether the students and staff should leave the school grounds and EVACUATE. (If it is necessary to evacuate the area, move crosswind, never directly with or against the wind which may be carrying fumes.)

9. Explosion:

The DROP command is to be given immediately in the event of an explosion at the school or within a school building. If the explosion occurs within the building or threatens the building, the teacher will then implement action to LEAVE THE BUILDING. Sound the fire alarm and proceed as above for a FIRE.

10. Fallen Aircraft:

Warning of a failing or fallen aircraft is usually by sight, sound, or fire. If an aircraft falls near the school, the following actions will be taken:

- a. The site administrator will determine which emergency actions should be implemented. When necessary, teachers will take immediate action to ensure the safety of students if the site administrator is unable to direct emergency action.
- b. Students and staff must be kept at a safe distance from the aircraft, as it may explode. Move crosswind or stay up-wind to avoid fumes.
- c. The site administrator will try to determine whether the aircraft is a military, commercial, or private plane.

11. Rabid or Vicious Animal:

If a rabid or vicious animal is at or in the vicinity of the school, the Animal Control Center should be notified immediately. Teachers shall be notified to hold all students within the classrooms and await further instructions. Students outside of the building will be quietly and cautiously sent into the nearest building and secured in a room behind closed doors.

12. Natural Gas Leak or Ruptured Gas Line:

The site administrator will evaluate the situation and initiate whatever emergency action is required.

G. Emergency Supplies

1. Classroom Kits:

TEACHER EMERGENCY KITS are located in each classroom and will contain the following items. Additional items may be included, depending on the classroom.

- Class Lists (updated by the teacher as necessary) with a place for parent signatures when releasing students and to assist in the taking of roll
- "*Student Accountability Sheets*"
- Clip board
- Pens/pencil/permanent markers
- Pad of paper
- Simple first aid supplies
- Orange ID arm band with teacher's name to be worn by the teacher
- Copy of Disaster Plan
- Flashlight
- Work gloves
- Garbage bags (40) (Plastic) to be used as rain gear
- Each employee should have personal "survival kit" available containing prescription medicines, extra eye glasses, comfortable shoes, jacket, and other necessary items.
- Yellow bandana
- Red & blue hand stamp

2. Central School Supplies:

Central EMERGENCY SUPPLIES are located in the main office and the Athletic Training Room, and will include the following items:

- Two first Aid kits (see attached list)
- Two tool Kits (see attached list)
- Radio (Battery operated) wrapped in plastic bag
- Batteries (left in original packages; replaced in years ending with 0, 3, or 7.)
- Water Carrier
- Water Purification Tablets and/or household bleach
- Toilet Paper
- Hard Hats
- Blankets (4 wool, 5 space blankets)
- Large Plastic Tarp
- Sheets - for medical use (slings) or to signal for specific help.
- Sheets will be spread out on the lawn as needed.
- Spray Paint - to use on sheets to identify needs (Example: NEED DOCTOR, PGE, SEND MEDIC, ETC.)
- Water - 5 gallons.

3. First Aid Kits:

First aid kits are located in the Main Office and Athletic Training Room, and will contain the following items:

- First Aid Manual
- 3 triangular bandages
- 6 stretch gauze bandages
- 2 instant ice packs
- 1 after burn treatment spray
- 2 packages long bandages
- 30 boxes sterile pads for small wounds (120 pads)
- 2 bottles liquid soap
- 6 bottles aspirin
- Hydrogen Peroxide
- Paper towels
- Felt pens - to identify injured children sent elsewhere for treatment. Write name on child's arm. Non-water soluble.
- Sheets
- Needle nose pliers - for removal of glass
- 6 sanitary napkins (for severe bleeding)
- In a Zip-lock bag:
 - 1 tube medicated ointment
 - 5 smelling salts (ammonia inhalant)
 - 2 rolls tape
 - Tweezers
- Scissors

4. Tool Kits:

The TOOL KIT is located in the main office and the Athletic Training Room, and will contain the following items:

- Work gloves
- Goggles
- Flashlight (batteries in package)
- Lantern (batteries in box)
- Duct tape
- Masking Tape
- Utility knives
- Hammer
- Blade screwdrivers (small, medium, large)
- Crowbar (a longer crowbar is stored in custodian's office)
- Waterproof matches
- Rope
- Nails

2. Special Staff Skills:

- **Medical or First Aid Experience:**

Teresita Ombina, Liz Abbott, Liz Emigh, Becky Heindel, Karen Hill, Melissa Foster-Wilson, Amber Lineweaver, Grant Bergland, Kathy Rosen, Jeanna Ross, Pat Meddendorf, Katie Nolan, Casey Coakley, Dennis Beck, Kathy Soltero, Melissa Chesnut, Kathleen Prato (RN), Kathie Collins, Beth Dela Cruz, August Hoppler, Kim Whitmore, Norma Daley, Alane Spight, Nancy Kahl

- **Search & Rescue Experience:**

Tom Fester

- **Communications Equipment:**

Teresita Ombina (phone opr/rpr), Tom Fester (CB), Melissa Foster-Wilson (EAS radio broadcast), Melissa Chesnut (phone opr/rpr) Norma Daley (phone opr), Michelle Luchay (VHS marine radio),

- **Mechanical Ability:**

Melissa Foster-Wilson (computer repair/network admin), John Ouimet (auto & all other), Grant Bergland (computer repair), Ken Cambier (auto & all other), Paul Meyer (auto, other)

- **Translators:**

Cristin Valle-Pilipino, Teresita Ombina-Spanish, Filipino, French, Tom Turnbull-Spanish, Melissa Foster-Wilson-French, Alejandro Levin-Spanish, Italian), Jeanne Costello-Spanish, Maribel Herrera-Tagalog/Filipino, Darlene Emigh-French, Aline Lee-Korean, French, Grant Bergland-Spanish, Jeanna Ross-French, Alejandra Ledesma-Spanish, Brian Corbett-Spanish, Mina Maskaleris-Spanish, Russian, Farsi, Greek, Cate Sundling-French, Kathy Soltero-Spanish, August Hoppler-Spanish, Paula Dillon-Spanish, Dennis Harris-Spanish, Socorro Lomas-Spanish, Tom Wall-Russian, Alane Spight-German,

- **Emergency Vehicle:**

Sandi Michels-van, Dina Jacobsen-4 WD, Becky Heindel-van, Rocquel Colbert-truck, Tom Fester-truck, Melissa Foster-Wilson-van, Alejandro Levin-van, Kathy Rosen-van, Pat Middendorf-4 WD, Katie Nolan-4 WD, Cate Sundling-4 WD, Paul Meyer-4 WD, Kathy Soltero-4 WD, Melissa Chesnut-RV, Kathleen Prato-4 WD, Anne Saraceno-RV, Dennis Harris-4 WD, Thomas Duffy-truck, Christine Reimer-van,

- **Temporary Shelter**

Sandi Michels, Paul Meyer

- **Other:**

Ken Cambier (hazardous waste handling), Tom Fester (temp. survival training),
Melissa Foster-Wilson (FCC Broadcast Emergency Alert System Procedures),
Alane Spight (

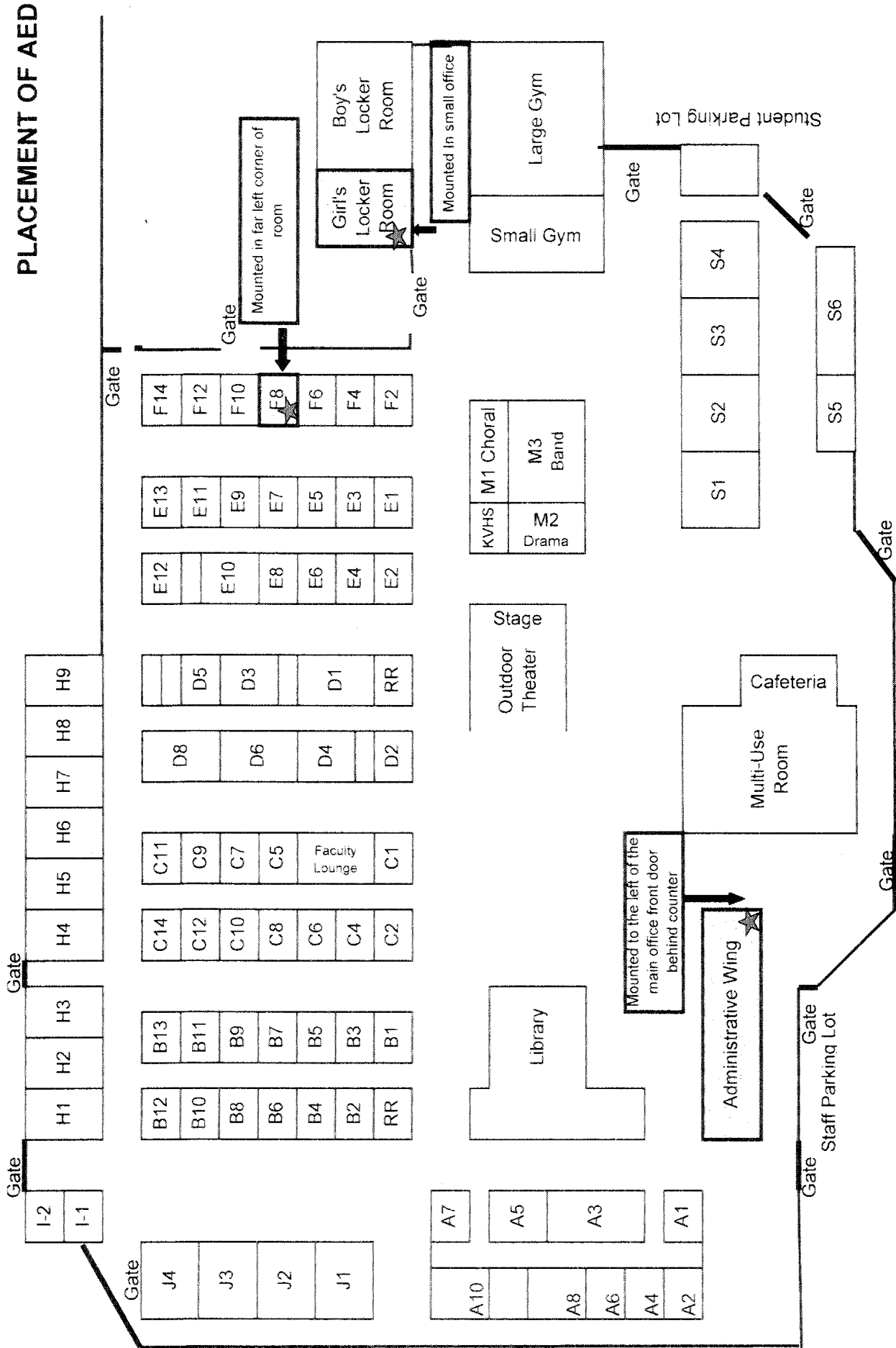
6. Emergency Telephone Numbers

EMERGENCY (Fire, Police, Paramedic Assistance)	911
District Office	682-8000
Superintendent	ext.4010
Assistant Superintendent, Elementary Education	ext. 4015
Associate Superintendent, Secondary Education	ext. 4011
Emergency Call – Maintenance & Operations	ext. 3884
Emergency Calls – after hours	798-2269
Contra Costa County Office of Emergency Services	228-5000
PG&E	686-5440
Water	
CCWD	625-6524
EBMUD	(510) 835-3000
Red Cross (24 hour emergency service)	687-3030
Radio Stations	
KCBS Radio (740 AM)	(415) 765-4112
KVHS Radio (90.5 FM)	682-5847
KKIS Radio (990 AM/FM)	825-9000
Television	
Channel 2	834-1212
Channel 4	(415) 441-4444
Channel 5	(415) 362-5550
Channel 7	(415) 954-7926
Hospital Services	
John Muir Medical Center (Walnut Creek 24 hr. emerg.)	939-5800
John Muir Medical Center (Concord, 24 hr. emerg.)	674-2333
Clayton Valley High Administrators:	
Principal Swanson	682-7474 ext. 3100
Vice-Principal Leach	682-7474 ext. 3103
Vice-Principal Brockman	682-7474 ext. 3102
Vice-Principal Fashokun	682-7474 ext. 3104
Student Services Coordinator Colbert	682-7474 ext. 3142
Student Services Coordinator Lomas	682-7474 ext. 3127

CLAYTON VALLEY HIGH SCHOOL

MAP

PLACEMENT OF AED



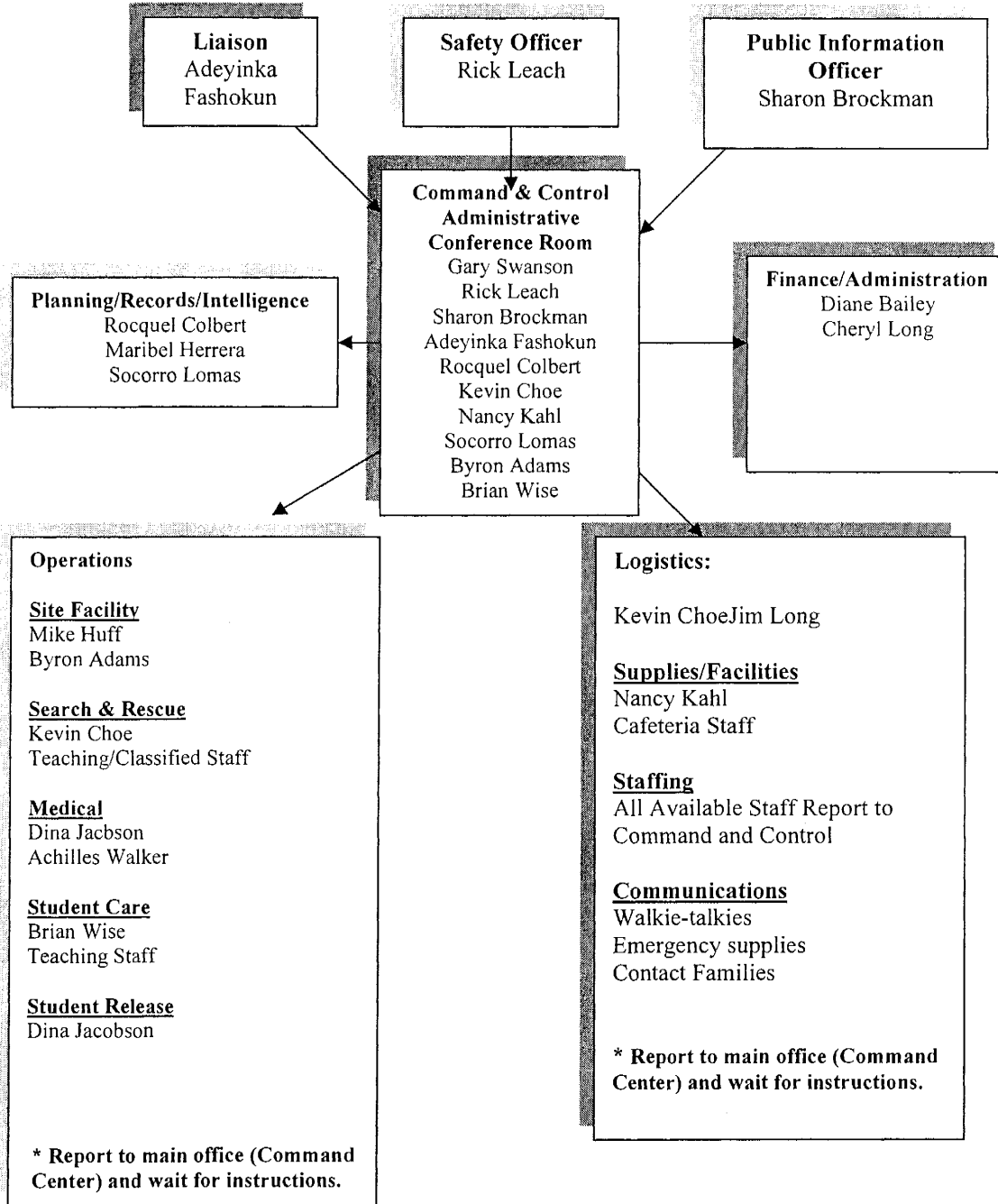
PLACEMENT OF AED

Main School Entrance
1101 Alberta Way

IV. Appendix.

- Emergency Preparedness Organizational Chart
- Command Center Assignment
- Chain of Command
- School emergency evacuation routes and shut-off valves
- Telephone Trees (District/School)
- Connect Ed Directions
- Annual Checklist and Timeline
- Plan Checklist
- Crisis Announcement Form
- Emergency Card – Student Information/Parent Release
- Student Accountability Form/Dismissal Checkout
- Bomb Threat Information Form

**CVHS
Emergency Preparedness Organizational
Chart**



Emergency Disaster Response Procedure

Once a disaster occurs, the Emergency Preparedness Organizational Structure will be activated in the following manner:

Step One: All Command and Control personnel will assemble in the Command Center (Administrative Conference Room).

Step Two: Assess the situation.

Step Three: Prioritize a response.

Step Four: Depending on severity of the incident, the following persons will be called into service (See above Organizational Chart).

COMMAND CENTER – ASSIGNMENTS

COMMAND & CONTROL (ADMIN CONFERENCE ROOM)

Principal: Gary Swanson

Duties:

1. Coordinate Command personnel
2. Asses situation
3. Prioritize situation
4. Call into service appropriate personnel (See Emergency Preparedness Chart)

PLANNING/RECORDS AND INTELLIGENCE

Student Services Coordinator: Rocquel Colbert

Activities Secretary: Maribel Herrera

Duties:

1. Assesses situation
2. Writes situation reports
3. Anticipates changes
4. Documents response
5. Manages maps and status boards at the Command Center

FINANCE/ADMINISTRATION

Treasurer: Diane Bailey

Duties:

1. Timekeeping
2. Purchasing
3. Recovery Records Management

OPERATIONS

Head Custodian: Mike Huff or Byron Adams

Coordinate the following:

1. Check site facilities and security
2. Search and Rescue
3. Medical
4. Student Care
5. Teachers
6. Student Release

LOGISTICS

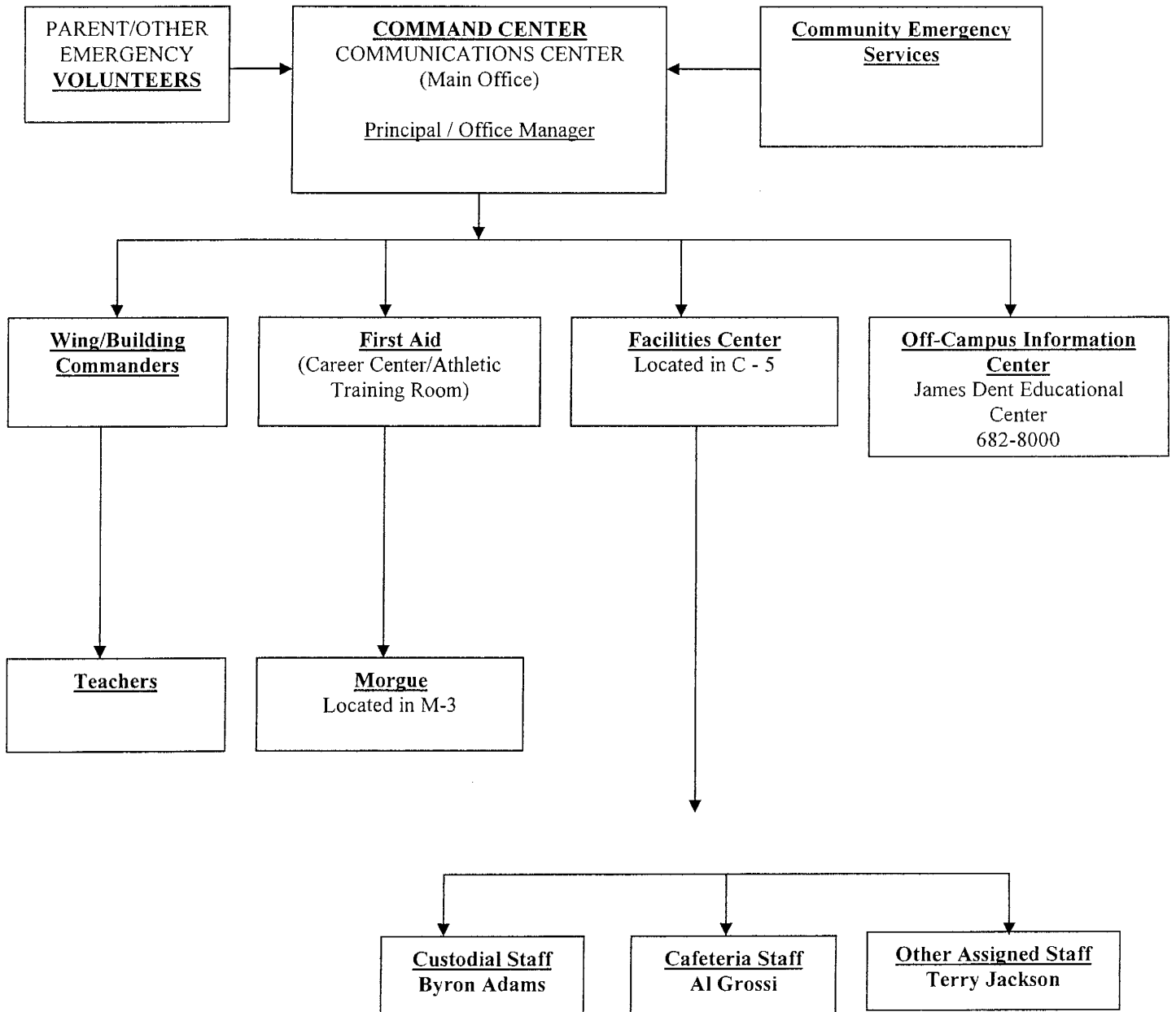
Vice Principal: Rick Leach

Student Resource Officer: Kevin Choe

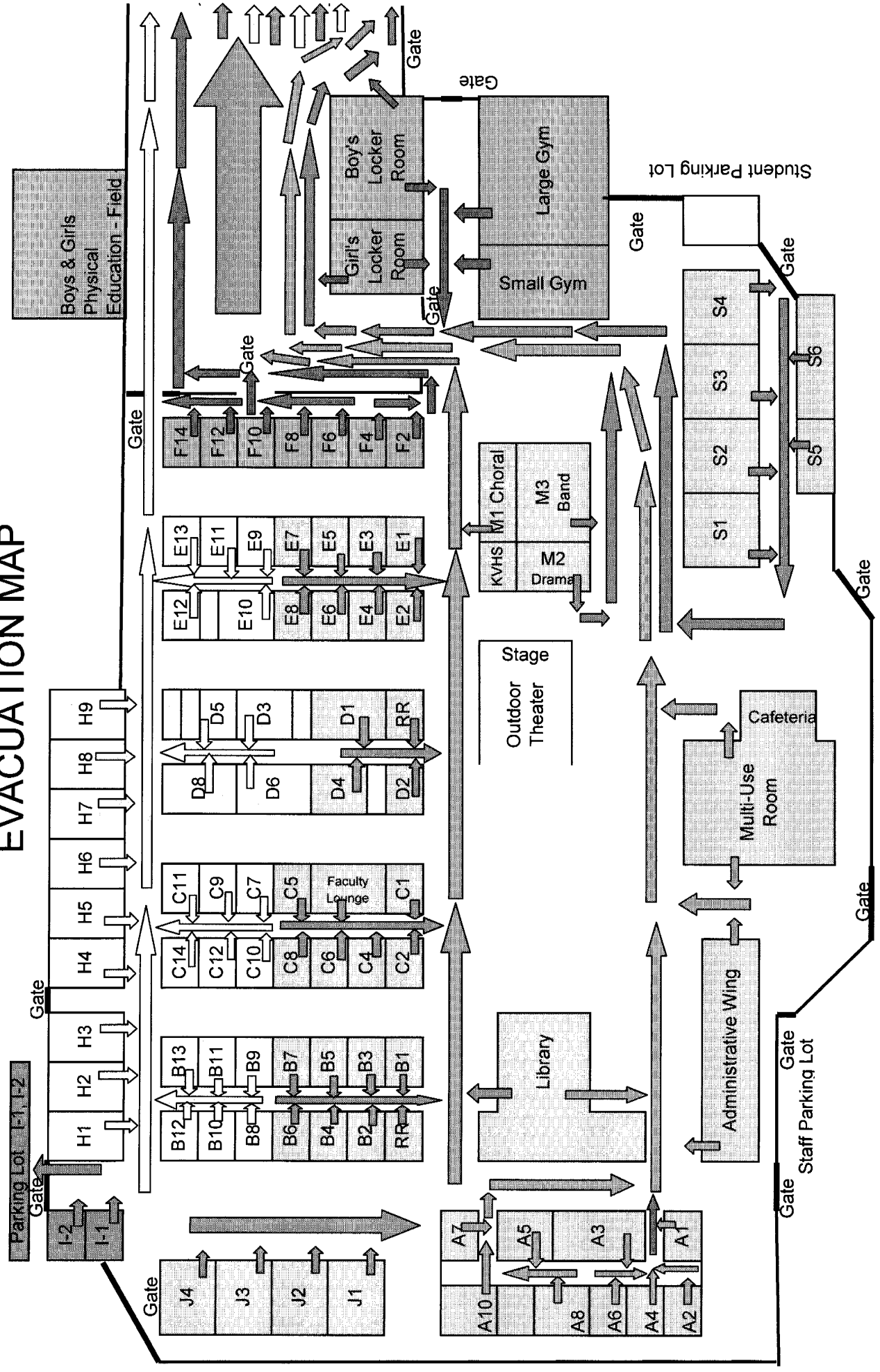
Coordinate the following:

1. Supplies and facilities
2. Staffing Available to provide assistance
3. Communications

Clayton Valley High School
Chain of Command and Emergency Centers



CLAYTON VALLEY HIGH SCHOOL EVACUATION MAP



Main School Entrance
1101 Alberta Way

CLAYTON VALLEY HIGH SCHOOL EVACUATION MAP

Grass Area and Baseball Field

Class Room Numbers

H-9	H-8	H-7	H-6	H-5	H-4	H-3	H-2	H-1	I
PE-Gyms/Locker Rooms		F-14	F-12	F-10	F-8	F-6	F-4	F-2	L
E-13	E-12	E-11	E-10	E-9	E-8	E-7	E-6	E-5	E-4
	J-4	J-3	J-2	J-1	D-8	D-6	D-5	D-4	D-3
	C-14	C-12	C-11	C-10	C-9	C-8	C-7	C-6	C-4
B-13	B-12	B-11	B-10	B-9	B-8	B-7	B-6	B-5	B-4
	A-10	A-8	A-7	A-6	A-5	A-4	A-3	A-2	A-1
	M-3	M-2	M-1	S-6	S-5	S-4	S-3	S-2	S-1

Wing Rows

Tennis Courts

Main School Entrance
1101 Alberta Way



1480 GASOLINE ALLEY
 CONCORD, CA 94520

DISTRICT: XXX-XXX-XXXX
 PHONE: 925-825-7440
 FAX: 925-882-4002

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CLAYTON VALLEY HIGH SCHOOL
 101 ALBERTA WAY
 CONCORD, CA 94521

SITE PLAN
UTILITIES

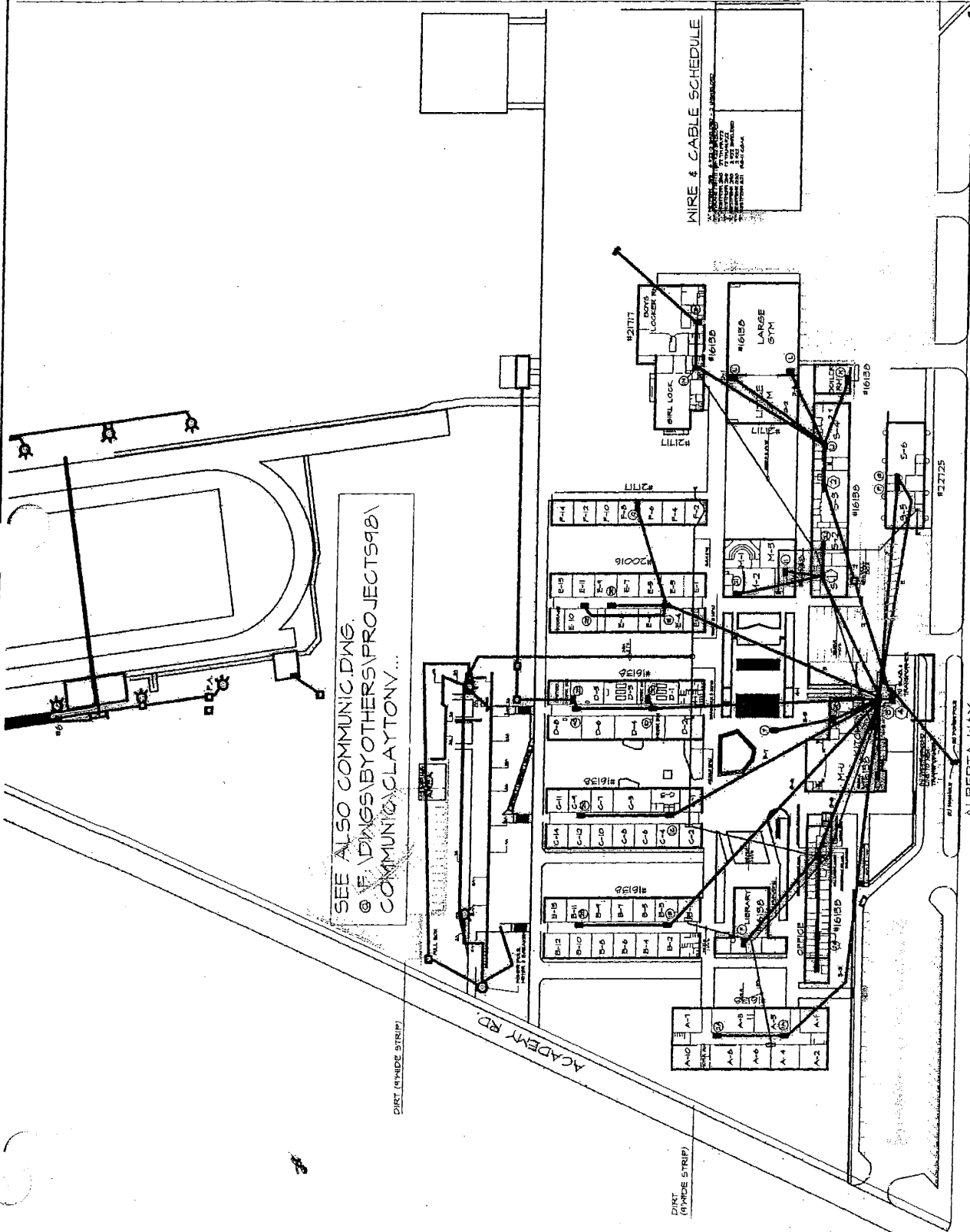
DATE: 11/14/05
 DRAWN BY: KMM
 DATE: N/A
 DESIGNED BY: N/A
 DATE: N/A
 APPROVED BY: N/A
 DATE: N/A

PROJECT NUMBER:
XXX-2002-X

SCALE: AS NOTED

SHEET NUMBER:

EDU-1
 1 OF 1



SEE ALSO COMMUNIC.DWG.
 © F. DINGSBY OTHERS PROJECTS 981
 COMMUNIC/CLAYTONV...

WIRE & CABLE SCHEDULE

ROOM	WIRE	CABLE
101	100	100
102	100	100
103	100	100
104	100	100
105	100	100
106	100	100
107	100	100
108	100	100
109	100	100
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199	100	100
200	100	100

COMMUNICATIONS & ELECTRICAL
 SCALE: 1"=150'-0"

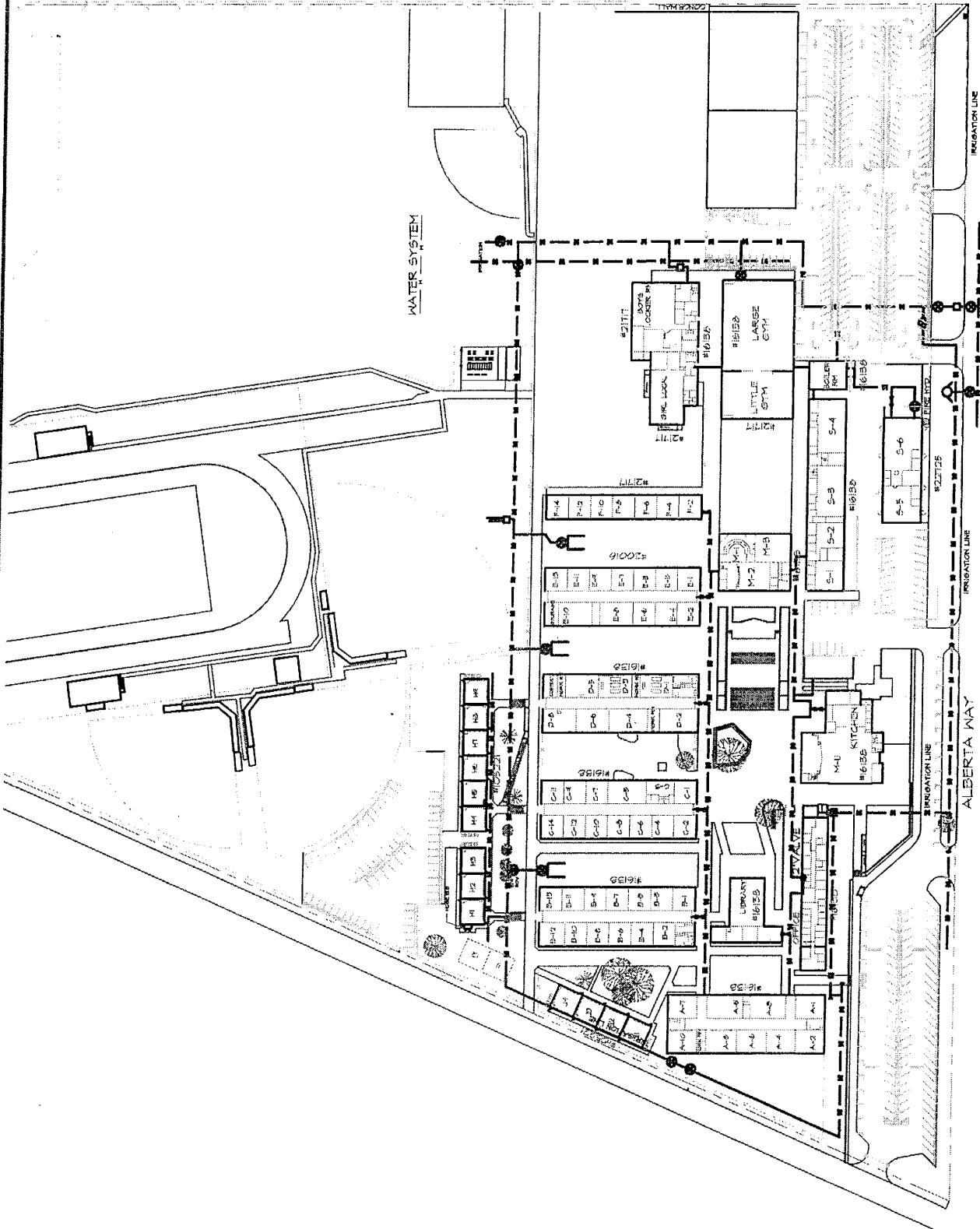


1480 GASLINE AVE
CONCORD, CA 945

DISTRICT: XXX-XXX-
PHONE: 925-828-77
FAX: 925-828-44

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CLAYTON VALLEY HIGH SCHOOL
SITING PLAN
DATE: 11/14/02
DRAWN BY: KMM
APPROVED BY: N/A
DATE: N/A
PROJECT NUMBER: XXX-2002-
SHEET NUMBER: AS NOTED
EDU-1
1 OF 1



WATER
SCALE: 1"=180'-0"

Send an Emergency Communication – Phone Only

When sending an **Emergency Communication** you can record and send a message using just a telephone. Messages will be sent immediately. If you would like to select specific groups and/or schedule your message to be sent at a later time, you will need to follow the instructions on the next page (see page 9).

Use your Dial-In Messaging Card

-ED DIAL-IN MESSAGING CARD
SUPERINTENDENT JONES
Step 1 Call (866) NTI-4-911 (684-4911)
Step 2 Enter your UserID Number: <input type="text" value="12345"/>
Step 3 Enter your 5-digit PIN and press #
Step 4 Follow the prompts
<small>Need Help? Call (866) HELP-NTI (435-7684)</small>

If you do not have access to the Internet, your personal **Dial-In Messaging Card** contains all of the instructions needed to record and send a message. You should always have this card with you.

IMPORTANT: You **MUST** set up a **Dial-In PIN** before using this service. Go to page 4 to set up your PIN before proceeding.

You may also want to set up a **Crisis Team** so that you can use your **Dial-In Messaging Card** to communicate with key members of your staff. See page 5 for instructions.

Follow the instructions below to send a call. These steps will also be available to you as prompts throughout your call.

Step 1: Call (866) NTI 4-911 (866-684-4911).

Step 2: Follow the voice prompts:

- Enter your 6-digit User ID.
- Enter your 5-digit Dial-in PIN, followed by the # key (see page 4 to set up a PIN).
- Press 1 to record a message, pressing # when done.
- Press 1 to re-record, if desired.
- Press 2 to listen to the message.

Step 3: Choose Recipients (limited)

- Press 3 to send the message to all of your contacts at all of their numbers as an **Emergency Communication** message. Up to 6 phone numbers per individual will be called.
- Press 4 to send the message to your **Crisis Team** only (see page 5 to set up a **Crisis Team**).
- Press 5 to send the message as a standard **Community Outreach** message to just the primary number of all of your contacts.
- Then, press 1 to confirm your selection.

Please note **Emergency Communications** sent using only a telephone will be processed **immediately**. Your message cannot be scheduled to be sent later.

Annual Checklist and Timeline

<u>DATE</u>	<u>ACTIVITY</u>	<u>PERSON</u>
Aug/Sept	Facility Hazard Assessment Update School Map Inventory & Replace Supplies Review/Update Plan	Rick Leach
Sept	Staff Review of Plan First Aid Review Survey of Staff Skills Update Resources	Rick Leach
Sept/Oct	Student Instruction on Plan Parent Advisement Regarding Plan	Rick Leach
Oct	Disaster Drill All	Rick Leach
Oct-June	Fire Drills - regular	Rick Leach
Feb	Disaster Drill All	Rick Leach
April	Intruder Drill All	Rick Leach

Plan Checklist

- ___ Roles and responsibilities are outlined.
- ___ Community resources are identified.
- ___ Method of communicating with law enforcement is established.
- ___ Method of communicating with district office is established.
- ___ Method of communicating with staff is established.
- ___ Method of communicating with students is established.
- ___ Method of communicating with parents and community is established.
- ___ Location of all critical information (such as school blueprints, staff medical information, and so on) is outlined.
- ___ Location of supplies is listed.
- ___ Command center location, function, and staffing are outlined.
- ___ An accountability system is outlined to track students and staff and to release students to parents and caregivers.
- ___ Provisions for site management and security are clearly outlined.
- ___ Provisions for working with the media are in place.
- ___ Roles and relationships with community agencies are spelled out.
- ___ Activities to deal with the aftermath are outlined.
- ___ Mechanism to provide support to students, staff, and parents during and after the crisis is outlined.
- ___ A system of ongoing communication is in place.
- ___ Activities to acknowledge and thank those who helped are listed.
- ___ The Crisis Plan is evaluated on a regular basis.

CLAYTON VALLEY HIGH SCHOOL

Date: September 7, 2005
To: All Staff
From: Gary Swanson, Principal

RE: CRISIS ANNOUNCEMENT - CRYSTAL JONES' ACCIDENT

Read this information to familiarize yourself with what is known about the accident. As more information is learned, it will be provided. Please read the "Student Statement" to students. Give direct and supportive information to students. If you need help, notify the office.

BACKGROUND INFORMATION:

At about 1:40 p.m. yesterday, Crystal Jones was struck by an automobile on Alberta Way. She stepped into the street against a red light. She suffered a broken lower leg and has a mild concussion. She underwent a 3 hour operation to have pins placed in the leg, and is expected to remain in the hospital for 3 days. She is at John Muir Hospital and is expected to return to school following her release. There are rumors that the accident was a hit and run. This is not true. Many students saw the accident and watched as the rescue team worked with her in the street. Crystal suffered a great deal of pain following the accident. There was a lot of loud screaming. It is difficult to predict the effect that the sight and sounds will have on those who saw it. I would like to ask that you give students an opportunity to discuss the event in first period. It is especially important that students have an opportunity to express their feelings. If you need help, please call the office. Thanks for your help!

Please read the following statement to the students in your class.

After school yesterday, a car struck Crystal Jones, a 12th grader, on Alberta Way. She stepped into the street against a red light. She suffered a broken lower leg and has a possible mild concussion. She underwent a 3 hour operation to have pins placed in her leg last night, and is expected to remain in the hospital for 3 days. She is at John Muir Hospital. Crystal is expected to return to school soon.

The police believe that had the car been traveling just a few miles an hour faster, Crystal certainly would have suffered more serious injury, or have been fatally injured. There are rumors that the accident was a hit and run. This not true. The driver did stop.

All of us are reminded again that we must be aware of how we travel. Many students ignore the traffic signal and take unnecessary risks. When Crystal returns, she will undoubtedly tell about her pain. She and her family are grateful that she wasn't inured more seriously. Please be mindful of the rules of safe travel. This was a preventable accident. We want all students to stay safe. Please avoid making decisions that may cost you your life when you travel to and from school.

STUDENT REFERRALS: Some students may need more help than you can give in the classroom. If a student demonstrates one or more the behaviors listed below, you should consider referring the student for immediate "short term" help by the school's crisis team or for "long term" assistance that will be coordinated by the counselors. Use the referral form below to identify students needing help and send it to the office.

Short Term/Immediate

- | | | |
|-----------------------------------|------------------------------------|--------------------------|
| Clear expressions of grief | Inability to maintain self control | Inability to concentrate |
| Irritability | Concern about victims | Antisocial behavior |
| Fear | Increase in aggressive behavior | Depression |
| Concern for own safety and others | Self-consciousness of fear/sadness | Increase in disobedience |

-----TEAR OFF-----TEAR OFF-----TEAR OFF-----TEAR OFF-----

STUDENT REFERRAL FORM

Student Name: _____ Date: _____ Time: _____

Referred by: _____ Room: _____

Reason for referral:

Clayton Valley High School

STUDENT ACCOUNTABILITY FORM

1. Teacher:

Date:

2. Room Evacuated:

3. Students enrolled in class:

4. Student accounted for:

Students with me now:

Students with other staff:

Students absent today:

Total Accounted for:

5. **STUDENTS NOT ACCOUNTED FOR:**

Explain if not zero:

6. Students released by Command Center to parent: (Use back of paper if necessary)

Student Name

Name of Parent

MDUSD HIGH SCHOOL REGISTRATION AND EMERGENCY RECORD TARJETA DE MATRICULA Y EMERGENCIA

Grade/Grado
2009-2010

STUDENT NAME / _____ Male/Masculino
 NOMBRE DEL ESTUDIANTE Last Name / Apellido First Name / Nombre Middle / Segundo Nombre Female/Feminino

ADDRESS/ _____
 DIRECCION House # / Numero de Casa Street / Calle Apt. # City / Ciudad Zip Birthdate/Fecha/Nacimiento

Home Phone / Teléfono de la Casa Cell Phone / Teléfono Celular E-mail Address/Dirección E-mail

NAME / NOMBRE DE: __Father/Padre __Stepfather/Padrastro __Guardian/Other/Otro Work Phone / Teléfono de Trabajo

NAME / NOMBRE DE: __Mother/Madre __Stepmother/Madrastra __Guardian/Other/Otro Work Phone / Teléfono de Trabajo

IN THE EVENT OF ILLNESS OR INJURY, WHEN I CANNOT BE REACHED BY PHONE, I AUTHORIZE MY STUDENT TO BE RELEASED TO THE CARE AND SUPERVISION OF ANY OF THE FOLLOWING AND MAY MAY NOT RECEIVE EMERGENCY MEDICAL ATTENTION.

EN CASO DE ENFERMEDAD O LESION, SI NO PUEDEN COMUNICARSE CONMIGO POR TELEFONO, LES AUTORIZO PERMITIR LA SALIDA DE MI ESTUDIANTE, A CARGO DE, Y BAJO LA SUPERVISION DE CUALQUIERA DE ESTAS PERSONAS, Y PUEDE NO PUEDE RECIBIR ATENCION MEDICA.

- | | | | | |
|----|---------------|-------------------------|------------------------|-----------------------------------|
| 1. | Name / Nombre | Relationship / Relación | Phone / N° de Teléfono | Business, Cell / Trabajo, Celular |
| 2. | Name / Nombre | Relationship / Relación | Phone / N° de Teléfono | Business, Cell / Trabajo, Celular |
| 3. | Name / Nombre | Relationship / Relación | Phone / N° de Teléfono | Business, Cell / Trabajo, Celular |

Date / Fecha: _____

SIGNATURE OF PARENT(S) / FIRMA DE LOS PADRES/TUTORES(S)

OVER / CONTINUA

MEDICAL CONDITIONS/CONDICIONES MEDICAS: _____

MEDICATION/MEDICACION: _____

MEDICAL INSURANCE/SEGURO MEDICO: _____ POLICY #/NUMERO: _____

DOCTOR/MEDICO: _____ PHONE #/TELEFONO: _____

DENTIST/DENTISTA: _____ PHONE #/TELEFONO: _____

NAME / LAST SCHOOL ATTENDED/NOMBRE DE ESCUELA ANTERIOR	ADDRESS	CITY/CUIDAD	STATE/ESTADO
--	---------	-------------	--------------

OTHER SCHOOLS ATTENDED/NOMBRE DE ESCUELA ANTERIOR

OTHER CHILDREN IN HOME/OTROS NIÑOS EN CASA			
NAME/NOMBRE	SCHOOL/ESCUELA	GRADE/GRADO	BIRTHDATE/FECHA/NACIMIENTO

PRIMARY LANGUAGE/IDIOMA NATAL _____ SECONDARY LANGUAGE/IDIOMA SECUNDARIO _____

Grade 11 and 12 ONLY
SOLAMENTE PARA ESTUDIANTES QUE ESTEN CURSANDO EL 11 Y 12 GRADO

RELEASE OF INFORMATION TO MILITARY RECRUITERS: Your child's name, address and phone number WILL be released to military recruiters UNLESS you specify here that you want this information withheld.

DO NOT release my child's directory information to military recruiters without my prior written consent.

PERMISO PARA DAR INFORMACION A LOS RECLUTADORES MILITARES: El nombre de su hijo/a, direccion, número de teléfono, y fecha de nacimiento será proveida a los reclutadores militares. La informacion no será proveida solamente si usted lo indica marcando el casillero.

NO se informacion de mi hijo/a a los reclutadores militares, sin mi consentimiento por escrito.

Bomb Threat Information Form

Date: _____

Questions to ask:

- When is the bomb going to explode?
- Where is the bomb right now?
- What does it look like?
- What kind of bomb is it?
- What will cause it to explode?
- Did you place the bomb?
- Why?
- What is your name?
- What is your address?

Exact wording of the threat:

Sex of caller: _____

Age: _____

Other characteristics:

Length of call: _____

<u>Caller's Voice:</u>	calm	angry	excited	slow	rapid	soft
	loud	laughter	crying	normal	distinct	slurred
	nasal	stutter	lisp	raspy	deep	ragged
	clearing throat	deep breathing	cracking voice	disguised	accent	familiar

If voice familiar, who did it sound like? _____ -

<u>Background noise:</u>	street	crockery	voices	PA system	music
	house	office machinery	factory machinery	animals	clear
	static	local	long distance	booth	

<u>Threat Language:</u>	well spoken	foul	irrational	incoherent	taped
	message read				

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<p>Method for Communicating Plan and Notifying Public: <i>Ed Code 32288</i></p>	<p>Date of Public Hearing <u>March 17, 2010</u></p> <p>The School site council or school safety planning committee shall notify, in writing, the following persons and entities, if available, of the public meeting:</p> <ul style="list-style-type: none"> ➤ Local Mayor ➤ Representative of the local school employee organization ➤ A representative of each parent organization at the school site, including the parent teacher association and parent teacher clubs ➤ A representative of each teacher organization at the school site ➤ A representative of the student body government ➤ All persons who have indicated they want to be notified
	<p>The School site council or school safety planning committee is encouraged to notify, in writing, the following persons and entities, if available, of the public meeting:</p> <ul style="list-style-type: none"> ➤ A representative of the local churches ➤ Local civic leaders ➤ Local business organizations ➤ In order to ensure compliance with this article, each school District or County Office of Education shall annually notify the State Department of Education by October 15 of any schools that have not complied with <i>Ed Code 32281</i>
<p>Review of Progress for Last Year</p>	<p><u>3-70-2010</u></p>
<p>Law Enforcement review</p>	<p><u>K. G. SRO</u> Date: March 17, 2010</p>
<p>Site Council Approval</p>	<p><u>[Signature]</u> Date: March 17, 2010</p>
<p>School Board Approval</p>	<p>Date:</p>

<p>Method for Communicating Plan and Notifying Public: <i>Ed Code 32288</i></p>	<p>Date of Public Hearing <u>March 18, 2009</u></p> <p>The School site council or school safety planning committee shall notify, in writing, the following persons and entities, if available, of the public meeting:</p> <ul style="list-style-type: none"> ➤ Local Mayor ➤ Representative of the local school employee organization ➤ A representative of each parent organization at the school site, including the parent teacher association and parent teacher clubs ➤ A representative of each teacher organization at the school site ➤ A representative of the student body government ➤ All persons who have indicated they want to be notified <p>The School site council or school safety planning committee is encouraged to notify, in writing, the following persons and entities, if available, of the public meeting:</p> <ul style="list-style-type: none"> ➤ A representative of the local churches ➤ Local civic leaders ➤ Local business organizations ➤ In order to ensure compliance with this article, each school District or County Office of Education shall annually notify the State Department of Education by October 15 of any schools that have not complied with <i>Ed Code 32281</i>
<p>Review of Progress for Last Year</p>	<p>February 26, 2009</p>
<p>Law Enforcement review</p>	<p><i>K. Clem</i> CONCORD POLICE SKO Date: March 18, 2009</p>
<p>Site Council Approval</p>	<p><i>[Signature]</i> Date March 18, 2009:</p>
<p>School Board Approval</p>	<p>Date:</p>

<p>Method for Communicating Plan and Notifying Public: <i>Ed Code 32288</i> U.S. Mail, Site Council Agenda posted and broadcasted e-mail, hand delivery to site representatives</p>	<p>Date of Public Hearing: March 19, 2008 The School site council or school safety planning committee shall notify, in writing, the following persons and entities, if available, of the public meeting:</p> <ul style="list-style-type: none"> > Local Mayor > Representative of the local school employee organization > A representative of each parent organization at the school site, including the parent teacher association and parent teacher clubs > A representative of each teacher organization at the school site > A representative of the student body government > All persons who have indicated they want to be notified <p>The School site council or school safety planning committee is encouraged to notify, in writing, the following persons and entities, if available, of the public meeting:</p> <ul style="list-style-type: none"> > A representative of the local churches > Local civic leaders > Local business organizations > In order to ensure compliance with this article, each school District or County Office of Education shall annually notify the State Department of Education by October 15 of any schools that have not complied with <i>Ed Code 32281</i>
<p>Review of Progress for Last Year</p>	<p>February 2, 2008</p>
<p>Law Enforcement review</p>	<p><i>K. Cole</i> Date: March 19, 2008</p>
<p>Site Council Approval</p>	<p><i>Thomas Taylor</i> Date: March 19, 2008</p> <p><i>[Signature]</i> Date: 3/19/08</p>

<p>Method for Communicating Plan and Notifying Public: <i>Ed Code 32288</i> U.S. Mail, Site Council Agenda posted and broadcasted e-mail, hand delivery to site representatives</p>	<p>Date of Public Hearing: March 21, 2007 The School site council or school safety planning committee shall notify, in writing, the following persons and entities, if available, of the public meeting:</p> <ul style="list-style-type: none"> ➤ Local Mayor ➤ Representative of the local school employee organization ➤ A representative of each parent organization at the school site, including the parent teacher association and parent teacher clubs ➤ A representative of each teacher organization at the school site ➤ A representative of the student body government ➤ All persons who have indicated they want to be notified <p>The School site council or school safety planning committee is encouraged to notify, in writing, the following persons and entities, if available, of the public meeting:</p> <ul style="list-style-type: none"> ➤ A representative of the local churches ➤ Local civic leaders ➤ Local business organizations ➤ In order to ensure compliance with this article, each school District or County Office of Education shall annually notify the State Department of Education by October 15 of any schools that have not complied with <i>Ed Code 32281</i>
<p>Review of Progress for Last Year</p>	<p>February 22, 2007</p>
<p>Law Enforcement review</p>	<p>Date: March 21, 2007</p>
<p>Site Council Approval</p>	<p>Date: March 21, 2007</p>
<p></p>	<p>Date:</p>

Thomas J. Feaster