



**TEHAMA COUNTY
DEPARTMENT OF EDUCATION**
Richard DuVarney, Superintendent

**Comprehensive School Safety Plan
2022 – 2023**

***Tehama County Office of Education
Main Campus***

1135 Lincoln Street, Red Bluff CA, 96080 530.527.5811

SELPA, Special Education Services, & TALC*

900 Palm Street, Red Bluff, CA 96080 530.527.8581

Juvenile Court School ~ Tehama Oaks

1790 Walnut St., Red Bluff, CA 96080 530.527.4052

***NOTE: The Special Education School classrooms and Programs that are co-located on other district campuses or sites may follow their School Safety Plans.**

www.tehamaschools.org

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Education Code 32281-32288

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INTRODUCTION

Definition of a Safe School

“Safe schools are orderly and purposeful places where students and staff are free to learn and teach without the threat of physical violence or psychological harm. They are characterized by sensitivity and respect for all individuals, an environment of nonviolence, clear behavioral expectations, disciplinary policies that are consistently and fairly administered, students' affiliation and bonding to the school, support and recognition for positive behavior, and a sense of community on the school campus. Safe schools also are characterized by proactive security procedures, established emergency response plans, timely maintenance, cleanliness, and a nice appearance of the campus and classrooms.” From Safe Schools: A Planning Guide for Action, California State Department of Education.

Rights

“All students and staff of primary, elementary, junior high, and high schools have an inalienable right to attend campuses which are safe, secure, and peaceful.” California Constitution, Article 1, and Section 28(c): Right to Safe Schools

Legislative Intent

“It is the intent of the Legislature that all California public schools, in kindergarten, and grades 1 to 12, inclusive, operated by school districts, in cooperation with local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, and other persons who may be interested in the prevention of campus crime and violence, develop a comprehensive school safety plan that addresses the safety concerns identified through a systematic planning process. For the purposes of this section, a ‘safety plan’ means a plan to develop strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on the school campus.” (Ed. Code 35294)

Our Goals

The following information is of major importance to help keep our school community safe, prepare ourselves to respond calmly and competently to a possible disaster, and to comply with all required California Education Code. This plan will assist you in reducing the effect of a disaster, such as fire, earthquake, medical emergency, power failure, accident and riot involving weapons or bomb threat. We urge you to read this manual carefully and keep it handy for future reference.

All of us tend to assume that because fire or other disasters strike so seldom, they will never affect us in our places of work or in our residences. None of the people who have lost their lives in fires, floods, earthquakes or other disasters expected one to happen to them, so they were

unprepared. There is no way to be really prepared for a disaster except to plan in advance.

The odds of disaster striking our schools may not be great, but it does exist. As long as there is the slightest possibility that one may occur, we owe it to others and ourselves to be as prepared as possible. Since time is critically short in most life threatening emergencies, please review this information IN ADVANCE, as you may not have the opportunity to read it during the actual emergency.

No one expects you to become an expert on emergency procedures, but you can become more knowledgeable by learning a few relatively simple points of information that may make the difference between handling the situation safely or in a panic-stricken disaster. Being familiar with the instructions in this manual and the emergency procedures may save your life, the lives of our students, and fellow employees.

The Tehama County Department of Education (TCDE) has employees serving students on every campus in Tehama County. Employees should become familiar with and follow the school site emergency plan on which they are assigned. Those employees and students serving in the Juvenile Hall should become familiar with and follow the instructions of the Tehama County Department of Probation.

This plan also incorporates by reference the Tehama County Department of Education's Emergency Operations Plan, which contains tactical information, and therefore, is not available to the general public. In addition, references the COVID 19 Prevention Plan. This plan has been prepared in conformance with the provisions of California Ed Code #32282 and all relevant TCDE Board and Administrative Policies. These documents are available online on our website.

Plan Development and Approval

The TCDE School Safety Plan has been developed and reviewed by the Safety Committee, which includes the following members:

Name	Membership Role
Richard DuVarney	Superintendent
Wes Grossman	Associate Superintendent, Business
Jim Southwick	Assistant Superintendent
Sara Smith	Assistant Superintendent Alt Ed Schools
Chinny Clawson	HR Director
Mark Pfaff	Director Special Programs, Special Programs Principal
Greg Ross	Director Maintenance & Operations
Dave Lopez	Director Information Technology
Christi Devereux	Principal/Teacher, Lincoln Street School

Ashley Lovelace	DHH Teacher
Lourie Larcade	Business Services Specialist
Karla Stroman	Expanded Learning Administrator
Abbi Tirri	Executive Assistant

Assessment of the Current Status of School Crime

Incidents of crime are dealt with efficiently. The appropriately law enforcement agency is contacted as necessary. There have been zero incidents of crime on campus so far during the 2022 -2023 school year. The suspension rate at Tehama Oaks, Juvenile Justice School was 0% for 2021 - 2022. Multiple stakeholder meetings and outreach were conducted as part of the SSC for Tehama Oaks. Student Stakeholder sessions were held in October 2020 and April 2022. Students gave input on what they liked about Tehama Oaks and what they would like to see changed. Students were surveyed again in April of 2021 and April 2022. Parents were surveyed in Fall 2020, Spring 2021 and Spring 2022.

All feedback from student and parent surveys was over 90% positive. Overall, a majority of respondents indicated that they felt safe both physically and emotionally with our school and felt it was a positive learning environment.

TCDE has partnered with the Tehama County's District Attorney's Office and conducted Safety inspections with their lead investigator to assess areas of need and potential safety concerns at the main, Palm, and Gerber campus. Priorities have been identified and enhancements to the properties are being implemented per the outcome of the assessments.

Child Abuse Reporting & Training Procedures

All school staff members actively monitor the safety and welfare of all students. Staff members understand their responsibility as childcare custodians and, as required by law, report all cases of known and suspected child abuse and neglect to the Tehama County Health and Welfare Services Department, using the appropriate form/procedure. When a case of child abuse or neglect becomes apparent or is suspected, the employee having knowledge of the abuse or neglect will immediately report the abuse to Child Protective Services and/or the local law enforcement agency.

School staff members will work closely with police and/or Child Protective Services to follow up as needed. Cases of reported child abuse will be kept in close confidence. All TCDE school certificated and classified school staff members receive annual training on child abuse reporting requirements and procedures through a California approved Mandated Reporter: Child Abuse and Neglect through online training (Keenan) as well as when hired as part of their onboarding procedures through HR. (Reference Board Policy)

Disaster Procedures

I. GENERAL

- A. Panic can be one of the greatest dangers to employees. Staff members should remember that in times of stress, employees will look for leadership in those who are normally in an authoritative position. Remain calm. Size up the situation and take action based on known facts.
- B. A well-prepared and tested plan for prompt and positive protective action minimizes injuries and loss of lives in a major disaster.
- C. This plan outlines actions to be executed in an emergency. All staff personnel must be thoroughly familiar with the contents of this plan.
- D. In absence of orders from his or her superiors, each department head or supervisor is authorized and directed to implement as directed herein; or take such action as may, in his or her judgment, be necessary to save lives and mitigate the effects of disasters.
- E. The Superintendent or designee may implement one or more of these emergency actions in coping with a disaster.
- F. The managers will be responsible for the safety of the mobility-impaired person and the hard of hearing that may be in their area.
- G. Disaster procedures, routine and emergency plans and crisis response plans must include adaptations for individuals with disabilities. (Guidance per Standardized Emergency Management System, SEMS).
- H. In the event of the need for mass care and welfare or shelter during an emergency, the Superintendent or Designee will follow procedures to allow a public agency to use the campus facility or grounds to support the efforts.

II. ACTIONS

- A. The Superintendent, or their designated representative, will assume overall direction of disaster procedures. They will:
 - 1. Alert occupants by telephone or electronic messaging system.
 - 2. Direct and control evacuation of building.
 - 3. Direct employees to assist others as required.
- B. Directors/Managers/Supervisors in building will:
 - 1. Be responsible for the supervision of employees and the public who may be in their area.
 - 2. Institute security measures for valuables, checks, cash and documents.

3. Commence evacuation after determining safe routes. Notify those employees who are hard of hearing and help anyone who may be confined to a wheelchair.
4. Report clearance of personnel from building to the Superintendent or the designee. Report need of medical assistance to Superintendent or the designee.

III. SCHOOL CLOSURES

A. Considerations: In the event that it becomes necessary to cancel school for an entire day or a partial day, the following will be taken into consideration:

1. Decision to close school for the entire day shall be made by the Superintendent based on input from the site administrators within each community and the supervisor of transportation.
2. Factors which will be considered in making the decision shall include, but may not be limited to, the present road conditions, the present and future weather conditions, and the status of heat, water and electric power in each school site.
3. Since it is in the best interest of the students and staff to make a decision to close school in a timely fashion, every effort will be made to announce the school closures by 6:00 a.m. In the event there are extenuating circumstances, a decision to cancel school may be made after 6:00 a.m. if absolutely necessary.

B. Notification:

1. When the decision has been made to close the schools in one or more of the communities within the district, the Superintendent/designee will post on TCDE's website.
2. Administrators/Managers will be responsible to notify school site staff and the Supervisor of Transportation will be responsible for notifying all bus drivers. Administrators/Managers are encouraged to use the staff emails, school messenger, or social media to disseminate such information rapidly. It is requested that Administrators/Managers include the above information about notification of school closures in their communications several times during the winter months when closures are most likely to occur.

C. Partial Day Closure:

1. In the event that it becomes necessary to close schools in a specific community for safety reasons after students are in attendance during the day, the Administrators/Managers shall confer with the Superintendent who shall make the decision with the Supervisor of Transportation.

IV. EVACUATION

A. Site evacuations may be ordered for various reasons and purposes. Site evacuations will be ordered as part of the Incident Command Systems operation (IC). Upon receipt of order from the Superintendent/designee or the sounding of the alarm for emergency situations, (fire, bomb threat, earthquake, etc.) the immediate manager will request all persons to leave building by:

1. Closest designated exit and assemble in the area designated in the room evacuation plan. A plan is posted at the entrance of each workstation.
2. Blocked passageways or dangerous conditions will require using alternate exits. Alternate evacuation routes and exits are specified for each office.
3. IC coordinates secure route of evacuation with consideration for student population, age, size, abilities, and any disability needs.

B. Security measures appropriate with existing conditions shall be taken upon evacuation of the building.

1. Cash and records returned to safe.
2. Records returned to desk or files.
3. Records, checks, etc., to be taken with employees.
4. Urgency could require leaving cash, receipts, securities, and records unguarded. Notify the Superintendent or the designee of exact location.
5. Check area to see that all personnel have cleared. Report it to the Superintendent or the designee.
6. First aid or ambulance.
 - (a) Notify the Superintendent or the designee of needs.
 - (b) Assist in organizing first aid or rescue teams as necessary.

C. Specific Building Evacuation Plans:

1. Tehama County Department of Education (District Office)

In the event of an emergency necessitating the evacuation of the building, all staff as well as additional occupants should exit the building according to the evacuation plan for their area. Once out of the building staff should proceed to designated rally points.

2. Special Programs Facility

In the event of an emergency necessitating the evacuation of the building, all staff and children as well as additional occupants should exit the building according to

the evacuation plan for their area. Once out of the building staff should proceed to designated rally points.

3. Early Childhood Education Center
In the event of an emergency necessitating the evacuation of the building, all staff and children as well as additional occupants should exit the building according to the evacuation plan for their area. Once out of the building, staff and children should proceed to the designated rally point.

V. BOMB THREAT

Making a bomb threat is a crime in the State of California and must be reported. If officers respond, they will make a report at the scene. The Superintendent or designee will hold a meeting with the staff to discuss the Bomb Threat Incident Plan. The Superintendent or designee are responsible for evacuating the building. The key to handling any kind of a bomb threat is a very small amount of preparation, training and practice. With this commitment, a bomb incident can be handled very well and without incident. Without it, a bomb threat can be a disaster.

A. Receiving a Bomb Threat Telephone Call

1. Always have a Bomb Threat Response Form near receptionist.
2. Listen closely to the voice (male or female), voice quality (calm, excited), accents and speech impediments.
3. Fill out the Bomb Threat Response Form as the caller is speaking.
4. Report the information immediately to your supervisor.
5. Supervisor will determine action to be taken, including contacting the Red Bluff Police Department by dialing 911.
6. Remain available because law enforcement personnel will want to interview you.

B. Receiving a Written Bomb Threat

1. When a written threat is received, save all materials, including the envelope or container. Once the message is recognized as a bomb threat, further handling should be avoided. Every possible effort must be made to retain the evidence, such as fingerprints, handwriting or typewriting samples, paper and postal marks. These items will prove essential in tracing the threat and identifying the writer.
2. Although written messages are usually associated with generalized threats or

extortion attempts, a written warning of a specific device occasionally may be received. It should never be ignored.

C. Responding to Bomb Threats

It is critical to train the building staff who answers the telephone to properly handle a bomb threat call. If practical, run mock telephone drills and evaluate the information recorded by the call takers. Instruct all personnel, in what to do if a bomb threat call is received. It is always desirable for more than one person to listen in on the call. Bomb Threat Response Forms should be available at all call-taker locations.

1. A calm response to the bomb threat caller could result in obtaining additional information. This is especially true if the caller wishes to avoid injuries or death. If told that the building is occupied or cannot be evacuated in time, the bomber maybe willing to give more specific information on the bomb's location, components or method of installation.
2. The indicators that increase your awareness of the seriousness of the problem are such factors as the caller being very specific about:
 - Type of device
 - The type of explosives used
 - The placement of the device
 - The time it is going to go off
 - Whether it is intended to harm people
 - The motive for setting the device

One or more of these factors can be used to determine the validity of the threat. If all the criteria above are met, there is a high probability that the device is real and in place, and an evacuation should be conducted immediately.

3. The decision to evacuate the building ultimately rest with the Superintendent or designee.
4. The bomb threat caller is the best source of information about the bomb. When a telephone caller makes a bomb threat, keep in mind the following guidelines:
 - (a) Try to keep the caller on the line as long as possible. Ask him or her to repeat the message. Record every word that is spoken by the caller.
 - (b) If the caller does not indicate the location of the bomb or the time of the possible detonation, ask him or her for this information.

(c) Inform the caller that the building is occupied and that the detonation of a bomb could result in death or serious injury to many innocent people.

D. Pay particular attention to background noises, such as motors running, music playing, people talking and any other noise that may give a clue about the location of the caller.

Unfortunately, each set of circumstances has its own dynamic and special problems. These are intertwined and when looked upon as a total entity they can help you see the problem in better focus.

E. Evacuating the Buildings

1. Staff and students from the building will assemble at the designated area and wait for instructions. Directors and managers will notify the Superintendent or designee when their personnel have cleared the building.
2. Implement security measures for records, cash, etc., before clearing the offices.
3. The Superintendent or designee will be responsible for:
 - (a) Returning staff and students to building.
 - (b) Transferring staff and students to another location.
 - (c) Releasing staff and students for the day.

VI. TEHAMA COUNTY OFFICE OF EDUCATION

VII. BOMB THREAT RESPONSE FORM

Upon receiving a bomb threat call, complete this form and CONTACT A SUPERVISOR IMMEDIATELY		
Name of person receiving call:	Location:	Date:
Time of call: AM or PM (circle one)	Telephone no. receiving call:	
Name of person whom caller requested:		
DETAILS OF CALL:		
WORDS of caller (<i>Record exact words</i>)		
I SAID (<i>Record exact words</i>)		
WHEN will it explode? (<i>Record exact words</i>)		
WHERE is it? (<i>Record exact words</i>)		
WHAT does it look like? (<i>Record exact words</i>)		
WHO IS THE CALLER?		
Name:	Address:	
Telephone:	Organization:	
Other statements (<i>Records the exact words</i>)		
Time caller hung up: AM or PM. (circle one)		
SUPERVISOR FOLLOW-UP:		
Supervisor Name:	Supervisor Phone No:	
Supervisor Action Taken:		
Agency Contacted? <input type="checkbox"/> No <input type="checkbox"/> Yes	If yes, Agency Name:	
Contact Name: (person you spoke to)	Contact Phone No: <input type="checkbox"/> 911 <input type="checkbox"/> Other:	
Agency Recommendation or Instructions:		

VIII. FIRE

- A. In case of fire in building, activate the fire alarm. The Director, Manager or Supervisor in the immediate area of the fire shall order evacuation of the area and notify the Superintendent or designee.
- B. The Superintendent or designee will:
 1. Order the evacuation of the other areas of the building according to specific building evacuation plans.
 2. Notify Red Bluff Police and Fire Departments – 911.
 3. Notify Sheriff's Office (530) 529-7988.
 4. Fight developing fires without endangering life.
 5. Shut down air conditioners/ventilators.
 6. Establish liaison with fire and law enforcement at scene.
 7. Determine actions: Dismiss, return and transfer personnel upon approval of the Superintendent.
 8. Implement any further actions needed.
- C. Directors/Managers are to notify the employees who require additional support in order to safely evacuate the building. (ie...those confined to a wheel chair, visually impaired, deaf or hard of hearing)
- D. Fire drills are conducted accordingly based on EC 32001-32004. EC requires monthly fire drills for elementary and intermediate students, and twice yearly for secondary.

IX. EXPLOSION OR THREAT OF EXPLOSION

- A. In the event of an explosion within a building, such as those caused by leaking gas, the immediate Manager or Supervisor should:
 1. Implement evacuation of the building according to specific building evacuation plans.
 2. Directors/Managers are to notify the employees who require additional support in order to safely evacuate the building (i.e., those confined to a wheel chair, visually impaired, deaf or hard of hearing).
 3. Notify:
 - Superintendent or the designee
 - Fire Department – 911
 - Police Department – 911
 - Red Bluff Police Department – 527-3131

- Sheriff's Department – 529-7988
 - Office of Emergency Services – 529-7988
4. Move to an area of safety as designated building evacuation plans. Face away from buildings.
 5. Fight fires without endangering life.
 6. Notify utility companies as needed:
 - Pacific Gas & Electric – 800-743-5000
 - City of Red Bluff - 527-2605
 7. Notify St. Elizabeth Community Hospital (529-8000) if there is a casualty.
 8. Organize available personnel to avoid rescue efforts. Contact Tehama County Health Services Department for assistance (527-8491) or Tehama County Public Health (527-6824).
- B. Threat of explosion:
1. Evacuate building.
 2. Follow procedures for Explosion (VII).

X. EARTHQUAKE

- A. Occupants should upon shaking, drop, cover, hold procedure which includes:
1. Remain inside building.
 2. Try to avoid glass and falling objects.
 3. Move away from windows where there are large panes of glass and from large cabinets, shelving or bookcases that could topple.
 4. Walk – do not run – to secure area.
 5. Move to shelter under desk, table or brace yourself inside a doorframe.
 6. Do not run outside; you are safer inside in a mild earthquake.
- B. Managers will:
1. Survey exit routes and visible damage.
 2. Report to Superintendent or designee the status of building area and utilities.
 3. Render first aid, if necessary.
 4. Prohibit lighting any fires.
 5. Isolate any fallen electrical wires.
 6. Secure records, cash, etc. and lock safe.
 7. Evacuate building upon orders of the Superintendent or the designee or your judgment of conditions in immediate area.
 8. The Superintendent or the designee will order evacuation of building if necessary.
 9. Contact local support authorities, police, fire etc.
- C. Avoid objects that are liable to topple.

D. After the Earthquake:

1. Remain in the same position for a moment after the earthquake and visually assess your surroundings to be sure you are safe to move from your spot.
2. DO NOT attempt to evacuate or leave your immediate area unless absolutely necessary or when instructed to do so.
3. Check for injuries, and assist students and co-workers who are suffering from injury, shock or emotional distress.
4. Notify proper authorities, if possible, through whatever means are available if anyone has been injured and needs medical attention. Remember that help may not be forthcoming because power and communication links are usually disrupted following an earthquake.
5. Administer first aid to injured victims.
6. Assess your area for any dangers which might not withstand an aftershock and move away from it if possible.
7. Use telephone only in an emergency if it does work.
8. Tune into an emergency radio station for additional information and follow instructions from proper authorities.

E. Drop and emergency procedures must be conducted quarterly in elementary school and once a semester in secondary schools.

F. All staff are trained and aware of procedures.

XI. CHEMICAL ACCIDENT

A. Chemical accidents of disaster magnitude would include tank truck accidents involving large quantities of toxic gases or chemicals.

B. Should such an accident endanger the occupants or area of this building, Superintendent or designee will:

1. Determine the need to implement evacuation of the building or surrounding area.
2. Determine if assembly areas are safe.
3. Directors/Managers are to notify the employees who require additional support in order to safely evacuate the building (i.e., those confined to a wheel chair, visually impaired, deaf or hard of hearing).
4. Move crosswind, never up or downwind, to avoid fumes.

5. Administer First Aid to injury victims.
6. Notify Red Bluff Police and Fire Departments – 911.
7. Direct other actions as required.
8. Return staff and students to building when safe to do so at the direction of the Superintendent or designee.
9. Upon approval of the Superintendent, release staff and students for the day if areas are unsafe.
10. Transfer staff and students to other location if directed.

XII. RIOT

- A. A riot may be defined as a large group of out of control individuals resulting in chaos and a complete breakdown of order. Adults are far out-numbered by students on campus at any given time and could not control such a situation without outside help.
- B. In the event of a large civil unrest incident on campus:
 1. Contact law enforcement immediately and notify them of the approximate number of participants and presence of weapons.
 2. Try to isolate the disorderly group away from other students by locking doors and windows or assembling orderly students in a secure area such as an auditorium or gymnasium.

XIII. FLOOD

- A. The major concern during flooding is drowning or injury from floating debris. Water is the most powerful force on earth. No humans or machinery can operate successfully any length of time against a raging body of water.
- B. The only defense is to assess where the flood waters will go and get out of the way by moving to higher ground.
- C. In the event someone gets caught in a powerful current follow these rescue steps:
 1. Reach out to the person with an object they can grab.
 2. Throw a buoyant object out that will help them stay on the water surface. If the object is tied onto a line, tie off the shore end to something sturdy so the power of the water does not pull you in.

3. Attempting to swim to the individual is very dangerous. Many would-be rescuers drown unless they are wearing flotation equipment, and even then have lost their life if the equipment fails.

XIV. MEDICAL EMERGENCY

- A. Assess the victim. Call 911 if he/she is unconscious or if you are concerned about his/her condition.
- B. Apply immediate first aid if you know what to do. Improper first aid can harm more than help if you have not been trained, so locate someone who is trained.
- C. DO NOT move an injured or unconscious individual except in cases where the area is dangerous or unsafe.

XV. POWER FAILURE

Power failures may result in loss of telephone service, heat, water and light causing potential emergency situations. Use of portable generators to restore power can be dangerous to utility workers trying to restore the power on transmission lines.

- A. Retain room heat by keeping doors and windows closed or wear outdoor clothing to keep warm. Do not use heating appliances not meant for space heating or which require outside venting for heat.
- B. Minimize water use so Red Bluff City water pump expansion tank water supplies last as long as possible.
- C. Use available outside light or battery powered flashlights.
- D. Use battery radios or cellular phones for communication in place of telephones.

XVI. GUNMAN/VIOLENT INTRUDER ON CAMPUS

All County Office personnel should be familiar with and follow the procedures of the site to which they are assigned.

- A. Anyone observing someone committing an act of violence or appearing to commit an act of violence should report the incident immediately by calling 911.
 1. Attempt to get to a safe location and report the description of the suspect and their last known location. If you are using a cell phone, the 911 may not work and you need to call your local police department or sheriff's office directly:
 - Red Bluff Police Department – 527-3131
 - Sheriff's Department – 529-7988

2. Notify a supervisor or administrator so that the building sites can be alerted/warned.
- B. Everyone should be trained to be aware of their surroundings and assume that anyone appearing with a weapon is serious.
1. Supervisors/administrators should reinforce to employees that warning the building sites of a possible gunman/intruder is extremely important.
 2. Staff with panic buttons should make the decision to activate the panic alarm based on their best judgment. Immediately following activation, a supervisor or designee should be notified.
- C. The supervisor or designee will make the decision to Lockdown or Evacuate the building sites.
1. The announcement of a lockdown will be made over the intercom phone system indicating Lockdown Level 1, 2, or 3 by Superintendent, Assistant Superintendent or Maintenance Supervisor.
 2. The announcement will also be made by email from Director of Information Technology, Superintendent or Assistant Superintendent.
 3. Level 1 Lockdown is initiated when the threat:
 - (a) Is exterior to the building.
 - (b) Risk level is low/ not imminent.
 4. Level 2 Lockdown is initiated when the threat:
 - (a) Is exterior or interior to the building.
 - (b) Poses a heightened level of risk.
 5. Level 3 Lockdown is initiated when the threat:
 - (a) Is interior to the building.
 - (b) Risk level is extreme.
- D. In the event of Lockdown Level 1 the following procedures will be followed:
1. All exterior doors will be locked by designated staff in each building:
 - Main Building – Superintendent, Assistant Superintendent or Maintenance Supervisor
 - Palm Street Special Services – Assistant Superintendent or designee
 - Lincoln Street Charter School – Principal or designee

- Lincoln Street State Preschool – Lead Teacher
2. The main entrances will be locked and monitored.
 3. Staff will remain in the building.
 4. Movement of staff will be limited and monitored.
 5. Normal work should take place.
 6. Dismissal of students should proceed as per normal routine.
 7. Wait for further instructions from supervisors/designees. Announcements will be made periodically to notify staff of Lockdown status.
 8. All offices/work areas will be locked.
 9. All window coverings will be closed.
 10. Staff offices/work areas.
 11. Do not attempt to contact Superintendent unless you have pertinent information.
 12. If you require immediate medical attention call 911. Render first aid as needed.
 13. Wait for further instructions regarding change of Lockdown Level, dismissal of and details. Announcements will be made periodically to notify staff of Lockdown status.
- E. In the event of Lockdown Level 2, the following procedures will be followed:
1. Staff will be directed to secure themselves in their work area and behind a second door, if possible.
 2. Staff who are outside the area should be brought inside once the lock-down has been initiated.
 3. Staff should take a cell phone with them, if possible.
 4. Once secured, close the window coverings and lock the doors.
 5. In the secured area, have staff sit on the floor or lay down out of sight of any windows.
 6. If possible, use heavy desks, file cabinets, etc. to barricade the doors.
 7. If urgent medical care is required or have a critical situation call 911. Render first aid if possible.
 8. Once you have barricaded yourself into your retreat location, stay there until you hear further instructions from the supervisor/administrator or designee. Do not

attempt to call the office unless you have pertinent information. Announcements will be made periodically to notify staff of Lockdown status.

9. Do not open the door for anyone else, even a law enforcement officer; unless they can produce an ID or you can verify their identification by phone.
- F. In the event of an evacuation, staff will assemble at the designated area and wait for instructions.
1. Directors and managers will notify the Superintendent or designee when their personnel have cleared the building.
 2. The Superintendent or designee will be responsible for:
 - A. Returning staff and students to building.
 - B. Transferring staff and students to another location.
 - C. Releasing staff and students for the day.
 3. Encountering a gunman/intruder in an open area:
 - A. Try and put as much distance as possible between you and the suspect by running away from the suspect. Use a zigzag pattern moving left and right and keep running.
 - B. Attempt to get to a safe location and call 911 to report the description of the suspect and their last known location. If you are using a cell phone, the 911* may not work and you need to call your local police department or sheriff's office directly:
 - Red Bluff Police Department – 527-3131
 - Sheriff's Department – 529-7988
 4. Encountering a gunman/intruder in close proximity, it is important you do the following:
 - A. Do not scream or throw up your hands, as this may startle the suspect.
 - B. Put yourself into a non-threatening, submissive posture by slightly hunching your shoulders downward, looking down toward the suspect's knees and ankles and not raising arms/hands above your shoulder. Keep eyes moving from the suspect's face and hands to their feet and ankles. This posture makes the suspect believe that you are not a threat.
 - C. Start moving out of the area in small steps while telling the suspect in a soft non-

threatening tone, "take it easy, take it easy, I'm not going to give you a problem," etc. Do not argue or use threatening body language.

- D. Once you are out of the suspect's immediate area, turn and run in a zigzag pattern to safety.
- E. In the event you are taken hostage, the goal is to become a "good hostage" by not appearing to be a hostile threat or being too cowering and submissive. Assure the hostage taker that the suspect is in charge and you are going to comply.

XVII. Communicable Disease/Pandemic

A pandemic is defined as an *epidemic occurring over a very wide area* (several countries or continents) and usually affecting a large proportion of the population. A variety of models for pandemic management exist. Both the Center for Disease Control and World Health Organization provide information that may be referenced in the event of a communicable disease outbreak. The Tehama County Public Health Department maintains a Public Health Emergency Plan. In the event of an outbreak the school district will work closely with Tehama County Public Health Department to implement this plan. Unified updates will be provided by both the Tehama County Office Department Education and the Tehama County Public Health Department.

The World Health Organization (WHO) provides an influenza pandemic alert system, with a scale ranging from Phase 1 (a low risk of a flu pandemic) to Phase 6 (a full-blown pandemic).

Phase 1: A virus in animals has caused no known infections in humans.

Phase 2: An animal flu virus has caused infection in humans.

Phase 3: Sporadic cases or small clusters of disease occur in humans. Human-to-human transmission, if any, is insufficient to cause community-level outbreaks.

Phase 4: The risk for a pandemic is greatly increased but not certain.

Phase 5: Spread of disease between humans is occurring in more than one country of one WHO region.

Phase 6: Community-level outbreaks are in at least one additional country in a different WHO region from phase 5. A global pandemic is under way.

Occupational Health and Safety standards impose additional requirements on employers to protect employees from airborne infectious diseases like COVID-19 and pathogens transmitted by aerosols. Under section 3203 of California's general industry safety regulations, employers must establish, implement, and maintain an effective Injury and Illness

Prevention Program (IIPP) to protect employees from workplace hazards. Employers are required to determine if the infectious disease is a hazard in their workplace. If it is a workplace hazard, then employers must implement infection control measures, including applicable and relevant recommendations from federal, state and local guidelines. It is the employer's responsibility to maintain a current and relevant IIPP.

All staff are to be informed regarding protective actions and/or modifications related to this plan. Messaging and risk communications during an emerging infectious disease or pandemic will be conducted Superintendent or Designee. Guidance and instructions on established infection control measures such as social distancing, personnel protective equipment and telework policies are provided to assist in limiting the spread of influenza at the primary and alternate worksites.

Preventative Measures

- Know How It Spreads
- Wash Your Hands Often
- Avoid Close Contact (Social distancing)
- Wear Face Coverings
- Clean And Disinfect
- Monitor Your Health Daily

Monitor Your Health Daily

Be alert for symptoms. Watch for fever, cough, shortness of breath, or other symptoms of COVID-19. Follow reopening plan guidelines.

COVID-19 Protocols and Plans for TCDE have been developed and are followed if a student or staff member has tested positive for COVID-19. Designated staff members are trained, along with the school nurse(s), to administer a rapid COVID test. COVID-19 at-home tests are provided upon request. TCDE, as directed the Tehama County Public Health, Department follows the latest CDPH Guidelines for COVID-19 exposure and quarantine. Plans are updated accordingly as new information is released through CDPH.

Procedures to Notify Teachers of Dangerous Pupils

California Ed Code requires that teachers be notified when one of their students has engaged in behavior that has resulted in suspension or expulsion. In the event of a suspension, the Notice of Suspension is copied to the teacher and to the student's cumulative file. Each year, teachers review the cumulative file of their incoming students, thus assuring that they will be aware of suspensions within the last three years. Additionally, the Superintendent/Principal reviews all incoming cumulative files. Teachers are alerted if any incoming student has a past record of suspension or expulsion through a red flag on Aeries and in our weekly staff meeting.

REPORTING HARASSMENT OR DISCRIMINATION

The procedure for complaints regarding all issues of harassment, discrimination or abuse should be reported to HR, or an administrator. TCDE designates the same compliance officers to receive and investigate complaints to ensure compliance as listed in the DUE PROCESS PROTECTIONS & COMPLAINTS as per board policy.

HATE CRIMES

Hate crimes occur when a perpetrator targets a victim because of his or her membership in a certain social group, usually defined by racial group, religion, sexual orientation, disability, ethnicity, nationality, age, gender, gender identity, or political affiliation. Hate crime can take many forms. Incidents may involve physical assault, damage to property, bullying, harassment, verbal abuse or insults, or offensive graffiti or letters. The following procedures are established:

1. Any student/staff who believes that he/she is a victim of hate-motivated behavior shall immediately contact the Superintendent/Principal or designee. If the student believes that the Superintendent/Principal or designee has not remedied the situation, he/she may file a complaint against the appropriate school official in accordance with district complaint procedures.

2. Staff who are informed of hate-motivated behavior or personally observe such behavior shall notify the Principal/Superintendent or designee, and law enforcement, as appropriate. Students who engage in hate-motivated behavior shall be subject to discipline in accordance with District policy.

3. The Superintendent/Principal shall ensure that staff receive appropriate training to recognize hate-motivated behavior and methods of handling such behavior in appropriate ways.

Dress Code

Cleanliness, appropriate grooming, and proper dress are important in setting the pattern of school and social conduct. The standards of dress for school should not be inconsistent with the academic atmosphere at the school nor should an individual's attire be disruptive to the

learning processes of his/her fellow students.

Procedures for Safe Ingress and Egress

Safety while entering and leaving TCDE's campus is a high priority. The following precautions have been taken:

- Safety crossing zones must be used.
- Bus loading and unloading will only occur at the designated bus loading zone.

Maintaining a Safe and Orderly Environment

TCDE Main, Palm, Alternative and Special Education programs place a high priority on student safety. We continually assess our campuses for potential risks, and mitigate the exposure as soon as possible. We hold all fire and earthquake drills as required, and assess the effectiveness of each drill. School staff and the school maintenance personnel, using the Facility Inspection Tool (FIT), evaluate the school annually.

The TCDE Safety Committee is composed of classified, certificated and management employees. Meetings are held quarterly or as needed. Agendas and Minutes are available to review. The Committee reviews accident trends, results of safety inspections, responds to safety concerns and promotes employee health and wellness by sponsoring the safety incentive programs. The Committee also rewards and recognizes employees who are mindful about using safe practices as they work. We monitor visitors on campus and require that they sign in at the office each and every time they are on campus. Visitors and volunteers wear identification badges while on campus. We make every effort to know our parents and extended family members. Due to the school's small size, monitoring of adults on campus is truly possible.

Cyber Safety

The Internet is a valuable educational and social resource for students. TCDE believes in the value of technology and recognizes its importance for supporting curriculum, instruction, and management. The County Office of Education network and internet connections have been developed as tools to promote educational excellence, innovation, and communication for students and staff. Access to the internet is a privilege, not a right. Please see the Student/Staff Acceptable Use Policy. All staff and students in all grades receive awareness training on cyber safety at school and at home annually. Parents receive pertinent information from the school to ensure that all are aware of the vulnerability of our students as they navigate their way through cyberspace. Students are also advised about the law and the consequences of using computers as a tool for harassment or bullying. All students/staff and their parents/ guardians must sign a Technology Acceptable Use

agreement annually before they may access the Internet at school.

School Internet use is always supervised. Computers used by students are arranged to be visible by supervising adults at all times. In addition, filters are in place to prevent access to inappropriate websites.

ACCEPTABLE INTERNET USE POLICY

Electronic Media Communication TCDE provides computers, Internet and email access to teachers, students, staff and administrators. To create a common expectation for the acceptable use of such communication devices, each user of such devices is expected to subscribe to and observe this Acceptable Internet Use Policy. This policy does not cover all required or expected behavior. Each user is expected to exercise sound judgment regarding appropriate conduct. 1. Any use for illegal, inappropriate, or obscene purposes, or in support of such activities, is prohibited. Illegal activities shall be defined as a violation of local, state, and/or federal laws. Inappropriate use shall be defined as a violation of the intended use of the network, and/or purpose and goal. Obscene activities shall be defined as a violation of generally accepted social standards for use of a publicly-owned and operated communication vehicle. 2. Use for commercial purposes, including personal gain, is prohibited. 3. Copying materials in violation of copyright law is prohibited. 4. Use for product advertisement, religious advocacy, or political lobbying is prohibited. 5. No use shall serve to disrupt the use of the network by other users.

BUILDING & SITE EVACUATION PLANS

Refer to Emergency Operations Plan

**TEHAMA COUNTY DEPARTMENT OF EDUCATION
BOARD POLICIES**

All Personnel

SP
4119.11 (a)
4219.11
4319.11

SEXUAL HARASSMENT

The Tehama County Superintendent of Schools prohibits sexual harassment of Tehama County Department of Education employees and job applicants. The County Superintendent also prohibits retaliatory behavior or action against Department employees or other persons who complain, testify or otherwise participate in the complaint process established pursuant to this policy and administrative regulation.

The County Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the Department's sexual harassment policy to staff
3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (5 CCR4964)

Any Department employee or job applicant who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately report the incident to his/her supervisor, the Program Administrator, Department administrator or County Superintendent.

A supervisor, Program Administrator or other Department administrator who receives a harassment complaint shall promptly notify the County Superintendent or designee.

Complaints of sexual harassment shall be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

Any Department employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment against a Department employee, job applicant, or student is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

legal Reference: (see next page)

SP
4119.11(b)
4219.11
4319.11

SEXUAL HARASSMENT (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

7287.8 Retaliation

7288.0 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 42

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

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

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncala v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEBSITES

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

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

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>

All Personnel

AR
4119.11(a)
4219.11
4319.11

SEXUAL HARASSMENT

Definitions

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of such conduct by the individual is used as the basis for an employment decision affecting him/her.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work or has the purpose or effect of creating an intimidating, hostile, or offensive work environment. The conduct is sufficiently severe, persistent, pervasive, or objectively offensive so as to create a hostile or abusive working environment or to limit the individual's ability to participate in or benefit from an education program or activity.
4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs, or activities available at or through the Tehama County Department of Education.

Other examples of actions that might constitute sexual harassment, whether committed by a supervisor, a co-worker, or a non-employee, in the work or educational setting, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

AR
4119.11(b)
4219.11
4319.11

SEXUAL HARASSMENT (continued)

Prohibited sexual harassment may also include any act of retaliation against an individual who reports a violation of the Department's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

Training

Every two years, the County Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All newly hired or promoted supervisory employees shall receive training within six months of their assumption of the supervisory position. (Government Code 12950.1)

The Department's training and education program for supervisory employees shall include information and practical guidance regarding the federal and state laws on the prohibition against and the prevention and correction of sexual harassment and the remedies available to the victims of sexual harassment in employment. The training shall also include all of the content specified in 2 CCR 7288.0 and practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1; 2 CCR 7288.0)

In addition, the County Superintendent or designee shall ensure that all employees receive periodic training regarding the Department's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the Department's complaint procedures.

Notifications

A copy of the Department policy and this administrative regulation shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building, Department office, or other area of the school where notices of Department rules, regulations, procedures, and standards of conduct are posted
2. 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 whenever a new employee is hired
3. Appear in any school or Department publication that sets forth the school's or Department's comprehensive rules, regulations, procedures, and standards of conduct

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4119.11(c)
4219.11
4319.11

SEXUAL HARASSMENT (continued)

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of Department information sheets that contain, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The Department's complaint process available to the employee
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC
7. The protection against retaliation provided by 2 CCR 7287.8 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation proceeding, or hearing conducted by DFEH and the EEOC

In addition, the Department shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment. (Government Code 12950)

All Personnel

SP
4119.23(a)
4219.23
4319.23

**UNAUTHORIZED RELEASE OF CONFIDENTIAL/
PRIVILEGED INFORMATION**

The Tehama County Superintendent of Schools recognizes the importance of keeping confidential information confidential. Staff shall maintain the confidentiality of information acquired in the course of their employment. Confidential/privileged information shall be released only to the extent authorized by law.

Disclosure of Closed Session Information

An employee shall not disclose confidential information acquired by being present during a closed session to a person not entitled to receive such information, unless the Tehama County Board of Education authorizes disclosure of that information. (Government Code 54963)

Confidential information means a communication made in a closed session that is specifically related to the basis for the County Board to meet lawfully in closed session. (Government Code 54963)

An employee who willfully discloses confidential information acquired during a closed session may be subject to disciplinary action if he/she has received training or notice as to the requirements of this policy. (Government Code 54963)

The County Superintendent or designee shall provide all employees who attend closed sessions a copy of this policy. New employees who may attend closed sessions shall also receive a copy of this policy.

The Tehama County Department of Education shall not take disciplinary action against any employee for disclosing confidential information acquired in a closed session, nor shall the disclosure be considered a violation of the law or Department policy, when the employee is: (Government Code 54963)

1. Making a confidential inquiry or complaint to a Department attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a County Board action that has been the subject of deliberation during a closed session
2. Expressing an opinion concerning the propriety or legality of County Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action
3. Disclosing information that is not confidential

SP
4119.23(b)
4219.23
4319.23

**UNAUTHORIZED RELEASE OF CONFIDENTIAL/
PRIVILEGED INFORMATION (continued)**

Other Disclosures

An employee who willfully releases confidential/privileged information about the Department, students or staff shall be subject to disciplinary action.

No employee shall disclose confidential information acquired in the course of his/her official duties. Confidential information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the employee.

Any action by an employee which inadvertently or carelessly results in release of confidential/privileged information shall be recorded, and the record shall be placed in the employee's personnel file. Depending on the circumstances, the County Superintendent or designee may deny the employee further access to any privileged information and shall take any steps necessary to prevent any further unauthorized release of such information.

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35146 Closed sessions

35160 Authority of governing boards

44031 Personnel file contents and inspection

44932 Grounds for dismissal of permanent employees

44933 Other grounds for dismissal

451 13 Rules and regulations for classified service

49060-49079 Pupil records

GOVERNMENT CODE

1098 Public officials and employees: confidential information

6250-6270 Inspection of public records

54950-54963 Brown Act

UNITED STATES CODE. TITLE 20

1232g Family Education Rights and Privacy Act

Management Resources:

WEBSITES

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

Policy
adopted: April 20, 2011

TEHAMA COUNTY DEPARTMENT OF EDUCATION
Red Bluff, California

DISCIPLINE

The Tehama County Superintendent of Schools desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The County Superintendent believes that high expectations for student behavior, effective classroom management and parent involvement can minimize the need for discipline. Staff shall use preventative measures and positive conflict resolution techniques whenever possible.

County Superintendent policies and regulations shall delineate acceptable student conduct and provide the basis for sound disciplinary practices. Each school shall develop disciplinary rules to meet the school's individual needs.

When misconduct occurs, staff shall implement appropriate discipline and attempt to identify and address the causes of the student's behavior. Continually disruptive students may be assigned to alternative programs or removed from school in accordance with law, Department policy and administrative regulation. At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline.

Staff shall enforce disciplinary rules fairly, consistently and without discrimination.

Legal Reference: (see next page)

DISCIPLINE (continued)

Legal Reference:

CIVIL CODE

1714.1 Parental liability for child's misconduct

EDUCATION CODE

32280-32288 School safety plans

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

37223 Weekend classes

44807.5 Restriction from recess

48900-48926 Suspension and expulsion

48980-48985 Notification of parents or guardians

49000-49001 Prohibition of corporal punishment

49330-49335 Injurious objects

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

Management Resources:

CSBA PUBLICATIONS

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1999

CDE PROGRAM ADVISORIES

1010.89 Physical Exercise as Corporal Punishment, CIL 89/9-3

1223.88 Corporal Punishment, CIL: 8819-5

WEBSITES

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

USDOE: <http://www.ed.gov>

DISCIPLINE

Site-Level Rules

In developing site-level disciplinary rules, the school shall solicit the participation, views and advice of one representative selected by each of the following groups: (Education Code 35291.5)

1. Parents/guardians
2. Teachers
3. School administrators
4. School security personnel, if any

It shall be the duty of each employee of the school to enforce the school rules on student discipline. (Education Code 35291)

Disciplinary strategies provided in Tehama County Department of Education policy, regulation and law may be used in developing site-level rules. These strategies include but are not limited to:

1. Referral of the student for advice and counseling
2. Discussion or conference with parents/guardians
3. Recess restriction
4. Detention during and after school hours
5. Community service
6. Reassignment to an alternative educational environment
7. Removal from the class in accordance with Department policy, administrative regulation and law
8. Suspension and expulsion

SUSPENSION AND EXPULSION/DUE PROCESS

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

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

1981 Enrollment of students in community school

17292.5 Program/or expelled students

32261 Interagency School Safety Demonstration Act of 1985

35146 Closed sessions (re suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48660-48667 Community day schools

48900-48927 Suspension and expulsion

48950 Speech and other communication

49073-49079 Privacy of student records

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

IJ 014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

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

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

Legal Reference continued: (see next page)

SUSPENSION AND EXPULSION/DUEPROCESS (continued)

Legal Reference: (continued)

PENAL CODE (continued)

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.JO Dirks, daggers, knives, razors or stun guns

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

7151 Gun free schools

COURT DECISIONS

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

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

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

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

Fremont Union High School District v. Santa Clara County Board (J991) 235 Cal. App. 3^d 1182

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

ATTORNEY GENERAL OPINIONS

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

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

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

Management Resources:

WEBSITES

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

California Attorney General's Office: <http://www.caag.state.ca.us>

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

U.S. Department of Education, Office of Safe and Drug-Free Schools:

<http://www.ed.gov/about/offices/list/osdfs/index.html>

SUSPENSION AND EXPULSION/DUE PROCESS

Suspension by the Board

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

When the County Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

The County Board shall provide the student and his/her 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 County Superintendent'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)

STUDENT EXPULSION APPEALS

The Tehama County Board of Education shall hear and determine an appeal of an expulsion order issued against a student by a school district within the jurisdiction of the county.

A student expelled by the governing board of a school district or his/her parent/guardian (appellant) may appeal the expulsion to the County Board within 30 days of the school district's action. The appeal shall be filed in writing and shall include the following information:

1. Name of the expelled student
2. Contact address and telephone number of the student and/or parent/guardian
3. Name of respondent school board
4. Date of respondent school board's action to expel student
5. Ground(s) on which appeal is based

The appellant shall submit to the County Board, a certified copy of the written transcripts and supporting documents of the proceedings before the school district. Because delay in receiving the transcripts may prejudice the student's case, the student is encouraged to request a copy of the transcripts and other related records from the District no later than the date on which the appeal is filed. (Education Code 48921)

The County Board shall hold a hearing within 20 school days of the filing of the appeal. (Education Code 48919)

No later than 10 days prior to the hearing, the secretary to the County Board shall serve upon the student and the respondent school board, by certified mail, return receipt requested, a notice of the hearing including details such as the date, time and place of the hearing. The notice shall also contain a statement that the hearing shall be in closed session unless the student requests in writing at least five days prior to the hearing, that the hearing be conducted in open session.

Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the County Board shall hear an appeal of an expulsion order in closed session, unless the student requests in writing at least five days prior to the hearing that the hearing be conducted at a public meeting. If such request is made, the hearing shall be public unless another student's privacy rights would be violated. (Education Code 48920)

STUDENT EXPULSION APPEALS (continued)

Whether the expulsion hearing is held in closed or public session, the County Board may meet in closed session to deliberate on the appeal. If the County Board admits one of the parties or their representative(s) to the closed session, the other party or their representative(s) shall also be allowed to attend the closed session. (Education Code 48920)

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 48919)

Scope of Review

The County Board shall determine the appeal based on the record of the hearing before the district board and other applicable documentation and/or regulations. No evidence other than that contained in the record of proceedings of the district board shall be heard except in a *de novo* proceeding, granted pursuant to Education Code 48923. (Education Code 48921)

A *de novo* proceeding involves an independent determination by the County Board, of all the issues previously considered by the school district board.

The County Board's review shall be limited to: (Education Code 48922)

1. Whether the district board acted without or in excess of its jurisdiction.
2. Whether there was a fair hearing before the district board.
3. Whether there was a prejudicial abuse of discretion in the hearing. Abuse of discretion is established if:
 - a. School officials did not meet the procedural requirements of Education Code 48900-48926;
 - b. The decision to expel the student is not supported by the findings prescribed by Education Code 48915; or
 - c. The findings are not supported by the evidence
4. Whether there is relevant and material evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the district board.

STUDENT EXPULSION APPEALS (continued)

Final Order of the County Board

The County Board shall render its final decision within three school days of the hearing unless the student requests a postponement. (Education Code 48919)

The County Board's decision shall be limited as follows: (Education Code 48923)

1. Where the County Board finds that relevant and material evidence exists which, in the exercise of reasonable diligence, could not have been produced, or which was improperly excluded at the hearing before the district governing board, the County Board may remand the matter to the governing board for reconsideration or grant a hearing *de novo*.
2. Where the County Board determines that the governing board's decision is not supported by findings required to be made by Education Code 48915, but evidence supporting such findings exists in the record of the proceedings, the County Board shall remand the matter to the District Board for adoption and inclusion of the required findings.
3. In all other cases, the County Board shall either affirm or reverse the decision of the governing board. If the County Board reverses a governing board's decision, the County Board may direct the governing board to expunge all references to the expulsion action from the district and student's records, and the expulsion shall be deemed not to have occurred.

The decision of the County Board shall be final and binding upon the student and the governing board. The student and the governing board shall be notified of the final order of the County Board, in writing, either by personal service or by certified mail. The order shall become final when rendered. (Education Code 48924)

Legal Reference: (see next page)

STUDENT EXPULSION APPEALS (continued)

Legal Reference:

EDUCATION CODE

1981 Enrollment of students

17292.5 Program for expelled students

35145 Public meetings

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

GOVERNMENT CODE

11455.20 Contempt

54950-54962 Ralph M Brown Act (re closed sessions)

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

Management Resources:

CDE PROGRAM ADVISORIES

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

WEBSITES

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

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

CHILD ABUSE PREVENTION AND REPORTING

Child Abuse Prevention

The Tehama County Superintendent of Schools recognizes the Tehama County Department of Education's responsibility to educate students about the dangers of child abuse so that they will acquire the skills and techniques needed to identify unsafe situations and to react appropriately and promptly.

Child Abuse Reporting

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

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

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

Legal Reference: (see next page)

CHILD ABUSE PREVENTION AND REPORTING (continued)

Legal Reference:

EDUCATION CODE

32280-32288 *Comprehensive school safety plans*
33308.1 *Guidelines on procedure for filing child abuse complaints*
44690-44691 *Staff development in the detection of child abuse and neglect*
44807 *Duty concerning conduct of students*
48906 *Notification when student released to peace officer*
48987 *Dissemination of reporting guidelines to parents*
49001 *Prohibition of corporal punishment*
51220.5 *Parenting skills education*

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*
11164-11174.4 *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*

Management Resources:

CDE LEGAL ADVISOR/ES

0514.93 *Guidelines for parents to report suspected child abuse*

WEBSITES

California Attorney General's Office, Crime and Violence Prevention Center: <http://safestate.org>
California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss>
*California Department of Social Services, Children and Family Services Division:
<http://www.childsworld.ca.gov>*
*U.S. Department of Health and Human Services National Clearinghouse on Child Abuse and Neglect
Information: <http://nccanch.acf.hhs.gov>*

CHILD ABUSE PREVENTION AND REPORTING

Definitions

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

1. A physical injury or death inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1
3. Neglect of a child as defined in Penal Code 11165.2
4. Willful harming or injuring of a child or the endangering of the person or health 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)
3. An injury resulting from the exercise by a teacher, Program Administrator, 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)
5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student (Education Code 49001)

CHILD ABUSE PREVENTION AND REPORTING (continued)

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; administrators and employees of a licensed day care facility; licensed nurses or health care providers; and administrators, presenters, and counselors of a child abuse prevention program. (Penal Code 11165.7)

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. (Penal Code 11166)

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. (Penal Code 11166.05, 11167)

Any person shall notify a peace officer if he/she 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. (Penal Code 152.3, 288)

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)

o supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166)

CHILD ABUSE PREVENTION AND REPORTING (continued)

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 county welfare department. (Penal Code 11166)

Tehama County CWS Agency
P.O. Box 1515
Red Bluff, CA 96080
800-323-7711
530-527-9416

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 (SS 8572). (Penal Code 11166, 11168)

Mandated reporters may obtain copies of the Department of Justice form from either the Department or the appropriate agency.

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

CHILD ABUSE PREVENTION AND REPORTING (continued)

- 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 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)

Information relevant to the incident of child abuse or neglect also may be given to an investigator from an agency that is investigating the case. (Penal Code 11167)

3. **Internal Reporting**

The mandated reporter shall not be required to disclose his/her identity to the Program Administrator. (Penal Code 11166)

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

The Program Administrator so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Department policy, and administrative regulation. At the mandated reporter's request, the Program Administrator may assist in completing and filing the necessary forms.

Reporting the information to an employer, supervisor, Program Administrator, 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

Training of mandated reporters shall include identification and mandated reporting of child abuse and neglect. (Penal Code 11165.7)

CHILD ABUSE PREVENTION AND REPORTING (continued)

Victim Interviews by Social Services

Whenever a representative from the Department of Social Services investigating suspected child abuse or neglect deems it necessary, a suspected victim may be interviewed during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child's home or out-of-home care facility. The child shall be given 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 Program Administrator designee shall inform him/her 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 County Superintendent or designee and/or Program Administrator 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)

CHILD ABUSE PREVENTION AND REPORTING (continued)**Parent/Guardian Complaints**

Upon request, the County Superintendent or designee shall provide parents/guardians with a copy of this administrative regulation which contain procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is other than English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a Department 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." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

Notifications

The County Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, of their reporting obligations under Penal Code 11166, and of their confidentiality rights under Penal Code 11167.

Before beginning employment, employees shall sign a statement indicating that they have knowledge of the reporting obligations under Penal Code 11166 and that they will comply with those provisions. The signed statements shall be retained by the County Superintendent or designee. (Penal Code 11166.5)

The County Superintendent or designee also shall 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)

CHILD ABUSE PREVENTION AND REPORTING (continued)

2. If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, he/she may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code 11166)
3. No employee shall be subject to any sanction by the Department for making a report. (Penal Code 11166)

CHILD ABUSE PREVENTION AND REPORTING

TEHAMA COUNTY DEPARTMENT OF EDUCATION

1135 Lincoln Street/P.O. Box 689
Red Bluff, CA 96080
(530) 527-5811

**ACKNOWLEDGMENT OF EMPLOYEE'S KNOWLEDGE OF CHILD ABUSE
REPORTING OBLIGATIONS**

Section 11166 of the Penal Code requires any child care custodian, medical practitioner, non-medical practitioner, or employee of a child protective agency who has knowledge of or observes a child (a person under the age of 18 years) in his or her profession capacity who he or she knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse to a child protection agency immediately or as soon as possible, by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

"Child abuse" means a physical injury which is inflicted by other than accidental means on a child by another person. It includes the sexual assault of a child (i.e., rape, sexual exploitation, incest, sodomy, oral copulation, penetration of a genital or anal opening by a foreign object or other acts of child molestation). "Child abuse" also includes willful cruelty, unjustifiable punishment or corporal punishment resulting in trauma, medical neglect, the infliction of mental suffering and neglect.

The report must be made whenever there is "reasonable suspicion" that child abuse has occurred. "Reasonable suspicion" means that it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect child abuse.

The telephonic report of child abuse shall be made to Children's Protective Services at (530) 527-1911 (day) or 1-800-323-7711 (night) or to the law enforcement agency in your jurisdiction. The report shall be made immediately or as soon as possible. The written report shall be directed to: Children's Protective Services, Tehama County Department of Social Services, P.O. Box 1515, Red Bluff, California 96080.

I have read the foregoing and I understand my responsibility to report child abuse.

Employee's Signature

Date

Assignment

NONDISCRIMINATION/HARASSMENT

The Tehama County Superintendent of Schools desires to ensure equal opportunities for all students in admission and access to the Tehama County Department of Education's educational programs, guidance and counseling programs, athletic programs, testing procedures, and other activities. Department programs and activities shall be free from discrimination, including harassment, with respect to a student's actual or perceived sex, gender, ethnic group identification, race, national origin, religion, color, physical or mental disability, age, or sexual orientation.

The County Superintendent prohibits discrimination, intimidation, or harassment of any student by any employee, student, or other person in the Department. Prohibited harassment includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe and pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the purpose or effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects the student's educational opportunities.

School staff and volunteers shall carefully guard against segregation, bias, and stereotyping in the delivery of services, including, but not limited to, instruction, guidance, and supervision.

The Program Administrator or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

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

Grievance Procedures

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

NONDISCRIMINATION/HARASSMENT (continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
48900.3 Suspension or expulsion for act of hate violence
48900.4 Suspension or expulsion for threats or harassment
48904 Liability of parent/guardian for willful student misconduct
48907 Student exercise of free expression
48950 Freedom of speech
49020-49023 Athletic programs
5 1500 Prohibited instruction or activity
51501 Prohibited means of instruction
60044 Prohibited instructional materials

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

PENAL CODE

422.55 Definition of hate crime
422.6 Crimes, harassment

CODE OF REGULATIONS. TITLE 5

4600-4687 Uniform Complaint Procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE. TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE. TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

CODE OF FEDERAL REGULATIONS. TITLE 34

100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of

sexCOURT DECISIONS

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

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

Management Resources: (see next page)

NONDISCRIMINATION/HARASSMENT (continued)

Management Resources:

CSBA PUBLICATIONS

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

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

California Student Safety and Violence Prevention - Laws and Regulations, April 2004

FIRST AMENDMENT CENTER PUBLICATIONS

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

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Dealing with legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

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

Notice of Non-Discrimination, January 1999

WEBSITES

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

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

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

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

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

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

SEXUAL HARASSMENT

The Tehama County Superintendent of Schools is committed to maintaining an educational environment that is free from harassment and discrimination. The County Superintendent prohibits sexual harassment of students by other students, employees, or other persons, at school or at school-sponsored or school-related activities. The County Superintendent also prohibits retaliatory behavior or action against persons who complain, testify, assist, or otherwise participate in Tehama County Department of Education complaint processes.

Complaint Process

Any student who feels that he/she is being or has been sexually harassed by a school employee, another student, or a non-employee on school grounds or at a school-related activity (e.g., a visiting athlete or coach) shall immediately contact his/her teacher or any other employee. An employee who receives such a complaint shall report it in accordance with administrative regulation.

The County Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative regulation. When the County Superintendent or designee has determined that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim.

Disciplinary Actions

Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Confidentiality and Record-Keeping

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

Legal Reference: (see next page)

SEXUAL HARASSMENT (continued)

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.I Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.J Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights 2000d-

2000d-7 Title VI Civil Rights Act of 1964

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

CODE OF FEDERAL REGULATIONS, TITLE 34

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

COURT DECISIONS

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

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

Management Resources:

OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance, January 2001

WEBSITES

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/index.html>