

# Cabrillo Elementary School Revised 9-13-2022

## Comprehensive School Safety Plan 2022-2023



**Date the Safety Plan was approved:** October 21, 2022

### **Education Code Section 35294 (SB 187)**

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

### **Comprehensive School Safety Plan Section 35294.2 of the California Education Code**

This law states that each school district and county office of education is responsible for the overall writing and development of comprehensive school safety plans for its schools operating K-12 grades.

Each plan must be developed and approved by the School Site Council. The School Site Council may delegate this responsibility to a school safety committee planning committee. Each year the school site council will consult with the fire department in the revision of the plan, and will share updates of the plan with law enforcement and the fire department.

A comprehensive school safety plan includes strategies and programs designed to maintain a high level of school safety. Plans should address procedures for:

- Disaster Response
- Safe ingress and egress to/from school
- Reporting child abuse
- Sexual harassment
- School discipline
- Provisions for school-wide dress code

- Policies related to suspension, expulsion or mandatory expulsion, etc.
- Procedures for notifying teachers about dangerous pupils

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

## Table of Contents

Assessment of the Current Status of School Crime .....	4
Appropriate Programs and Strategies that Provide School Safety .....	5
Component 1: Narrative on School Climate .....	6
Component 2: Physical Environment .....	9
Positive School Climate .....	11
Disruptions .....	14
Child Abuse Reporting Procedures .....	17
California Penal Code 11174.3 .....	19
Suspected Child Abuse Report .....	20
Child Abuse Prevention And Reporting.....	22
Suspension and Expulsion Policies .....	25
Suspension And Expulsion/Due Process .....	32
Procedures for Annual Notification of Teachers on Suspensions.....	36
Discrimination and Harassment Policy .....	37
Nondiscrimination/Harassment .....	38
Sexual Harassment .....	43
Uniform Complaint Process.....	48
Suspension/Disciplinary Action .....	52
Administrative Regulation .....	57
School –wide Dress Code.....	60
Safe Ingress and Egress Procedures .....	61
Discipline Procedures .....	62
Discipline Flow Chart .....	63
Conduct .....	65
Discipline .....	70
Hate Crime Policies and Procedures.....	74
Hate-Motivated Behavior.....	75
Bullying.....	79
Disaster Procedures.....	84

## **Assessment of the Current Status of School Crime**

Cabrillo Elementary does not have a high incidence of crime on campus or at school functions.

2021-2022 Summary Data

Suspensions: 16

Expulsions: 0

## **Appropriate Programs and Strategies that Provide School Safety**

### **Visitor Access Control**

There are many programs and strategies in place at Cabrillo to provide school safety. In 2013, Cabrillo became a locked campus. Before school, staff members are assigned to all open gate areas to ensure that only students are entering the campus. Under current protocols, Cabrillo has only one gate open for students during drop off, and that gate is closely monitored. Once the bell rings, the gates are securely closed. After school, staff members are assigned to the exit areas and the parking lot areas to ensure that all students leave safely and unwanted guests do not enter the campus.

Procedures for visitor identification are in place. All visitors enter the front doors to the office area. Visitors are required to provide their ID and have a purpose for entry. With the relaxing of Covid protocols, outside visitors/volunteers are increasing. Visitors are immediately recognized and they are given a visitor's pass to wear or they are escorted by staff for their entire visit. Badges are clearly identifiable. All regular volunteers must complete the district-required background check before having regular access to the campus and our students. Additionally, the after school program, Think Together, has installed a doorbell/camera system for parents to use when they are picking up their children.

## **Component 1: Narrative on School Climate**

### **School Profile – Area of Pride and Strength**

Cabrillo is committed to educating the whole child with equitable emphasis on academics, behavior, and social emotional well being. We strive to provide a safe environment where scholars will become responsible, respectful, and confident life long learners. We believe in a fully inclusive environment dedicated to the success of ALL students. We see our students as individuals and we provide interventions in all areas to meet our students where they are and help them to become college and career ready. We have a college going culture that emphasizes ALL students are able to go to college through hard work and perseverance. Through our school wide behavior expectations, our students are taught how to be prepared and responsible, to act respectfully, to work hard and to stay safe. We provide universal access to research based curriculum in all academic areas. In addition, we provide our students with opportunities to work with the most current strategies for social emotional well being. Students are provided with one-to-one access to technology giving them the opportunity to experience engaging and relevant instruction.

### **Curriculum and Educational Activities**

Cabrillo is in the full implementation of the Common Core State Standards. Students are engaged in a variety of strategies including Thinking Maps and AVID strategies. Teachers have been focused on close reading, developing academic vocabulary, and mathematical practices. Cabrillo makes use of the district Wonders ELD adoption and the Go Math adoption. All students in kinder to sixth grade at Cabrillo participate in Cougar Club, a time of day where every student receives the instruction they needed including intervention and enrichment. All students at Cabrillo participate in Daily 5 which provides teachers the opportunity to do small group instruction. Think Together after-school program is also available to students. Additionally, Cabrillo teachers are moving forward with Professional Learning Communities in collaboration with Solution Tree, an educational consulting group. In PLC's, Cabrillo's teachers plan units around essential standards, create common formative assessments, and respond appropriately to the data gathered in those assessments.

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

Cabrillo Elementary is in its 7th year of implementation of PBIS, a school-wide behavior interventions and support program. After achieving Silver Status for three consecutive years, Cabrillo Elementary has been recognized with Gold Status with the state of CA for the past two years. This approach is comprised of intervention practices and organizational systems for establishing the social culture, learning and teaching environment, and individual behavior supports needed to achieve academic and social success for all students. This program has allowed Cabrillo to improve student academic and behavior outcomes as well as ensuring that all students have access to the most effective and accurately implemented instructional and behavioral practices and interventions possible. In addition, Cabrillo has provided universal access to a social-emotional curriculum, Second Step as well as daily practice of mindfulness using Inner Explorer. Cabrillo has also begun implementation of Capturing Kids' Hearts to improve relationships with students and overall school climate.

### **Classroom Organization and Structure**

Cabrillo boasts a highly qualified faculty with many holding advanced graduate degrees. Classrooms and teachers provide safe, orderly learning environment, enhance the experience of learning, and promote positive interactions among pupil and staff. Instructional time is maximized and disruptions are minimized.

Cabrillo Elementary teachers provide a varied learning environment in their classrooms. The Common Core State Standards for respective grade levels are the basis of all teaching decisions. Grade-level teams coordinate the teaching of the common core state standards. There are many positive teaching strategies in place at Cabrillo Elementary and each classroom has its own unique strengths.

### **Professional Development**

Upland Unified School District's Educational Services Department works on a continuous basis to provide ongoing training for improved student learning. The Educational Services Department has taken an active role in working with teachers to align instruction, technology, and assessments with the new Common Core standards. Training is offered throughout the year that teachers can select to attend. On-site, an instructional leadership team was formed to help drive the alignment of staff development with common core, student performance, and the professional needs of staff. We have 2 Mondays a month designated for 60-minute staff professional learning. They are used to deliver and share instructional practices around current initiatives including PLC, Thinking Maps-Write from the Beginning, PBIS, Social-Emotional Strategies, Behavioral Strategies, and Mindfulness. Our strong emphasis on building Professional Learning Communities is entering a second year with every grade level being released three times during the year to analyze assessment data and respond as PLCs.

### **School Cultural Environment**

There is a high level of cohesiveness among the staff members at Cabrillo Elementary School. Cooperation and support between teachers is evident. Concern for all students at Cabrillo is very obvious. All students are expected to behave in a manner that promotes safety and order. Students are encouraged to bring problems to the principal, teacher or other staff members. The everyday goal is for the staff to be proactive rather than reactive in all situations of concern. The academic and behavior efforts of pupils are recognized and rewarded at monthly and trimester award assemblies. Awards are given to students who demonstrate the behavior expectations of Cabrillo (PAWS- Prepared, Act Respectfully, Work Hard, and Stay Safe). Every classroom has a token system that rewards students for positive behavior and students can receive positive office referrals to receive recognition from the principal for positive behavior.

### **Discipline Policy and Code**

A major home and school goal is to teach our children individual responsibility while developing self-esteem so that students can reach their full potential.

With PBIS and Capturing Kids' Hearts, the emphasis is on learning how to take charge of one's own decision-making process and use problem-solving skills to deal with difficult interpersonal situations and conflicts. We want children who are empowered to take responsibility for their own behavior, whether it be about working and playing together in a positive way, taking an active role in their own learning (i.e., staying on task, completing assignments, etc.), or solving interpersonal conflicts without negative verbal or physical actions. Our PBIS Schoolwide Expectations are posted around the school as well as in every classroom. Schoolwide and Classroom Matrix for behavior were created and are also present around the school and in every classroom. Students are explicitly taught the expected behavior and teachers revisit that weekly. There is a monthly PBIS focus and teachers have specific lessons that they instruct students on for appropriate behavior. Interventions for behavior are put in place and consequences range from a warning to suspension depending on student history and severity of the behavior. Classroom rules are established by each teacher and the students. They are displayed in a prominent place in the classroom. School rules address safety issues on the playground. In addition, Cabrillo has begun to use Restorative Practices in both the classrooms and in the administrative office. District signs are posted to inform that tobacco, alcohol, and other prohibited products are not permitted on the school grounds.

### **Safe Schools Assessment**

There are many programs and strategies in place at Cabrillo to provide school safety. Cabrillo is a locked campus. Before school, staff members are assigned to all open gate areas to ensure that only students are entering the campus. Once the bell rings, gates are securely closed. The office has an electronic gate that is controlled by the front desk which allows the office to monitor visitors. After school, staff members are assigned to the exit areas and the parking lot areas to ensure that all students leave safely and unwanted guests do not enter the campus. Procedures for visitor identification are in place. All visitors enter the front doors to office area. Visitors must provide an ID to be scanned in the Raptor system. Visitors are immediately recognized and they are given a visitor's badge to wear. Badges are printed from Raptor, visibly identifiable and cannot be duplicated. Visitors are not allowed to proceed onto the campus unless they have received prior approval from the office/principal.

### **Gang Affiliation**

Gang affiliation and activity is not present at Cabrillo.

### **Drug and Violence Prevention Programs**

At the elementary level, the district uses several SEL curricula such as Inner Explorer, Second Step, and Sanford Harmony to promote the social emotional development, safety, and well-being of students. At the secondary level, students receive lessons on drug and alcohol prevention.

### **Parent/Guardian Involvement**

Before implementation of Covid-related visitor restrictions, Cabrillo was in its 5th year of the Watch Dogs program. This nationally recognized program promotes having dads on campus as volunteers. This program was highly successful and growing, and we plan on having it return when conditions allow. While Cabrillo previously had an active PTA, it disbanded during the 2020-2021 school year. The re-establishment of the PTA will take place with the elections scheduled for October 6, 2022. Cabrillo has a robust School Site Council and English Learner Advisory Council which are working on ways to improve family engagement. The SPSA has plans to get support from the San Bernardino County Office of The Superintendent of Schools in family engagement.

### **Campus Supervisor and Administrative Positions**

The staff at Cabrillo enhances the physical safety of the school campus by monitoring the surrounding school grounds- including landscaping, parking lots, and crosswalks. Cabrillo employs eight noon duty aides who provide supervision before school and during recess and lunch. Teachers, as part of their duties, provide supervision before and after school. Cabrillo Elementary School's principal and supporting Teacher on Special Assignment work to promote positive student relationships and leverage those relationships to prevent problems before they occur. The principal has developed procedures to monitor the school campus, the surrounding areas, and has designated the safe entrance and exit routes to school. To enhance supervisory capabilities, the Cabrillo campus has numerous security cameras across the site. Furthermore, recognizing that pupils are often the first to know of dangerous plans or actions, the principal at Cabrillo makes himself visible and available for any student to safely report troubling behaviors that may lead to dangerous situations. When it comes to school safety, students are taught not to keep secrets. Positive relationships between the principal, students, staff, and parents help initiate appropriate investigations, help staff learn of suspects in the school office, and help collect important knowledge about community conflicts that may have an impact on school safety.

### **Truancy**

Communication and attendance policies follow district guidelines.

### **Campus Disturbances and Crimes**

Cabrillo Elementary recognizes that campus disturbances and crimes may be committed by visitors and outsiders to the campus. Having a locked campus was put in place to protect the school, staff, and pupils from safety threats by individuals visiting the campus area. In addition, disputes sometimes occur because of parental custody disputes. The staff of Cabrillo Elementary maintains custody documentation provided by families in the student's record and will request assistance from local law enforcement and the Office of Child Welfare and Attendance as needed. The Upland Unified School District has also retained the services of a School Resource Officer who can quickly respond to any law enforcement need that we might have on campus.

### **Visitors and Disruptions to Educational Process**

Visitors are coordinated with teachers in order to minimize any potential disruption to school activity. If anything, we want our visitors to enhance, rather than disrupt, the educational process. For instance we recently had a counselor from the University of Riverside speak with our 6th grade students about college opportunities.



## **Component 2: Physical Environment**

### **Introduction**

Cabrillo is the proud home to approximately 560 ethnically diverse, low socioeconomic students.

A rich cultural diversity is recognized in the numerous languages and varied ethnic backgrounds represented by our student body: Asian, Middle Eastern, Hispanic, African-American, and Euro-American. In addition, Cabrillo has a significant number of second language learners.

### **The Schools' Location and Physical Environment**

Cabrillo Elementary School is located in the foothill community of Upland near the western border of San Bernardino County. Single family homes and apartments, as well as some small businesses surround Cabrillo.

### **Description of School Ground**

The Cabrillo campus has 30 classrooms, a Library, 2 literacy labs, corridors, and 5 playgrounds; The upper playground consists of grass, concrete, and asphalt and includes basketball and volleyball courts, handball court, Big Toy, baseball diamonds and a track. The smaller playgrounds consist of grass, concrete, and asphalt. They include basketball courts, Big Toys, and handball courts. Cabrillo Elementary is completely enclosed by a fence with gates that are kept locked during school hours. There are several pods and/ or clusters of classrooms including 32 classrooms with a quad/ courtyard located in the middle of the school. Other ancillary structures include office, Multi-Purpose room, restrooms, library, & Daycare facility. During the school day, staff members and administrators provide campus supervision. Identified problem areas receive increased supervision to reduce discipline or other school safety concerns.

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

The school's physical facility is well maintained and generally looks neat and clean. District personnel periodically examine the school's physical facility and help eliminate obstacles to school safety. Additionally, health and fire department inspectors contribute to school safety. The classrooms are monitored for safety and appearance by the administration and individual classroom teachers. The pupils take pride in the appearance of the school.

### **Internal Security Procedures**

To ensure the safety of pupils and staff, all visitors to the campus, except pupils of the school and staff members, shall register immediately upon entering any school building or grounds when school is in session. District employees shall wear appropriate identification badges while on campus conducting business. Discipline procedures shall focus on finding the cause of problems and working with all concerned to reach the proper solutions. The school's discipline plan begins at the classroom level. Teachers shall use a visible classroom management plan to communicate classroom rules, promote positive pupil conduct, and reduce unacceptable conduct. Appropriate consequences are administered based on the seriousness of the pupil's misbehavior.

### **Inventory System – Engraved ID, Security Storage**

Most school-site equipment has a metal ID tag or a bar code sticker adhered to its surface. These items are inventoried annually and there is an established accountability system. Office and classroom supplies are secured.

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

1. Each Teacher and / or support staff will lead students to exit calmly and quickly.
2. The emergency backpack and room number field sign must be taken outside for ALL drills and actual emergencies. The room number field sign is to be set up in front of the entire assigned line for easy viewing.

3. For a fire: CLOSE the door – “DON’T FEED THE FIRE.” Do NOT place the red/green door hanger on the door. Do NOT touch the light switches.
4. For an earthquake: Leave the door OPEN – access needed by Search & Rescue. Do NOT touch the light switches. Check for anyone that cannot exit. Place the red / green door hanger accordingly.
  - \* Red- person left behind in the room due to injury.
  - \* Green – no one left behind. Pull the emergency cart to the middle of the primary blacktop. Do NOT bring the bins up to the field. The Command Post will approve their movement if classes and staff are to remain for an extended period of time.
5. All staff will walk students to assigned areas before reporting to their assigned team.
6. Staff members must take any separated students to their designated lines on the field so they can be accounted for as soon as possible after reaching the evacuation area. Daycare supervisors in a designed line on the primary field will supervise daycare students.
7. The Student Release Team will be located at the East Lot gates. Parents or other visitors will NOT be allowed past the pick up point.
8. All parent volunteers must report to the Command Post.
9. Using a walkie-talkie, please use only “B” channel for the site. The Command Post will use the channel 20 for communication with the school district.
10. Medical supplies are stored in two locations: the Emergency Bin and the Health Technicians office. The gate key opens the Emergency Bin to access supplies.
11. A “Health Concerns” list for each class should be placed with the Blue Emergency Cards in each Emergency Backpack. The Health Technician issues this confidential list.

## **Board Policy**

### **Positive School Climate**

BP 5137

#### **Students**

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

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

(cf. 3515 - Campus Security)

(cf. 3515.2 - Disruptions)

(cf. 5030 - Student Wellness)

(cf. 5131.4 - Student Disturbances)

(cf. 5142 - Safety)

(cf. 5145.3 - Nondiscrimination/Harassment)

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

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

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

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 4020 - Drug and Alcohol-Free Workplace)

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.6 - Alcohol and Drugs)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5136 - Gangs)

(cf. 5144 - Discipline)

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

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

(cf. 5145.2 - Freedom of Speech/Expression)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

The district's curriculum shall include age-appropriate character education which includes, but is not limited to, the principles of equality, human dignity, mutual respect, fairness, honesty, and citizenship. Teachers are encouraged to employ cooperative learning strategies that foster positive interactions in the classroom among students from diverse backgrounds.

(cf. 5131.9 - Academic Honesty)  
(cf. 6141 - Curriculum Development and Evaluation)  
(cf. 6142.94 - History/Social Science Instruction)  
(cf. 6142.3 - Civic Education)  
(cf. 6142.4 - Service Learning/Community Service Classes)  
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

The Superintendent or designee may develop other strategies to enhance students' feelings of connectedness with the schools, such as campus beautification projects, graffiti removal, development of extracurricular activities and after-school programs, pairing of adult mentors with individual students, recognition of student achievement, and encouragement of strong family and community involvement in the schools.

(cf. 1240 - Volunteer Assistance)  
(cf. 5126 - Awards for Achievement)  
(cf. 5131.5 - Vandalism and Graffiti)  
(cf. 5148.2 - Before/After School Programs)  
(cf. 6020 - Parent Involvement)  
(cf. 6145 - Extracurricular and Cocurricular Activities)  
(cf. 6145.5 - Student Organizations and Equal Access)

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

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

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

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

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

#### Legal Reference:

##### EDUCATION CODE

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

#### Management Resources:

##### CSBA PUBLICATIONS

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007  
Protecting Our Schools: Governing Board Strategies to Combat School Violence, rev. 1999

##### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

Creating Safe and Drug-Free Schools: An Action Guide, 1996

##### U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Preventing Bullying: A Manual for Schools and Communities, 1998

WEB SITES

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

California Department of Education, Learning Support: <http://www.cde.ca.gov/lr>

National School Safety Center: <http://www.schoolsafety.us>

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

Policy UPLAND UNIFIED SCHOOL DISTRICT

adopted: September 27, 2011 Upland, California

## Board Policy

### Disruptions

#### BP 3515.2

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

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

(cf. [1250](#) - Visitors/Outsiders)

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

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

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

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

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

The Superintendent or designee shall establish a plan describing staff responsibilities and actions to be taken when an individual is causing or threatening to cause a disruption. The plan shall address, as appropriate, visitor registration procedures; campus security measures; evacuation procedures; lock-down procedures; possible responses to an active shooter situation; communications within the school and with parents/guardians, law enforcement, and the media in the event of an emergency; and crisis counseling or other assistance for students and staff after a disruption. In developing such a plan, the Superintendent or designee shall consult with law enforcement to create guidelines for law enforcement support and intervention when necessary.

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

(cf. 3515.3 - District Police/Security Department)

(cf. 3515.7 - Firearms on School Grounds)

(cf. [3516](#) - Emergencies and Disaster Preparedness Plan)

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

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

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

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

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

#### Legal Reference:

##### EDUCATION CODE

32210 Willful disturbance of public school or meeting, misdemeanor

32211 Threatened disruption or interference with classes; misdemeanor

35160 Authority of governing boards

44810 Willful interference with classroom conduct

44811 Disruption of classwork or extracurricular activities

48902 Notification of law enforcement authorities

51512 Prohibited use of electronic listening or recording device

##### PENAL CODE

243.5 Assault or battery on school property

415.5 Disturbance of peace of school

626-626.11 Schools, crimes, especially:

626.7 Failure to leave campus or facility; wrongful return; penalties; notice; exceptions

626.8 Disruptive presence at schools

626.81 Misdemeanor for registered sex offender to come onto school grounds

626.85 Misdemeanor for specified drug offender presence on school grounds

626.9 Gun Free School Zone Act

627-627.10 Access to school premises

653b Loitering about schools or public places

12556 Imitation firearms

30310 Prohibition against ammunition on school grounds

##### UNITED STATES CODE, TITLE 20

7151 Gun-Free Schools Act

## COURT DECISIONS

Reeves v. Rocklin Unified School District, (2003) 109 Cal.App.4th 652

In Re Joseph F., (2000) 85 Cal.App.4th 975

In Re Jimi A., (1989) 209 Cal.App.3d 482

In Re Oscar R., (1984) 161 Cal.App.3d 770

## ATTORNEY GENERAL OPINIONS

79 Ops.Cal.Atty.Gen. 58 (1996)

Management Resources:

## CSBA PUBLICATIONS

911! A Manual for Schools and the Media During a Campus Crisis, 2001

## U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Guide for Developing High-Quality School Emergency Operations Plans, 2013

## WEB SITES

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

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

U.S. Department of Education: <http://www.ed.gov>

## Policy UPLAND UNIFIED SCHOOL DISTRICT

adopted: September 27, 2011 Upland, California

revised: June 28, 2016



## Child Abuse Reporting Procedures

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

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

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

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

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

or

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

All law enforcement officers are mandated reporters.

A follow up written report must be submitted within 36 hours. Forms are available on-line at:

<http://ag.ca.gov/childabuse/pdf/ss-8572.pdf>

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

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

Step One – The investigator comes to school.

All investigations begin in the school office. The staff member “in charge” should ask for identification and the purpose of the proposed interview. When it is made clear that the interview will focus on allegation of abuse in the home, the staff member in charge should be present with the child before the interview begins.

Step Two - The investigator must advise the child of the right to choose a staff member to be present during the interview.

What the school employee should do if:

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

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

What can the selected staff member do:

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

**California Penal Code 11174.3****“School Interview Law”**

11174.3.(a) Whenever a representative of a government agency investigating suspected child abuse or neglect or the State Department of Social Services deems it necessary, a suspected victim of child abuse or neglect may be interviewed during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child's home or out-of-home care facility. The child shall be afforded the option of being interviewed in private or selecting any adult who is a member of the staff of the school, including any certificated or classified employee or volunteer aide, to be present at the interview. A representative of the agency investigating suspected child abuse or neglect or the State Department of Social Services shall inform the child of that right prior to the interview.

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

# Suspected Child Abuse Report

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

CASE NAME: \_\_\_\_\_

PLEASE PRINT OR TYPE

CASE NUMBER: \_\_\_\_\_

<b>A.</b>	<b>REPORTING PARTY</b>	NAME OF MANDATED REPORTER		TITLE		MANDATED REPORTER CATEGORY			
		REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS		Street	City	Zip	DID MANDATED REPORTER WITNESS THE INCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO		
		REPORTER'S TELEPHONE (DAYTIME) ( )		SIGNATURE		TODAY'S DATE			
<b>B.</b>	<b>REPORT NOTIFICATION</b>	<input type="checkbox"/> LAW ENFORCEMENT <input type="checkbox"/> COUNTY PROBATION		AGENCY					
		<input type="checkbox"/> COUNTY WELFARE / CPS (Child Protective Services)							
		ADDRESS		Street	City	Zip	DATE/TIME OF PHONE CALL		
		OFFICIAL CONTACTED - TITLE				TELEPHONE ( )			
<b>C.</b>	<b>VICTIM</b>  One report per victim	NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY	
		ADDRESS		Street	City	Zip	TELEPHONE ( )		
		PRESENT LOCATION OF VICTIM				SCHOOL	CLASS	GRADE	
		PHYSICALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO	DEVELOPMENTALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO	OTHER DISABILITY (SPECIFY)		PRIMARY LANGUAGE SPOKEN IN HOME			
		IN FOSTER CARE? <input type="checkbox"/> YES <input type="checkbox"/> NO	IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE: <input type="checkbox"/> DAY CARE <input type="checkbox"/> CHILD CARE CENTER <input type="checkbox"/> FOSTER FAMILY HOME <input type="checkbox"/> FAMILY FRIEND <input type="checkbox"/> GROUP HOME OR INSTITUTION <input type="checkbox"/> RELATIVE'S HOME				TYPE OF ABUSE (CHECK ONE OR MORE) <input type="checkbox"/> PHYSICAL <input type="checkbox"/> MENTAL <input type="checkbox"/> SEXUAL <input type="checkbox"/> NEGLECT <input type="checkbox"/> OTHER (SPECIFY)		
		RELATIONSHIP TO SUSPECT				PHOTOS TAKEN? <input type="checkbox"/> YES <input type="checkbox"/> NO	DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		
<b>D.</b>	<b>INVOLVED PARTIES</b>  VICTIM'S SIBLINGS PARENTS/GUARDIANS SUSPECT	NAME		BIRTHDATE	SEX	ETHNICITY			
		1. _____		3. _____					
		2. _____		4. _____					
		NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY	
		ADDRESS		Street	City	Zip	HOME PHONE ( )	BUSINESS PHONE ( )	
		NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY	
		ADDRESS		Street	City	Zip	HOME PHONE ( )	BUSINESS PHONE ( )	
		SUSPECT'S NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY	
		ADDRESS		Street	City	Zip	TELEPHONE ( )		
		OTHER RELEVANT INFORMATION							
<b>E.</b>	<b>INCIDENT INFORMATION</b>	IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX <input type="checkbox"/> IF MULTIPLE VICTIMS, INDICATE NUMBER: _____							
		DATE / TIME OF INCIDENT		PLACE OF INCIDENT					
		NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/similar or past incidents involving the victim(s) or suspect)							

SS 8572 (Rev. 12/02)

### DEFINITIONS AND INSTRUCTIONS ON REVERSE

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

WHITE COPY-Police or Sheriff's Department. BLUE COPY-County Welfare or Probation. GREEN COPY-District Attorney's Office. YELLOW COPY-Reporting Party

## DEFINITIONS AND GENERAL INSTRUCTIONS FOR COMPLETION OF FORM SS 8572

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

### I. MANDATED CHILD ABUSE REPORTERS

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

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

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

### III. REPORTING RESPONSIBILITIES

- Any mandated reporter who has knowledge of or observes a child, in his or her professional capacity or within the scope of his or her employment, whom he or she knows or reasonably suspects has been the victim of child abuse or neglect shall report such suspected instance of abuse or neglect to a designated agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof **within 36 hours** of receiving the information concerning the incident. (PC Section 11166(a).)
- No mandated reporter who reports a suspected instance of child abuse or neglect shall be held civilly or criminally liable for any report required or authorized by the CANRA. Any other person reporting a known or suspected instance of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by the CANRA unless it can be proven the report was false and the person knew it was false or make the report with reckless disregard of its truth or falsity. (PC Section 11172(a).)

### IV. INSTRUCTIONS

- SECTION A - REPORTING PARTY:** Enter the mandated reporter's name, title, category (from PC Section 11165.7), business (agency) name and address, telephone number, a signature and today's date. Also check yes-no whether you (the mandated reporter) witnessed the incident. The signature area is for either the mandated report or the person taking as telephoned report.

### IV. INSTRUCTIONS (Continued)

- SECTION B - REPORT NOTIFICATION:** Complete the name and address of the designated agency notified, date of the written report, date/time of the phone call and the name, title and telephone number of the official contacted.
- SECTION C - VICTIM** (One Report per Family, siblings must have same parents/guardians): Enter the victim's name, address, telephone number, birth date or approximate age, sex, ethnicity, present location, and where applicable enter the school, class (indicate the teacher's name or room number), and grade. List the primary language spoken in the victim's home. Check the appropriate yes-no box for: developmentally disabled?, physically disabled? and specify the victim's other disability. To determine if the victim has a disability, ask the victim's parent or care giver. Also check the appropriate yes-no box for in foster care?, indicate type of care if the victim was in out-of-home care, indicate the type of abuse. List the victim's relationship to the suspect, check the appropriate yes-no box for photos taken?, indicate whether the incident resulted in this victim's death.
- SECTION D - INVOLVED PARTIES:** Enter the requested information for: Victim's Siblings, Victim's Parents/Guardians and the Suspect.
- SECTION E - INCIDENT INFORMATION:** If multiple victims, enter the number. Enter date/time and place of the incident. Provide a narrative of the incident. Attach extra sheets if needed.

### V. DISTRIBUTION

- Reporting Party:** After completing Form SS 8572, retain the yellow copy for your records and submit the top three copies to the designated agency.
- Designated Agency:** *Within 36 hours* of receipt of Form SS 8572, send **white copy** to police or sheriff, **blue copy** to county welfare or probation, and **green copy** to district attorney.

### ETHNICITY CODES

1 Alaskan Native	6 Caribbean	11 Guamanian	16 Korean	22 Polynesian	27 White-Armenian
2 American Indian	7 Central American	12 Hawaiian	17 Laotian	23 Samoan	28 White-Central American
3 Asian Indian	8 Chinese	13 Hispanic	18 Mexican	24 South American	29 White-European
4 Black	9 Ethiopian	14 Hmong	19 Other Asian	25 Vietnamese	30 White-Middle Eastern
5 Cambodian	10 Filipino	15 Japanese	21 Other Pac Islndr	26 White	31 White-Romanian

## Board Policy

### Child Abuse Prevention And Reporting

BP 5141.4

#### Students

##### Child Abuse Prevention

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

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

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

(cf. [5141.6](#) - School Health Services)

(cf. [6164.2](#) - Guidance/Counseling Services)

##### Child Abuse Prevention

The district's instructional program shall include age-appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain students' right to live free of abuse, include instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, inform students of available support resources, and teach students how to obtain help and disclose incidents of abuse.

(cf. [6142.8](#) - Comprehensive Health Education)

(cf. [6143](#) - Courses of Study)

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

##### Child Abuse Reporting

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

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

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

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

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

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

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

Legal Reference:

#### EDUCATION CODE

32280-32288 Comprehensive school safety plans

33195 Heritage schools, mandated reporters

33308.1 Guidelines on procedure for filing child abuse complaints

44252 Teacher credentialing

44691 Staff development in the detection of child abuse and neglect

44807 Duty concerning conduct of students

48906 Notification when student released to peace officer

48987 Dissemination of reporting guidelines to parents

49001 Prohibition of corporal punishment

51220.5 Parenting skills education

51900.6 Sexual abuse and sexual assault awareness and prevention

#### PENAL CODE

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

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

288 Definition of lewd or lascivious act requiring reporting

11164-11174.3 Child Abuse and Neglect Reporting Act

#### WELFARE AND INSTITUTIONS CODE

15630-15637 Dependent adult abuse reporting

#### CODE OF REGULATIONS, TITLE 5

4650 Filing complaints with CDE, special education students

#### UNITED STATES CODE, TITLE 42

11434a McKinney-Vento Homeless Assistance Act; definitions

## COURT DECISIONS

Camreta v. Greene (2011) 131 S.Ct. 2020

Management Resources:

## CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

Health Framework for California Public Schools, Kindergarten Through Grade Twelve

## WEB SITES

California Attorney General's Office, Suspected Child Abuse Report Form: [http://www.ag.ca.gov/childabuse/pdf/ss\\_8572.pdf](http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf)

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

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

U.S. Department of Health and Human Services, Child Welfare Information Gateway: <https://www.childwelfare.gov/can>

## Policy UPLAND UNIFIED SCHOOL DISTRICT

adopted: September 27, 2011 Upland, California

revised: June 9, 2015



## Suspension and Expulsion Policies

### Suspensions and Expulsion Policies

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

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

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

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

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

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

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

(cf. [5112.5](#) - Open/Closed Campus)

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

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

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

#### Appropriate Use of Suspension Authority

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

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

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

(cf. [6142.4](#) - Service Learning/Community Service Classes)

(cf. [6164.2](#) - Guidance/Counseling Services)

(cf. [6164.5](#) - Student Success Teams)

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

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

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

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

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

#### On-Campus Suspension

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code [48900](#) and [48900.2](#), but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code [48900.5](#))

#### Authority to Expel

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

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

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

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

2. Selling or otherwise furnishing a firearm

3. Brandishing a knife at another person

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

5. Committing or attempting to commit a sexual assault as defined in Penal Code [261](#), [266c](#), [286](#), [288](#), [288a](#), or 289, or committing a sexual battery as defined in Penal Code [243.4](#)

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

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

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

A vote to expel a student shall be taken in an open session of a Board meeting.

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

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

No child enrolled in a preschool program shall be expelled except under limited circumstances as specified in AR 5148.3 - Preschool/Early Childhood Education.

(cf. [5148.3](#) - Preschool/Early Childhood Education)

### Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code [48911](#), [48915](#), [48915.5](#), [48918](#))

(cf. [5119](#) - Students Expelled from Other Districts)

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

### Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall maintain outcome data related to student suspensions and expulsions in accordance with Education Code [48900.8](#) and [48916.1](#), including, but not limited to, the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period. For any expulsion that involves the possession of a firearm, such data shall include the name of the school and the type of firearm involved, as required pursuant to 20 USC 7961. Suspension and expulsion data shall be reported to the Board annually and to the California Department of Education when so required.

In presenting the report to the Board, the Superintendent or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. Based on the data, the Board shall address any identified disparities in the imposition of student discipline and shall determine whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

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

Legal Reference:

#### EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981-1981.5 Enrollment of students in community school

8239.1 Prohibition against expulsion of preschool student

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (regarding suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

48660-48666 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

52052 Numerically significant student subgroups

52060-52077 Local control and accountability plan

64000-64001 Consolidated application

#### CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

230.7 Employee time off to appear in school on behalf of a child

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

417.27 Laser pointers

422.55 Hate crime defined

422.6 Interference with exercise of civil rights

422.7 Aggravating factors for punishment

422.75 Enhanced penalties for hate crimes

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

626.9 Gun-Free School Zone Act of 1995

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

868.5 Supporting person; attendance during testimony of witness

#### WELFARE AND INSTITUTIONS CODE

729.6 Counseling

#### UNITED STATES CODE, TITLE 18

921 Definitions, firearm

#### UNITED STATES CODE, TITLE 20

1415(K) Placement in alternative educational setting

7961 Gun-free schools

#### UNITED STATES CODE, TITLE 42

11432-11435 Education of homeless children and youths

#### COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 118

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

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

#### ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)

80 Ops.Cal.Atty.Gen. 348 (1997)

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

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

#### Management Resources:

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

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

#### WEB SITES

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

California Attorney General's Office: <http://www.oag.ca.gov>

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Healthy Students: <http://www2.ed.gov/about/offices/list/oese/oshs>

#### Policy UPLAND UNIFIED SCHOOL DISTRICT

adopted: September 11, 2018 Upland, California

revised: September 10, 2019

## **Board Policy**

### **Suspension And Expulsion/Due Process**

BP 5144.1

#### **Students**

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

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

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

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

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

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

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

(cf. 1020 - Youth Services)

(cf. 5138 - Conflict Resolution/Peer Mediation)

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

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

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

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

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

(cf. 6145 - Extracurricular and Co-curricular Activities)

(cf. 6145.2 - Athletic Competition)



## Due Process

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

(cf. 5119 - Students Expelled from Other Districts)

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

## Removal from Class by a Teacher and Parental Attendance

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

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

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

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

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

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

(cf. 5125 - Student Records)

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

(cf. 5145.6 - Parental Notifications)

## Decision Not to Enforce Expulsion Order

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

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

1981 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35146 Closed sessions (re suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48660-48667 Community day schools

48900-48927 Suspension and expulsion

48950 Speech and other communication

49073-49079 Privacy of student records

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

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

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

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

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors or stun guns

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

7151 Gun free schools

COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267  
Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421  
Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H.,  
(2001) 85 Cal.App.4th 1321  
Garcia v. Los Angeles Board of Education (1991) 123 Cal.App.3d 807  
Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182  
John A. v. San Bernardino School District (1982) 33 Cal. 3d 301  
ATTORNEY GENERAL OPINIONS  
84 Ops.Cal.Atty.Gen. 146 (2001)  
80 Ops.Cal.Atty.Gen. 91 (1997)  
80 Ops.Cal.Atty.Gen. 85 (1997)

Management Resources:

CSBA PUBLICATIONS

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

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Civil Rights Data Collection Summary, March 2012

WEB SITES

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

California Attorney General's Office: <http://www.oag.ca.gov>

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

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

Policy UPLAND UNIFIED SCHOOL DISTRICT

adopted: August 28, 2012 Upland, California

## Procedures for Annual Notification of Teachers on Suspensions Education Code 49079

This notification is mandatory per Education Code 49079 and each principal must ensure compliance.

Inform all teachers at the beginning of the year of the following:

1. Provide the [“Previous Suspension/Expulsion Notification”](#) to all teachers.
2. Students who have been suspended are identified by “SSA” printed in RED next to their name on the roster. This automatically appears when a date is populated in the SSA field in Assertive Discipline.  
**\*Upon entering an Ed Code Violation in Assertive Discipline, please be sure the date in this field is updated.**
3. Administrators may ask that teachers make an appointment to review suspension information about their student.
4. Inform teachers that any information received pursuant to E.C. 49097 is received in confidence and shall not be further disseminated by the teacher.
5. If an administrator locates a suspension notice while reviewing a new student cumulative folder, the administrator shall enter the suspension date into the SSA field provided the suspension is within the last three years.

### Previous Suspension/Expulsion Notification

Pursuant to the California Education Code section 49079, you have a legal right to review the cumulative file of each pupil who has engaged in, or is reasonably expected to have engaged in, any of the acts described in the Education Code subdivisions, except subdivision (h), of Section 48900.

You have the right to review the discipline information through the student information system, or by accessing the student cumulative file.

Students who have been suspended or have violated these codes are identified by “SSA” printed in RED next to their name on the roster.

**Any information received by a teacher pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.**

If you would like to view the suspension/expulsion/probation information, please contact the site administrator to set up an appointment to access this information.

By signing below, you are acknowledging you have been informed of your rights as stated in Ed Code 49079 and Penal Code 827.

Teacher (please print): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **Discrimination and Harassment Policy**

### **PROCEDURES FOR HANDLING HARASSMENT COMPLAINTS**

Cabrillo Elementary School Revised 9-13-2022 is committed to a work and educational environment that is free of unlawful discrimination on the basis of actual or perceived ethnic group identification, race, ancestry, national origin, religion, physical or mental disability, gender, sex, color, age or sexual orientation. Civil rights guarantees and equal access laws shall be adhered to in all educational programs or activities and personnel/employment practices.

## Board Policy

### Nondiscrimination/Harassment

BP 5145.3

#### Students

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

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

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

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

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

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

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

(cf. [5146](#) - Married/Pregnant/Parenting Students)

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

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

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

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

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the

investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

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

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

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

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

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

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

(cf. [6145](#) - Extracurricular and Cocurricular Activities)

(cf. [6145.2](#) - Athletic Competition)

(cf. [6164.2](#) - Guidance/Counseling Services)

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

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

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

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

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

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

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

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

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

## Record-Keeping

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

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

## Legal Reference:

### EDUCATION CODE

200-262.4 Prohibition of discrimination

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment

48904 Liability of parent/guardian for willful student misconduct

48907 Student exercise of free expression

48950 Freedom of speech

48985 Translation of notices

49020-49023 Athletic programs

51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

### CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

### GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

### PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

### CODE OF REGULATIONS, TITLE 5



432 Student record

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

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

6101-6107 Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.31 Disclosure of personally identifiable information

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

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Prohibition of discrimination based on age

COURT DECISIONS

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

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

Management Resources:

## CSBA PUBLICATIONS

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, July 2016

## CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018

## FIRST AMENDMENT CENTER PUBLICATIONS

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

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

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

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, Fact Sheet, August 2010

## WEB SITES

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

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

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

California Office of the Attorney General: <http://oag.ca.gov>

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

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

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

## Policy UPLAND UNIFIED SCHOOL DISTRICT

adopted: April 22, 2014 Upland, California

revised: January 24, 2017

revised: June 28, 2018

## Board Policy

### Sexual Harassment

BP 5145.7

#### Students

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

The district strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult who has experienced off-campus sexual harassment that has a continuing effect on campus to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer. Once notified, the principal or compliance officer shall take the steps to investigate and address the allegation, as specified in the accompanying administrative regulation.

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

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

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

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

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

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

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

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

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy.

#### Instruction/Information

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

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained

4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effect on students
6. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the district will take interim measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment

#### Complaint Process and Disciplinary Actions

Sexual harassment complaints by and against students shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures.

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

Upon investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

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

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

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

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall have his/her employment terminated in accordance with law and the applicable collective bargaining agreement.

(cf. [4117.7](#) - Employment Status Report)

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

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

(cf. [4119.11/4219.11/4319.11](#) - Sexual Harassment)

## Record-Keeping

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

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

## Legal Reference:

### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

### CIVIL CODE

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

1714.1 Liability of parents/guardians for willful misconduct of minor

### GOVERNMENT CODE

12950.1 Sexual harassment training

### CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

### UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title a discrimination

### UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

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

COURT DECISIONS

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

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274

Oona by Kate S. v. McCaffiev, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS

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

Nonconforming Students. Policy Brief February 2014

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

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

Dear Colleague Letter: Transgender Students, May 2016

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

Dear Colleague Letter: Title IX Coordinators, April 2015

Questions and Answers on Title IX and Sexual Violence, April 2014

Dear Colleague Letter: Sexual Violence April 4, 2011

Sexual Harassment: It's Not Academic September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students,  
or Third Parties January 2001

#### WEB SITES

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

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

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

Policy UPLAND UNIFIED SCHOOL DISTRICT

adopted: August 28, 2012 Upland, California

revised: January 24, 2017

## **Uniform Complaint Process**

### **SEXUAL HARASSMENT COMPLAINT PROCEDURE**

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

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

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

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

### **Reporting Procedures**

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

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

Assistant Superintendent Human Resources, Upland Unified School District  
Phone: (909) 985-1864



## **WILLIAMS CRITERIA LEGISLATION**

Policies and procedures regarding deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff, and teacher vacancy or mis-assignment will be addressed through Uniform Complaint Procedures process to identify and resolve complaints per the Williams Criteria Legislation.

(Education Code 35186)

## **UNIFORM COMPLAINT PROCEDURES**

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

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

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

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

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

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

## **COMPLIANCE OFFICER**

The Governing Board designates the following compliance officer to receive and investigate complaints and ensure district compliance with law:

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

The Superintendent or designee shall annually notify in writing, as applicable, its students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, and other interested parties of their local educational agency complaint procedures, including the opportunity to appeal to the California Department of Education. The notice shall include the identity (identities) of the person(s) responsible for processing complaints. The notice shall also advise the recipient of the notice of any civil law remedies that may be available, and of the appeal and review procedures. This notice shall be in English, and when necessary, in the primary language or mode of communication of the recipient of the notice.

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs. The Compliance Officer shall maintain a record of each complaint and subsequent related actions, including:

- a) The original complaint;
- b) A copy of the district decision;
- c) A summary of the nature and extent of the investigation conducted by the district if not covered in the district decision;
- d) A report of any action taken to resolve the complaint;
- e) A copy of the district complaint procedures; and
- f) Such other relevant information.

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

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

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

### **Step 1: Filing of Complaint**

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

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

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

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

### **Step 2: Investigation of Complaint**

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

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

### **Step 3: Response**

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

### **Step 4: Final Written Decision**

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

This report shall include:

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

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

### **APPEALS TO THE CALIFORNIA DEPARTMENT OF EDUCATION**

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

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

### **Disciplinary Action**

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

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

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

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

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

Students should feel free from threats and intimidation at school. As always, if you have any questions or comments about these or any other school rules or policies, we at Cabrillo Elementary School Revised 9-13-2022 stand ready to assist.

## Board Policy

### Suspension/Disciplinary Action

BP 4118

#### Personnel

The Governing Board expects all employees to perform their jobs satisfactorily, exhibit professional and appropriate conduct, and serve as positive role models both at school and in the community. A certificated employee may be disciplined for conduct or performance in accordance with law, the applicable collective bargaining agreement, Board policy, and administrative regulation.

(cf. [4000](#) - Concepts and Roles)

(cf. [4112.5/4212.5/4312.5](#) - Criminal Record Check)

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

(cf. [4141/4241](#) - Collective Bargaining Agreement)

Disciplinary action shall be based on the particular facts and circumstances involved and the severity of the conduct or performance. Disciplinary actions may include, but are not limited to, verbal warnings, written warnings, reassignment, suspension, freezing or reduction of wages, compulsory leave, or dismissal.

(cf. 4114 - Transfers)

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

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

(cf. [4030](#) - Nondiscrimination in Employment)

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

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. [4119.1/4219.4319.1](#) - Civil and Legal Rights)

(cf. [4119.11/4219.11/4319.11](#) - Sexual Harassment)

#### Suspension/Dismissal Procedures

The Superintendent shall notify the Board whenever he/she believes that there is cause to suspend or dismiss an employee pursuant to Education Code [44932](#) or [44933](#).

When the Board finds that there is cause to suspend or dismiss an employee pursuant to Education Code [44932](#) or [44933](#), it may formulate a written statement of charges specifying instances of behavior and the acts or omissions constituting the charge, the statutes and rules that the employee is alleged to have violated when applicable,

and the facts relevant to each charge. The Board shall also review any duly signed and verified written statement of charges filed by any other person. (Education Code [44934](#), [44934.1](#))

Based on the written statement of charges, the Board may, upon majority vote, give notice to the employee of its intention to suspend or dismiss him/her at the expiration of 30 days from the date the notice is served. (Education Code [44934](#), [44934.1](#))

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

Prior to serving a suspension or dismissal notice that includes a charge of unsatisfactory performance, the district shall give the employee written notice of the unsatisfactory performance that specifies the nature of the unsatisfactory performance with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct his/her faults and overcome the grounds for any unsatisfactory performance charges and, if applicable, that includes the evaluation made pursuant to Education Code [44660-44665](#). The written notice of the unsatisfactory performance shall be provided at least 90 days prior to the filing of the suspension or dismissal notice or prior to the last one-fourth of the school days in the year. (Education Code [44938](#))

(cf. 4115 - Evaluation/Supervision)

Prior to serving a suspension or dismissal notice that includes a charge of unprofessional conduct, the district shall give the employee written notice that describes the nature of the unprofessional conduct with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct his/her faults and overcome the grounds for any unprofessional conduct charges and, if applicable, that includes the evaluation made pursuant to Education Code [44660-44665](#). The written notice of the unprofessional conduct shall be provided at least 45 days prior to the filing of the suspension or dismissal notice. (Education Code [44938](#))

Except for notices that only include charges of unsatisfactory performance, the written suspension or dismissal notice may be served at any time of year. Such notice shall be served upon the employee personally if given outside of the instructional year or, if given during the instructional year, may be served personally or by registered mail to the employee's last known address. Notices with a charge of unsatisfactory performance shall be given only during the instructional year of the school site where the employee is physically employed, and may be served personally or by registered mail to the employee's last known address. (Education Code [44936](#))

If an employee has been served notice and demands a hearing pursuant to Government Code [11505](#) and [11506](#), the Board shall either rescind its action or schedule a hearing on the matter. (Education Code [44941](#), [44941.1](#), [44943](#), [44944](#))

Pending suspension or dismissal proceedings for an employee who is charged with egregious misconduct, immoral conduct, conviction of a felony or of any crime involving moral turpitude, incompetency due to mental disability, or willful refusal to perform regular assignments without reasonable cause as prescribed by district rules and regulations, the Board may, if it deems it necessary, immediately suspend the employee from his/her duties. If the employee files a motion with the Office of Administrative Hearings for immediate reversal of the suspension based on a cause other than egregious misconduct, the Board may file a written response before or at the time of the hearing. (Education Code [44939](#), [44939.1](#), [44940](#))

When a suspension or dismissal hearing is to be conducted by a Commission on Professional Competence, the Board shall, no later than 45 days before the date set for the hearing, select one person with a currently valid credential to serve on the Commission. The appointee shall not be an employee of the district and shall have at least three years' experience within the past 10 years at the same grade span or assignment as the employee, as defined in Education Code [44944](#). (Education Code [44944](#))

Legal Reference:

EDUCATION CODE

44008 Effect of termination of probation

44009 Conviction of specified crimes

44010 Sex offense; definitions

44011 Controlled substance offense; definitions

44242.5 Reports and review of alleged misconduct

44425 Conviction of a sex or narcotic offense

44660-44665 Evaluation and assessment of performance of certificated employees

44830.1 Criminal record summary certificated employees

44929.21 Notice of reelection decision; districts with 250 ADA or more

44929.23 Reelection and dismissal of probationary employees; districts with ADA less than 250

44930-44988 Resignations, dismissal, and leave of absence

45055 Drawing of warrants for teachers

48907 Exercise of free speech, expression

48950 Speech and other communication

51530 Advocacy or teaching of communism

GOVERNMENT CODE

1028 Advocacy of communism

3543.2 Scope of representation

11505-11506 Hearing

HEALTH AND SAFETY CODE

11054 Schedule I; substances included

11055 Schedule II, substances included

11056 Schedule III, substances included

11357-11361 Marijuana

11363 Peyote

11364 Opium

11370.1 Possession of controlled substances with a firearm

## PENAL CODE

187 Murder

291 School employees arrest for sex offense

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

11165.2-11165.6 Child abuse or neglect; definitions

## CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status

80304 Notice of sexual misconduct

## COURT DECISIONS

Vergara v. California (Los Angeles Super.Ct.) BC484642

Crowl v. Commission on Professional Competence, (1990) 225 Cal. App. 3d 334

Morrison v. State Board of Education (1969) 1 Cal.3d 214

## Management Resources:

## COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007

## WEB SITES

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

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

## Policy UPLAND UNIFIED SCHOOL DISTRICT

adopted: September 27, 2011 Upland, California

revised: June 9, 2015



## **Administrative Regulation**

### **Complaints Concerning Discrimination In Employment**

AR 4031

#### **Personnel**

##### **Complaint Procedure**

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

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

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

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

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

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

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

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

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

(cf. 3580 - District Records)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

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

If the Coordinator determines that a detailed fact-finding investigation is necessary, he/she shall begin the investigation immediately. As part of this investigation, the Coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

When necessary to carry out his/her investigation or to protect employee or student safety, the Coordinator may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.

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

3. **Written Report on Findings and Corrective Action:** No more than 30 days after receiving the complaint, the Coordinator shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the Coordinator shall notify the complainant and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report also shall include any corrective action(s) that have been or will be taken to address the behavior, correct the effect on the complainant, and ensure that retaliation or further discrimination or harassment does not occur.

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

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

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 9321 - Closed Session Purposes and Agendas)

#### Other Remedies

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

1. To file a valid complaint with DFEH, within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960)
2. To file a valid complaint directly with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
3. To file a valid complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-5)

#### Legal Reference:

##### EDUCATION CODE

200-262.4 Prohibition of discrimination

##### GOVERNMENT CODE

12920-12921 Nondiscrimination

12940-12948 Discrimination prohibited; unlawful practices, generally

##### UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

##### UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act  
794 Section 504 of the Rehabilitation Act of 1973  
UNITED STATES CODE, TITLE 42  
2001d-2001d-7 Title VI, Civil Rights Act of 1964  
2001e-2001e-17 Title VII, Civil Rights Act of 1964, as amended  
2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008  
2001h-2-2001h-6 Title IX of the Civil Rights Act of 1964  
12101-12213 Americans with Disabilities Act  
CODE OF FEDERAL REGULATIONS, TITLE 28  
35.101-35.190 Americans with Disabilities Act  
CODE OF FEDERAL REGULATIONS, TITLE 34  
106.8 Designation of responsible employee for Title IX

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

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

Regulation UPLAND UNIFIED SCHOOL DISTRICT  
approved: September 27, 2011 Upland, California

## School –wide Dress Code

### **STUDENT DRESS AND APPEARANCE REGULATIONS**

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

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

1. No gang-related jewelry, insignia, colors, paraphernalia, materials, apparel, clothing or attire may be worn or carried on campus or at school activities. Also prohibited are notebooks, manner of grooming or gesture, which, by virtue of its color, arrangement, trademark, graffiti or any other attribute, denotes membership in such a group.
2. Each school site shall allow for outdoor use during the school day, articles of sun-protective clothing, including, but not limited to, hats. Each school site may set a policy related to the type of sun-protective clothing, including, but not limited to, hats, that pupils will be allowed to use outdoors. Specific clothing and hats determined by the school district or school site to be gang related or inappropriate apparel may be prohibited by the dress code policy. No gang-related hats or other gang related head attire may be worn on campus or at school activities.
3. Clothing, jewelry, paraphernalia or material, or manner of grooming, which is obscene, sexually explicit or which depicts or suggests sexually-related or obscene gestures, pictures or wording or which promotes violence, the use/abuse of drugs, tobacco, or alcohol, may not be worn or carried on campus or at school activities.
4. No student may wear articles of clothing, jewelry, paraphernalia or accessories which pose a threat to the physical and/or emotional well-being and safety of the student or others on campus or at school activities.
5. Clothing or articles of clothing (including, but not limited to, gloves, bandanas, shoestrings, wristbands, jewelry) which are likely to provoke others to acts of violence or which are likely to cause others to be intimidated by the fear of violence may not be worn on campus or at any school activity.
6. The principal or principal's designee shall enforce the Student Dress and Appearance Regulations.
7. Gang-related clothing, apparel, attire including hats, jewelry, insignias, colors, paraphernalia and materials are prohibited from being worn at school or at school activities.

## **Safe Ingress and Egress Procedures**

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

In order to ensure the safety of students, parents and staff, Cabrillo Elementary School Revised 9-13-2022 has established the following procedures:

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

## **Discipline Procedures**

### **Upland Unified School District**

#### **UNIFORM DISCIPLINARY PROCEDURES**

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

#### **RANGE OF DISCIPLINARY ACTIONS**

(Individual Schools May Have Additional Rules)

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

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

(Education Code 48900)

**Discipline Flow Chart**

# CABRILLO ELEMENTARY SCHOOL BEHAVIOR MANAGEMENT FLOW CHART

OBSERVE PROBLEM BEHAVIOR



NO

Is the Behavior Office Managed?

YES



Step 1

Verbal Warning:

- Restate Expectation/Rule

Step 2

- Re-teach expectation
- Use teacher best practices

Step 3

- Document in Aeries under Guidance → Discipline
- Communicate with parent

Teacher Best Practices

- Recognition/Reward Expected Behavior
- 5:1 Ratio Feedback
- Relationship Building (2x10 Strategy)
- Review & Practice Expectations & Social Contract
- Scaffold & Differentiate
- Parent phone call
- Student & Parent Conference
- Restorative Practices/Circles
- Class Meetings
- CKH 4 Questions
- Breaks/Calming Corner
- Student Contract
- Proximity
- Visual Supports
- Non-verbal/Visual Cues

Administrator Best Practices

- Student/Parent Conference (Re-teach school-wide expectations)
- Student Reflection
- Restorative Circle with student and victim(s)
- Student Role Play
- Loss of Privilege
- Restitution
- Parent Phone call
- In-house Suspension
- At Home Suspension
- Expulsion
- Contact Authority
- Support Services Counseling Referral (formally known as Healthy Start)

Step 1

- Fill out ODR

Step 2

- Send ODR to office

Step 3

- Office will call for student. Use teacher judgement (fighting would go straight to office)
- Admin will determine consequence & communicate with parent and teacher



Must have

- Contact parent
- Documented 3 Substantial\* Interventions in Aeries under Guidance → Discipline

NO

Continue teacher management until 3 substantial\* interventions are documented

YES

Fill out an ODR and send ODR to office

ODR

- One copy of ODR given to teacher/staff
- One copy retained in office binder
- One copy sent home to parent

\*Substantial means more significant behaviors like major classroom disruptions over 3 small offenses. Use teacher judgement.



## Board Policy

### Conduct

BP 5131

#### Students

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

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

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

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

(cf. [6145.2](#) - Athletic Competition)

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

Prohibited student conduct includes, but is not limited to:

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

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

(cf. [5142](#) - Safety)

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

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

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

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

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

3. Conduct that disrupts the orderly classroom or school environment

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

4. Willful defiance of staff's authority

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

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

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

6. Obscene acts or use of profane, vulgar, or abusive language

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

7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited substances

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

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

(cf. [5131.63](#) - Steroids)

8. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose with prior permission of the principal or designee (Penal Code [417.27](#))

9. Use of a cell phone, smart watch, pager, or other mobile communication device during instructional time or in an unauthorized manner in violation of district policy

(cf. [5131.8](#) - Mobile Communication Devices)

(cf. [6163.4](#) - Student Use of Technology)

10. Plagiarism or dishonesty on school work or tests

(cf. [5131.9](#) - Academic Honesty)

(cf. [6162.54](#) - Test Integrity/Test Preparation)

(cf. [6162.6](#) - Use of Copyrighted Materials)

11. Wearing of any attire that violates district or school dress codes, including gang-related apparel

(cf. [5132](#) - Dress and Grooming)

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

12. Tardiness or unexcused absence from school

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

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

(cf. [5113.11](#) - Attendance Supervision)

(cf. [5113.12](#) - District School Attendance Review Board)

13. Failure to remain on school premises in accordance with school rules

(cf. [5112.5](#) - Open/Closed Campus)

Employees are expected to enforce standards of conduct and, when they observe or receive a report of a violation of these standards, to appropriately intervene or seek assistance. As necessary, the employee shall refer the matter to a supervisor or the principal or designee.

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

(cf. [5145.12](#) - Search and Seizure)

When a student uses any prohibited device, or uses a permitted device in an unauthorized manner, a district employee may confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the principal or designee, as appropriate.

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

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

(cf. [5020](#) - Parent Rights and Responsibilities)

(cf. [5127](#) - Graduation Ceremonies and Activities)

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

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

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

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

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

(cf. [6145](#) - Extracurricular and Cocurricular Activities)

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

(cf. [6164.2](#) - Guidance/Counseling Services)

(cf. [6164.5](#) - Student Success Teams)

(cf. [6184](#) - Continuation Education)

(cf. [6185](#) - Community Day School)

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

#### Legal Reference:

##### EDUCATION CODE

200-262.4 Prohibition of discrimination

32280-32289 Comprehensive safety plan

35181 Governing board authority to set policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension and expulsion

51512 Prohibition against electronic listening or recording device in classroom without permission

##### CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

##### PENAL CODE

288.2 Harmful matter with intent to seduce

313 Harmful matter

417.25-417.27 Laser scope or laser pointer

647 Use of camera or other instrument to invade person's privacy; misdemeanor

653.2 Electronic communication devices, threats to safety

##### VEHICLE CODE

23123-23124 Prohibitions against use of electronic devices while driving

##### CODE OF REGULATIONS, TITLE 5

300-307 Duties of students

##### UNITED STATES CODE, TITLE 42

20 USC [1681-1688](#) Title IX, 1972 Education Act Amendments

##### COURT DECISIONS

J.C. v. Beverly Hills Unified School District (2010) 711 F.Supp.2d 1094

LaVine v. Blaine School District (2001, 9th Cir.) 257 F.3d 981

Emmett v. Kent School District No. 415 (2000) 92 F.Supp. 1088

Bethel School District No. 403 v. Fraser (1986) 478 U.S. 675

New Jersey v. T.L.O. (1985) 469 U.S. 325

Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503

Management Resources:

CSBA PUBLICATIONS

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

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

WEB SITES

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

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

Center for Safe and Responsible Internet Use: <https://www.ewa.org/organization/center-safe-and-responsible-internet-use>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education: <http://www.ed.gov>

Policy UPLAND UNIFIED SCHOOL DISTRICT

adopted: August 28, 2012 Upland, California

revised: April 30, 2020

## Board Policy

### Discipline

BP 5144  
Students

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

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

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

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

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

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

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

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

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

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

(cf. [6164.2](#) - Guidance/Counseling Services)

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

Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as detention, suspension, and expulsion, shall be imposed only when required or permitted by law or when other means of correction have been documented to have failed. (Education Code [48900.5](#))

(cf. [5020](#) - Parent Rights and Responsibilities)

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

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

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

(cf. [6164.5](#) - Student Success Teams)

School personnel and volunteers shall not allow any disciplinary action taken against a student to result in the denial or delay of a school meal. (Education Code [49557.5](#))

(cf. [3550](#) - Food Service/Child Nutrition Program)

(cf. [3551](#) - Food Service Operations/Cafeteria Fund)

(cf. [3553](#) - Free and Reduced Price Meals)

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

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

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

(cf. [9320](#) - Meetings and Notices)

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

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

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

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

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

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

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

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

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

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

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

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

At the beginning of each school year, the Superintendent or designee shall report to the Board regarding disciplinary strategies used in district schools in the immediately preceding school year and their effect on student learning.

Legal Reference:

#### EDUCATION CODE

32280-32288 School safety plans

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

37223 Weekend classes

44807.5 Restriction from recess

48900-48926 Suspension and expulsion

48980-48985 Notification of parent/guardian

49330-49335 Injurious objects

49550-49562 Meals for needy students

52060-52077 Local control and accountability plan

#### CIVIL CODE

1714.1 Parental liability for child's misconduct

#### CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

#### UNITED STATES CODE, TITLE 42

1751-1769j School Lunch Program



## 1773 School Breakfast Program

### Management Resources:

#### CSBA PUBLICATIONS

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

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

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

#### CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

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

#### STATE BOARD OF EDUCATION POLICIES

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

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

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

#### WEB SITES

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

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

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

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

#### Policy UPLAND UNIFIED SCHOOL DISTRICT

adopted: March 2013 Upland, California

revised: August 26, 2014

revised: September 11, 2018

## Hate Crime Policies and Procedures

### Hate crime policies and procedures

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

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

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

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

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

## Board Policy

### Hate-Motivated Behavior

BP 5145.9

#### Students

The Governing Board is committed to providing a safe learning environment that protects students from discrimination, harassment, intimidation, bullying, and other behavior motivated by a person's hostility towards another person's real or perceived ethnicity, national origin, immigrant status, sex, gender, sexual orientation, religious belief, age, disability, or any other physical or cultural characteristic. The Superintendent or designee shall design strategies to promote harmonious relationships among students, prevent incidents of hate-motivated behavior to the extent possible, and address such incidents if they occur.

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

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

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

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

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

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

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

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

(cf. [5141.52](#) - Suicide Prevention)

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

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

The Superintendent or designee shall collaborate with regional programs and community organizations to promote safe environments for youth. Such collaborative efforts shall focus on ensuring an efficient use of district and community resources, developing effective prevention strategies and response plans, providing assistance to students affected by hate-motivated behavior, and/or educating students who have perpetrated hate-motivated acts.

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

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

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

(cf. [5148.2](#) - Before/After School Programs)

The district shall provide students with age-appropriate instruction that includes the development of social-emotional learning, promotes their understanding of and respect for human rights, diversity, and acceptance in a multicultural society, and provides strategies to manage conflicts constructively.

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

(cf. [6142.3](#) - Civic Education)

(cf. [6142.4](#) - Service Learning/Community Service Classes)

(cf. [6142.94](#) - History-Social Science Instruction)

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

(cf. [6164.2](#) - Guidance/Counseling Services)

The Superintendent or designee shall ensure that the rules prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident are provided to students and parents/guardians.

The Superintendent or designee shall provide staff with training on recognizing and preventing hate-motivated behavior and on effectively enforcing rules for appropriate student conduct.

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

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

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

#### Complaint Process

A student or parent/guardian who believes the student is a victim of hate-motivated behavior is strongly encouraged to report the incident to a teacher, the principal, or other staff member.

Any staff member who is notified that hate-motivated behavior has occurred, observes such behavior, or otherwise becomes aware of an incident shall immediately contact the principal or the compliance officer responsible for coordinating the district's response to complaints and complying with state and federal civil rights laws. As appropriate, he/she shall also contact law enforcement.

(cf. 3515.3 - District Police/Security Department)

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

Any complaint of hate-motivated behavior shall be investigated and, if determined to be discriminatory, shall be resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures. If, during the investigation, it is determined that a complaint is about nondiscriminatory behavior, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

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

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

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

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

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

Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 School safety plans

48900.3 Suspension for hate violence

48900.4 Suspension or expulsion for threats or harassment

#### PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

#### CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

#### CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

#### CODE OF FEDERAL REGULATIONS, TITLE 34

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

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Prohibition of discrimination based on age

Management Resources:

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

#### CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California K-12 Schools in Responding to Immigration Issues, April 2018

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

Dear Colleague Letter: Harassment and Bullying, October 2010

Dear Colleague Letter: Prohibited Disability Harassment, July 2000

#### WEB SITES

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

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

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

California Office of the Attorney General: <http://oag.ca.gov>

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

U.S. Department of Justice: <https://www.justice.gov>

#### Policy UPLAND UNIFIED SCHOOL DISTRICT

adopted: September 27, 2011 Upland, California

revised: June 28, 2018

## Board Policy

### Bullying

BP 5131.2

#### Students

The Governing Board recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and desires to provide a safe school environment that protects students from physical and emotional harm. No individual or group shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.

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

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

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

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

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

The Superintendent or designee shall develop strategies for addressing bullying in district schools with the involvement of students, parents/guardians, and staff. As appropriate, the Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community.

(cf. [1220](#) - Citizen Advisory Committees)

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

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

Such strategies shall be incorporated into the comprehensive safety plan and, to the extent possible, into the local control and accountability plan and other applicable district and school plans.

(cf. [0420](#) - School Plans/Site Councils)

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

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

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3. If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

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

If the Superintendent or designee believes it is in the best interest of a student who has been the victim of an act of bullying, as defined in Education Code [48900](#), the Superintendent or designee shall advise the student's parents/guardians that the student may transfer to another school. If the parents/guardians of a student who has been the victim of an act of bullying requests a transfer for the student pursuant to Education Code [46600](#), the Superintendent or designee shall allow the transfer in accordance with law and district policy on intradistrict or interdistrict transfer, as applicable.

(cf. [5116.1](#) - Intradistrict Open Enrollment)

(cf. [5117](#) - Interdistrict Attendance)

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

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

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

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

Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

32283.5 Bullying; online training

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

46600 Student transfers

48900-48925 Suspension or expulsion

48985 Translation of notices

52060-52077 Local control and accountability plan

#### PENAL CODE

422.55 Definition of hate crime

647 Use of camera or other instrument to invade person's privacy; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety



## CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

## UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

## CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

## CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Notification of nondiscrimination on the basis of age

## COURT DECISIONS

Wynar v. Douglas County School District, (2013) 728 F.3d 1062J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

Lavine v. Blaine School District, (2002) 279 F.3d 719

## Management Resources:

## CSBA PUBLICATIONS

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014

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

Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

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

Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010

Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009

## CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

## Bullying Module

California's Social and Emotional Learning: Guiding Principles, 2018

Social and Emotional Learning in California: A Guide to Resources, 2018

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

#### CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California K-12 Schools in Responding to Immigration Issues, April 2018

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

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

Guidance to America's Schools: Bullying of Students with Disabilities, October 2014

Dear Colleague Letter: Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability, October 26, 2010

Dear Colleague Letter: Harassment and Bullying, October 2010

#### WEB SITES

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

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

California Office of the Attorney General: <http://oag.ca.gov>

Center on Great Teachers and Leaders: <https://gtlcenter.org>

Collaborative for Academic Social and Emotional Learning: <https://casel.org>

Common Sense Media: <http://www.commonsensemedia.org>

National School Safety Center: <http://www.schoolsafety.us>

Partnership for Children and Youth: <https://www.partnerforchildren.org>

U.S. Department of Education: <http://www.ed.gov>

#### Policy UPLAND UNIFIED SCHOOL DISTRICT

adopted: August 28, 2012 Upland, California

revised: January 14, 2014

revised: January 12, 2016

revised: June 28, 2018

revised: September 10, 2019

revised: April 30, 2020

## Disaster Procedures

### Disaster procedures, routine and emergency.

#### Disaster Service Workers

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

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

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

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

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

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

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

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

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

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

# CABRILLO ELEMENTARY SCHOOL BEHAVIOR MANAGEMENT FLOW CHART

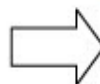
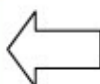
OBSERVE PROBLEM BEHAVIOR



Is the Behavior Office Managed?

NO

YES



## Step 1

Verbal Warning:

- Restate Expectation/Rule

## Step 2

- Re-teach expectation
- Use teacher best practices

## Step 3

- Document in Aeries under Guidance → Discipline
- Communicate with parent

## Teacher Best Practices

- Recognition/Reward Expected Behavior
- 5:1 Ratio Feedback
- Relationship Building (2x10 Strategy)
- Review & Practice Expectations & Social Contract
- Scaffold & Differentiate
- Parent phone call
- Student & Parent Conference
- Restorative Practices/Circles
- Class Meetings
- CKH 4 Questions
- Breaks/Calming Corner
- Student Contract
- Proximity
- Visual Supports
- Non-verbal/Visual Cues

## Administrator Best Practices

- Student/Parent Conference (Re-teach school-wide expectations)
- Student Reflection
- Restorative Circle with student and victim(s)
- Student Role Play
- Loss of Privilege
- Restitution
- Parent Phone call
- In-house Suspension
- At Home Suspension
- Expulsion
- Contact Authority
- Support Services
- Counseling Referral (formally known as Healthy Start)

## Step 1

- Fill out ODR

## Step 2

- Send ODR to office

## Step 3

- Office will call for student. Use teacher judgement (fighting would go straight to office)
- Admin will determine consequence & communicate with parent and teacher



## Must haves

- Contact parent
- Documented 3 Substantial\* Interventions in Aeries under Guidance → Discipline

NO

Continue teacher management until 3 substantial\* interventions are documented

YES

Fill out an ODR and send ODR to office

## ODR

- One copy of ODR given to teacher/staff
- One copy retained in office binder
- One copy sent home to parent

\*Substantial means more significant behaviors like major classroom disruptions over 3 small offenses. Use teacher judgement.

## **CABRILLO'S MAJORS AND MINORS DISTINCTION DOCUMENT**

<b>Minor (Teacher Managed)</b> <i>Minor/Low-Level Infractions/Tier 1 behaviors managed by the teacher</i>	<b>Major (Sent to the Admin)</b> <i>Major/High-Level Tier 2 behaviors managed by administrators</i>
Cheating and/or Lying	Bullying
Defiance/Non-Compliance	Committed Obscene Act
Disruption/Off Task	Destruction of Property
Inappropriate Display of Affection	Drugs or Controlled Substance
Inappropriate Physical Contact	Excessive Obscenity/Profanity
Property Misuse	Fighting/Physical Injury
Teasing/Rumor Spreading	Forgery/Plagiarism
	Harassment
	Hate Violence
	Hazing
	Imitation Weapon
	Abusive Language/Profanity
	Lit matches/Lighter, etc.
	Non-Compliance
	Possession of Controlled Substance
	Possession of Stolen Property/Robbery
	Rock/Object Throwing
	Safety Concern
	Sexual Assault
	Terrorist Threats
	Theft
	Threats
	Use of Force
	Vandalism
	Weapons
	***After (3) staff managed, DOCUMENTED behavior infractions, teachers have discretion to complete ODR and send to office.