

# **DESERT OASIS HIGH SCHOOL**

## **SCHOOL SAFETY PLAN**



**2011-2012 Update**

***DESERT OASIS HIGH SCHOOL  
1302 SOUTH THIRD STREET  
EL CENTRO, CA 92243  
(760) 336-4555***

# **CENTRAL UNION HIGH SCHOOL DISTRICT**

## **BOARD OF EDUCATION**

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Member Emma L. Jones  
Member Steve Walker  
Member Lee Hindman  
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Desert Oasis Administration  
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Principal

Sherry Spencer, PH. D.  
Principal/Central Union Adult School

Adrian Hernandez  
Counselor

Eduardo Lopez  
Community Liaison

# Desert Oasis High School

## MISSION STATEMENT

Desert Oasis High School provides alternative educational programs which offer a new beginning for Students of Central Union High School District. We provide an education in a safe learning environment that will lead to a high school diploma, and empower students to become responsible, caring, and contributing members of society.

## School-wide Goals

Each student will demonstrate competency in **WRITING** upon Graduation.

Each student will demonstrate competency in **READING** upon Graduation.

Each student will demonstrate competency in **MATH** upon Graduation.

Students understand and can identify several **POST SECONDARY OPTIONS**. They will be prepared to move forward with their **CAREER AND/OR EDUCATION**.

# ***EMERGENCY SITUATIONS***

If ever an employee or student is in a situation where he/she is not breathing, or breathing is impaired, and/or there is uncontrolled breathing, a teacher/staff member/substitute should respond by:

1. **Calling 9-1-1**
2. **Contacting site administration (ext. 4281 or 4553)**
3. **Begin administering CPR/First Aid**

For all other conditions, please:

1. **Call the school nurse or ext. 4553. If no answer call ext. 4555.**
2. **Contact site administration (ext. 4281 or 4553)**
3. **Begin administering First Aid, if needed.**

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## **Desert Oasis High School** **PHONE LIST**

**In conspicuous box on front of Phone List**

**EMERGENCY CALL: ext 4545 if no answer call ext 4553**

336-4545

336-4546

Adult Education – (Separate phone at Reception Area. Also rings at Adult Ed Secretary)

336-4553      Principal's Secretary

## **STICKER**

**To be placed by or on phone**

**EMERGENCY CALL: ext 4545**

**if no answer call ext 4553**

## **Training**

Appropriate personnel should be trained in the importance of the Reception Area not being left unattended.

## **Introduction-School Profile**

Desert Oasis High School is located in the city of El Centro, which has a population of approximately 42,000. It is one of three high schools in the Central Union High School District, which was established in 1908. In 1993, Desert Oasis High School (at its present location) was constructed. It quickly established its unique and separate identity as an “Alternative High School.” This alternative education school serves a transient student population that fluctuates between 180 to 220 cumulative high risk students, grades nine through twelve.

Desert Oasis High School continually faces challenges in maintaining a safe and orderly school. Desert Oasis’ Comprehensive School Safety Plan describes programs and strategies that are in place, thus allowing the students, staff, and administration to provide a safe and secure learning environment.

### **School Crime Status and Reporting**

An analysis of the number of suspensions and expulsions from the year 2004-05 to the year 2009-2010, reveals that the numbers have fluctuated. These figures were reported with the California department of Education Safe & Healthy Kids Program Office. These figures include both long-term (more than 90 days enrollment) and short term students (less than 90 days enrollment). The suspension rates are much lower for long-term students.

#### **School: Desert Oasis High School**

Year	2005	2006	2007	2008	2009	2010
Suspensions/ #	82	66	80	119	71	21
Suspensions/rate	45.5	38.5%	43%	58.9%	37.9%	11%
Expulsions/ #	6	0	0	0	0	0
Expulsions/rate	3.33%	0%	0%	0%	0%	0%

### **School Demographics**

Desert Oasis High School represents a variety of ethnic groups with an enrollment in the 2009-2010 school year of 317 students in grades nine through twelve. The ethnic breakdown includes 91% Hispanic, 5% White, <1% Asian, <1% Arabic, and 2% African-American; 62% are eligible for free and reduced lunches; 44% are identified as English Language Learners; 26% are identified as Migrant, and 12 % are in Special Education Classes.

### **Curriculum and Educational Activities**

All Desert Oasis High School students complete the same academic requirements set forth for the entire Central Union High School District: eight (8) semesters of English, four (4) semesters of Math, four (4) semesters of Science, four (4) semesters of Physical Education, two (2) semesters of Fine Arts/Foreign Language, and one (1) semester of Practical Arts. Students also have the opportunity to participate in after-school clubs and enrichment activities, such as tutoring and supplemental educational services.

## **School Climate**

### **School's Social Environment**

Leadership at Desert Oasis High school is a shared-management process. All stakeholders assume a proactive role in all phases of the school operation. The current management team is committed to developing “**our school**” towards excellence in the areas of academic and social behavior.

The Administration sets the tone for the students, staff and community. An open-door policy allows all stake-holders to have their ideas and concerns related to curriculum, discipline and safety, to be heard; thus promoting a safe, positive learning environment.

### **Disaster Procedures, Routine and Emergency**

A contingency plan for emergencies is available to each staff member. The District's School Crisis Response, Emergency Procedures Handbook. The plan is reviewed at the beginning of each school year. This plan also contains available district and outside agency resources, emergency disaster procedures and information on Standardized Emergency Management Systems.

### **Classroom Organization and Structure**

All students at Desert Oasis High School are assigned to courses that will help them meet the CUHSD graduation requirements: 220 credits in required courses, pass both sections of the California High School Exit Exam, and 2.00 overall grade point average. Student assessment results are also utilized to for course opportunity placement purposes. The assessment tools vary from the CST, SABE and CELDT. All students must successfully pass the District approved proficiency examinations which indicate successful reading, math and writing skills. Teachers have developed competency exams for courses taught as each pupil must demonstrate competency in the subject taught before a passing grade is issued by the teacher. Teachers provide a safe, orderly learning environment, which enhances the learning experience.

### **School's Cultural Environment**

The administration and staff work well as a unit. Members cooperate with each other and support all effort to show sensitivity and concern for all students.

All Desert Oasis High School students are expected to behave in a manner that promotes safety and order. Pupils are encouraged to seek the right solutions when confronted with problems on campus. This includes help from their instructors, visits to the counselor and visits to the principal. Desert Oasis High School staff is proactive when dealing with students' concerns.

Desert Oasis High School students are recognized for their efforts in maintaining good behavior and positive academic results.

## **Physical Environment**

### **School's Location and Physical Environment**

Desert Oasis High School is located in the city of El Centro. The area surrounding the school tend to have a high poverty level and higher crime rate than other areas of the city. The immediate area around the school includes low income housing (apartments and single-family dwellings.)

### **Description of School Grounds**

Desert Oasis High school consists of (17) buildings, housed on a corner lot, that is adjacent to the District Office. Included on the plot, are a small athletic field, and a basketball court, and the Campesinos Unidos Headstart Program. The main gate, which at the front of the school, is the only entrance and exit allowed during school hours. The Principal's office sits adjacent to this main entrance, thus, it is very visible.

Staff members monitor "passing periods" daily. This decreases discipline, crime and other safety issues. The restrooms are checked during passing period to prevent vandalism or smoking in the building. Graffiti is not a major problem at Desert Oasis, but when it appears, it is immediately removed.

### **Maintenance of School Buildings/Classrooms**

The school's physical facility is well maintained and almost always looks neat and clean. District maintenance personnel periodically examine the facility and help to eliminate any obstacle that may be a safety issue. Additionally, health and fire officials inspect the site periodically, thus contributing to the school's safety.

The classrooms and site are monitored daily (through walk-throughs) by the administration, security and classroom teachers. The students also take pride in the appearance of their school.

### **Internal Security Procedures**

Desert Oasis High School has established procedures in the following areas: California Safe School Assessment reporting procedures, suspension and expulsion procedures and a summary inventory system.

Desert Oasis High School crime statistics reflect a total of zero (0) non-student firearm incidents and zero (0) total persistently dangerous expulsions reported for the 2009-2010 school year.

Keeping reportable crimes at a minimum requires constant vigilance. The following strategies will be utilized in achieving our goal of school supervision, preventative activities and maintaining a safe, secure campus.

Desert Oasis High School maintains a copy of the District's sexual harassment policy in the Principal's office. A copy is included in registration packets that go to parents (yearly.) The District's Sexual Harassment Policy contains dissemination plans, applicable definitions, reporting requirements, investigation procedures, enforcement

regulations and information related to suspension/expulsion for sexual harassment of or by pupils. Additionally, a copy is posted in every classroom, as per state law.

To ensure the safety of students and staff, all visitors are required to report to the main office, when school is in session. District employees are required to wear appropriate badges while on campus conducting business.

Discipline procedures shall focus on finding the cause of problems and working with all concerned to reach the proper, lawful solutions. The school's discipline plan begins at the classroom level. Teachers shall use a visible classroom management plan to communicate classroom/site rules, and promote positive student conduct, thus reducing inappropriate behavior. Appropriate consequences will be administered based on the seriousness of the student's misconduct. A discipline matrix stating the consequences of cumulative behavior is to be given to each student at the beginning of each year.

Student conduct standards and consequences for Desert Oasis High School are specifically described in this Comprehensive Schools Safety Plan, including: a guide for school discipline rules and procedures, District Disciplinary Guidelines and a school-wide dress code.

Students may be suspended, transferred to another school, or recommended for expulsion for certain acts. For specific (heinous) student violations, a mandatory expulsion recommendation shall be submitted by the administration to proper District personnel.

Desert Oasis High School Administration and staff contribute to a positive school climate, promote positive student behavior and help reduce inappropriate behavior. All staff members use available district and other appropriate records to inform teachers of each pupil identified under E.C. 49079.

Law enforcement is contacted and consulted to help maintain and promote a safe and orderly school environment. Desert Oasis High School staff complies with all legal mandates, regulations and reporting requirements for all instances of child abuse.

Additional internal security procedures affecting the integrity of the school facility include a "school alarm system" in all buildings and operational phones in all classrooms. The administration and security staff use two-way radio/phones to communicate with each other. Community involvement is encouraged to help increase school safety.

### **Inventory System**

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

## **Safety Strategies/Procedures**

### **Introduction**

Safe schools are orderly and purposeful places where students and staff are free to teach and learn without the threat of physical and psychological harm. Desert Oasis High School promotes an educationally and psychologically healthy environment for all stakeholders. Desert Oasis High School recognizes that there are comprehensive, broad factors directly related to a safe school environment, such as a well-prepared staff, student-oriented programs, well-informed parents and the community. Desert Oasis High School further recognizes that safe school practices enhance both the academic and social well-being of our students.

We also recognize that it takes all stake-holders to ensure that our schools are a safe place to learn. To that end, Desert Oasis High School has included the following strategies/procedures in its Comprehensive School Safety Plan:

### **Strategies/Procedures:**

1. Child Abuse Procedures
2. Routine/Emergency Disaster Procedures
  - A. Adaptations for ADA
  - B. Earthquake Procedures
  - C. Public Agency Use of School Ground During Disaster
3. Suspension/Expulsion Policies
4. Teacher Notification of Dangerous Students
5. Discrimination/Harassment Procedures
6. Provision of Dress Code/Gang Related Apparel
7. Procedures for Safe Ingress/Egress
8. Safe and Orderly Environment
9. Rules/Procedures School Discipline
10. Hate Crime Reporting

# **School Safety Compliance**

## **Child Abuse Reporting And Procedures**

### **Central Union High School District Students**

#### **Child Abuse Reporting Procedures**

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

(cf. 5141.41 – Child Abuse Prevention)

(cf. 5142 – Safety)

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

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

(cf. 4131 – Staff Development)

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

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

(cf. 1312.1 – Complaints Concerning District Employees)

#### *Legal Reference:*

##### *EDUCATION CODE*

*33308.1 Guidelines on procedure for filing child abuse complaints*

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

*48906 Notification when student released to peace officer*

*48987 Dissemination of reporting guidelines to parents*

##### *PENAL CODE*

*152.3 Duty to report murder, rape or lewd or lascivious act*

*273a Willful cruelty or unjustifiable punishment of child; endangering life or health*

*288 Definition of lewd or lascivious act requiring reporting*

*11164-11174.3 Child Abuse and Neglect Reporting Act*

##### *WELFARE AND INSTITUTION CODE*

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

*CDE LEGAL ADVISORIES*

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

*WEB SITES*

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

*School/Law Enforcement Partnership:*

*<http://www.cde.ca.gov/spbranch/safety/partnership.html>*

*California Attorney General: <http://caag.state.ca.us>*

*California Department of Social Services: <http://www.dss.cahwnet.gov>*

*Governor's Office of Criminal Justice Planning: <http://www.ocjp.ca.gov>*

## **SUSPECTED CHILD ABUSE REPORTING PROCEDURES**

1. Initiating the Report
  - A. The report is initiated by a telephone report to the appropriate agency.
  - B. If the suspected child abuse has taken place within the family, call the appropriate Agency Hotline (760) 337-2111.
  - C. If the suspected child abuse has taken place outside the family, call the local police department (760) 352-2111.
2. The written Report
  - A. The telephone call is to be followed by completion of the Suspected Child Abuse Report (form 11166.P.C.) These forms are available with the Principal's secretary.
  - B. The written report is to be addressed to the person to whom the telephone report was first made to.
  - C. The written report must follow the phoned report within 36 hours.
    1. Suspected child abuse within the family, report must be addressed to: Child Protective Agency, 2995 S. 4<sup>th</sup> Street, CA 92243.
    2. Suspected child abuse outside the family should be mailed to the agency to which the report was called.
    3. The reporting party should keep the yellow copy of the Suspected Child Abuse Reporting Form, or verification of completion of the reporting obligation.
      1. Caution: A.) The reporting responsibility has not been discharged until both the phone report and written report are complete.  
B.) School personnel are not to engage in any investigation of suspected cases. The investigation will be done by the child protective agency.  
C.) The reporting responsibility is an individual one, which is NOT discharged by report to supervisor or administrators.

## **PROCEDURES ROUTINE/EMERGENCY**

### Adaptations For ADA

Goal: To reduce the number of truant/tardy students, unless excused due to illness appointments, or family needs.

The Safety Committee recognized and commends the staff and administration of Desert Oasis High School, for the following interventions at Desert Oasis, that have positively affected the academics and attendance of all students at Desert Oasis:

- A. Automated School Dialer.
- B. Community Liaison Officer makes home visit.
- C. SST meetings.
- D. Student/Teacher conference.
- E. Student/Counselor conference.
- F. Student/Parent/Administrator conference.
- G. Truancy letters.
- H. Recognition of students with perfect attendance.

Related strategies and activities to improve attendance:

- A. First, Second and Third letters of truancy to be mailed to guardian.
- B. Continue with SST meetings/with parent included.
- C. SARB students who have received the third letter of unexcused absences and are now considered “truants.
- D. Support staff will be trained on what to do when they see students off campus.
- E. Community will be informed that all students should be in school and will be provide with school numbers they can call when they see students out during school hours.
- F. Continue to work with local law enforcement agencies (Police Dept., and Probation Dept.) to detect truant students.
- G. Re-hiring the Community Liaison Truant Officer.
- H. Continued monitoring of attendance by Administrator in charge of Discipline/Attendance.

Evaluation: Will be measured by improved attendance.

# EARTHQUAKE

**At first sign of shaking, adults should give the drop and cover command.**

**Stay calm:**

**A. If students and or staff are indoors, all should:**

1. Get under a desk or table. Otherwise, stand next to an inside wall or under an inside doorway. Stay away from computers, televisions and stacks of books, File cabinets and other heavy objects.
2. Get as far away from the window as possible. Drop to knees with back to the window(s) and knees together.
3. Clasp one hand firmly behind head, covering neck. Wrap other arm around a table or chair leg. Bury face in arm, protecting head.
4. Close eyes tightly.
5. Stay put until the earthquake is over.

**B. If students and staff are outdoors, all should:**

1. Direct students away from building, trees, poles and wires.
2. Call “duck and cover” command. Students and staff should cover as much skin surface as possible; close eyes and cover ears.

**C. If earthquake occurs while students are on the bus.**

1. Driver should pull to the side of the road, away from buildings, poles, wires and bridges, then issue drop and command.
2. Driver should set brakes and turn off the ignition.
3. After earthquake, driver should proceed with route, watching for hazards.
4. Driver shall radio of otherwise contact, transportation department and check in.

**D. In the students are on the way to or from school, instruct them to:**

1. Stay in open away from buildings, signs, trees and wires.
2. Do not run!
3. After the quake subsides, they should continue home or to school.

**FOLLOWING THE QUAKE:**

1. Anticipate aftershocks
2. Evacuate all students and staff in an orderly manner using pre-planned evacuation routes from fire drill. Then initiate the earthquake evacuation procedure.
3. All teachers should take roll and note missing students or staff. Write names of missing individuals on the back of attendance sheets. If individuals are trapped, attach emergency ribbon to door.
4. Students should remain outdoors, in evacuation area, until building(s) are declared safe.
5. Consider the impact on students. Involve the psychological service crisis team as appropriate.
6. Be prepared to operate without police or fire assistance for an unknown time in the event that county services are overwhelmed.

## **PSYCHOLOGICAL FIRST AID PROCEDURES:**

In a natural disaster, like an earthquake, the first concern is with physical safety. Once safety needs have been assured, attention can and should be given to the emotional trauma. In many cases students (and staff) will be concerned and anxious about the welfare and safety of family and love ones. It is important for crisis team members to recognize and acknowledge the fear and anxiety everyone is experiencing by may not be expressing. Students will need to be reassured and feel secure. Adults may be experiencing very similar feelings of fear and anxiety and should be encouraged to share these fears with students while continuing to model appropriate behavior.

Providing opportunities to share these fears and feeling begins the process of helping victims gain control and mastery over the experience. Encouraging victims to take action also helps to lessen the feelings of helplessness and loss of control. If the individual appears immobile, the crisis team members should assist by directing and/or requesting the individual to take a specific action.

### **Dealing with reactions to an earthquake**

The following suggestions will assist school personnel

#### **A. Students and adults need facts.**

Give a realistic orientation of what an earthquake is how and when it happens. Prepare individuals for the possibility of aftershocks. Remind individuals that only certain areas have been affected.

#### **B. Students and adults need opportunities to share feelings and experience**

Students and adults need opportunities to talk and share their feelings and experiences. Talking helps diminish anxieties. Adults need to admit their own feelings so children will have permission to share. This is especially true with older boys.

#### **C. Students need to be together with adult and family members.**

Students are not as fearful of their own personal safety as they are of being separated from their parents and not knowing if they are safe or if they will see them again. Let students know that parents will be contacted or come to them as soon as they are able. In the meantime, assure students they will be cared for. Implement a buddy system with classmate. Initiate activities to help gain control over the situation. Encourage students to straighten up the room and rearrange the tables, for greater safety during aftershocks. Use classroom materials and/or recreational games to structure time.

## **USE OF SCHOOL/PUBLIC GROUNDS BY PUBLIC AGENCY DURING DISASTER**

### **Introduction**

Public schools are among some of the safest places for school-aged children to be on a daily basis. Our teachers, administrations, parents and community, take the safety of our children as a high priority; thus, ensuring that the learning environment is a place to learn and grow safely.

Unfortunately, violent and alarming incidents have occurred across the nation. It is for this reason that School Safety Plans, and the resources of the community, such as Police Departments, Fire Departments and other agencies as the Red Cross, have been pushed to the forefront when it comes to the safety of our schools.

Under each school's safety plan, a procedure to allow a public agency, including the above mentioned entities, are allowed to use buildings, grounds and equipment for mass care and welfare shelters during disasters or other emergencies affecting not only our students, but the public health and welfare. Each school district or county office is encourage to cooperate with the public agency in furnishing and maintaining and services as the district or county office may deem necessary to meet the needs of the community.

## **SUSPENSION AND EXPULSION POLICIES**

### **Central Union High School District**

#### **Students**

#### **Suspension and Expulsion**

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

(cf. 5144 – Discipline)

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

(cf. 6145 – Extracurricular and Co curricular Activities)

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

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

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

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

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

### **Zero Tolerance (Grades 4-12)**

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

### **Student Due Process**

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

(cf. 5119 – Students Expelled for other District)

(cf. 5144.2 – Suspension and Expulsion/Due Process – Individuals with disabilities)

### **On-campus Suspension Program**

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

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

The Superintendent or designee shall examine alternatives to off-campus suspension and may establish a suspension program which involves progressive discipline during the school day on campus; use of conferences between staff, parents/guardians and students; detention; students study teams of other assessments-related teams; and/or referral to school support services staff. The use of such alternative does not preclude off- campus

### **Required Parental Attendance**

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

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

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

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

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

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

### **Decision not to Enforce Expulsion Order**

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

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

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

### **Legal Reference:**

#### **EDUCATION CODE**

212.5 Sexual harassment

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

### **CIVIL CODE**

47 Privileged communication

### **CODE OF CIVIL PROCEDURE**

1985-1997 Subpoenas; means of production

### **GOVERNMENT CODE**

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

### **HEALTH AND SAFETY CODE**

11014.5 Drug paraphernalia  
11053-11058 Standards and schedules

### **LABOR CODE**

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

### **PENAL CODE**

240 Assault defined  
242 Battery defined  
243.4 Sexual battery  
245 Assault with deadly weapon  
261 Rape defined  
266c Unlawful sexual intercourse  
286 Sodomy defined  
288 Lewd or lascivious acts with child under age 14  
288a Oral Copulation  
289 Penetration of genital or anal openings  
417.25-417.27 Laser Scope  
422.6 Interference with civil rights; damaging property  
422.7 Aggravation factors for punishment  
422.75 Protected classes  
626.10 Entry upon campus after written notice of suspension or dismissal without permission  
868.5 Supporting person; attendance during testimony of witness

**COURT DECISIONS**

Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

Woodbury v. Dempsey (2003) 108 Cal. App. 4<sup>th</sup> 421

**ATTORNEY GENERAL OPINIONS**

80 Ops. Cal. Atty. Gen. 347 (1997)

80 Ops. Cal. Atty. Gen. 91 (1997)

80 Ops. Cal. Atty. Gen. 85 (1997)

UNITED STATES CODE, TITLE 20

7151 Gun free Schools

**Management Resources:**

**CDE PROGRAM ADVISORIES**

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

# **SUSPENSION AND EXPULSION/DUE PROCESS**

**Central Union High School District**  
Administrative Regulation  
Students

## **DEFINITIONS**

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Educational 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 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 for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

## **NOTICE OF REGULATIONS**

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

(cf.5144 – Discipline)

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

(cf. 514536 – Parental Notifications)

## **GROUND FORS 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 willfully used force or violence upon the person of another, except in self-defense. (Education Code 48900(a))

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

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of these 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©)  
(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 on 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 and 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 supervisions, 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 4800(l))
13. Possessed an imitation firearm, i.e., a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.  
(Education Code 48900 (m))
14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4.  
(Education Code 48900(n))
15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.  
(Education Code 48900(o))
16. Made terrorist threats against school officials and/or school property.  
(Education Code 48900.7)  
Pursuant to education code 48900.7, the making of a terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person or property damage in excess of \$1,000.00, with the specific intent that the statement is to be taken as a threat, even if there is no intend of actually carrying it out.

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

17. Committee sexual harassment as defined in Education Code 212.5. (Education Code 48900.2)  
Pursuant Education Code 48900.2 the conduct constitutes harassment when considered from the perspective of a reasonable person of the same gender as the victim to be sufficiently severe or pervasive as to have a negative impact upon the victim’s academic performance or to create an intimidating, hostile or offensive educational environment.  
(cf. 5145.7 – Sexual Harassment)

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

(Education Code 48900.3)

(cf. 5145.9 – Hate-Motivated Behavior)

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

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

(Education Code 48900.4)

(cf. 5145.3 – Nondiscrimination/Harassment)

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

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

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

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

(cf. 5113 – Absences and Excuses)

(cf. 5113.1 – Truancy)

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

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

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

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

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

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

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

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

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

This notice shall also:

Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date.

1. Describe the legal protections afforded to the parent/guardian as an employee under Labor code 230.7.
2. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student.
4. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1.

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

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

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

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

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

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

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

Suspensions shall be initiated according to the following procedures:

1. Informal Conference: suspension shall be preceded by an informal conference conducted by the principal, designee or the Superintendent with the student and whenever practicable, the teacher, supervisor or school employee who referred the student to the principal. At the conference, the student shall be informed of the reasons 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" involved a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference will be held as soon as the student is physically able to return to school. (Education Code 48911(c))

2. Administrative Actions: All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the

misbehavior. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee.

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

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

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

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

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

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

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

### **SUSPENSION BY THE BOARD**

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

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

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student’s right privacy under Education Code 49073-49079.  
(cf. 9321 – Closed Session Purposes and Agendas)

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

#### **ON-CAMPUS SUSPENSION PROGRAM**

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

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

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

#### **AUTHORITY TO EXPEL**

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

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

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

### **MANDATORY RECOMMENDATION FOR EXPULSION**

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

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

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

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

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

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

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

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

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

1. Reassignment to appropriate regular education program.
2. Refer student to Alternative Program; i.e., Community School, Independent Study, Continuation, or Opportunity School, or other district programs.
3. Refer the matter to the Discipline Review panel for further consideration.

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

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

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

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

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

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

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

4. That an expulsion panel be convened.

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

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

Materials which support the decision of the person recommending the expulsion shall be prepared and submitted to the Office of Student Services. The department of Attendance,

Guidance, Special Education and/or Health may be requested to assist in the preparation of this material.

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

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

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

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

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to summer recess of Board meetings and more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held no later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

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

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

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

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

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

## **RIGHTS OF COMPLAINING WITNESS**

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

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

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

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 489187.5)

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

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

1. The date and place of the hearing
2. A statement of the specific facts, charges and offense upon which the proposed expulsion is based.
3. A copy of district disciplinary rules which relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915 (a) or 9c).  
(cf. 5119 – Student Expelled from other Districts)

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

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

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

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

7. The opportunity to confront and question all witnesses who testify at the hearing.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

### **CONDUCT OF EXPULSION HEARING**

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing a 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 students privacy rights would be violated.

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

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 ©)

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate written and complete transcription of the proceedings can be made. (Education Code 48918 (g))
3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of the person who actually witnessed the action that gave rise to the recommendation for expulsion.

After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2, and enforced in accordance with Government Code 11455.20, formerly 11525. (Education Code 48918 (i))

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

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

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

Findings of fact shall be based solely on the evidence at the hearing. While no evidence shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity of 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 non-threatening environment.

- (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
  - (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
  - (3) The person conducting the hearing may:
    - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness.
    - (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
    - (c) Permit one of the support persons to accompany the complaining witness to the witness stand.
6. Decision within 10 days: The Board’s decision on whether to expel a student shall be made with 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))
7. Decision within 40 Days: If the Board does not meet on a weekly basis, its decision on whether to expel a student shall be make within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

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

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

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

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

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations

submitted or upon the results of any supplementary hearing the Board may order.  
(Education Code 48918 (f))

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

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

### **THE DISCIPLINE REVIEW PANEL**

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

1. The Discipline Review Panel shall hear the following types of disciplinary cases:
  - a. Requests for expulsion from site principals or the Superintendent.
  - b. School site administrative requests for assistance (non-expulsion situations).
2. Each discipline review panel shall consist of three certificated persons plus a chairperson and shall consist of elementary educator when a review is being made of an elementary student and of secondary educators when a review is being made of a secondary student. A panelist may not serve on any panel involving a student who is currently attending the school in which he/she is assigned. A representative for the Student Services shall be a nonvoting member of each panel.

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

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

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

The duties of the Discipline review Panel are as follows:

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

## **FINAL ACTION BY THE BOARD**

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel shall be taken by the Board at a public meeting. (Education Code 48918(J))  
(cf. 9321.1 – Closed Session Action 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 reviewing 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 date of the semester following the semester in which the expulsion occurred. (Education Code 48916)

1. At the time of the expulsion order, the Board shall recommend a plan for the student rehabilitation, which may include: (Education Code 48916)
2. Periodic review as well as assessment of the student at the time of the review for readmission.

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

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

### Written Notice to Expel

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

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed in Education Code 48900 (a)-(o), Education Code 48900.2-48900.4, Education Code 48915 (c) and (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian. (Education code 48916)
3. Notice of the right to appeal the expulsion to the County Governing Board. (Education Code 48918)
4. Notice of the alternative educational placements to be provided to the student during the time of expulsion. (Educational Code 78918)
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 78918)

## **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:  
(Educational Code 48917)

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program.
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct.
4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings.
6. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with County Board of Education.
7. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board of Education. Education Code 48918(j))

## **RIGHT TO APPEAL**

The student or parent/guardian is entitled to file an appeal of the Board's decision to the County Board of Education. The appeal must be filed within 30 days of the Board's

decision to expel, even if the expulsion action is suspended and the student is placed on probation.

### **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 establish at such a site.
3. Not housed at the school site attended by the student at the time of suspension. (cf. 6185 – Community Day School)

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

### **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 regulation shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulation.
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 finds that the student has not satisfied the confident of the rehabilitation plan or than the student continues to pose a danger to campus safety or to other district student or employees. (Education Code 48906)
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 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 education program which the Board has chosen. The student shall enroll in the Program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 78916)

### **MAINTENANCE OF RECORDS**

The Board shall maintain a record of each expulsion, including the specific cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls, within five days of a written request by the admitting school (Education Code 48900.8, 48900.89k). The Superintendent or designee shall, with five working days, honor any other district's request for information about an expulsion for the 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 notified appropriate city or county law enforcement authorities of any student acts of assault with my have violated Penal Core 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 of a controlled substance or possession of weapons or firearms in violation of Penal Code 262.9 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 laws enforcement authorities y telephone or other appropriate means, of any student acts which may violate (Education Code 48900 ©)

### **OUTCOME DATA**

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

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

## **PROCEDURES FOR NOTIFYING TEACHERS ABOUT DANGEROUS PUPILS**

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

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

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

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

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

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

# DISCRIMINATION AND HARRASSMENT POLICY

## Central Union High School District Personnel

### SEXUAL HARASSMENT

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

Legal Reference:

#### EDUCATION CODE

200 et al. Prohibition of discrimination on the basis of sex

121.5 Sexual harassment, defined

230 Particular practices prohibited, including sexual harassment

TITLE VII, CIVIL RIGHTS ACT as amended by Title IX, Equal Employment  
Opportunity Act

Meritor Savings Bank, FSB v. Vinson et al.

86 Daily Journal D. A. R. 2130

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

### SEXUAL HARASSMENT DEFINED

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

1. Submission to the conduct is made either an explicit or an implicit condition of employment, status, or promotion.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee.
3. The harassment substantially interferes with an emplo0ee's work performance or creates an intimidating, hostile, or offensive work environment.
4. Submission to, or rejection of, the conduct is the basis for any decision affecting benefits, services, honors, programs or other available activities.

Unlawful sexual harassment under the Fair Employment and Housing Act (FEHA) also includes unwelcome sexual advances of an employer towered an employee of the same sex and harassment of the basis of pregnancy disability.

[Gov. Code 12940 (h) (3) ©]

### EXAMPLES OF SEXUAL HARASSMENT

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

1. Making unsolicited written, verbal or physical contact with sexual overtones.
2. Visual conduct: leering or suggestive eye contact, making sexual gestures, posting or circulation sexually suggestive objects or pictures, cartoons, or posters.
3. Verbal conduct: making or using derogatory comments, epithets, stunts, and jokes bragging about sexual exploits, using terms with double meanings (one of which is sexual).
4. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations.
5. Physical conduct: touching, assault, impeding or blocking movements, touching oneself or another.
6. Continuing to express sexual interest after being informed the interest is unwelcome. (Reciprocal attraction is not considered sexual harassment.)
7. Making reprisals, threats of reprisal, or implied the reads of reprisal following a negative response. For example, either implying or actually withholding support for an appointment, promotion or change of assignment; suggesting a poor performance report will be prepared; or suggesting probation will be failed.
8. Engaging in implicit or explicit coercive sexual behavior, which is used to control, influence or affect the career, salary and/or work environment or another employee.
9. Offering favors or employment benefits, such as promotion, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations or re-classifications, in exchange for sexual favors.

## **COMPLAINT PROCESS**

1. Employees may report incidents of sexual harassment to any supervisor, manager, or administrator at the school site or in the department where they are working. If there is no supervisor, manager, or administrator to whom the employee is comfortable reporting the incident, the report may be made to the next higher level in the chain of command.
2. Any supervisor, manager, or administrator who has received a report, verbally or in writing, from any employee regarding sexual harassment of that employee or another employee by a student or adult in the work place must forward that report to the Cabinet level administrator within twenty-four (24) hours, or within a reasonable extension of time thereafter for good cause.
3. All complaints of sexual harassment will be investigated and promptly resolved.
4. Upon receipt of an allegation of sexual harassment, the supervisor, manager or administrator will designate an investigator who will initiate an investigation into the complaint within 48 hours.
5. The school district will designate management employees at each work site who are trained to investigate sexual harassment complaints.
6. After completion of the investigation, the manager will render his/her findings and a recommended disposition of the complaint. In determining whether the alleged conduct constitutes sexual harassment, the manager will look at the record as a whole and the totality of the circumstances, including the nature of the alleged sexual harassment and the context in which the alleged incidents occurred.
7. If the complainant is not satisfied by the report of the manager and the recommended disposition, he/she may submit the matter to the appropriate Cabinet

officer. The complainant shall make an appeal in writing stating the reasons why the complainant is dissatisfied with the report and recommended disposition. The written appeal shall be on a form prescribed by the district and shall be signed by the complainant.

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

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

### **ENFORCEMENT**

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

These actions will include:

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

### **CONFIDENTIALITY**

District employees involved in processing sexual harassment complaints shall endeavor in good faith to protect the privacy of all parties involved in a complaint of sexual harassment. Files pertaining to sexual harassment complaints shall not be made available to the general public.

### **RECORDS**

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

## **EDUCATIONAL OUTREACH**

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

## **REPORTING TO OUTSIDE AGENCIES**

Federal Equal Employment Opportunity Commission

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

Equal Employment Opportunity Commission

State of California Department of Fair Employment and Housing

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

State of California

Retaliation Prohibited

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

## **DRESS CODE POLICY**

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

### **Desert Oasis High School Dress Code**

Effective August 28, 2006 the following dress code will be utilized by Desert Oasis High School to support the safety of all children while attending school .(Ed code 35183)(Ed code 32281)

#### **Basic Uniform for both males and females**

Khaki pants, skirts, shorts (note guidelines below)

Belt, leather

Black short sleeve polo shirt

Shoes and socks to district code

Pants, shorts, skirts, and shirts, are to be worn no larger or smaller than two sizes over the student's standard size with the polo shirt tucked in and pants secured with a leather belt.

#### **Guidelines**

A black or white short sleeved tee shirt may be worn under the black polo shirt.

A female student may wear a khaki skirt no shorter than finger tip length.

Students who are cold may wear a black polo pull over fleece.

Students may opt to wear khaki shorts that follow the guidelines stated above, have a finished hem, and be no shorter than finger tip length.

These guidelines are designed to help reduce potential problems on campus and provide a positive learning environment. *Parents may choose not to have their child comply with an adopted school uniform policy. ( Ed code 35183) To discuss this option an appointment must be made with the principal.*

#### **Head gear/Backpacks**

Hats may be worn up to the school gates then removed for the remainder of the school day. An exception will be made for those students who wear head gear because of religious practice or those students participating in outdoor activity in need of a hat for sun protection.

Back packs and purses will not be allowed in classrooms.

# **PROCEDURES FOR SAFE INGRESS/EGRESS OF STUDENTS/EMPLOYEES/PARENTS**

## **INTRODUCTION**

It is the policy of Desert Oasis, and the Central Union High School District, that everything possible will be done to protect employees, students, customers, parents, and other visitors from accidents. Safety is a cooperative undertaking, requiring participation by everyone.

**Related strategies and procedures to make sure that all persons entering, leaving, or on campus, are provided with the safest options:**

- 1. Means of ingress/egress shall be kept unblocked, well lighted, and unlocked during working hours.**
- 2. Exit doors must comply with fire safety regulations during business hours.**
- 3. Stairways should be kept clear of items that can be tripped over, and all areas under stairways that are egress routes should not be used to store combustibles.**
- 4. Aisles must be kept clear at all times.**
- 5. All chords running into walk areas must be taped down or inserted through rubber protectors to preclude them from becoming tripping hazards.**
- 6. A covering, guardrail, or its equivalent must secure any floor openings.**
- 7. There must be sufficient exits to permit prompt exit in case of emergency.**
- 8. When ramps used as part of required exiting from a building, ramp slope must be limited to 1-foot vertical, and 12 foot horizontal.**
- 9. Exit door must be side hinged.**
- 10. Doors that swing both ways must have viewing panel.**
- 11. Exit doors must be “operable” from the direction of exit travel without use of a key, or any special knowledge, when building is occupied.**
- 12. Doors that are neither exit nor access must be marked “not an Exit.”**
- 13. All spills/wet areas will be wiped up promptly.**

# **BLOOD BORNE PATHOGEN INCIDENT REPORTING FROM AND EXPOSURE CONTROL PLAN**

## **CENTRAL UNION HIGH SCHOOL DISTRICT BOARD POLICY INFECTIOUS DISEASES**

### **Students**

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

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

*(cf. 4119.43 – Universal Precautions)*

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

*(cf. 5141.23 – Infectious Disease Prevention)*

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

*(cf. 5112.2 – Exclusion from Attendance)*

*(cf. 5141.26 – Tuberculosis Testing)*

*(cf. 5141.3 – Health Examinations)*

*(cf. 6158 – Independent Study)*

*(cf. 5159 – Individualized Education Program)*

*(cf. 6183 – Home/Hospital Instructional)*

### **STUDENTS WITH BLOODBORNE PATHOGEN INFECTIONS**

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

The Board encourages parents/guardians to inform the Superintendent or designee if their child has an infectious disease so that any such child will have access to appropriate district programs and services, and so that school staff may work cooperatively with the student's parents/guardians to minimize the child's exposure to other diseases in the school setting. The Superintendent or designee shall ensure that student confidentiality rights are strictly observed in accordance with law. No district employee shall release medical information, including knowledge of a bloodborne pathogen infection. Without

written consent form the parent/guardian or adult student. Such information shall be shared only with those persons specifically named in the written permission.

(cf. 5125 – *Student Records*)

(cf. 5022 – *Student and Family Privacy Rights*)

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

(cf. 4119.42, 4219.19, 4319.42 – *Exposure Control Plan for Bloodborne Pathogens*)

(cf. 4119.43, 4219.43, 4319.43 – *Universal Precautions*)

(cf. 5141.23 – *Infectious Disease Prevention*)

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

(cf. 5141.6 – *Student Health and Social Services*)

(cf. 6142.1 – *Sexual Health and HIV/AIDS Prevention instruction*)

(cf. 6142.8 – *Comprehensive Health Education*)

#### **LEGAL REFERENCE:**

##### **EDUCATION CODE**

48210-48216 Persons excluded

49073-75 Privacy of pupil records

49076 Access to records by persons without written consent or under judicial order

49403 Cooperation in control of communicable disease and immunization of students

49405 Smallpox control

49406 Examination for tuberculosis

49408 Information of use in emergencies

49450 Rules to ensure proper care and secrecy

49451 Parent's refusal to consent to medical exam

49602 Confidentiality of information disclosed by a parent of pupil 12 years or older to a school counselor

##### **CALIFORNIA CONSTITUTION**

Article 1, section 1 – Right to Privacy

##### **CIVIL CODE**

56-56.37 Confidentiality of Medical information

1798-1798 Information Practices Act

**Center for Disease Control and Prevention:** <http://cdc.gov>

**NSBA, School Health Programs:** <http://www.nsba.org/schoolhealth/>

## **BLOOD BORNE PATHOGENS – SAFETY PRACTICES**

### **PROCEDURES AND REGULATIONS**

#### **General**

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

#### **Assessment**

##### **Students**

The Superintendent (or designate) will be informed, by the school principal as soon as is known, of any student infected with an infectious blood borne disease.

- a. A Risk Assessment will be conducted using a team approach including the personal physician, public health personnel, the parent or guardian, and school district personnel as appropriate and will make recommendations about the type of educational and care setting based on the following:
  - a. Behavior, neurological development and physical condition of the child;
  - b. Type of interaction expected with others.
  - c. What the potential is for exposure
  - d. Areas for potential exposure
  - e. How exposure may happen
  - f. Who needs to know?
  - g. What will happen if there is a risk of exposure?

The team will consider the risk to others in the workplace, whether or not the individual is healthy enough to continue to attend school, and what precautions should be taken to ensure the safety and health of others. The identity of infected students will remain in confidential and restricted to those who need to know or are required to be informed.

Decisions on attendance at school are dependent on the circumstances of each individual case. Regular evaluation of the appropriateness of attendance will be conducted.

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

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

##### **Employees**

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

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

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

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

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

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

### **Hygienic Safety Procedures**

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

- a. Routinely using gloves when anticipating contact with blood
- b. Immediately washing hands and other skin surfaces after removal of gloves and/or contact with blood

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

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

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

### **Universal Precautions**

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

- a. Wash hands for 30 seconds after contact with blood and other body fluids contaminated with blood
- b. Wear disposable latex gloves when you encounter blood, body fluids, or when cleaning cuts, scrapes or wounds. Wash your hands as soon as you remove your gloves. Dispose gloves in a plastic bag.
- c. Use disposable absorbent material like paper towels to stop bleeding.

- d. Discard bloodstained material in a sealed plastic bag and deposit in the garbage. Label as containing blood-tainted material.
- e. Cover cuts or scratches with a bandage until healed.
- f. Immediately protect staff and students from coming in contact with blood-soiled surfaces. The area must be disinfected with a fresh solution of one part bleach and nine-parts water (10% bleach solution). Mops or brushes used for cleaning should be soaked in bleach solution for 20 minutes.

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

### **Identification of Risks of Occupational Exposure**

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

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

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

## **PROCEDURES TO ENSURE A SAFE AND ORDERLY ENVIRONMENT RULES AND PROCEDURES ON SCHOOL DISCIPLINE**

### **PHILOSOPHY OF DISCIPLINE**

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

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

### **ELEMENTS OF A GOOD DISCIPLINE PROGRAM**

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

## **Principal's Statement to EDMS Staff Expectations in Developing & Maintaining Discipline**

As Principal of our school, I will expect:

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

You can expect:

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

I will expect:

That when you refer a student for discipline:

1. The student has been fully aware of classroom and school rules and knows what rule he/she has violated
2. Teachers will discuss any continuing behavior problems and schedule a team conference with the student and parents when appropriate.
3. That information will be provided on the federal regarding previous actions you have taken regarding this specific issue.
4. You have exhausted the interventions at your disposal (i.e., you have done everything you can do) and you have followed the guidelines established by the administrator and staff on what constitutes an appropriate behavior referral.
5. The behavior was so serious or so blatant as to make immediate removal from the classroom necessary.
6. The written referral will be explicit in stating the offense (s).
7. You will send the student out of class with a referral only if his/her continued presence in the class would disrupt or prevent teaching and/or learning.
8. If necessary, the referral will be delivered to the office at a time convenient to the staff member so that the issue may be handled most efficiently, causing a minimum of lost class time.

You can expect:

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

I will expect:

1. That each teacher will go to the doorway of his/her classroom after each class period as often as possible and assume control of student behavior in the corridor.
2. That each staff member will hold students accountable for their behavior on the school grounds at all times.

You can expect:

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

### **School Discipline/Rules/Procedures**

**Behavioral and academic problems are an on-going problem with some of our students. Staff members need guidelines in dealing with these problems.**

**The following are some guidelines for staff member to use when dealing with students on a daily basis:**

- A. Seek an administrator**
- B. Communicate with student's parent when discipline and academic problems first occur. Ask for their input, and make sure you document your calls.**
- C. When possible, discuss your concerns with individual student on a one to one basis. Do not embarrass them in front of peers.**
- D. Look at student's cum-folder. Look for similar patterns**
- E. When using referrals, make sure you document precisely what the student did. Call the parent.**
  
- F. When dealing with academic concerns, look at test scores, report cards and student's past history. Talk to student's counselor.**
- G. Use SST when student is showing signs of poor behavior, and academic failure. Do not wait till student has failed.**

**Central Union High School District**

**Desert Oasis High School**

**Comprehensive Schools Safety Plan**

Safety Plan Committee Evaluation and Public  
Hearing Certification

2009-2010 Update

California law requires the comprehensive School Safety Plan of each school to be annually evaluated and amended, as needed, to ensure the plan is properly implemented (Ed. Code 35294.2e). An updated file of all safety-related plans and materials is maintained by Desert Oasis High School and readily available for inspection by the public.

California law also requires notice for public input prior to the adoption of the Comprehensive School Safety Plan.

Desert Oasis High School’s safety plan committee has evaluated our Comprehensive School Safety Plan.

Signatures of Desert Oasis High School Safety Plan Committee.

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