

Emery  
Unified  
School  
District

**Comprehensive  
School Site  
Safety Plan**

---

*Emery High School  
1100 Steve Dain Drive  
Emeryville, CA 94608  
(510)610-4998*

Prepared by Emery High School Site Council  
March 23, 2021

School Site Council Members:

Leslie Payne  
Duana Brown  
Amara Raheed  
Marcia Parham  
Cece Brooks  
Tyrone Smith  
Todd Kane-Ross  
Treasure Metters  
Rytham Dawar  
Eddie Scruggs Smith

## **Table of Contents**

**Emery Unified School District**

**BOARD OF TRUSTEES**

***Board of Trustees***

**President Brynnda Collins**

**Vice President Susan Donaldson**

**Clerk Kimberly Solis**

**County Rep John Van Geffen**

**Member Regina Chagolla**

**Student Representatives Jayden Cummings and Ne'Jahra Soriano**

***Administration***

**Dr. Quiauna Scott**

***Superintendent***

**Dr. Mila Kell**

***Director of Curriculum and Instruction***



## **District Goals**

All students in EUSD will be provided with equitable access to educational opportunities and programs for economic, political and social empowerment

All students will learn and demonstrate 21st century skills including collaboration, critical thinking and creativity to be college and career ready

Innovative technology will be integrated to facilitate global awareness, communication, collaborative learning and critical thinking

To provide a comprehensive multi-use city-school campus that fosters a respectful environment, engages students in an innovative education, and offers comprehensive resources to bring member of the Emeryville community together to interact and learn

## **Introduction - School Profile**

Emery High School is one of three schools in the Emery Unified School District. Emery High School has a 230 Student Body and is served by a dedicated staff.

Emery High School has overcome past challenges in maintaining school safety, and the staff continues to work with students and families to continuously improve. Emery currently has low incidences of school violence, and faculty implements strategies to build supportive relationships with students, and create a physically and emotionally safe space.

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

### **Personal Characteristics of Student & Staff**

Emery High School has an enrollment of 200 Students in grades 9-12. 76% of students come from families that qualify for the federal free or reduced price lunch program. The ethnic makeup of the Student population is 52% Black, 26% Hispanic, 15% Yemeni and 7% various other ethnicities. Our Students come from varying cities, races, ethnicities, religions, sexual orientations, and gender identities. Enjoying our diverse student population is a privilege.

### **Curriculum and Educational Activities**

Our curriculum development is based on the California Common Core State Standards, College and Career Readiness Standards, Next Generation Science Standards, Advanced Placement frameworks, and other curricular standards and frameworks set forth by the state of California.

Our current overall instructional focus is to increase the rigor of instruction through intentional instructional planning, ensuring that the following components are in place for every lesson, as appropriate:

- Content standard and College and Career Readiness Standard
- Learning Objective or Essential Question
- Agenda with anticipated time for each lesson component
- Method(s) of content delivery/Instructional Strategies
- Method of formative assessment and corrective feedback
- At least three key questions that will be posed to move students to higher levels of thinking about the instructed content
- Tasks including their level according to the Depth of Knowledge chart or Bloom's Taxonomy
- Lesson Closure activity or strategy

In order to create a site-wide system of shared information and accountability, all unit plans are uploaded to the Emery Instructional Drive and can be accessed by all faculty.

The site-wide, cross-discipline curricular focus is making claims and supporting those claims using multiple forms of textual evidence. The skill of making claims, effectively supporting those claims with evidence, and providing analysis of the evidence, and creating new knowledge by analyzing and synthesizing the information.

Students have the opportunity to participate in various after-school activities, including BAUDL Debate Team, Associate Student Body Council, Black Student Union, La Raza, Muslim Student Association, Track, Basketball, Baseball, Softball, Volleyball, along with other activities. EHS has developed academic intervention courses, after school and summer opportunities, and a rich variety of visual and performing arts.

# **Physical Environment**

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

Emery High School is located in Emeryville, CA, in the heart of the San Francisco Bay Area of Alameda County, in between Oakland and Berkeley. EHS is located on the corner of San Pablo Avenue - a main, multi-city thoroughfare, and 47th Street. Emery High School is surrounded by businesses, industry, and residences.

## **Description of School Ground**

Emery High School is located on the Emeryville Center of Community Life (ECCL) campus. ECCL is a shared facility. Emery High School shares ECCL with Anna Yates TK - 8 School (AY), City of Emeryville offices, Emery Unified School District Offices, LifeLong Emeryville School Based Health Center, and Emery Unified School District Wellness Center.

Emery High School is comprised of eight classrooms, one ELD room, one music room, one art studio, one computer lab, one group study room, one college and career center, one counselor's office, one vice principal's office (that is used to provide confidential services), one principal's office, one conference room, one main office, one library that is shared with Anna Yates TK-8 School, two copy rooms, four gender neutral bathrooms, and four student restrooms. EHS also shares a gym, pool, fitness center, dance room, and two locker rooms with the city and AY.

During the instructional day, the school security, the principal, and a parent volunteer provide campus supervision. When necessary, the academic counselor and office support specialist also lend support with student supervision.

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

The ECCL campus was opened as a new facility in August 2016. 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 by the administrator, school security, and individual classroom teachers. The Students take pride in the appearance of the school.

## **Internal Security Procedures**

EHS strives to maintain a physically and emotionally safe campus for students and staff. Emery High School will utilize the following strategies in achieving this goal:

- Provide effective school supervision

- Identify areas with increased risk of negative behaviors and monitor those areas more frequently
- Provide conflict mediation to students through staff and peers
- Refer students in need of additional supports to the Coordination of Services Team (COST) and or Student Success Team Meeting (SST)

A copy of the district's sexual harassment policy is on is available on request. The District's Sexual Harassment Policy contains dissemination plans, applicable definitions, reporting requirements, investigation procedures, enforcement regulations, and information related to suspension and/or expulsion for sexual harassment of or by students.

To ensure the safety of students and staff, all visitors to the campus, except students of the school and staff members, shall register in the main office immediately upon entering any school building or grounds when school is in session and are required to return to the school office upon their departure.

Discipline procedures shall focus on finding the cause of problems and working with all concerned to reach the proper, lawful solutions. EHS strives to maintain an environment where both students and staff can focus on teaching and learning. Behavioral expectations are set forth in the during orientation, and in Emery High School Student Handbook that is updated annually and posted on the school website. The purpose of establishing behavioral expectations is to minimize negative behaviors in order to focus our time on student learning and engagement.

Faculty and administration use numerous intervention methods to support positive student behavior. Examples include parent teacher conferences, parent classroom visits, parent phone calls, conflict mediation, support plans to ensure behavior concerns do not interfere with the learning process for all, and mental health services. Emery High School understands that there is a positive correlation between parent involvement and successful students, and is working to increase parent involvement on all levels.

Student conduct standards and consequences for Emery High School are specifically described in this Comprehensive Schools Safety Plan including: (a) Emery High School Behavioral Expectations, and (b) the Emery High School Discipline Matrix.

Multiple attempts are made to correct student behavior prior to the use of exclusionary discipline. These interventions include student conferences, parent contact, lunch detention, community service, and Friday School. Students may be suspended for violations of California Education Code 48900, for egregious acts, or when other methods of behavior modifications have failed to bring about the desired results. While it has not been necessary over the last three years, specific

student violations will require a mandatory expulsion recommendation and shall be submitted by the administration of Emery High School.

Community involvement is encouraged to help increase school safety, including parent volunteerism.

Emery High School utilizes a security alarm system operational during non-school hours.

EHS employees comply with all legal mandates, regulations, and reporting requirements for all instances of suspected child abuse.

## **School Climate**

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

Emery High School's staff and faculty strives to provide an environment that lends itself to the healthy social and academic development of all students in our care which is connected to our 3 P's: Be Positive; Be Purposeful; Be Productive. The school site's organizational structure, which includes full faculty collaboration every Wednesday and ongoing communication with support staff is open and flexible contributing to sensitivity concerning school safety issues and promoting a safe, orderly school environment conducive to learning. The administration also reaches out students in multiple ways, for example attendance at the Emery Student Senate Meetings for student voice, participation in monthly Emery Spartan Bookclub Meetings, and regular meetings with our EUSD Student Representatives.

Attendance is a key factor in students being academically and socially emotionally successful. At Emery High School our average daily attendance goal is 97%. Between the 17-18 school year and the 18-19 school year our average daily attendance increased by 3%. As a district we are working diligently to educate our students and families about attendance expectations. A student is considered truant if they have 3 or more unexcused absences. Previously in the 19-20 school year, students who had perfect attendance weekly were acknowledged with office campus lunch privilege on Fridays.

Emery High School would like to increase parent involvement. Our school is committed to encouraging a healthy relationship between staff, parents, and students. Over the last three years Emery is fortunate to have a few parents who are very active on campus on a daily basis, however, there is a great need for raising the level of parent engagement. The School Site Council made a number of suggestions on methods to increase parent involvement, including having parent volunteers conduct parent outreach, parent-led parent workshops, faculty/staff led parent workshops, hosting an informal open house to build community, and for all activities and outreach ensure that they are scheduled so working parents can participate. During the pandemic,

20-21 school years, parents attended monthly Coffee with the Principal meetings to stay informed and connected to Emery. Parents also received weekly and or monthly newsletters, robo calls, text messages, as well as parent workshops provided by Betta Than Campaign of the New Bridge Foundation.

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

Exit routes are posted in each classroom next to the door. Fire, earthquake, and lockdown drills are held at regular intervals to ensure that all students and staff are familiar with exit routes and appropriate procedures.

### **Classroom Organization and Structure**

Emery High School uses multiple data points including CAASPP, WASC Critical Areas of Follow-Up, instructional rounds findings, and teacher feedback to create and revise ongoing instructional improvement efforts.

Evidence of these improvement efforts are board postings that include the objective or essential question for the lesson, CCSS being instructed, instructional strategies being used, class agenda, and upcoming due dates; unit overviews shared to the Emery Instructional Drive that include the overarching unit objective or essential question, objectives or essential questions for each lesson, CCSS and College and Career Readiness standard being instructed, instructional strategies being used, three key questions per lesson that are used to propel instruction and their level of cognitive demand according to Bloom's Taxonomy (Bloom's) or Depth of Knowledge chart (DoK), key tasks and their level of cognitive demand per Bloom's or DoK, formative assessments and method or corrective feedback, lesson closure strategy, and method of summative assessment.

The expectation is that every teacher maintains a positive classroom environment through the cultivation of positive student-teacher relationships, and student-student relationships. This is done by communication expectations clearly and respectfully, and intervening when the classroom norms of behavior are not followed.

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

The faculty and staff of Emery High School are using a continuous improvement model to shape school culture. While the behavior of students has improved tremendously over the years, and the negative behaviors exhibited by students are low-level, problem solving around improving the academic culture is ongoing.

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

All students are expected to behave in a manner that promotes safety, respect, and positive learning environment for all. Students are encouraged to bring problems to the principal, Office Staff Support, counselor, teacher or other staff members. The everyday goal is for the staff to be proactive rather than reactive in all situations of concern.

The academic and behavior efforts of students are recognized and rewarded. A well-developed student recognition program contributes to the positive environment at Emery High School. The program includes Academic Rallies in which students receive social and academic rewards, Sports Award Banquets, and the Honor Roll. Students may earn "Positive Referrals" and "Super Spartans" from staff members that are turned-in for free items at the student store. Every year Emery High School holds a Senior Awards Night to celebrate exemplary achievement for students about to graduate. During the pandemic, we have honored our graduating seniors with a Sidewalk Celebration that included the pick up of their cap and gowns, lawn signs, and a host of other gifts.

## **SAFETY STRATEGIES**

### **Introduction**

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

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

**SCHOOL SAFETY STRATEGY #1:** *Positive Student interpersonal relations are fostered by teaching social-personal skills, encouraging Students to feel comfortable assisting others to get help when needed and teaching Students alternative, socially appropriate replacement responses to violence, including, but not limited to problem solving and anger control skills. When appropriate, staff members shall make referrals to recognized community agencies and/or counseling and mental health resources in the community to assist parents/students with issues prevention and intervention. The school uses a variety of methods to communicate to Students, parents, and the greater community that all children are valued and respected.*



## **Preventing and Intervening: Student Aggressive Behavior**

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

## **Mental Health Programs**

Assigned to Emery High School are two (2) full-time counselors and one (1) part-time psychologist. It is the goal of Emery High School to assist students in their social and personal development as well as academics. The school gives special attention to students who experience achievement problems, difficulty coping with personal and family problems, trouble with decision making, or handling peer pressure. Referrals are made to our Coordination of Services Team (COST) to support students in need of academic or social emotional help.

## **Professional Development**

Emery Unified School District provides professional development for teachers, parents, and community members. Amongst the goals of such programs are to help others establish and nurture a healthy sense of self-confidence and self control, to develop personal and social responsibility and to enhance academic success.

## **Student Recognition Programs**

Emery High School offers a well-developed student recognition program that contributes to the positive environment at Emery High School. The program includes an Academic Rally in which students receive social and academic rewards, Sports Award Banquets, and the Honor Roll. Students may earn "Positive Referrals" and "Spartan Treasures" from staff members that are turned-in for gift cards. Every year Emery High School holds a Senior Awards Night to celebrate exemplary achievement for students about to graduate.

**SCHOOL SAFETY STRATEGY #2:** *Procedures, programs and strategies used to help eliminate problems of bias or unfair treatment of Students by staff and by peers because of ethnic group, gender, race, national origin, social class, religion, disability, sexual orientation, physical appearance, color, ancestry, parental status, or other relevant characteristics. The school provides a way for each Student to safely report and be protected after reporting, troubling behaviors that the Student thinks may lead to dangerous situations, such as potential school violence.*

## **Nondiscrimination and Fair Treatment of Students**

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



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

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

A copy of the “Student-Family Handbook” is provided to each parent/student annually, online at Emeryhigh.com, or upon enrollment. This handbook includes information pertaining to student rights to physical safety, to the protection of personal property, to respect from adults, and to be free of discrimination on the basis of gender, race, color, religion, ancestry, national origin, ethnic group, marital or parental status, physical or mental disability, sexual orientation or the perception of one or more of such characteristics.

### **Discipline Policy and Code**

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

Emery High School uses both classroom and school-wide discipline codes that clearly communicate the behavioral expectations and consequences for Students. Emery High School has developed and have promoted our 3 P’s: Be Positive; Be Purposeful; Be Productive. Finally, at Emery our suspension rates have declined steadily from 2016 to 2019 school years. The greatest decline in suspensions was with our African American students at 4.1% between the 17-18 to 18-19 school years.

**SCHOOL SAFETY STRATEGY #3:** *Emery High School's administrators, teachers, families, Students, support staff, and community members recognize and make appropriate use of the early warning signs related to violence, substance abuse, and other at-risk concerns.*

### **Crisis Intervention and Disaster Planning**

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

Emery High School continues to work proactively to maintain an Emergency Procedure Plan. The plan includes information on how to respond to a crisis. Risk factors, response and contingency plans, quick response designs, parent contacts, debriefing, suicide/threat response, violence/aggression response and training/drills to become aware of warning signs are among the areas addressed.

### **EUSD Suicide Prevention Intervention and Postvention Policy**

According to the Center for Disease Control, suicide is the 3rd leading cause of death for youth between ages 10 to 24. The tragic finality of suicide, particularly for young people, makes prevention and intervention efforts essential. Because schools are in a unique position to provide information, services, and help save lives in this respect, the District has adopted the EUSD Suicide Prevention, Intervention, and Postvention Policy (SPIP, finalized 8/9/17).

All District employees are expected to adhere to EUSD's Suicide Prevention, Intervention and Postvention (SPIP) policy and act in accordance with the policy.

#### **GENERAL PROCEDURES TO RESPOND TO ANY REPORTS OF STUDENTS AT RISK OF SUICIDE AND/OR EXHIBITING SIGNS OF SELF-INJURIOUS BEHAVIOR(S) AT SCHOOLS**

Respond immediately:

1. When you encounter a student exhibiting warning signs (see below for list of warning signs), respond using this suggested script. Do NOT mistakenly "warn" of police, ambulance, or being 5150'ed as this language may be premature and serve to shut the student down.

*Suggested script: "Thank you for sharing that with me. My number one goal is to keep you safe. What I need to do is get one of our trained counselors/staff to meet with you to explore this a little more."*

2. Report concerns via direct contact to an administrator and/or a school counselor immediately. Direct contact means in face to face or over the phone. Do NOT leave

a note, send an email, leave a voicemail, or wait until the end of the day to report a student at risk.

3. Escort or arrange for student to be escorted to the office for assessment by school

site crisis team member or designee who understands the seriousness of the situation. Do not leave the at-risk student unsupervised.

- a. Supervise the student at all times (including restrooms)
- b. For immediate emergency or life threatening situation call 911 and administrator.
- c. If a student is agitated, unable to be contained or for immediate assistance call the Emeryville Police Department at 510 596-3700 (or 911) and your administrator or designee.

From here a professional on the site crisis response team who is trained in suicide assessment will complete a risk assessment and follow through with procedures in accordance with our policy (typically school psychologist, school counselor or school social worker).

4. *If a warning sign comes up outside of working hours (i.e. in email or text sent to you) please respond in the following ways, as appropriate:*

- a. If you think it's a life threatening emergency, immediately call 911.
- b. If you need to consult on the matter to determine course of action, call the Alameda County 24/7 crisis hotline. 1-800-309-2131 (*STAFF MAY WANT TO ADD THIS AS A "CRISIS" CONTACT IN CELL PHONE*)
- c. Call the City police in the community where the student lives, let them know the situation, request a welfare check (that is their protocol anyway).
- d. AND leave email or voicemail with your administrator to let them know what happened.

Information related to the crisis is confidential and should be disclosed to the administrator, site crisis team member conducting the assessment, and any others on a need-to-know basis only (consult with the crisis team member).

Warning Signs of Suicide:

These signs may mean someone is at risk for suicide. Risk is greater if a behavior is new or has increased and if it seems related to a painful event, loss or change.

- Talking or writing about death, suicide, or killing one's self

- Having a "death wish," tempting fate by taking risks that could lead to death, such as driving fast or running red lights
- Putting affairs in order, tying up loose ends
- Vague language like "it would be better if I wasn't here," "I want out," wondering if it all really matters, if anyone would notice if I was gone
- Visiting or calling people to say goodbye

Other depressive symptoms of concern warranting a discussion with counselor on getting student support:

- Clinical depression -- deep sadness, loss of interest, trouble sleeping and eating
- Losing interest in things one used to care about
- Making comments about being hopeless, helpless, or worthless
- Sudden, unexpected switch from being very sad to being very calm or appearing to be happy

#### Self-Injury:

Self-injury is the act of deliberately harming one's own body, such as cutting or burning oneself. Although self-injury often lacks suicidal intent, youth who self-injure are more likely to attempt suicide. Therefore, it is important to assess students who cut or exhibit other types of self-injurious behaviors for suicidal ideation. For more information on self-injury, see EUSD's Behavioral Health Manager.

**For Assistance please contact:**

Wentrelle McIntosh, EHS Academic Counselor, EHS Main Office x147 if unavailable:

Eddie Scruggs Smith, EHS Principal x168. If unavailable:

Kevin W. Edwards, Behavioral Health Manager, Rm B203 833-0275 if unavailable:

Steve Vernon, School Psychologist, Rm C221 x181 224-0359, if unavailable:

A Wellness Counselor:

Nicolas Hughes: Monday and Tuesday 510-662-6842

Steph Peek: Wednesday 510-901-3169

Auden Smith: Thursday 510-476-9060

Mariana Banks: Friday 510-439-9790

If unavailable: 911

**Truancy**

Emery High School recognizes the importance of punctuality and regular attendance. Staff shall accurately record the attendance record for all students. Parents of students with poor attendance will be contacted.

In order to support students and families in improving attendance, SART and SARB procedures are in the process of being established.

**Megan's Law Notification**

The staff of Emery High School shall receive Megan's Law Sex Offender Information from local law enforcement and that information shall be communicated with the public so that the information can be used to protect students and families. Megan's Law provides the public with photographs and descriptive information on serious or high risk sex offenders residing in California who have been convicted of committing sex crimes and are required to register.

**SCHOOL SAFETY STRATEGY #4:** *Plan(s) and method(s) are available to identify isolated and troubled Students, help foster positive relationships between school staff and Students, and promote meaningful parental and community involvement.*

**Parent/Guardian Involvement**

Staff members in effective and safe schools make persistent efforts to involve parents/guardian by: Informing them about discipline policies, procedures, and rules, and about their children's



behavior, desirable and undesirable; involving them in making decisions concerning school-wide disciplinary policies and procedures; and encouraging them to participate in prevention programs, intervention programs and crisis planning.

Emery High School:

- Effectively uses the School Site Council
- Notifies parents about, and encourages participation in parenting programs.
- Has established a school visitation procedure.
- Provides a handbook to parents.
- Provides opportunities for Teacher-Parent Conferences.

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

### **Parent Training: Promoting the Use of Community Resources**

Emery High School advocates for the provision of community resources to help maximize the development of positive behavior and the suppression of antisocial behavior. Such training promises to maximize the parent's contribution to academic excellence and noteworthy social-development. Our Parent Teacher Organization (PTO) is charged with the responsibility of supporting the welfare of all students and offers workshops for parents.

### **SCHOOL SAFETY STRATEGY #5: *Specific employees (e.g., the campus supervisor) use unique strategies to promote school safety.***

#### **Campus Administrative Positions**

Emery High School employs a principal and campus supervisor whose job is designed to help increase school safety, prevent prohibited offenses, and promote positive student relationships. The Office Support Specialists, Campus Supervisor, and principal have developed procedures to monitor the school campus, the surrounding areas, and have designated the safe entrance and exit routes to school. Furthermore, recognizing that students are often the first to know of dangerous plans or actions, the Office Support Specialists, Campus Supervisor, and principal at Emery High School make themselves available for a 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. Effective relationships between the Office Support Specialist, Campus Supervisor, principal and students help initiate appropriate investigations, help staff learn of suspects in school offenses, and help collect important knowledge about community conflicts that may have an impact on school safety.

### **Campus Disturbances and Crimes**

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

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

Emery High School is aware of the laws, policies and procedures, which govern the conduct of visitors to the school campus. Emery High School uses continuing efforts to minimize the number of campus entrance and exit points used daily. Access to school grounds is limited and supervised on a regular basis by individuals, such as the Office Support Specialist, Campus Supervisor, principal, and staff familiar with the student body. Campus traffic, both pedestrian and vehicular, flows through areas that can be easily and naturally supervised. Delivery entrances used by vendors are also checked regularly. The campus has perimeter fencing.

The Office Support Specialist, Campus Supervisor, and or principal may direct an individual to leave school grounds if he/she has a reasonable basis for concluding that a person is committing an act that is likely to interfere with the peaceful conduct of school activities or that the person has entered the campus with the purpose of committing such an act.

To ensure the safety of students and staff and to avoid potential disruptions, all visitors to the campus, except students of the school and staff members, must register immediately upon entering any school building or grounds when school is in session and have the visitor sticker visible. The Office Support Specialist, Campus Supervisor, and principal may direct an individual to leave school grounds if he/she has a reasonable basis for concluding that the person is committing an act that is likely to interfere with the peaceful conduct of school activities or that the person has entered the campus with the purpose of committing such an act. All necessary teachers and personnel will be notified when a student is suspended via email and/or in personal communication. Law enforcement is immediately contacted for individuals engaging in threatening conduct, including disturbing the peace.

**SCHOOL SAFETY STRATEGY #6:** *At Emery High School, effective procedures will be followed to maintain a safe physical plant and school site.*

### **Enhancing Physical Safety Practices**



Schools can enhance physical safety by conducting a building safety audit in consultation with the Office of Child Welfare and Attendance and/or law enforcement. Recent safety audits of Emery High School, has identified the following:

- Emery High School operates a closed campus, where Students must have permission to leave the campus during school hours.
- Emery High School has helped assure a safe learning environment by the following:
  - Emery High School has minimized blind spots around the school facility.
  - Emery High School prohibits posters in classroom windows.
  - Emery High School has installed an alarm system (and/or) a closed-circuit television monitoring system.
  - Emery High School has set a priority to keep buildings clean and maintained.
  - Emery High School has limited roof access by keeping dumpsters away from building walls.
  - Emery High School has covered drain pipes so they cannot be climbed.
  - Emery High School avoids decorative hedges and plants all new trees at least ten feet from buildings.
  - Emery High School keeps trees and shrubs closely trimmed to limit outside hiding places for people or weapons.
  - Emery High School does not allow graffiti to remain on walls. The procedure involves following the three “R’s” after discovery of graffiti—**read**, **record** (i.e. photograph or videotape) and **remove**.
  - Emery High School provides maximum supervision in heavy traffic areas.
  - Emery High School has established two-way communication between the front office, Principal, and security.

**SCHOOL SAFETY STRATEGY #7:** (Each school site is being asked to write a strategy component focusing on either/both: (1) Search Institutes - "40 Developmental Assets". Search institute has identified building blocks of healthy development that help young people grow up healthy, caring, and responsible. This is a research-based program that promotes school safety through the promotion of student engagement in the 40 identified assets. (2) Character Education Program.

**Healthy Development Strategy Component:**

A positive and safe learning environment is paramount for the academic and social emotional success of all our students at Emery High School. EHS staff will strengthen our positive structures by providing the following:

- Identify resources to support students and families



- Positive communication from administration and EHS staff towards students/families
- Staff members will serve as favorable mentors for our students
- EHS will promote a caring school environment based on our **3 P's: Be Positive. Be Purposeful. Be Productive.**
- EHS honors our students with our Academic Rally to keep them motivated as well as honor their academic achievements
- Parents involved in school environment as volunteers on campus or for specific events, participants in Coffee With the Principal Meetings (every first Friday), as well as other family events to promote a positive learning environment
- Students provide 60 hours of community service through the school year
- Students have the opportunity to participate create clubs that are supported by EHS staff as advisors
- Students respectfully participate 3 or more hours a week in school organized sports as well as study hall and are mentored by coaches who hold high expectations for all students
- Associated Student Body allows for student voice as well as the opportunity to develop events to shape a fun, safe, and favorable learning environment
- High expectations for our students are shared by parents and EHS staff members work as team to support their academic and social emotional success
- EHS teachers provide daily instruction that keep students engaged and motivated in their learning
- Students nurture a caring school environment by participation in events that support our Emeryville community such as canned food drives and volunteering with community based organizations to help others
- Students participate in conflict mediations to show integrity, honesty, and resolve conflict without negative confrontations
- Peer Mediation is led by student mediators who hold discussions with their peers that focus on empathy and respect

[Emery USD](#) | BP 5141.4 Students

### **Child Abuse Reporting Procedures**

The Board of Education recognizes that the district has a responsibility to protect students by facilitating the prompt reporting of known and suspected incidents of child abuse and neglect. The Superintendent or designee shall develop and implement strategies and procedures for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect in accordance with law.

Sexual activity, even when allegedly consensual, may be considered child abuse if a minor is involved. The National Center for Youth Law has published guidelines regarding the reporting of sexual activity involving minors. The guidelines are for informational purposes, only, and if a

sexual activity incident resembles abuse in any way or a reporter suspects any sort of coercion, exploitation, or intimidation around the sexual activity, the activity should be reported as child abuse. The National Center for Youth Law chart may be accessed via the following link:

[http://www.healthiersf.org/resources/SHM/Section%20H\\_Sensitive%20Issues\\_Confidentiality\\_Child%20Abuse%20Reporting/CA\\_sex\\_reporting\\_jul04.pdf](http://www.healthiersf.org/resources/SHM/Section%20H_Sensitive%20Issues_Confidentiality_Child%20Abuse%20Reporting/CA_sex_reporting_jul04.pdf)

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

1. A physical injury inflicted by other than accidental means on a child by another person.
2. Sexual abuse of a child, including sexual assault or sexual exploitations, as defined in Penal Code [11165.1](#).
3. Neglect as defined in Penal Code [11165.2](#).
4. Willful harming, injury, cruelty or unjustifiable punishment of a child as defined in Penal Code [11165.3](#)
5. Unlawful corporal punishment or injury as defined in Penal Code [11165.4](#)

Child abuse or neglect does not include:

1. A mutual affray between minors (Penal Code [11165.6](#))
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment (Penal Code [11165.6](#))

(cf. [3515.3](#) - District Police/Security Department)

3. An injury resulting from the exercise by a teacher, vice principal, principal or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning. (Education Code [44807](#))
4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student. (Education Code [49001](#))

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

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

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

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

(cf. [6142.7](#) - Physical Education and Activity)

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

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

Mandated reporters include but are not limited to teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; athletic coaches, administrators, and directors; administrators and employees of a licensed day care facility; Head Start teachers; district police or security officers; and administrators, presenters or counselors of a child abuse prevention program. (Penal Code [11165.7](#))

(cf. [5141.41](#) - Child Abuse Prevention)

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

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

(cf. [5141.41](#) - Child Abuse Prevention)

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

Child Abuse Prevention

The district's instructional program may 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 district's program also may include age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention. Upon written request of a student's parent/guardian, the student shall be excused from taking such instruction. (Education Code [51900.6](#))



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.

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

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

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

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

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

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)

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

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

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

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)

Legal Reference:

EDUCATION CODE

32280-32288 Comprehensive school safety plans

33195 Heritage schools, mandated reporters

33308.1 Guidelines on procedure for filing child abuse complaints

44252 Teacher credentialing

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

44807 Duty concerning conduct of students

48906 Notification when student released to peace officer

48987 Dissemination of reporting guidelines to parents

49001 Prohibition of corporal punishment

51220.5 Parenting skills education

51900.6 Sexual abuse and sexual assault awareness and prevention

#### PENAL CODE

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

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

288 Definition of lewd or lascivious act requiring reporting

11164-11174.3 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

CDE LEGAL ADVISORIES

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

WEB SITES

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

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

School/Law Enforcement Partnership: <http://www.cde.ca.gov/spbranch/safety/partnership.html>

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

California Attorney General's Office, Suspected Child Abuse Report Form:  
[https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss\\_8572.pdf?](https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf?)

California Department of Social Services: <http://www.dss.cahwnet.gov> Governor's Office of  
Criminal Justice Planning: <http://www.ocjp.ca.gov>

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

Policy EMERY UNIFIED SCHOOL DISTRICT

adopted: November 15, 2004 Emeryville, California

revised: April 25, 2018

Emery USD | AR 5141.4 Students

**Child Abuse Reporting Procedures**

## Definitions

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

1. A physical injury inflicted by other than accidental means on a child by another person.
2. Sexual abuse of a child, including sexual assault or sexual exploitations, as defined in Penal Code [11165.1](#).
3. Neglect as defined in Penal Code [11165.2](#).
4. Willful harming, injury, cruelty or unjustifiable punishment of a child as defined in Penal Code [11165.3](#)
5. Unlawful corporal punishment or injury as defined in Penal Code [11165.4](#)

Child abuse or neglect does not include:

1. A mutual affray between minors (Penal Code [11165.6](#))
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment (Penal Code [11165.6](#))

(cf. [3515.3](#) - District Police/Security Department)

3. An injury resulting from the exercise by a teacher, vice principal, principal or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning. (Education Code [44807](#))

4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student. (Education Code [49001](#))

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

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

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

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



(cf. [6142.7](#) - Physical Education and Activity)

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

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

Mandated reporters include but are not limited to teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; athletic coaches, administrators, and directors; administrators and employees of a licensed day care facility; Head Start teachers; district police or security officers; and administrators, presenters or counselors of a child abuse prevention program. (Penal Code [11165.7](#))

(cf. [5141.41](#) - Child Abuse Prevention)

#### Reportable Offenses

A mandated reporter shall make a report using the procedures provided below whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. (Penal Code [11166](#))

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

Any district employee who reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury, where the victim is a child under age 14, shall notify a peace officer. (Penal Code [152.3](#), [288](#))

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. However, reasonable suspicion does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect. (Penal Code [11166](#))

#### Responsibility for Reporting

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



When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code [11166](#))

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code [11166](#))

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code [11166](#))

#### Reporting Procedures

##### 1. Initial Telephone Report

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or the county welfare department. (Penal Code [11165.9](#), [11166](#))

Emeryville Police Department

2449 Powell St

Emeryville, CA 94608

(510) 596-3700

And/or

Alameda County Social Services

Children and Family Services

24100 Amador St

Hayward CA 94544

(510) 259-1800

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

## 2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report which includes a completed Department of Justice form. (Penal Code [11166](#), [11168](#))

Mandated reporters may obtain copies of the Department of Justice form from the district office or other appropriate agencies, such as the county probation or welfare department or the police or sheriff's department.

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

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

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

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code [11166.05](#). (Penal Code [11167](#))

## 3. Internal Reporting

Employees reporting child abuse or neglect to the appropriate agency are encouraged, but not required, to notify the principal or designee as soon as possible after the initial telephone report to an appropriate agency. When so notified, the principal shall inform the Superintendent or designee.

The principal or designee so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board of Education policy and administrative regulation. At the mandated reporter's request, the principal may assist in completing and filing these forms.

The mandated reporter shall not be required to disclose his/her identity to his/her supervisor, the principal, or the Superintendent or designee. (Penal Code [11166](#))

He/she may provide or mail a copy of the written report to the principal, Superintendent or designee without his/her signature or name.

Reporting the information to an employer, supervisor, school principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code [11166](#))

#### Training

Within the first six weeks of each school year, the Superintendent or designee shall provide training on mandated reporting requirements to district employees and persons working on their behalf who are mandated reporters. Any school personnel hired during the school year shall receive such training within the first six weeks of employment. (Education Code [44691](#); Penal Code [11165.7](#))

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

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

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

The Superintendent or designee shall use the online training module provided by the California Department of Social Services. (Education Code [44691](#))

The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. In addition, the training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified. (Education Code [44691](#); Penal Code [11165.7](#))

All employees receiving such training shall receive written notice of state reporting requirements and employees' confidentiality rights. (Penal Code [11165.7](#))

The Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training. (Education Code [44691](#))



In addition, at least once every three years, school personnel may receive training in the prevention of child abuse, including sexual abuse, on school grounds, by school personnel, or in school-sponsored programs. (Education Code [44691](#))

#### Victim Interviews

Upon request, a representative of an agency investigating suspected child abuse or neglect may interview a suspected victim 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 Superintendent or designee shall give the child the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child. (Penal Code [11174.3](#))

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her, before the interview takes place, of the following requirements: (Penal Code [11174.3](#))

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code [11167.5](#).

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

#### Release of Child to Peace Officer

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

Peace officers shall be asked to sign an appropriate release or acceptance of responsibility form.

(cf. 5145.11 - Questioning and Apprehension)

#### Parent/Guardian Complaints

Upon request, the Superintendent or designee shall provide parents/guardians with procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided for parents/guardians whose primary language is other than English. (Education Code [48987](#))

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person or in writing with any appropriate agency identified above under "Reporting Procedures."

(cf. [4117.4](#) - Dismissal)

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

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

If a parent/guardian makes a complaint to any district employee, that employee shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency and also is obligated pursuant to Penal Code [11166](#) to file a report himself/herself using the procedures described above for mandated reporters.

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

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

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

#### Notifications

The Superintendent or designee shall give persons hired by the district a statement informing them that they are mandated by law to report suspected child abuse and neglect, inform them of their reporting obligations under Penal Code [11166](#), and their confidentiality rights under Penal Code [11167](#), and provide a copy of Penal Code [11165.7,11166](#) and [11167](#). Before beginning employment, any person who will be a mandated reporter by virtue of his/her position shall sign a statement indicating that he/she has knowledge of the reporting obligations under Penal Code [11166](#) and that will comply with those provisions. The signed statements shall be retained by the Superintendent or designee. (Penal Code [11166.5](#))

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

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.

The Superintendent or designee shall also notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)

2. If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, he/she is guilty of a misdemeanor punishable by a fine and/or imprisonment. (Penal Code 11166)

3. No employee shall be subject to any sanction by the district for making a report unless it can be shown that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11166)

Regulation EMERY UNIFIED SCHOOL DISTRICT

approved: November 15, 2004 Emeryville, California

revised: April 25, 2018

## **Suspension and Expulsion Policies**

Emery USD | BP 5144.1 Students

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

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

(cf. 5144 - Discipline)

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

(cf. 6145 - Extracurricular and Cocurricular Activities)

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

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

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

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

(cf. 5119 - Students Expelled from Other Districts)

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

On-Campus Suspension Program

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

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

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

Required Parental Attendance

The Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/guardians when behavior problems arise.

Whenever a student is removed from a class because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities or otherwise willfully defied valid staff authority, the teacher of the class from which the student was removed may provide that the student's parent/guardian attend a portion of a school day in that class. After completing the



classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

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

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

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

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

Decision Not to Enforce Expulsion Order

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

*Legal Reference:*

#### *EDUCATION CODE*

*212.5 Sexual harassment*

*233 Hate violence reduction*

*1981 Enrollment of students*

*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*

*48660-48666 Community day schools*

*48900-48926 Suspension and expulsion*

*48950 Speech and other communication*

*49073-49079 Privacy of student records*

#### *CIVIL CODE*

*47 Privileged communication*

*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 (re closed sessions)*

*HEALTH AND SAFETY CODE*

*11014.5 Drug paraphernalia*

*11053-11058 Standards and schedules*

*LABOR CODE*

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

*PENAL CODE*

*31 Principal defined*

*240 Assault defined*

*241.2 Assault fines*

*242 Battery defined*

*243.2 Battery fines*

*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*

UNITED STATES CODE, TITLE 20  
7151 Gun free schools

#### COURT DECISIONS

*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, 308  
*Woodbury v. Dempsey* (2003) 108 Cal. App. 4th 421

#### ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)  
80 Ops.Cal.Atty.Gen. 347 (1997)  
80 Ops.Cal.Atty.Gen. 91 (1997)  
80 Ops.Cal.Atty.Gen. 85 (1997)  
Management Resources:

#### CDE PROGRAM ADVISORIES

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

#### WEB SITES

CDE: <http://www.cde.ca.gov>  
CSBA: <http://www.csba.org>

Board Policy: EMERY UNIFIED SCHOOL DISTRICT  
Adopted: November 15, 2004 Emeryville, California

[Emery USD](#) | AR 5144.1 Students

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

#### Definitions

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

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Board of Trustees for students of the same grade level

2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code [48910](#)

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

#### Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, including suspension and expulsion. (Education Code [35291](#), [48900.1](#), [48980](#))

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

(cf. [5145.6](#) - Parental Notifications)

#### Grounds for Suspension and Expulsion: Grades K-12

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows:

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

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code [48900\(a\)](#) and (t))

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

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

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

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

(cf. 3513.4 - Drug and Alcohol Free Schools)

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

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

5. Committed or attempted to commit robbery or extortion (Education Code [48900\(e\)](#))

6. Caused or attempted to cause damage to school property or private property (Education Code [48900\(f\)](#))

7. Stole or attempted to steal school property or private property (Education Code [48900\(g\)](#))

8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing their own prescription products (Education Code [48900\(h\)](#))

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

9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code [48900\(i\)](#))

10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code [11014.5](#) (Education Code [48900\(j\)](#))

11. Knowingly received stolen school property or private property (Education Code [48900\(l\)](#))

12. Committed or attempted to commit a sexual assault as defined in Penal Code [261](#), [266c](#), [286](#), [288](#), [288a](#), or 289, or committed a sexual battery as defined in Penal Code [243.4](#) (Education Code [48900\(n\)](#))

13. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code [48900\(o\)](#))

14. Unlawfully offered, arranged to sell, negotiated to sell, or sold prescription drugs (Education Code [48900\(p\)](#))

16. Engaged in, or attempted to engage in, hazing (Education Code [48900\(q\)](#))



Hazing means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events. (Education Code [48900\(q\)](#))

17. Engaged in an act of bullying (Education Code [48900\(r\)](#))

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to themselves or their property; cause the student to experience a substantially detrimental effect on their physical or mental health; or cause the student to experience substantial interferences with their academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school. (Education Code [48900\(r\)](#))

Bullying includes any act of sexual harassment, gender based harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code [48900.2](#), [48900.3](#), or 48900.4 and below in items #1-3 of "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.

Bullying also includes an act of cyber sexual bullying by a student through the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording that depicts a nude, semi-nude, or sexually explicit photograph or other visual recording of an identifiable minor, when such dissemination is to another student or to school personnel by means of an electronic act and has or can be reasonably predicted to have one or more of the effects of bullying described above. Cyber sexual bullying does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

Electronic act means the creation or transmission originated on or off the school site by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or of a communication including, but not limited to: (Education Code [48900\(r\)](#))

a. A message, text, sound, video, or image

b. A post on a social network Internet web site, including, but not limited to, posting to or creating a burn page or creating a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.



Reasonable student means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of their age, or for a person of their age with their disability. (Education Code [48900\(r\)](#))

(cf. [1114](#) - District-Sponsored Social Media)

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

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

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

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

18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code [31](#) (Education Code [48900\(t\)](#))

19. Made terrorist threats against school officials and/or school property (Education Code [48900.7](#))

A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code [48900.7](#))

Additional Grounds for Suspension and Expulsion: Grades 9-12

Any student in grades 9-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code [48900\(k\)](#))

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

A student in grades 9-12 shall be subject to suspension or recommendation for expulsion when it is determined that they/them/their:

1. Committed sexual harassment as defined in Education Code [212.5](#) (Education Code [48900.2](#))

Sexual harassment means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code [212.5](#), [48900.2](#))

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

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

Hate violence means any act punishable under Penal Code [422.6](#), [422.7](#), or [422.75](#). Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code [233](#); Penal Code [422.55](#))

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

3. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code [48900.4](#))

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

Suspension by Superintendent, Principal or Principal's Designee

To implement disciplinary procedures at a school site, the principal may, in writing, designate as the principal's designee another administrator or, if the principal is the only administrator at the school site, a certificated employee. As necessary, the principal may, in writing, also designate another administrator or certificated employee as the secondary designee to assist with disciplinary procedures when the principal and the principal's primary designee are absent from the school site.

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to have committed any of the acts listed in the Board policy under "Authority to Expel" and for which he/she is required to recommend expulsion. (Education Code [48915\(c\)](#))

The Superintendent, principal, or designee may impose a suspension for a first offense if they determine that the student violated any of items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-12" above or if the student's presence causes a danger to persons. (Education Code [48900.5](#))

For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct. (Education Code [48900.5](#))

When other means of correction are implemented prior to imposing suspension or supervised suspension upon a student, the Superintendent, principal, or designee shall document the other means of correction used and retain the documentation in the student's record. (Education Code [48900.5](#))

(cf. [5125](#) - Student Records)

#### Length of Suspension

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days. (Education Code [48911](#))

A student may be suspended from school for not more than 20 school days in any school year. However, if a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class for the purpose of adjustment, they may be suspended for not more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code [48903](#), [48911](#), [48912](#))

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

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. (Education Code [48911](#))

#### Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, including the other means of correction that were attempted before the suspension as required pursuant to Education Code [48900.5](#), and the evidence against them, and shall be given the opportunity to present their version and evidence in support of their defense. (Education Code [48911](#))

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the



parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference and the conference shall be held within two school days, unless the student waives their right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school. (Education Code [48911](#))

2. Administrative Actions: All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code [48911](#))

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

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

The notice may state the date and time when the student may return to school.

In addition, the teacher will provide, upon request, homework to any student who has been suspended from school for two or more schooldays. This request must be made by either the suspended student, their parent, legal guardian, or other person holding the right to make educational decisions for the suspended student. If the request for homework is made, the assignments then must be turned in to the teacher by the student either upon the student's return to school from suspension or within the timeframe originally prescribed by the teacher, whichever is later.

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

If school officials request to meet with the parent/guardian, the notice may state that the law requires the parent/guardian to respond to such requests without delay. However, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied reinstatement solely because the parent/guardian failed to attend the conference. (Education Code [48911](#))

5. Extension of Suspension: If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as

the Board has made a decision, provided the following requirements are followed: (Education Code [48911](#))

a. The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.

b. The Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code [48911](#))

c. If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code [48853.5](#), [48911](#), [48918.1](#))

(cf. [6173.1](#) - Education for Foster Youth)

d. If the student involved is a homeless child or youth, the Superintendent or designee shall notify the district liaison for homeless students. (Education Code [48918.1](#))

(cf. [6173](#) - Education for Homeless Children)

In lieu of or in addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct their behavior and keep them in school.

#### Suspension by the Board

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 9-12 above and within the limits specified under "Suspension by Superintendent, Principal, or Designee" above. (Education Code [48912](#))

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester. The suspension shall meet the requirements of Education Code [48915](#). (Education Code [48912.5](#))

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold a closed session if a public hearing would lead to



disclosure of information that would violate a student's right to privacy under Education Code [49073-49079](#). (Education Code [35146](#), [48912](#))

(cf. [9321](#) - Closed Session Purposes and Agendas)

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

#### On-Campus Suspension

A student for whom an expulsion action has not been initiated and who poses no imminent danger or threat to the school, students, or staff may be assigned to on-campus suspension in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code [48911.1](#))

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

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

#### Superintendent or Principal's Authority to Recommend Expulsion

Unless the Superintendent or principal determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, they shall recommend a student's expulsion for any of the following acts: (Education Code [48915](#))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance as listed in Health and Safety Code [11053-11058](#), except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for their use or other medication prescribed for them by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code [240](#) and [242](#), upon any school employee

In determining whether or not to recommend the expulsion of a student, the Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code [48915](#))

#### Student's Right to Expulsion Hearing

Any student recommended for expulsion shall be entitled to a hearing to determine whether they should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed the act(s) that form the basis for the expulsion recommendation. (Education Code [48918\(a\)](#))

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

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

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code [48925](#). Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code [48918\(a\)](#))

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

## Stipulated Expulsion

After a determination that a student has committed an expellable offense, the Superintendent, principal, or designee shall offer the student and their parent/guardian the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after the student or their parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code [48918](#).

The stipulation agreement shall be in writing and shall be signed by the student and their parent/guardian. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of their right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion agreed to by the student and their parent/guardian shall be effective upon approval by the Board.

## Rights of Complaining Witness

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

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

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

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

## Written Notice of the Expulsion Hearing



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

1. The date and place of the hearing
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based
3. A copy of district disciplinary rules which relate to the alleged violation
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code [48915.1](#), to provide information about the student's status in the district to any other district in which the student seeks enrollment

This obligation applies when a student is expelled for acts other than those described in Education Code [48915\(a\)](#) or (c).

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

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

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

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

6. The right to inspect and obtain copies of all documents to be used at the hearing
7. The opportunity to confront and question all witnesses who testify at the hearing
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

#### Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students

If the student facing expulsion is a foster student, the Superintendent or designee shall also send notice of the hearing to the student's attorney and a representative of an appropriate child welfare agency at least 10 days prior to the hearing. (Education Code [48918.1](#))

If the student facing expulsion is a homeless student, the Superintendent or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 days prior to the hearing. (Education Code [48918.1](#))

Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code [48918.1](#))

### Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding Education Code [35145](#), the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such a request is made, the meeting shall be public to the extent that privacy rights of other students are not violated. (Education Code [48918](#))

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session. (Education Code [48918\(c\)](#))

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

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

3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with Code of Civil Procedure [1985-1985.2](#) and enforced in accordance with Government Code [11455.20](#). (Education Code [48918\(i\)](#))

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested



by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code [48918\(i\)](#))

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

4. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code [48900](#) and listed in "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12" above. (Education Code [48918\(h\)](#))

Findings of fact shall be based solely on the evidence at the hearing. Although no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code [48918\(f\)](#))

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

5. Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code [48918](#), [48918.5](#))

- a. Any complaining witness shall be given five days' notice before being called to testify.
- b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.
- c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
- d. The person presiding over the hearing may remove a support person whom they find is disrupting the hearing.
- e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code [868.5](#).

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

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

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

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

(3) The person conducting the hearing may:

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

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

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

6. Decision: The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from their school of attendance, unless the student requests in writing that the decision be postponed. (Education Code [48918\(a\)](#))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

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



A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing," including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code [48918](#)(a) and (d))

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by his/her parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. (Education Code [48918](#)(e))

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

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion. If the hearing officer or administrative panel recommends that the Board expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the Board has ruled on the recommendation. (Education Code [48917](#), [48918](#))

#### Final Action by the Board

Note: Education Code [48918](#) mandates that the Board adopt procedures that include the following paragraph.

Whether the expulsion hearing is conducted in closed or open session by the Board, a hearing officer, or an administrative panel or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board in public. (Education Code [48918](#)(j))

(cf. [9321.1](#) - Closed Session Actions and Reports)

The Board's decision is final. If the decision is to not expel, the student shall be reinstated immediately. If the decision is to suspend the enforcement of the expulsion, the student shall be reinstated under the conditions of the suspended expulsion.

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

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

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

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

#### Written Notice to Expel

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

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12" (Education Code [48900.8](#))
2. The fact that a description of readmission procedures will be made available to the student and their parent/guardian (Education Code [48916](#))
3. Notice of the right to appeal the expulsion to the County Board (Education Code [48918](#))

4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code [48918](#))
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code [48915.1](#) (Education Code [48918](#))

#### Decision to Suspend Expulsion Order

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

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

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code [48917](#))
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code [48917](#))
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12" above or violates any of the district's rules and regulations governing student conduct. (Education Code [48917](#))
4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code [48917](#))
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code [48917](#))



6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code [48915.1\(b\)](#). (Education Code [48918\(j\)](#))

7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code [48917](#))

#### Appeal

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

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

#### Notification to Law Enforcement Authorities

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

The principal or designee shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance, or of any student acts involving the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code [48915\(c\)\(1\)](#) or (5) or Penal Code [626.9](#) and [626.10](#). (Education Code [48902](#))

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

#### Placement During Expulsion

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

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

(cf. [6158](#) - Independent Study)

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

When the placement described above is not available and when the County Superintendent so certifies, students expelled for only acts described in items #6-12 under "Grounds for Suspension and Expulsion: Grades K-12" and items #1-3 under "Additional Grounds for Suspension and Expulsion: Grades 4-12" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (Education Code [48915](#))

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

#### Readmission After Expulsion

Prior to the date set by the Board for the student's readmission:

1. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference, the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
2. The Superintendent or designee shall transmit to the Board their recommendation regarding readmission. The Board shall consider this recommendation in closed session. If a written request for open session is received from the parent/guardian or adult student, it shall be honored to the extent that privacy rights of other students are not violated.
3. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.

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

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

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

No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system. (Education Code [48645.5](#))

#### Maintenance of Records

The district shall maintain a record of each suspension and expulsion, including its specific cause(s). (Education Code [48900.8](#))

Expulsion records of any student shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon written request by that school. (Education Code [48918\(k\)](#))

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

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

Regulation EMERY UNIFIED SCHOOL DISTRICT

approved: November 15, 2004 Emeryville, California

revised: August 14, 2019

revised: January 22, 2020



## **Sexual Harassment**

The Board of Trustees 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 or gender based harassment targeted at any students by any employees, students, or other persons. The Board is committed to preventing, investigating, correcting and disciplining all sexual and gender based harassment. The Board's primary concern is providing a harassment-free learning environment for all its students. The Board also seeks to foster an environment in which all its students and personnel can report incidents of unlawful harassment without fear of retaliation or reprisal. The Board prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual or gender-based harassment.

The Board strongly encourages any student who feels that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who has experienced off-campus sexual or gender-based harassment that has a continuing effect on campus, to immediately contact their teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual or gender-based 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.

All complaints alleging criminal conduct shall be reported immediately to the appropriate law enforcement agency. All complaints alleging child abuse or neglect, including sexual assault or sexual exploitations of a child, shall be reported and investigated in accordance with Board Policy and Administrative Regulation 5141.4 (Child Abuse Reporting Procedures). Suspected child abuse or neglect shall immediately be reported to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, and/or the county welfare department.

(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

When instructing students or using curriculum related to child abuse prevention, the Superintendent or designee shall also ensure that all district students receive age-appropriate information on sexual and gender-based harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual and gender-based 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 or gender-based harassment under any circumstance.
3. Encouragement to report observed incidents of sexual or gender-based 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 or gender-based harassment incident will be addressed separately and will not affect the manner in which the sexual or gender-based 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 or gender-based 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 or gender-based 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 or gender-based 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 or gender-based 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.

Students shall be informed that they need not tolerate any form of sexual or gender based discrimination or communication, including harassment because of sexual orientation, gender identity or gender expression, including nonconformance with gender-based stereotypes.

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

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

(cf. [5141.41](#) - Child Abuse Prevention)

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

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

#### Complaint Process and Disciplinary Actions

Sexual or gender-based 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 or gender-based harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures.

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

The district prohibits retaliatory behavior against any complainant or any participant in the complaint process. The district prohibits retaliation against any person by another student or employee for using the complaint procedures, reporting harassment or for filing, testifying, assisting or participating in any manner in any investigation, proceeding, or hearing conducted by the district, a government enforcement agency, a court or other forum such as arbitrations. Information related to a complaint of sexual or gender based harassment shall be confidential to the extent possible, and individuals involved in the investigation of such a complaint shall not discuss related information outside the investigation process.

(cf. [4119.23/4219.23/4319.23](#) - Unauthorized Release of Confidential/Privilege Information)

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

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

Students are expected to adhere to a standard of conduct that is respectful and courteous to fellow students and staff and to the public. The Board considers sexual/gender-based harassment to be a serious offense.

Upon investigation of a sexual or gender-based harassment complaint, any student found to have engaged in sexual or gender-based harassment or sexual violence in violation of this policy shall be subject to disciplinary action in accordance with applicable laws and Board Policy. For students in grades K-3, this disciplinary action shall depend on the maturity of the students and the circumstances involved. 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 applicable laws and the applicable collective bargaining agreement.

Any employee who engages in, permits or fails to report sexual or gender based harassment or who aids, abets, compels, or coerces another to commit sexual or gender based harassment shall be subject to disciplinary action up to and including dismissal. In addition, criminal or civil charges may be brought against the alleged harasser; such harassment also may be considered a violation of laws relating to child abuse. All reports of such harassment which constitute child abuse or neglect will be reported in accordance with district regulations and state law.

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

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

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

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

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

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

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



## Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of sexual or gender-based 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

1121 Application of Laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX, discrimination



UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

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. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

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

Management Resources:

CSBA PUBLICATIONS

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

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

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

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, January 2001

#### WEB SITES

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

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

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

Policy EMERY UNIFIED SCHOOL DISTRICT

adopted: November 2, 2005 Emeryville, California

revised: April 25, 2018

**Emery USD | AR 5145.7 Students**

#### **Sexual Harassment**

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as to investigate and resolve sexual or gender-based harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The coordinator/compliance officer(s) may be contacted at:

Office of the Superintendent

4272 San Pablo Ave.

Emeryville, CA 94608

(510) 601-4906; isa.taymuree@emeryusd.org

(cf. 1312.3 - Uniform Complaint Procedures)

Prohibited gender-based harassment includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, although they are not necessarily sexual in nature. Prohibited conduct includes harassment of a student for exhibiting what is perceived as a stereotypical characteristic for their sex, or for nonconformity with stereotypical notions of masculinity and femininity.

Prohibited sexual harassment which denies or limits a student's ability to participate in or benefit from the District's school program includes, but is not limited to, unwelcome sexual advances, unwelcome requests for sexual favors or other unwanted verbal, visual or physical conduct of a sexual nature made by someone from or in the work or educational setting, under any of the following conditions: (Education Code [212.5](#); 5 CCR [4916](#))

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

The definition covers many forms of offensive behavior and includes harassment of a person of the same sex as the harasser.

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

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

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

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

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

Title VII of the Civil Rights Act of 1964 (42 USC 200e-200e-17)

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

1. Unwelcome leering, sexual flirtations, advances, whistling, or propositions.
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions.
3. Graphic verbal commentary about an individual's body, sexual prowess, sexual deficiencies or overly personal conversation.
4. Written sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature.
5. Spreading sexual rumors
6. Massaging, grabbing, fondling, stroking, or brushing the body.
7. Touching an individual's body or clothes in a sexual way.
8. Teasing or sexual remarks about students enrolled in a predominantly single-sex class.
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex.
10. Visual conduct such as derogatory or demeaning sexual posters, photographs, cartoons, drawings, graffiti, clothing, notes, stories, or gestures or other displays of sexually suggestive objects or pictures.
11. Sexual assault, sexual battery or sexual coercion.
12. Electronic communications containing comments, words or images described above, and communications of a sexual nature distributed in hard copy or via electronic media.
13. Demands for sexual favors in exchange for favorable treatment.
14. Threats and demands to submit to sexual requests to obtain or retain any educational benefit.
15. Verbal conduct, such as derogatory or obscene comments, slurs or sexual invitations, sexual or gender based jokes, epithets, propositions, suggestive, insulting obscene comments or gestures, sexual degrading descriptions, or other verbal abuse of sexual nature.
16. Limiting a student's access to educational tools.
17. Any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.



Examples of types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Slurs, threats, derogatory comments, unwelcome jokes, or degrading descriptions related to or because of a student's gender, gender expression or gender identity.
2. Disparaging remarks about a student or aggression toward a student because that student displays mannerisms or a style of dress inconsistent with stereotypical characteristics of the student's sex.
3. Hostility toward a student because that student pursues an interest or participates in an academic or athletic activity more typically favored by a student of the other sex.
4. Disparaging remarks about a student because the student socializes with students of the opposite sex, or is predominately friends with students of the other sex.
5. Conduct or comments consistently targeted at only one gender, even if not sexual in nature.

This behavior is unacceptable when it occurs in the education setting or in other education related settings, such as extracurricular or school sponsored events, going to and from school or otherwise related to school activities. Harassing conduct does not need to be motivated by sexual desire to constitute prohibited gender or sexual harassment. Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual or gender-based harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

All complaints alleging criminal conduct shall be reported immediately to the appropriate law enforcement agency. All complaints alleging child abuse or neglect, including sexual assault or sexual exploitations of a child, shall be reported and investigated in accordance with Board Policy and Administrative Regulation 5141.4 (Child Abuse Reporting Procedures). Suspected child abuse or neglect shall immediately be reported to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, and/or the county welfare department.

#### Notifications

A copy of the district's sexual and gender-based harassment policy and regulation shall:

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

(cf. [5145.6](#) - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area of campus or school site. Prominent location means that location, or those locations, in the main administrative building or other area where notices regarding the institution's rules, regulations, procedures, and standards of conduct are posted. (Education Code [231.5](#))
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester or summer session. (Education Code [231.5](#))
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct. (Education Code [231.5](#))
5. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or at the time that there is a new employee hired. (Education Code [231.5](#))
6. Be provided to employees and employee organizations.
7. Be posted on District and school web sites and, when available, on District-supported social media.

(cf. [1113](#) - District and School Web Sites)

(cf. [1114](#) - District-Sponsored Social Media)

#### Reporting Process and Complaint Investigation and Resolution

1. Any student who believes they have been subjected to sexual harassment or gender-based harassment, or who has witnessed or has knowledge of such harassment, is strongly encouraged to report the incident to their teacher, the principal, or any other available school employee. Within one school day of receiving such a report, the school employee shall forward the report to the principal or the district's compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of sexual harassment or gender-based harassment involving a student shall, within one school day, report their observation to the principal or district compliance officer. The employee shall take these actions, whether or not the alleged victim files a complaint. Complaints should be made in writing when practicable.
2. When a report or complaint of sexual or gender-based harassment involves off-campus conduct, the principal shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If they determine that a hostile school environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.



3. When a verbal or informal report of sexual or gender-based harassment is submitted, the principal or compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures. Regardless of whether a formal complaint is filed, the principal or compliance officer shall take steps to investigate the allegations and, if sexual or gender-based harassment is found, shall take prompt action to stop it, prevent recurrence, and address any continuing effects.

4. If a complaint of sexual or gender-based harassment is initially submitted to the principal, they shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3.

5. All students and staff have a duty to cooperate with the district's investigation of the alleged harassment and to provide full and accurate information. Failure to cooperate or deliberately providing false information during an investigation shall be grounds for disciplinary action. The principal or designee shall promptly and thoroughly investigate all complaints of sexual or gender based harassment. In all cases, the individual designated to investigate the complaint will be impartial and have training or experience in handling complaints of sexual and gender based harassment and in implementing the provisions of this administrative regulation. The principal or designee shall periodically update the Superintendent on the investigation. Throughout an investigation, the principal or designee will take care to protect the rights of all parties involved in the complaint to the maximum extent possible.

6. In any case of sexual or gender-based harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be submitted to the Superintendent or designee who shall determine who will investigate the complaint.

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

#### Response Pending Investigation

When an incident of sexual or gender-based harassment is reported, the principal or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. To the extent possible, such interim measures shall not disadvantage the complainant or victim of the alleged harassment. Interim measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of their options to avoid contact with the alleged harasser and allow

the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to them. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual or gender-based harassment occurs off school grounds or outside school-sponsored or school-related programs or activities.

#### Confidentiality

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

However, when a complainant or victim of sexual or gender-based harassment notifies the district of the harassment but requests confidentiality, the compliance officer shall inform them that the request may limit the district's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

When a complainant or victim of sexual or gender-based harassment notifies the district of the harassment but requests that the district not pursue an investigation, the district will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

#### Enforcement

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual and gender-based harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti.
2. Providing staff in-service and student instruction or counseling.
3. Notifying parents/guardians.
4. Notifying child protective services.
5. Taking appropriate disciplinary action against the harasser, whether the harasser is a student or an employee. The appropriate discipline depends upon the particular facts, but may include warnings, counseling, training, probation, reassignment, demotion, suspension, expulsion, and termination. The filing of false reports may result in disciplinary action. However, the district will not take disciplinary action against an individual for reporting sexual or gender-based harassment which they reasonably believed took place or reasonably found the conduct offensive.



6. Taking appropriate disciplinary action against any individual who retaliates against any individual who reports conduct under this section policy. Retaliation is considered a violation of this policy, such conduct will result in disciplinary action.

7. Taking any other appropriate remedial or corrective action.

Regulation EMERY UNIFIED SCHOOL DISTRICT

approved: November 2, 2005 Emeryville, California

revised: April 25, 2018

### **BP 5131.2 Students**

#### **Bullying**

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

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

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

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

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

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

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images as defined in Education Code [48900](#). Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

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

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

Strategies for addressing bullying in district schools shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and may be incorporated into the

comprehensive safety plan, 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)

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

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

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

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

#### Bullying Prevention

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

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

As appropriate, the district shall provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning, effective communication and conflict resolution skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

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

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

Such instruction shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying immigration experiences
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims
3. Identify the signs of bullying or harassing behavior
4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

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

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

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

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

#### Intervention

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

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

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service



personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code [48900.9](#))

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

#### Reporting and Filing of Complaints

Students/parents/guardians or other individuals may submit to a teacher or administrator or any other school employee a verbal or written complaint of conduct they consider to be bullying. Use Form E 4154.3. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 1312.3 - Uniform Complaint Procedures, except that complaints involving sexual or gender-based harassment will be investigated and resolved in accordance with AR 5145.7 - Sexual/Gender-Based Harassment.

Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in AR 1312.3 - Uniform Complaint Procedures.

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

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

#### Investigation and Resolution of Complaints

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.

#### Discipline



Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code [48900](#), may include suspension or expulsion in accordance with district policies and regulations.

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

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

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

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

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

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

[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 1062

J.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

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

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

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California's Social and Emotional Learning: Guiding Principles, 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

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

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

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/lr/ss>

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

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

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

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

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

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

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

Adopted: July 25, 2012

Revised: May, 2019



## **SCHOOL DRESS CODE**

Student apparel shall be clean, safe, and not disrupt classroom instructional activities. Students are expected to adhere to the following outlined below.

Pants must be worn at the waist. “Sagging” such that underwear or shorts can be seen over the top of the pants, regardless of shirt length, is not allowed.

No crude or vulgar commercial lettering or images that depict drugs, tobacco, alcohol, racial/ethnic slurs, gang affiliations or sexually suggestive behavior.

No overly revealing clothing such as see-through and/or strapless tops or tops that do not touch the top of the pants/skirts. All shorts and skirts should be no more than 3 inches above the knee. Clothing with holes or open areas are not acceptable unless student is wearing another layer underneath.

No “pajama” pants or undergarments are to be worn as exterior clothing.

Shoes with wheels are not allowed.

No sunglasses or hoods indoors.

Hats are generally acceptable; however, teachers reserve the right to have students remove them during class time.

EMERY UNIFIED SCHOOL DISTRICT

**Emery High School**

**COMPREHENSIVE SCHOOLS SAFETY PLAN:**

**School Site Council Evaluation and Public Hearing Certification**

**2020-2021 UPDATE**

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

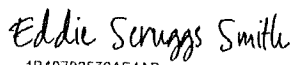
California law also requires notice for public input prior to the adoption of the Comprehensive School Safety Plan. Notice for public comment was provided on March 26, 2021 at Emery High School Notice was posted on the front of Building D.


Emery High School’s “school site council” has evaluated our Comprehensive School Safety Plan and has determined the following:

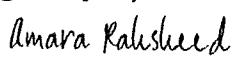
The plan has been properly implemented.

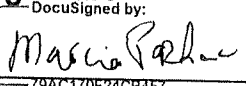
Approved by the Emery USD Board of Trustees on April 14, 2021


### Signatures of Emery High School Site Council Members

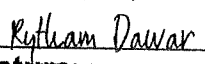
DocuSigned by:  
 3/31/2021  
 1B48792676AE4AD...  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

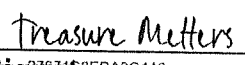
DocuSigned by:  
 3/31/2021  
 1CBC693DEDA44D1...  
 Signature \_\_\_\_\_ Date \_\_\_\_\_


DocuSigned by:  
 3/31/2021  
 C882FEC2E0DD40E...  
 Signature \_\_\_\_\_ Date \_\_\_\_\_


DocuSigned by:  
 \_\_\_\_\_  
 79AC170F24CB457...  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

DocuSigned by:  
 3/31/21  
 27671CBEDA3C446...  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

DocuSigned by:  
 3/2/2021  
 1C8BEDA3C446...  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

DocuSigned by:  
 4/2/21  
 1C8BEDA3C446...  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

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

 4.2.21  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

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