



Comprehensive Safe School Plan

Placer County Office of Education (PCOE)

Honour Schaps School
11260 B. Avenue
Auburn, CA 95603

Pathways Charter iCARE
655 Menlo Drive
Rocklin, CA 95765

Pathways Charter iLearn Academy
364 Nevada St.
Auburn, CA 95603

Sierra Vista School (Olive Ranch)
5280 Stirling Street
Granite Bay, CA 95746

For Public Release

February

2025

Placer County Office of Education Safety Committee Members:

Position/Title	Name	Signature
Principal or Designee (Honour Schaps)	Sunshine Handley	Sunshine Handley
Principal or Designee (Pathways iCARE)	Shanna Parker	Shanna Parker
Principal or Designee (Pathways iLearn)	Andrew Wood	Andy Wood
Principal or Designee (Sierra Vista)	Sunshine Handley	Sunshine Handley
Classified Employee	Kimberly Berryman	Kimberly Berryman
Classified Employee		
Certificated Employee	Sharon Hughes	Sharon Hughes
Certificated Employee		
Parent	Cheryl Hayhurst	Cheryl Hayhurst
Parent	Samantha Fish	Samantha Fish
Consulting Law Enforcement - Placer County Sheriff's Office (PCSO)	Kevin Keith kkeith@placer.ca.gov	kevin keith
Consulting Law Enforcement - Auburn Police Department (APD)	Sarah Roach Sroach@auburn.ca.gov	Sarah Stanton
Consulting Law Enforcement - Rocklin Police Department (RPD)	Jeff Paxton jeff.paxton@rocklin.ca.us Greg Jensen greg.jensen@rocklin.ca.us (916) 390-5395	Jeff Paxton
Rocklin Fire Department	Ben Flint Ben.flint@rocklin.ca.us (916) 625-5300	
Fire Department Placer County	Sean Fuller	
South Placer Fire District	Jeff Ingolia Jingolia@southplacerfire.org	Jeff Ingolia
Date of Approval: 2/6/2025 12:24 PM PST	Administrator/Designee Signature:	Stacy Williams

PLACER COUNTY OFFICE OF EDUCATION - COMPREHENSIVE SAFE SCHOOL PLAN (CSSP)
PCOE Safety Committee Evaluation and Public Meeting Certification

California law requires the Comprehensive Safe School Plan of each school to be annually evaluated and amended, as needed, to ensure the plan is being properly implemented (Education Code 35294.2[e]). An updated file of all safety-related plans and materials is maintained by PCOE and is readily available for inspection by the public at 360 Nevada Street, Auburn, CA 95603.

California law also requires notice for public input prior to the adoption of the CSSP. The Public Meeting was held on:

Date:	January 29, 2025
Time:	3:00 PM
Location/Venue:	Teams
If held virtually, meeting link:	<u>Join the meeting now</u>

Notice was provided by Public Posting.

PCOE Safety Committee has evaluated our CSSP and has determined the following:

- The plan has been properly developed and implemented.

Table of Contents

Placer County Office of Education Safety Committee Members:	2
PCOE Safety Committee Evaluation and Public Meeting Certification	3
Placer County Office of Education - BOARD OF EDUCATION	6
Placer County Office of Education - ADMINISTRATION	6
MISSION STATEMENTS	7
VISION STATEMENTS	8
1.0 Introduction: School Profile	9
.1 Overview	9
.2 School Suspension and Expulsion Data	9
.3 Demographics	10
2.0 Physical Environment	12
.1 The Schools' Location & Physical Environment.....	12
.2 Description of School Grounds	12
.3 Maintenance of School Buildings/Classrooms	13
.4 Internal Security Procedures	13
.5 Inventory System – Engraved ID, Security Storage	14
3.0 School Climate	15
.1 The School's Social Environment	15
.2 Disaster Procedures, Routine & Emergency	15
.3 Classroom Organization & Structure.....	15
.4 The School's Cultural Environment.....	15
.5 Action Plans	15
.5.1 Physical Environment.....	16
.5.2 Personal Characteristics of Students and Staff	18
.5.3 School Cultural Improvement	20
.5.4 Social Environment	22
4.0 Safety Strategies Samples	24
.1 Introduction	24
.2 Preventing & Intervening: Pupil Aggressive Behavior	24
.3 Mental Health Programs.....	24
.4 Professional Development	24
.5 Student Recognition Programs	24
.6 Nondiscrimination & Fair Treatment of Pupils.....	25
.7 Discipline Policy & Code	25

.8	Crisis Intervention & Disaster Planning.....	26
.9	School Accountability Report Card (SARC).....	26
.10	Teacher Notice of Disciplinary History	26
.11	Gang Affiliation.....	26
.12	Gangs & Graffiti.....	26
.13	Truancy Learning Center/District Attorney Referral.....	26
.14	Megan's Law Notification	26
.15	Parent/Guardian Involvement.....	27
.16	Parent Training: Promoting the Use of Community Resources	27
.17	Community Linkages.....	27
.18	Campus Disturbances & Crimes	27
.19	Visitors & Disruptions to Educational Process	27
.20	Enhancing Physical Safety Practices	28
.21	Behavior Threat Assessment Protocols	29
.22	Protocol for Suspected Opioid Overdose	29
.23	Disabilities Education Act.....	30
.24	Closing Statement.....	32
	5.0 School Safety Compliance – PCOE Policies	33

Placer County Office of Education - BOARD OF EDUCATION

NAME	AREA Number	Term Expires
Sergey Terebkov	1	2026
Andrew Tagg	2	2028
David Patterson, Ed. D.	3	2028
R. Jan Pinney	4	2026
Kelli Gnile	5	2028
Renee Regacho-Anaclerio, Ed. D.	6	2026
Amber Johnson	7	2028

Placer County Office of Education - ADMINISTRATION

Placer County Superintendent of Schools	Gayle Garbolino-Mojica
Deputy Superintendent	Phillip Williams
Associate Superintendent	Martin Fregoso
Director of Maintenance & Operations	Gib Benthin

MISSION STATEMENTS

Placer County Office of Education - Mission Statement

The Placer County Office of Education is an educational leader and a valuable and respected resource in fiscal practices, educational programs, and student services.

The Office provides successful educational programs designed to educate a wide variety of students with diverse needs, birth through adult.

The Office monitors the fiscal health of districts and provides support services to ensure availability and appropriate use of resources to students served by school districts.

The Office offers its technical and professional expertise to partnering agencies.

The Office collaborates with school districts, governmental agencies, and community-based organizations to increase student achievement and to enhance the development of youth in our county.

Honour Schaps School - Mission Statement

To increase student achievement through rigorous and meaningful instruction to all students

Pathways Charter iCARE - Mission Statement

Our mission is to increase student achievement through rigorous and meaningful instruction and to advance their academic growth. Student-centered learning is fostered in an environment which encourages personal achievement, self-reliance, independent thinking, and good decision-making. We expect appropriate behavior and the acceptance of individual and cultural differences.

iLearn Academy - Mission Statement

The iLearn Academy staff and families form a partnership to create a positive, safe environment which encourages students to reach their potential, develop a passion for learning and believe that anything is possible.

Sierra Vista (Olive Ranch) - Mission Statement

To increase student achievement through rigorous and meaningful instruction to all students.

VISION STATEMENTS

Placer County Office of Education - Vision Statement

The vision of the Placer County Superintendent of Schools and the Placer County Board of Education is to provide exemplary leadership and service to schools, parents, and the community as we work together to provide a globally competitive, comprehensive, rigorous and relevant education to all students

Honour Schaps School - Vision Statement

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Pathways Charter iCARE - Vision Statement

The vision of the Placer County Superintendent of Schools and the Placer County Board of Education is to provide exemplary leadership and service to schools, parents, and the community as we work together to provide a globally competitive, comprehensive, rigorous, and relevant education to all students.

iLearn Academy - Vision Statement

The vision of the Placer County Superintendent of Schools and the Placer County Board of Education is to provide exemplary leadership and service to schools, parents, and the community as we work together to provide a globally competitive, comprehensive, rigorous and relevant education to all students

Sierra Vista (Olive Ranch) Vision Statement

The Placer County Office of Education is committed to promoting the emotional, social and academic growth of students with emotional challenges. It is our aim to cultivate a child's potential within a therapeutic setting to facilitate his/her return to a less restrictive environment. The process is accomplished by implementing Positive Behavior Intervention and Support (PBIS) and providing integrated mental health and educational services for students and families. The Nurtured Heart Approach, which emphasizes the greatness inherent to each child, is effectively practiced throughout the instructional day.

1.0 Introduction: School Profile

.1 Overview

PCOE schools are served by dedicated staff members. Both staff and parents collaborate for ongoing positive in our schools.

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

.2 School Suspension and Expulsion Data

Honour Schaps School		
School Data/Suspension/Expulsion Data		
School Year	2022-2023	2023-2024
Students Enrolled	142	128
Grade Level	6-12	7-12
Suspensions	0	0
Expulsions	0	0

Pathways Charter iCARE		
School Data/Suspension/Expulsion Data		
School Year	2022-2023	2023-2024
Students Enrolled	240	232
Grade Level	7-12	7-12
Suspensions	10	6
Expulsions	1	0

Pathways Charter iLearn Academy		
School Data/Suspension/Expulsion Data		
School Year	2022-2023	2023-2024
Students Enrolled	190	194
Grade Level	K-8	K-8
Suspensions	0	0
Expulsions	0	0

Sierra Vista School		
School Data/Suspension/Expulsion Data		
School Year	2022-2023	2023-2024
Students Enrolled	14	21
Grade Level	4-12	3-12
Suspensions	0	5
Expulsions	0	0

.3 Demographics

Individuals from PCOE schools come from families with low-average family mobility.

Honour Schaps School	
Caucasian	64.7 %
Hispanic	23.5 %
Black	17.6 %
American Indian or Alaska Native	5.8 %
Asian	0 %
Guatemalan	0 %
Other Ethnicity	5.8 %
Pupils in families receiving Aid to Families with Dependent Children (AFDC) eligible for free/reduced lunches	100 %

Pathways Charter iCARE			
	School Based %	Independent Study %	Comeback Program %
Caucasian	52.4%	45.5 %	62.3 %
Hispanic	33.3 %	63.6 %	44.3 %
Black	5 %	4.5 %	6.6 %
American Indian or Alaska Native	10 %	4.5 %	9.8 %
Asian	14.3 %	13.6 %	4.9 %
Guatemalan	0 %	0 %	0 %
Other Ethnicity	19 %	31.8 %	16.4 %
Pupils in families receiving Aid to Families with Dependent Children (AFDC) eligible for free/reduced lunches	85.7 %	90.9% %	75.4 %

Pathways Charter iLearn Academy	
Caucasian	74.23%
Hispanic	14.95 %
Black	1.03%
American Indian or Alaska Native	0%
Asian	1.03 %
Guatemalan	0%
Other Ethnicity	8.76%
Pupils in families receiving Aid to Families with Dependent Children (AFDC) eligible for free/reduced lunches	61.63%

Sierra Vista School	
Caucasian	68.8 %
Hispanic	6.3 %
Black	18.8 %
American Indian or Alaska Native	6.3 %
Asian	6.3 %
Guatemalan	0 %
Other Ethnicity	0 %
Pupils in families receiving Aid to Families with Dependent Children (AFDC) eligible for free/reduced lunches	56.3 %

2.0 Physical Environment

.1 The Schools' Location & Physical Environment

HONOUR SCHAPS SCHOOL

Honour Schaps School is located in Auburn, California which has a low crime rate and low poverty level. The immediate area around the school includes single family homes, commercial buildings, and parks. A present safety hazard in the vicinity of the school includes railroad tracks.

PATHWAYS CHARTER iCARE

Pathways Charter iCARE is in Rocklin, California which has a low crime rate and low poverty level. The immediate area around the school includes single family homes, apartments, commercial buildings, and parks. A present safety hazard in the vicinity of the school includes canals.

PATHWAYS CHARTER iLEARN ACADEMY

Pathways Charter iLearn is located in a commercial area which has a high crime rate and low poverty level. The immediate area around the school includes commercial buildings. A present safety hazard near the school includes railroad tracks.

SIERRA VISTA SCHOOL

Sierra Vista School is in a residential area, which has an average crime rate and average poverty level. The immediate area around the school includes single-family homes. A present safety hazard near the school is average traffic.

.2 Description of School Grounds

HONOUR SCHAPS SCHOOL

The school site encompasses less than one acre (0.1835). Honour Schaps School is not completely enclosed by fencing and there is one (1) permanent classroom and an office on-site.

During the school day, staff members and administrators shall provide campus supervision. Identified problem areas receive increased supervision to reduce discipline, crime, or other school safety concerns.

It shall be the practice of Placer County Office of Education to remove all graffiti from school property before pupils arrive to begin their school day. Other acts of vandalism are promptly addressed.

PATHWAYS CHARTER iCARE

The school site encompasses approximately three (2.8) acres and is situated on a closed campus. Pathways Charter iCARE is not completely enclosed by fencing and there are ten (10) permanent classrooms and a training center on-site.

During the school day, staff members and administrators shall provide campus supervision. Identified problem areas receive increased supervision to reduce discipline, crime, or other school safety concerns.

It shall be the practice of Placer County Office of Education to remove all graffiti from school property before pupils arrive to begin their school day. Other acts of vandalism are promptly addressed.

PATHWAYS CHARTER iLEARN ACADEMY

The school site encompasses 2.0 acres and is situated on an open campus. The facility grounds are not completely enclosed by fencing and the site has gates that remain locked during operational hours. The facility has 9 permanent classrooms and ancillary buildings including an office and an administration building.

During the school day, staff members and administrators shall provide campus supervision. Identified problem areas receive increased supervision to reduce discipline, crime, or other school safety concerns.

It shall be the practice of Placer County Office of Education to remove all graffiti from school property before pupils arrive to begin their school day. Other acts of vandalism are promptly addressed.

SIERRA VISTA SCHOOL

The school site encompasses 5.36 acres and is situated on a closed campus. The facility grounds are not completely enclosed by fencing and the site does not have gates that remain locked during operational hours. The facility has 12 permanent classrooms. Other ancillary structures include an office, cafeteria, restrooms, library, and multi-purpose room.

During the school day, staff members and administrators shall provide campus supervision. Identified problem areas receive increased supervision to reduce discipline, crime, or other school safety concerns.

It shall be the practice of Placer County Office of Education to remove all graffiti from school property before pupils arrive to begin their school day. Other acts of vandalism are promptly addressed.

.3 Maintenance of School Buildings/Classrooms

PCOE school sites are well maintained and look neat and clean. PCOE personnel periodically examine the school facilities and help eliminate obstacles to school safety. Additionally, health and fire department inspectors contribute to school safety.

The classrooms are monitored for safety and appearance by the administration and individual classroom teachers. The pupils take pride in the appearance of the school.

.4 Internal Security Procedures

Keeping reportable crimes at a minimum requires constant vigilance. PCOE will utilize the following strategy in achieving this goal: (1) Identify high crime activity areas (2) Restrict student access to high crime activity areas (3) Provide more school supervision (4) Identify and provide preventative programs and activities

PCOE schools maintain a copy of the PCOE's sexual harassment policy in the front office. PCOE's Sexual Harassment Policy contains dissemination plans, applicable definitions, reporting requirements, investigation procedures, enforcement regulations, and information related to suspension and/or expulsion for sexual harassment of or by pupils. A notice summarizing the school's sexual harassment policy is sent to all students and parents. Additionally, a notice summarizing this sexual harassment policy appears in the Parent & Student Handbook, which is distributed available in the Parent Portal to all parents and pupils.

To ensure the safety of pupils and staff, all visitors to the campus, except pupils and staff members of the school, shall register immediately upon entering any school building when school is in session. All assigned staff wear photo identification badges. PCOE employees not assigned to a school site shall wear appropriate identification badges while on campus conducting business.

Discipline procedures shall focus on finding the cause of problems and working with all concerned to reach the proper, lawful solutions. School discipline plans begin at the classroom level. Appropriate consequences are administered based on the seriousness of the pupil's misbehavior.

Pupils may be suspended, transferred to another school, or recommended for expulsion for certain acts. For specific student violations, a mandatory expulsion recommendation shall be submitted by the County Superintendent's designee.

Site administrators contribute to a positive school climate, promote positive pupil behavior, and help reduce inappropriate conduct. The principal/designee uses available county office and district records to inform teachers of each pupil identified under E.C. 49079.

Law enforcement is contacted and consulted to help maintain and to promote a safe and orderly school environment. School employees comply with all legal mandates, regulations, and reporting requirements for all instances of suspected child abuse.

Internal security procedures affecting the integrity of the facility include the use of a security system, fire drills, pesticide protocol, a school resource officer (assigned and consulted) and doors which are kept locked.

.5 Inventory System - Engraved ID, Security Storage

Most school-site equipment has bar code stickers adhered to equipment surfaces. Specifically, all computers and radios are tagged with bar code stickers. These items are inventoried annually and there is an established accountability system.

3.0 School Climate

.1 The School's Social Environment

Leadership at PCOE schools is a shared process. A proactive role is assumed in all phases of the school operation. The current management team is committed to developing excellence in the areas of academic and social behavior.

The principal sets a positive tone for the school, guides the staff and works closely with them on curriculum and school safety issues. The school site's organizational structure is open and flexible contributing to sensitivity concerning school safety issues and promoting a safe, orderly school environment conducive to learning.

.2 Disaster Procedures, Routine & Emergency

A contingency plan for emergencies is made available to each staff member at each site. Staff members review the current plan on a monthly basis. PCOE's **Tactical Plan** is a separate and confidential component of this plan and is protected as such under the law. The plan is currently reviewed at the beginning of each school year. This plan also contains available county office and outside agency resources, emergency disaster procedures, and information on Standardized Emergency Management System (SEMS). The facility has emergency procedures in place regarding earthquakes (Education Code 32282)

.3 Classroom Organization & Structure

All teachers are highly qualified, with many teachers holding advanced degrees. The staff is united in their desire to provide quality education for all pupils. Classrooms and teachers provide safe, orderly learning environment, enhance the experience of learning, and promote positive interactions amongst pupil and staff. Instructional time is maximized, and disruptions are minimized.

.4 The School's Cultural Environment

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

All pupils are expected to behave in a manner that promotes safety and order. Pupils are encouraged to bring problems to the principal, assistant principal, counselor, teacher or other staff members. The everyday goal is for the staff to be proactive rather than reactive in all situations of concern.

The academic and behavior efforts of pupils are recognized and rewarded.

.5 Action Plans

.5.1 Physical Environment**HONOUR SCHAPS SCHOOL**

PHYSICAL ENVIRONMENT	
Goal:	By February 2026 students will increase responsibility and respect of the school environment based on annual staff PBIS climate.
Desired Improvements:	<ul style="list-style-type: none"> • Safer environment • Sustainability for equipment and materials • Increase in student engagement
Resources Required:	<ul style="list-style-type: none"> • Staff survey • Scheduled PBIS follow up meetings •
Personnel Assignments:	<ul style="list-style-type: none"> • Principal • Staff/Probation • Students
Timeframe to Completion:	1 year - 2/1/2026
Evaluation Criteria:	<ul style="list-style-type: none"> • PBIS Climate • •

PATHWAYS CHARTER iCARE

PHYSICAL ENVIRONMENT	
Goal:	Encourage student pride and take ownership of their school and its surroundings.
Desired Improvements:	<ul style="list-style-type: none"> • Maintain clean campus • Maintain facility and equipment (including furniture and technology) •
Resources Required:	<ul style="list-style-type: none"> • Outline student and staff expectations • Ongoing recognition of clean environment • School-wide competition/goals and celebrations • Locks on bathroom doors • Locks on Chromebook carts
Personnel Assignments:	<ul style="list-style-type: none"> • Principal • Staff • Students
Timeframe to Completion:	6/1/2025
Evaluation Criteria:	<ul style="list-style-type: none"> • Daily Monitoring • PBIS/SWIS data • LiveSchool

PATHWAYS CHARTER iLEARN ACADEMY

PHYSICAL ENVIRONMENT	
Goal:	Encourage student pride and take ownership of their school and its surroundings.
Desired Improvements:	<ul style="list-style-type: none"> • Maintain clean campus • •
Resources Required:	<ul style="list-style-type: none"> • Outline student and staff expectations • Ongoing recognition of clean environment •
Personnel Assignments:	<ul style="list-style-type: none"> • Principal • Staff • Students
Timeframe to Completion:	6/1/2025
Evaluation Criteria:	<ul style="list-style-type: none"> • Daily Monitoring

SIERRA VISTA SCHOOL

PHYSICAL ENVIRONMENT	
Goal:	By February 2026, we will increase the cleanliness and deferred maintenance on Sierra Vista campus by increasing communication and collaboration with Eureka School District to decrease the number of multiple duplicate work order requests.
Desired Improvements:	<ul style="list-style-type: none"> • Reduction in work orders submitted • Efficiency in communication between PCOE MOT and EUSD MOT •
Resources Required:	<ul style="list-style-type: none"> • Work order system • Email communication • Staff secretary support
Personnel Assignments:	<ul style="list-style-type: none"> • Principal • Staff • Students
Timeframe to Completion:	1 year - 2/1/2026
Evaluation Criteria:	<ul style="list-style-type: none"> • Number of duplicate work orders • •

.5.2 Personal Characteristics of Students and Staff**HONOUR SCHAPS SCHOOL**

PERSONAL CHARACTERISTICS OF STUDENTS AND STAFF	
Goal:	By February 2026, we will maintain 100% engagement with weekly communication between PCOE staff and probation utilizing MDT notes and briefing discussing student's strengths/concerns.
Desired Improvements:	<ul style="list-style-type: none"> • Consistent and ongoing communication between probation and PCOE • •
Resources Required:	<ul style="list-style-type: none"> • MDT Notes • Briefing Notes • Set meeting times/attendance
Personnel Assignments:	<ul style="list-style-type: none"> • Principal • Staff • Probation
Timeframe to Completion:	1 year -2/1/2026
Evaluation Criteria:	<ul style="list-style-type: none"> • Agenda/Briefing notes • •

PATHWAYS CHARTER iCARE

PERSONAL CHARACTERISTICS OF STUDENTS AND STAFF	
Goal:	Promote and develop inclusivity of diversity on campus
Desired Improvements:	<ul style="list-style-type: none"> • Students to use respectful language towards a diverse staff and peer group • Lessons and soft skills related to open-mindedness, caring, reflective learners • Students to learn and apply real-life skills
Resources Required:	<ul style="list-style-type: none"> • Culturally responsive teaching • Professional Development • Leadership class to collect input from students
Personnel Assignments:	<ul style="list-style-type: none"> • Principal • Staff • Students
Timeframe to Completion:	6/1/2025
Evaluation Criteria:	<ul style="list-style-type: none"> • PAC meetings • SWIS data • CICO data • LiveSchool

PATHWAYS CHARTER iLEARN ACADEMY

PERSONAL CHARACTERISTICS OF STUDENTS AND STAFF	
Goal:	By June 2025, students will self-advocate by using the Stop-Walk-Talk strategy 80% of the time when confronted with unsafe behaviors on campus, which will be monitored via minor SWIS referrals.
Desired Improvements:	<ul style="list-style-type: none"> • Increase of students self-advocating behaviors • Decrease in minor behavior referrals on campus • Increase of parent awareness of Stop-Walk-Talk strategy
Resources Required:	<ul style="list-style-type: none"> • Stop-Walk-Talk lesson plans • Professional Development • Tier 1 PBIS SWIS data analysis
Personnel Assignments:	<ul style="list-style-type: none"> • Principal • Staff • Students
Timeframe to Completion:	June 2025
Evaluation Criteria:	<ul style="list-style-type: none"> • SWIS data • CICO Data

SIERRA VISTA SCHOOL

PERSONAL CHARACTERISTICS OF STUDENTS AND STAFF	
Goal:	By November 2025, students will follow through with the use of the PBIS strategy (respect) 80% or more of the time as measured by student point sheets.
Desired Improvements:	<ul style="list-style-type: none"> • Increase in positive behaviors from students • Decrease in disrespectful behaviors from students • Increase in student engagement for learning
Resources Required:	<ul style="list-style-type: none"> • SWIS data • Point system tracking • PBIS team meeting/attendance • Staff follow through and consistency
Personnel Assignments:	<ul style="list-style-type: none"> • Principal • Staff • Students
Timeframe to Completion:	1 year - 2/1/2026
Evaluation Criteria:	<ul style="list-style-type: none"> • Student point sheets • •

.5.3 School Cultural Improvement**HONOUR SCHAPS SCHOOL**

SCHOOL CULTURAL IMPROVEMENT	
Goal:	By February 2026 85% or more of students will report feeling connected to at least one staff member and confident about their physical safety within the court school by scoring an average score of at least a 3, as measured by the PBIS Climate Survey.
Desired Improvements:	<ul style="list-style-type: none"> • Maintain or increase scores on the PBIS Climate survey • Increase positive relationships with students and staff •
Resources Required:	<ul style="list-style-type: none"> • PBIS School Climate Survey data • •
Personnel Assignments:	<ul style="list-style-type: none"> • Principal • Staff • Students
Timeframe to Completion:	
Evaluation Criteria:	<ul style="list-style-type: none"> • PBIS Climate survey • •

PATHWAYS CHARTER iCARE

SCHOOL CULTURAL IMPROVEMENT	
Goal:	Build connections between students, families, and staff
Desired Improvements:	<ul style="list-style-type: none"> • Leadership class for school-wide PBIS and SEL • Promote school pride and acceptance • Recognize PBIS values through awards, student store, and points • Increased parent involvement
Resources Required:	<ul style="list-style-type: none"> • LiveSchool program • SWIS data • Monthly PBIS awards • ParentSquare for regular communication • Canvas
Personnel Assignments:	<ul style="list-style-type: none"> • Principal • Staff • Students • Families
Timeframe to Completion:	
Evaluation Criteria:	<ul style="list-style-type: none"> • LiveSchool • SWIS data • Aeries logs • PAC Minutes • Canvas data for parent involvement

PATHWAYS CHARTER iLEARN ACADEMY

SCHOOL CULTURAL IMPROVEMENT	
Goal:	To build connections between the school, families, staff, and the community.
Desired Improvements:	<ul style="list-style-type: none"> • Leadership class from school-wide activities • Recognize PBIS values through awards, bobcat shop and points • Promote school pride and acceptance
Resources Required:	<ul style="list-style-type: none"> • LiveSchool • PBIS Bobcat Shop •
Personnel Assignments:	<ul style="list-style-type: none"> • Principal • Staff • Students
Timeframe to Completion:	6/1/2025
Evaluation Criteria:	<ul style="list-style-type: none"> • LiveSchool • SWIS •

SIERRA VISTA SCHOOL

SCHOOL CULTURAL IMPROVEMENT	
Goal:	By February 2026, we will hold 2-4 events or social gatherings on campus per year to promote a positive school culture and continue to build relationships within the school community.
Desired Improvements:	<ul style="list-style-type: none"> • Increased number of community events for parents • Increased parent connection within the school community •
Resources Required:	<ul style="list-style-type: none"> • Timecarding for staff if after contract hours are needed • Planning time • Materials and supplies for activities
Personnel Assignments:	<ul style="list-style-type: none"> • Principal • Staff • Students
Timeframe to Completion:	1 year - 2/1/2026
Evaluation Criteria:	<ul style="list-style-type: none"> • Newsletters - sharing upcoming events • •

.5.4 Social Environment**HONOUR SCHAPS SCHOOL**

SOCIAL ENVIRONMENT	
Goal:	By February 2026 we will decrease SWIS data of school refusal by # and promote positive school attendance and increased engagement.
Desired Improvements:	<ul style="list-style-type: none"> Increased student engagement with academics Improving positive relationships between students and staff •
Resources Required:	<ul style="list-style-type: none"> Access to SWIS data UDL strategies Staff meetings/collaboration
Personnel Assignments:	<ul style="list-style-type: none"> Principal Staff Students
Timeframe to Completion:	1 year - 2/1/2026
Evaluation Criteria:	<ul style="list-style-type: none"> SWIS data • •

PATHWAYS CHARTER iCARE

SOCIAL ENVIRONMENT	
Goal:	Provide positive feedback to students to enforce positive behaviors
Desired Improvements:	<ul style="list-style-type: none"> Tier I and Tier II to address academic and behavioral needs Provide ongoing opportunities for feedback Plan meetings for at-risk students and families to develop goals and supports
Resources Required:	<ul style="list-style-type: none"> Schedules PBIS Intervention Meetings PBIS Tier I Meetings Daily debrief
Personnel Assignments:	<ul style="list-style-type: none"> Principal Staff Students
Timeframe to Completion:	6/1/2025
Evaluation Criteria:	<ul style="list-style-type: none"> SWIS data Meeting notes LiveSchool SART/SARB Contracts TLC refocus data

PATHWAYS CHARTER iLEARN ACADEMY

SOCIAL ENVIRONMENT	
Goal:	Provide positive feedback to students to enforce positive behaviors
Desired Improvements:	<ul style="list-style-type: none"> • Tier I and Tier II to address academic and behavioral needs • Provide ongoing opportunities for feedback • Plan meetings for at-risk student and families to develop goals and supports
Resources Required:	<ul style="list-style-type: none"> • Schedule • PBIS Intervention Meetings • PBIS Tier I Meetings
Personnel Assignments:	<ul style="list-style-type: none"> • Principal • Staff • Students
Timeframe to Completion:	6/1/2025
Evaluation Criteria:	<ul style="list-style-type: none"> • SWIS data • Meeting notes •

SIERRA VISTA SCHOOL

SOCIAL ENVIRONMENT	
Goal:	By February 2026, Olive Ranch staff will implement a monthly newsletter (August -May) sharing current school information as well as upcoming events and community resources
Desired Improvements:	<ul style="list-style-type: none"> • Increased communication between Sierra Vista staff and families • •
Resources Required:	<ul style="list-style-type: none"> • Newsletter - Clerical support - sending through Parent Square
Personnel Assignments:	<ul style="list-style-type: none"> • Principal • Staff •
Timeframe to Completion:	1 year - 2/1/2026
Evaluation Criteria:	<ul style="list-style-type: none"> • Newsletters sent for 2024-2025 and 2025-2026 • •

4.0 Safety Strategies Samples

.1 Introduction

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

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

Safety Strategy #1

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

.2 Preventing & Intervening: Pupil Aggressive Behavior

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

Staff members have received training in conflict resolution and confrontation skills. PCOE uses a comprehensive approach to school violence prevention. Pupils are identified in their school career using measures shown to be highly effective in identifying students with antisocial and aggressive tendencies. These measures include: (a) number of disciplinary referrals to office, (b) observed aggressive behavior, and (c) teacher observation.

.3 Mental Health Programs

PCOE programs contributing to mental health goals include the Drug Alcohol and Tobacco Education (DATE) program and Positive Behavior Intervention and Support (PBIS). In incidences of possible suicide, a school/district psychologist should be contacted.

.4 Professional Development

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

.5 Student Recognition Programs

Schools offer several recognition and award programs as part of the PBIS Program.

School Safety Strategy #2

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

1. The Principal will determine the safest method for evacuating the campus. This may include the use of school buses or simply walking to the designated off-site location. The off-site assembly areas are indicated in the confidential Comprehensive Safe School Plan.
2. Teachers will secure the student roster when leaving the building and take attendance once the class is assembled in a pre-designated safe location.
3. Once assembled off-site, teachers and students will stay in place until further instructions are given.
4. In the event clearance is received from appropriate agencies, the Principal may authorize students and staff to return to the classrooms.

.6 Nondiscrimination & Fair Treatment of Pupils

A major source of conflict in many schools is the perceived or real problem of bias and unfair treatment of students because of ethnicity, gender, race, social class, religion, disability, nationality, sexual orientation, physical appearance, or some other factor. Effective schools convey the attitude that all children can achieve academically and behave appropriately, while at the same time appreciating individual differences. Effective schools communicate to students and the greater community that all children are valued and respected.

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

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

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

The "Parent Student Handbook" is available to each parent/student in the parent portal. This handbook includes information pertaining to student rights to physical safety, to the protection of personal property, to respect from adults, and to be free of discrimination on the basis of gender, race, color, religion, ancestry, national origin, ethnic group, marital or parental status, physical or mental disability, sexual orientation or the perception of one or more of such characteristics. PCOE's policies on nondiscrimination and sexual harassment support these protections and serve to promote the fair treatment of all children.

.7 Discipline Policy & Code

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

PCOE schools use both classroom and school-wide discipline codes that clearly communicate the behavioral expectancies and consequences for pupils. PCOE has developed plans to promote positive behaviors in the playground, lunchroom, hallways, and assembly areas.

Safety Strategy #3

PCOE's administrators, teachers, families, pupils, support staff, and community members recognize and make appropriate use of the early warning signs related to violence, substance abuse, and other at-risk concerns.

.8 Crisis Intervention & Disaster Planning

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

PCOE's confidential Comprehensive Safe School Plan includes information on how to respond to a crisis. Risk factors, response and contingency plans, quick response designs, parent contacts, debriefing, suicide/threat response, violence/aggression response and training/drills to become aware of warning signs are among the areas addressed.

.9 School Accountability Report Card (SARC)

PCOE actively participates in the School Accountability Report Card (SARC) process and recognizes that a safe school continually assesses its progress by identifying problems, collecting information regarding progress toward solutions, and by sharing this information with students, families, and the community at large.

.10 Teacher Notice of Disciplinary History

PCOE shall provide to the administration of each school site information on each pupil who has:

1. During the previous three (3) school years, engaged in any suspendable or expellable act (except E.C 48900 (h))
2. Committed a crime reported to the county office by a family member, local law enforcement Probation Department or Social Services.

This information is used to develop awareness, assigning appropriate discipline consequences, help in allocating resources, and is a factor in determining which services are provided to the pupil or recommended to the parent/guardian.

.11 Gang Affiliation

Gang affiliation and gang activity will not be tolerated at PCOE. The staff shall work closely with local law enforcement regarding all issues and matters that are gang related. Information from the school and the community shall be communicated to the student's parents, if the pupil begins to make gang affiliations.

.12 Gangs & Graffiti

PCOE collaborates with each local law enforcement jurisdiction to enhance its effort to curb gang influence.

.13 Truancy Learning Center/District Attorney Referral

PCOE recognizes the importance of punctuality and regular attendance. The staff shall accurately record attendance for all students. Parents of students with poor attendance will be contacted. Students with poor attendance due to medical issues will be referred to the school nurse or doctor. Should attendance problems continue, official action shall be taken, which could result in a referral to the School Attendance Review Board (SARB), a referral to the Placer County District Attorney's Office with a request for prosecution of the parent and/or the student, or PBIS.

.14 Megan's Law Notification

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

School Safety Strategy #4

Plan(s) and method(s) are available to identify isolated and troubled pupils, help foster positive relationships between school staff and pupils, and promote meaningful parental and community involvement.

.15 Parent/Guardian Involvement

Staff members in effective and safe schools make persistent efforts to involve parents/guardian by informing them about discipline policies, procedures, and rules, and about their children's behavior, both desirable and undesirable; involving them in making decisions concerning school-wide disciplinary policies and procedures; and encouraging them to participate in prevention programs, intervention programs and crisis planning.

1. Effectively uses the School Safety Committee and PBIS
2. Notifies parents about and encourages participation in parenting programs.
3. Has established a school visitation procedure.
4. Provides a newsletter to parents.
5. Uses the School Accountability Report Card (SARC) as a procedure to communicate to parents.
6. Provides several opportunities for Teacher-Parent Conferences.
7. Maintains an effective Homework Policy

.16 Parent Training: Promoting the Use of Community Resources

PCOE advocates for the provision of community resources to help maximize the development of positive behavior and the suppression of antisocial behavior. Such training promises to maximize the parent's contribution to academic excellence and noteworthy social development.

.17 Community Linkages

When working with parents and students with specific issues, PCOE staff will provide information to the families regarding available community resources. Staff shall work closely with recognized local city, county and state agencies to seek assistance.

School Safety Strategy #5

Employees use unique strategies to promote school safety.

.18 Campus Disturbances & Crimes

PCOE recognizes that campus disturbances and crimes may be committed by visitors and outsiders to the campus. Several steps have been taken to protect the school, staff, and pupils from safety threats by individuals visiting the campus area. In addition, disputes often occur because of parental custody disputes.

.19 Visitors & Disruptions to Educational Process

School site administrators are aware of the laws, policies and procedures, which govern the conduct of visitors to the school campus. PCOE uses continuing efforts to minimize the number of campus entrance and exit points used daily. Access to school grounds is limited and supervised on a regular basis by individuals, such as the campus supervisor; staff familiar with the student body. Campus traffic, both pedestrian and vehicular, flows through areas that can be easily and naturally supervised. Delivery entrances used by vendors are also checked regularly. Most campuses have perimeter fencing when appropriate.

To ensure the safety of pupils and staff and avoid potential disruptions, all visitors to the campus, except pupils of the school and staff members, must register immediately upon entering any school building or grounds when school is in session.

PCOE has established a visible means of identification for visitors while on school premises (i.e. tag). Furthermore, the principal or designee or campus supervisor may direct an individual to leave school grounds

if he/she has a reasonable basis for concluding that the person is committing an act that is likely to interfere with the peaceful conduct of school activities or that the person has entered the campus with the purpose of committing such an act.

Law enforcement is immediately contacted for individuals engaging in threatening conduct, including disturbing the peace.

School Safety Strategy #6

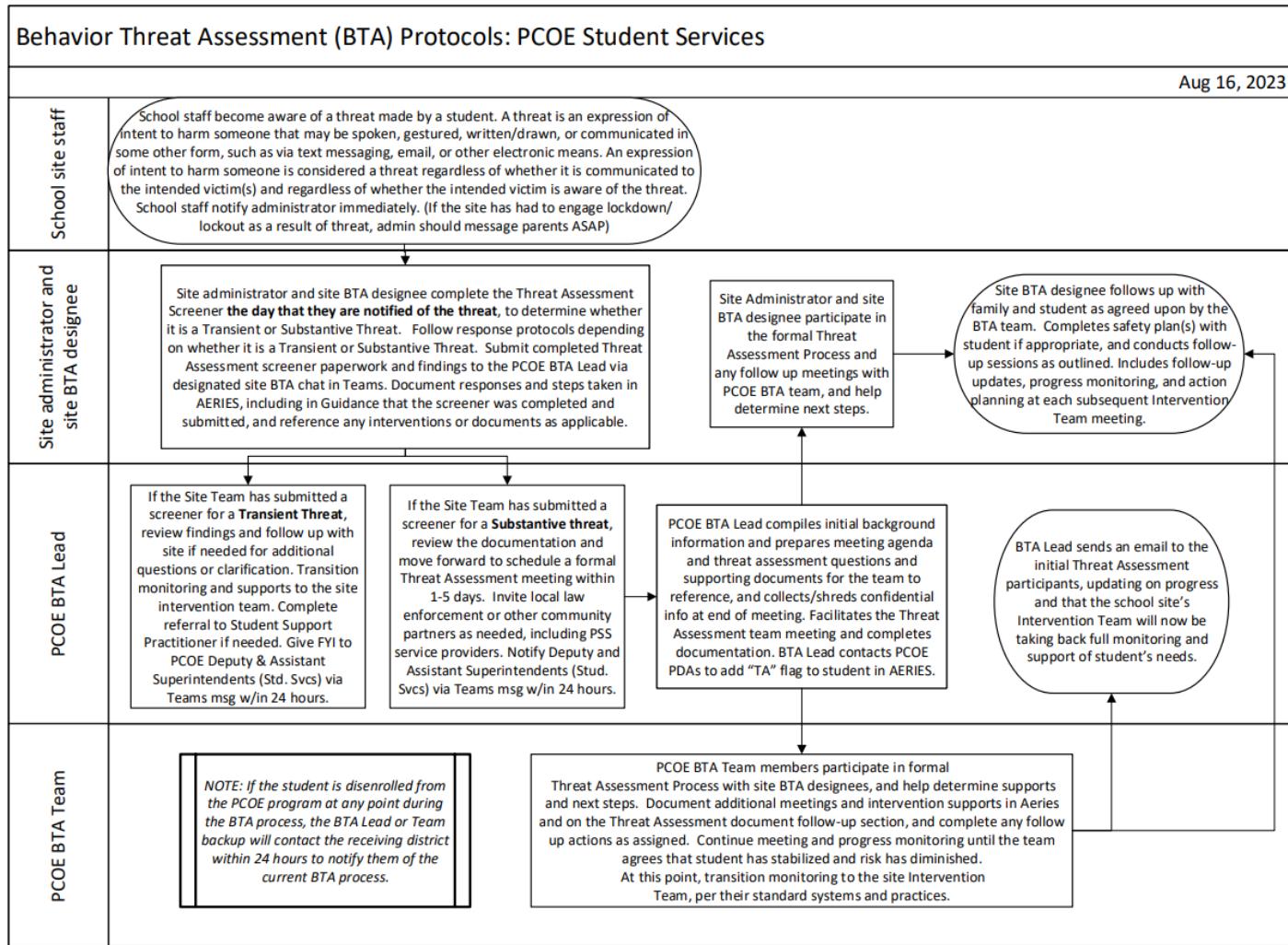
At PCOE schools, effective procedures will be followed to maintain a safe physical plant and school site.

.20 Enhancing Physical Safety Practices

Schools can enhance physical safety by conducting a building safety audit. Additionally, schools can enhance physical safety by adjusting traffic flow patterns to limit potential for conflicts or altercations. Schools can enhance physical safety by having adults visibly present throughout the school building. This includes encouraging parents to visit the school.

1. PCOE operates closed campuses, where pupils must have permission to leave the campus during school hours.
2. PCOE has closed off all unused stairwells and avoids leaving areas of the school unused;
3. PCOE has minimized blind spots around the school facilities.
4. PCOE schools have purchased and uses parabolic/convex mirrors by portable classrooms and in critical hall areas permitting staff to see around corners.
5. Sierra Vista prohibits posters in classroom windows.
6. PCOE has installed an alarm system (and/or) a closed-circuit television monitoring system.
7. PCOE has set a priority to keep buildings clean and maintained.
8. PCOE has located its playground equipment where it is easily observed.
9. PCOE has limited roof access by keeping dumpsters away from building walls.
10. PCOE has covered drainpipes so they cannot be climbed.
11. PCOE limits decorative hedges and plants all new trees at least ten feet from buildings.
12. PCOE keeps trees and shrubs closely trimmed to limit outside hiding places for people or weapons.
13. PCOE keeps the school grounds free of gravel or loose rock surfaces.
14. PCOE has designed its parking lots to discourage through traffic and to slow vehicles proceeding through the parking lot.
15. PCOE ensures vehicle access around the building(s) for night surveillance and emergency vehicles.
16. PCOE keeps a complete list of staff members who have keys to building(s).
17. PCOE does not allow graffiti to remain on walls.
18. PCOE provides maximum supervision in heavy traffic areas.
19. PCOE has established two-way communication between the front office and each classroom.

.21 Behavior Threat Assessment Protocols



.22 Protocol for Suspected Opioid Overdose

1. Assess the Situation:
 - a. Ensure responding safety first
 - b. Assess the person for signs of overdose, such as unresponsiveness, slow or irregular breathing, pinpoint pupils, and pale or clammy skin
2. Call for Help:
 - a. Dial emergency services (911 or your local emergency number) immediately
 - b. Provide clear and concise information about the situation and the person's condition
3. Administer Naloxone (if available):
 - a. Naloxone is a medication that can temporarily reverse the effects of opioid overdose. If you have access to naloxone, administer it according to the provided instructions
4. Stay with the Person:
 - a. Stay with the person until emergency medical professionals arrive
 - b. Monitor the person's vital signs and be prepared to administer additional doses of naloxone if necessary
5. Provide Information:
 - a. When emergency services arrive, provide information about the person's condition, any substances used, and any known medical history
6. Perform Rescue Breathing:
 - a. Use universal precautions like gloves and breathing shield

- b. If the person is not breathing or breathing is inadequate, start rescue breathing. Ensure the airway is clear, and give breaths every 5-6 seconds
- 7. Follow Up:
 - a. After the person receives medical attention, complete student incident report
 - b. Complete naloxone administration information
 - c. Notify school nurse, school administration and central office administration
 - d. Encourage the person to seek further medical assistance and support for substance use disorder

.23 Disabilities Education Act

For the purposes of this section, students with special needs are those who cannot comfortably or safely access and use the standard resources offered in disaster preparedness, relief and recovery, whether their disability is chronic or temporary. For individuals with special needs, physical environments become a great deal more hostile and difficult to deal with during and after an emergency. The ability to get to accessible exits and personal items may be reduced. To comply with statutes involving students with special needs, individuals responsible for evacuation and emergency operation plans, notification protocols, shelter identification, emergency medical care, and other emergency response and recovery programs must:

1. Have sound working knowledge of the accessibility and nondiscrimination requirements applicable under Federal disability rights laws
2. Know the special needs demographics of the students attending classes on site
3. Involve students with different types of disabilities and staff/teachers in identifying the communication and transportation needs, accommodations, support systems, equipment, services, and supplies that they will need during an emergency
4. Consider emergency accommodations for those with temporary disabilities
5. Identify existing resources within the school and local community that meet the special needs of these students
6. Develop new community partners and resources, as needed
7. Inform parents about the efforts to keep their child safe at school
8. Identify medical needs and make appropriate plans
9. Determine transportation needs, special vans and buses for students
10. Identify any necessary tools such as personal response plans, evacuation equipment or visual aids
11. Include local responders and, as appropriate, assist in establishing a relationship between first responders and individual students with disabilities and their educational support staff

Americans with Disabilities Act (ADA) Considerations

Emergency preparedness and response programs must be made accessible to individuals with access and functional needs as required by the Americans with Disabilities Act of 1990 (ADA). Access and functional needs populations may have additional needs before, during, and after an emergency in functional areas, including but not limited to:

1. Maintaining independence, communication, transportation, supervision, and medical care.

Included in planning efforts for those with access and functional needs are notification supervision, medical and care protocols, evacuation considerations, emergency transportation issues, sheltering considerations, accessibility to the PreK - 8 School Emergency Operations Procedures, medications, accessibility to mobility devices while in transit or sheltering, and accessibility to information.

Emergency Preparedness for Students with Disabilities

2. Evacuation
 - a. Are all evacuation routes (on and off-campus) clearly marked and navigable by students who use a wheelchair, walker, cane, or have limited mobility/visual impairments?
 - b. Does the student attend class/activities upstairs and have a physical disability that makes it difficult to negotiate stairs?
 - c. Plan for Evacuation Assistance:
 1. Stay calm
 2. Explain what is happening and what students need to do even if you think they don't understand
 3. Make sure all staff members know what to do
 4. Know the students, their needs and fragilities
 5. Pre-identify and train three (3) rescuers (and back-ups for each rescuer) for every student needing assistance
 6. Evacuate necessary equipment with students and keep it ready to go by the door
 7. Rescuers and students must practice and participate fully in all emergency drills
 - d. Mobility Disabilities Evacuation
 1. Demonstrate to staff how to evacuate wheelchairs
 2. Evaluate which methods will work best for your individual students
 3. Devices can be used to assist multiple students, if necessary
 - e. Moderate/Severe Special Day Class (SDC) Evacuation
 1. Speech calmly
 2. Speak in short, clear phrases
 3. Extra practice helps students gain familiarity with the evacuation route
 4. Gain students' attention
 5. Communicate (verbal, visual, modeling) hazards as you guide
 6. Allow extra processing time for response
 7. Consider tactile strips along the evacuation route
 8. Account for unaccompanied students immediately in an emergency
 9. Alarm tones can be painful for those with hearing aids - Students can be reminded to turn them down until alarms are turned off. Remember to tell them to turn the hearing aids back up
 10. Increase supervision, if possible
 11. Check for injuries, if appropriate
 12. If possible/feasible, allow students to bring comfort items, such as a favorite hat, toy, or electronic device
 13. Ensure emergency supply bag/backpack is accessible and clearly marked (backpacks are recommended for carrying supplies to keep hands free)
 14. Have extra supplies in emergency bin and check expiration dates (for items such as PediaSure and formula)
 15. Take care moving oxygen as it is pressurized and secure tanks once moved
 16. Have diapers, gloves, bags, sanitary pads, sanitizer, and wipes in bin
3. Earthquake
 - a. Does the student have a physical disability that makes getting under a desk difficult?
 1. Lock/Cover/Hold on instead of Drop/Cover/Hold on
 2. Roll wheelchair into an area of the classroom with structural protection
 3. Lock wheels
 4. Cover head and eyes to the best of your ability
 5. Rescuers need to Drop/Cover/Hold on
4. Transportation/Relocation

- a. Know what type and number of specialized buses you may need for transportation
- b. Talk with families about their plan to pick up their child in a disaster. Do they have the necessary transportation? If not, you may have those students for a longer period of time

.24 Closing Statement

A PCOE Safety Committee has been established across school sites to review, analyze and update the Comprehensive Safe School Plan (CSSP) for the Placer County Office of Education's (PCOE's) educational programs. The PCOE Safety Committee consists of an accessible core group who have the knowledge and skills to assess the safety needs of each campus and includes the site administrator, classified and certificated staff, parent involvement, and in some cases student involvement. Additionally, local law enforcement was enlisted to consult and review the CSSPs.

5.0 School Safety Compliance - PCOE Policies



Gayle Garbolino-Mojica
County Superintendent of Schools
Placer County Office of Education
360 Nevada Street, Auburn

Book

PCOE Policies

Section

Business and Non-instructional Operations

Title

Emergencies and Disaster Preparedness Plan

Code

3516 Board Policy

Status

Active

Adopted

June 12, 2008

Last Revised

August 12, 2021

The County Board and County Superintendent recognize that all County Office staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and threats of disaster. The County Office shall take all reasonable steps to prevent and/or mitigate the impact of a disaster on County Office students, staff, and schools.

The County Superintendent or designee shall develop and maintain a disaster preparedness plan which contains routine and emergency disaster procedures, including, but not limited to, earthquake emergency procedures, and adaptations for individuals with disabilities in accordance with the Americans with Disabilities Act. Such procedures shall be incorporated into the comprehensive school safety plan.

In developing the disaster preparedness plan, the County Superintendent or designee shall involve County Office staff at all levels, including administrators, facilities managers, school nurses, teachers, classified employees, and public information officers. As appropriate, he/she shall also collaborate with law enforcement, fire safety officials, emergency medical services, health and mental health professionals, parents/guardians, and students.

The plan shall comply with state-approved Standardized Emergency Management System (SEMS) guidelines established for multiple-jurisdiction or multiple-agency operations and with the National Incident Management System.

The County Superintendent or designee shall provide training to employees regarding their responsibilities, including periodic drills and exercises to test and refine staff's responsiveness in the event of an emergency.

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

County Office employees are considered disaster service workers and are subject to disaster service activities assigned to them.

Legal Reference:

EDUCATION CODE

32001 Fire alarms and drills

32040 Duty to equip school with first aid kit

32280-32289 School safety plans

32290 Safety devices

39834 Operating overloaded bus

46390-46392 Emergency average daily attendance in case of disaster

49505 Natural disaster; meals for homeless students; reimbursement

CIVIL CODE

1714.5 Release from liability for disaster service workers and shelters

GOVERNMENT CODE

3100-3109 Public employees as disaster service workers; oath or affirmation

8607 Standardized emergency management system

CALIFORNIA CONSTITUTION

Article 20, Section 3 Oath or affirmation

CODE OF REGULATIONS, TITLE 5

550 Fire drills

560 Civil defense and disaster preparedness plans

CODE OF REGULATIONS, TITLE 19

2400-2450 Standardized emergency management system

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

Adopted: June 12, 2008

Revised: August 12, 2021



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3516 Board Regulation
Status
Active
Adopted
June 12, 2008

In the event of a disaster or emergency requiring the use of PCOE facilities for care and/or shelter, the County Board shall grant emergency use of PCOE facilities following an emergency meeting which consistent with the California open meetings law, may be held without public notice or posting of the meeting agenda. In the event the Board is unable to meet, the County Superintendent shall decide whether to permit the use of PCOE facilities for care and/or shelter during an emergency or disaster.

Legal Reference:
Government Code
54956.5 Emergency Meetings

Approved: June 12, 2008



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Code

3516 Superintendent Policy

Status

Active

Adopted

June 12, 2008

The County Superintendent or designee shall develop and maintain a disaster preparedness plan which details provisions for handling all emergencies and disasters and which shall be included in the comprehensive school safety plan prepared by the County Superintendent.

The County Superintendent or designee shall use state-approved Standardized Emergency Management System guidelines when updating administrative office and site-level emergency and disaster preparedness plans.

Legal Reference:

32001 Fire alarms and drills

32040 Duty to equip

school with first aid kit 32281 Comprehensive school safety plans

32282 Use of school buildings, grounds and equipment during disasters or emergencies 3288 Approval of school safety plan

38132 Mass care and welfare shelters 39834 Operating overloaded bus

46390-46392 Emergency average daily attendance in case of disaster 49505 Natural disaster; meals for homeless students; reimbursement 3100 Public employees as disaster service workers

CODE OF REGULATIONS, TITLE 5

2 Definition of governing board 550 Fire drills

560 Civil defense and disaster preparedness plans CODE OF REGULATIONS, TITLE 19

2400-2450 Standardized emergency management system

Management Resources:

CSBA PUBLICATIONS

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

2001 CDE PROGRAM ADVISORIES

0224.94 Contingency Planning for School Campus Emergencies, CIL: 93/94-04 GOVERNOR'S OFFICE OF
EMERGENCY SERVICES

Standardized Emergency Management System (SEMS) Guidelines, March 1995

SEMS Approved Course of Instruction, March 1995

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information

on Crisis Planning: A Guide for Schools and Communities, May 2003 Early Warning, Timely Response: A Guide to
Safe Schools, August 1998

WEB SITES

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

American Red Cross: <http://www.redcross.org>

California Department of Education, Crisis Preparedness: <http://www.cde.ca.gov/ls/ss/cp> California Office
of Emergency Services: <http://www.oes.ca.gov>

California Seismic Safety Commission: <http://www.seismic.ca.gov> Federal
Bureau of Investigation: <http://www.fbi.gov>

Federal Emergency Management Agency: <http://www.fema.gov>

U.S. Department of Education, Emergency

Planning: <http://www.ed.gov/admins/lead/safety/emergencyplan/index.html>

U.S. Department of Homeland Security: <http://www.dhs.gov/dhspublic>

Adopted: June 12, 2007



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3516 Superintendent Regulation

Status

Active

Adopted

June 12, 2008

Last Revised

June 15, 2021

Components of the Plan

The County Superintendent or designee shall ensure that County Office and/or school site plans address, at a minimum, the following types of emergencies and disasters:

1. Fire on or off school grounds which endangers students and staff
2. Earthquake, flood, or other natural disasters
3. Environmental hazards, such as leakages or spills of hazardous materials
4. Attack or disturbance, or threat of attack or disturbance, by an individual or group
5. Bomb threat or actual detonation
6. Biological, radiological, chemical, and other activities, or heightened warning of such activities
7. Medical emergencies and quarantines, such as a pandemic influenza outbreak

The County Superintendent or designee shall ensure that the County Office's procedures include strategies and actions for prevention/mitigation, preparedness, response, and recovery, including, but not limited to, the following:

1. Regular inspection of school and agency facilities and equipment, identification of risks, and implementation of strategies and measures to increase the safety and security of school facilities
2. Instruction for County Office staff and students regarding emergency plans, including:
 - a. Training of staff in first aid and cardiopulmonary resuscitation
 - b. Regular practice of emergency procedures by students and staff
3. Specific determination of roles and responsibilities of staff during a disaster or other emergency, including determination of:
 - a. The appropriate chain of command at the County Office and, if communication between the central office and site is not possible, at each site
 - b. Individuals responsible for specific duties
 - c. Designation of the principal for the overall control and supervision of activities at each school during an emergency, including authorization to use his/her discretion in situations which do not permit execution of prearranged plans
 - d. Identification of at least one person at each site who holds a valid certificate in first aid and cardiopulmonary resuscitation
 - e. Assignment of responsibility for identification of injured persons and administration of first aid
4. Personal safety and security, including:
 - a. Identification of areas of responsibility for the supervision of students
 - b. Procedures for the evacuation of students and staff, including posting of evacuation routes
 - c. Procedures for the release of students, including a procedure to release students when reference to the emergency card is not feasible
 - d. Provision of a first aid kit to each classroom
 - e. Arrangements for students and staff with special needs
 - f. Upon notification that a pandemic situation exists, adjustment of attendance policies for students and sick leave policies for staff with known or suspected pandemic influenza or other infectious disease
5. Closure of schools, including an analysis of:
 - a. The impact on student learning and methods to ensure continuity of instruction
 - b. How to provide for continuity of operations for essential central office functions, such as payroll and ongoing communication with students and parents/guardians
6. Communication among staff, parents/guardians, the County Board, other governmental agencies, and the media during an emergency, including:
 - a. Identification of spokesperson(s)
 - b. Development and testing of communication platforms, such as hotlines, telephone trees, web sites, social media, and electronic notifications

- c. Development of methods to ensure that communications are, to the extent practicable, in a language and format that is easy for parents/guardians to understand
- d. Distribution of information about County Office and school site emergency procedures to staff, students, and parents/guardians

7. Cooperation with other state and local agencies, including:

- a. Development of guidelines for law enforcement involvement and intervention
- b. Collaboration with the local health department, including development of a tracking system to alert the local health department of a substantial increase of student or staff absenteeism as indicative of a potential outbreak of an infectious disease

8. Steps to be taken after the disaster or emergency, including:

- a. Inspection of school facilities
- b. Provision of mental health services for students and staff, as needed

Approved: June 12, 2008

Revised: June 15, 2021



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Personnel
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Exposure Control Plan for Bloodborne Pathogens
Code
4119.42 Superintendent Policy
Status
Active
Adopted
September 29, 2020

As part of its commitment to provide a safe and healthy work environment, the County Superintendent recognizes the importance of protecting employees from possible infection due to contact with bloodborne pathogens, including, but not limited to, hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV). The County Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace.

The exposure control plan shall be consistent with the County Office's injury and illness prevention program established pursuant to Labor Code 6401.7 and 8 CCR 3203. (8 CCR 5193)

The County Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the County Office's exposure control plan, employees having occupational exposure shall receive training and be offered the hepatitis B vaccination. (8 CCR 5193; 29 CFR 1910.1030)

Any employee not identified by the County Superintendent or designee as having occupational exposure may submit a request to the County Superintendent or designee to be included in the training and hepatitis B vaccination program. The County Superintendent or designee may deny a request when there is no reasonable anticipation of contact with any infectious material.

In the event that an employee has an exposure incident, the County Office shall implement follow-up procedures in accordance with the exposure control plan. All such incidents shall be evaluated to determine whether changes need to be made in County Office practices.

Legal Reference:
GOVERNMENT CODE

3543.2 Scope of bargaining

LABOR CODE

142.3 Authority of Cal/OSHA to adopt standards

144.7 Requirement to amend standards

6401.7 Injury and illness prevention program

CODE OF REGULATIONS, TITLE 8

3203 Injury and illness prevention program

3204 Access to employee exposure and medical records

5193 California bloodborne pathogens standards

CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 OSHA bloodborne pathogens standards

Management Resources:

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Frequently Asked Questions About the Bloodborne Pathogens Standard

A Best Practices Approach for Reducing Bloodborne Pathogens Exposure, 2001

Exposure Control Plan for Bloodborne Pathogens, 2001

WEB SITES

California Department of Industrial Relations, Occupational Safety and Health:

http://www.dir.ca.gov/occupational_safety.html

Centers for Disease Control and Prevention: <http://www.cdc.gov>

U.S. Department of Labor, Occupational Safety and Health Administration: <http://www.osha.gov>

Approved: September 29, 2020



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Book
PCOE Policies
Section
Personnel
Title
Exposure Control Plan for Bloodborne Pathogens
Code
4119.42 Superintendent Regulation
Status
Active
Adopted
September 29, 2020

Definitions

Occupational exposure means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. (8 CCR 5193; 29 CFR 1910.1030)

Exposure incident means a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties. (8 CCR 5193; 29 CFR 1910.1030)

Parenteral contact means piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, and abrasions. (8 CCR 5193; 29 CFR 1910.1030)

A sharp is any object that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident. (8 CCR 5193)

A sharps injury is any injury caused by a sharp, including, but not limited to, cuts, abrasions, or needle sticks. (8 CCR 5193)

Work practice controls are controls that reduce the likelihood of exposure by defining the manner in which a task is performed. (8 CCR 5193; 29 CFR 1910.1030)

Engineering controls are controls, such as sharps disposal containers, needleless systems, and sharps with engineered sharps injury protection, that isolate or remove the bloodborne pathogens hazard from the workplace. (8 CCR 5193; 29 CFR 1910.1030)

Engineered sharps injury protection is a physical attribute, such as a barrier, blunting, encapsulation, withdrawal, or other effective mechanism, built into a needle device or into a non-needle sharp which effectively reduces the risk of an exposure incident. (8 CCR 5193; 29 CFR 1910.1030)

Personal protective equipment is specialized clothing or equipment worn or used by an employee for protection against a hazard, such as gloves, gowns, laboratory coats, face shields or masks. (8 CCR 5193)

Exposure Control Plan

The County Office's written exposure control plan for bloodborne pathogens shall contain at least the following components: (8 CCR 5193; 29 CFR 1910.1030)

1. A determination of which employees have occupational exposure to blood or other potentially infectious materials, which shall be made without regard to employees' use of personal protective equipment and shall include a list of:
 - a. All job classifications in which all employees have occupational exposure
 - b. Job classifications in which some employees have occupational exposure
 - c. All tasks and procedures, or groups of closely related tasks and procedures, in which occupational exposure occurs and which are performed by employees listed in item #1b above
2. The schedule and method of implementing each of the following in accordance with 8 CCR 5193 and this administrative regulation:
 - a. Methods of compliance required by 8 CCR 5193(d) and 29 CFR 1910.1030, including universal precautions, general and specific engineering and work practice controls, and personal protective equipment
 - b. Hepatitis B vaccination
 - c. Bloodborne pathogen post-exposure evaluation and follow-up
 - d. Communication of hazards to employees through information and training
 - e. Recordkeeping, including medical records, training records, and a log of sharps injuries
3. The County Office's procedure for documenting the route(s) of exposure and the circumstances under which exposure incidents occurred
4. An effective procedure for gathering information about each exposure incident involving a sharp
5. An effective procedure for periodically determining the frequency of use of the types and brands of sharps involved in exposure incidents
6. An effective procedure for identifying currently available engineering controls and selecting such controls, as appropriate, for the procedures performed by employees in their work areas or departments
7. An effective procedure for documenting instances when a licensed healthcare professional directly involved in an employee's care determines that the use of an engineering control would jeopardize the employee's safety or the success of a medical, dental, or nursing procedure involving the employee
8. An effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed by employees in their respective work areas or departments

The exposure control plan shall be reviewed and updated at least annually and whenever necessary to: (8 CCR 5193; 29 CFR 1910.1030)

1. Reflect new or modified tasks and procedures affecting occupational exposure
2. Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens and, to the extent that sharps are used in the County Office, document consideration and implementation of appropriate commercially available needleless systems and needle devices and sharps with engineered sharps injury protection
3. Include new or revised employee positions with occupational exposure
4. Review and evaluate the exposure incidents which occurred since the previous update
5. Review and respond to information indicating that the exposure control plan is deficient in any area

The County Office's exposure control plan shall be accessible to employees upon request. (8 CCR 3204(e), 5193; 29 CFR 1910.1030)

Preventive Measures

The County Superintendent or designee shall use engineering controls and work practice controls, as defined above, to eliminate or minimize employee exposure to bloodborne pathogens. Engineering controls and work practice controls shall be evaluated on a regular schedule and, as applicable, maintained, replaced, or updated to ensure their effectiveness. (8 CCR 5193; 29 CFR 1910.1030)

Whenever potential occupational exposure continues to exist after institution of engineering and work practice controls, the County Office shall provide, at no cost to the employee, appropriate personal protective equipment. (8 CCR 5193; 29 CFR 1910.1030)

Employees shall observe universal precautions to prevent contact with blood or other potentially infectious materials, including, but not limited to, handwashing, proper use of personal protective equipment, and proper disposal or washing of contaminated garments or objects. (8 CCR 5193; 29 CFR 1910.1030)

Any use of needleless systems, needle devices, or non-needle sharps shall adhere to the specific requirements of 8 CCR 5193(d) and 29 CFR 1910.1030.

Pre-Exposure Hepatitis B Vaccination

The hepatitis B vaccination and vaccination series shall be made available at no cost to all employees who have occupational exposure. The hepatitis B vaccination shall be made available after an employee with occupational exposure has received the required training and within 10 working days of initial assignment, unless the employee has previously received the complete hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or vaccination is contraindicated for medical reasons. (8 CCR 5193; 29 CFR 1910.1030)

Employees who decline to accept the vaccination shall sign the hepatitis B declination statement. (8 CCR 5193; 29 CFR 1910.1030)

The County Superintendent or designee may exempt from the pre-exposure hepatitis B vaccine designated first aid providers whose primary job assignment is not the rendering of first aid, provided that the County Office implements the procedures in its exposure control plan for providing hepatitis B vaccine to all unvaccinated first aid providers who have rendered assistance in any situation involving the presence of blood or other potentially infectious materials and provides appropriate follow-up for those who experience an exposure incident. (8 CCR 5193)

Training

The County Superintendent or designee shall ensure that all employees with occupational exposure participate in a training program at the time of initial assignment to tasks where occupational exposure may take place and at least

annually thereafter. The training shall be offered during working hours and at no cost to the employee. (8 CCR 5193; 29 CFR 1910.1030)

The training shall address, at a minimum: (8 CCR 5193; 29 CFR 1910.1030)

1. The exposure control standard contained in 8 CCR 5193 and 29 CFR 1910.1030
2. The epidemiology and symptoms of bloodborne diseases
3. Modes of transmission of bloodborne pathogens
4. The County Office's exposure control plan and the means by which employees may obtain a copy of the written plan
5. Appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials
6. The use and limitations of methods to prevent or reduce exposure, including appropriate engineering controls, administrative or work practice controls, and personal protective equipment
7. The types, proper use, location, removal, handling, decontamination, and disposal of personal protective equipment
8. The basis for selecting personal protective equipment
9. The hepatitis B vaccine, including its efficacy, safety, and method of administration; the benefits of being vaccinated; and that the vaccine will be offered free of charge
10. Appropriate actions to take and persons to contact in an emergency or exposure incident involving blood or other potentially infectious materials
11. The post-exposure evaluation and follow-up that the County Office is required to provide for the employee following an exposure incident

Additional training shall be provided to affected employees whenever a change, such as the introduction or modification of tasks or procedures or the introduction of new engineering, administrative, or work practice controls, affects the employee's exposure. The additional training may be limited to addressing the new exposures created. (8 CCR 5193; 29 CFR 1910.1030)

Designated first aid providers shall receive training that includes the specifics of reporting first-aid incidents which involve blood or body fluids which are potentially infectious. (8 CCR 5193)

Reporting Incidents

All exposure incidents shall be reported as soon as possible to the County Superintendent or designee.

Unvaccinated designated first aid providers must report any first aid incident involving the presence of blood or other potentially infectious material, regardless of whether an exposure incident occurred, by the end of the work shift. The full hepatitis B vaccination series shall be made available to such employees no later than 24 hours after the first aid incident. (8 CCR 5193)

Sharps Injury Log

The County Superintendent or designee shall establish and maintain a log recording each exposure incident involving a sharp. (8 CCR 5193; 29 CFR 1910.1030)

The exposure incident shall be recorded within 14 working days of the date the incident is reported to the County Office. (8 CCR 5193)

The information recorded shall include the following, if known or reasonably available: (8 CCR 5193; 29 CFR 1910.1030)

1. Date and time of the exposure incident
2. Type and brand of sharp involved in the exposure incident
3. A description of the exposure incident, including:
 - a. Job classification of the exposed employee
 - b. Department or work area where the exposure incident occurred
 - c. The procedure that the exposed employee was performing at the time of the incident
 - d. How the incident occurred
 - e. The body part involved in the incident
 - f. If the sharp had engineered sharps injury protection, whether the protective mechanism was activated and whether the injury occurred before, during, or after the protective mechanism was activated
 - g. If the sharp had no engineered sharps injury protection, the injured employee's opinion as to whether and how such a mechanism could have prevented the injury
 - h. The employee's opinion about whether any other engineering, administrative, or work practice could have prevented the injury

Post-Exposure Evaluation and Follow-up

Following a report of an exposure incident, the County Superintendent or designee shall immediately make available to the exposed employee, at no cost, a confidential medical evaluation, post-exposure evaluation, and follow-up. The County Superintendent or designee shall, at a minimum: (8 CCR 5193; 29 CFR 1910.1030)

1. Document the route(s) of exposure and the circumstances under which the exposure incident occurred
2. Identify and document the source individual, unless that identification is not feasible or is prohibited by law
3. With the consent of the exposed employee, provide for the collection and testing of the employee's blood for hepatitis B, hepatitis C, and HIV serological status
4. Provide for post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service
5. Provide for counseling and evaluation of reported illnesses

The County Superintendent or designee shall provide the health care professional responsible for the employee's hepatitis B vaccination with a copy of 8 CCR 5193 and 29 CFR 1910.1030; a description of the employee's duties as they relate to the exposure incident; documentation of the route(s) of exposure and circumstances under which exposure occurred; results of the source individual's blood testing, if available; and all medical records maintained by the County Office relevant to the appropriate treatment of the employee, including vaccination status. (8 CCR 5193; 29 CFR 1910.1030)

The County Office shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation. (8 CCR 5193)

Records

Upon an employee's initial employment and at least annually thereafter, the County Superintendent or designee shall inform employees with occupational exposure of the existence, location, and availability of related records; the person responsible for maintaining and providing access to records; and the employee's right of access to these records. (8 CCR 3204)

The County Office shall maintain a medical record of each employee with occupational exposure, including the employee's hepatitis B vaccination status, the results of any post-exposure medical examinations and follow-up procedures, a copy of the information provided to the health care professional, and a copy of the health care professional's written opinion. The medical record shall be kept confidential and not disclosed or reported without the employee's written consent to any person within or outside the workplace except as required by law. (8 CCR 5193; 29 CFR 1910.1030)

Upon request by an employee, or a designated representative with the employee's written consent, the County Superintendent or designee shall provide access to a record in a reasonable time, place, and manner, no later than 15 days after the request is made. (8 CCR 3204)

Records shall be maintained as follows: (8 CCR 3204, 5193; 29 CFR 1910.1030)

1. The medical records of each employee with occupational exposure shall be maintained for the duration of employment plus 30 years.
2. Training records shall be maintained for three years from the date of training.
3. The sharps injury log shall be maintained five years from the date the exposure incident occurred.
4. Exposure records shall be maintained for at least 30 years.
5. Each analysis using medical or exposure records shall be maintained for at least 30 years.

Approved: September 29, 2020



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Book
PCOE Policies
Section
Students
Title
Bullying
Code
5131.2 Board Policy
Status
Active
Adopted
October 9, 2014
Last Revised
December 19, 2019

The County Board and the County Superintendent recognize the harmful effects of bullying on student well-being, student learning and school attendance and desire to provide safe school learning environments that protect students from physical and emotional harm.

No individual or group shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.

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

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

As provided for in Superintendent Regulation 5131.2a, the County Office shall educate students about the negative impact of bullying other students based on their actual or perceived immigration status or religious beliefs and customs. (Education Code 234.7)

Legal Reference:
EDUCATION CODE
200-262.4 *Prohibition of discrimination*

32282 Comprehensive safety plan

32283.5 Bullying; online training

48900-48925 Suspension or expulsion

52066-52077 Local control and accountability plan

PENAL CODE

422.55 Definition of hate crime

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

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

653.2 Electronic communication devices, threats to safety

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 Designation of responsible employee for Section 504

106.8 Designation of employee for Title IX

110.25 Notification of nondiscrimination on the basis of age

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

COURT DECISIONS

Wynar v. Douglas County School District, (2013) 728 F.3d 1062

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 109

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

Management Resources:

CSBA PUBLICATIONS

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

Final Guidance Regarding Transgender Students, Privacy and Facilities, February 2014

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

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools: K-12, 2008

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

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

Dear Colleague Letter: Harassment and Bullying, October 2010

Adopted: October 9, 2014

Revised: June 21, 2018

Revised: December 19, 2019



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Book
PCOE Policies
Section
Students
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Bullying
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5131.2 Superintendent Regulation
Status
Active
Adopted
December 17, 2019

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

Definitions

Bullying is an unwanted, aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and involves repetition or potential repetition of a deliberate act.

Bullying is any physical or verbal act or conduct by an individual or group of individuals, including communications made in writing or electronically, that a student has or may reasonably be predicted to experience fear of harm to their person or property, a detriment to their physical or mental health, an interference with their academic performance or with their ability to participate in or benefit from the services, activities or privileges provided by a school or county office program.

Cyberbullying is the creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

Examples of the types of conduct that may constitute bullying and are prohibited by the County Office include:

1. Physical bullying that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures

2. Verbal bullying that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm
3. Social/relational bullying that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public
4. Cyberbullying, such as sending demeaning or hateful text messages or emails, sending rumors by email or by posting on social networking sites, or posting embarrassing photos, videos, web site, or fake profiles

Bullying Prevention

To the extent possible, county office schools and programs shall focus on the prevention of bullying by establishing clear rules for student conduct and implementing strategies to promote a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of county office and school or site rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying. In addition, students shall be encouraged to notify school staff when they are being bullied or when they suspect that another student is being bullied. The County Office shall provide the means by which students may report threats or incidents confidentially and anonymously.

Student Instruction

As appropriate, the county office shall provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior. Such instruction shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff shall be expected to demonstrate effective problem-solving and anger management skills.

To discourage cyberbullying, teachers may advise students to be cautious about sharing passwords, personal data, or private photos online and to consider the consequences of making negative comments about others online.

Staff Development

The County Superintendent or designee shall make CDE's online training module on the dynamics of bullying and cyberbullying, which includes the identification of bullying and cyberbullying and the implementation of strategies to address bullying, available annually to all certificated staff and to other employees who have regular interaction with students. (Education Code 32283.5)

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

1. Discuss the diversity of the student body and school community, including their varying immigration experiences
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims
3. Identify the signs of bullying or harassing behavior

4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

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

Intervention

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

Staff who witness an act of bullying shall annually be notified that is their responsibility to immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

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

The County Superintendent or designee may refer a victim, witness perpetrator, or other student affected by an act of bullying to a school counselor, social worker, child welfare and attendance personnel, school nurse or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. Education Code 48900.9)

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the County Superintendent or designee shall, as appropriate, implement County Office intervention protocols which may include, but are not limited to, referral to County Office or community mental health services, other health professionals, and/or law enforcement.

Complaints and Investigation

Complaints of bullying, including those that allege discriminatory bullying based on a student's race, national origin, color, disability, sex, sexual orientation, gender identity or expression, or other protected category, shall be investigated and resolved in accordance with law and the county office's uniform complaint procedures specified in BR 1312.3 - Uniform Complaint Procedures.

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, the compliance officer or any other available school or site employee. If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal, program manager, or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

Within one school day of receiving such a report, the staff member shall notify the principal or the county office compliance officer identified in BR 1312.3, whether or not a uniform complaint is filed. Within two business days of receiving a report of bullying, the principal or designee shall notify a county office compliance officer. In addition, any school or site employee who observes an incident of bullying involving a student shall notify the principal or a county office compliance officer within one business day of observing the incident, whether or not the alleged victim files a complaint.

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

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

When a student uses a social networking site or service to bully or harass another student, the County Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

Discipline

Corrective actions for a student who has engaged in an act of bullying may include counseling, behavior intervention and education and if the behavior is severe and pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with law and county office policies and regulations.

Retaliation against any person who has filed a complaint or assisted or participated in a bullying investigation is also prohibited. Any student who is found to have retaliated against any person for their involvement in a complaint about bullying may be subject to discipline in accordance with law and county office policies and regulations.

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

Approved: August 4, 2014

Revised: November 13, 2014

Revised: June 21, 2018

Revised: December 17, 2019



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Book
PCOE Policies
Section
Students
Title
Dress and Grooming
Code
5132 Board Policy
Status
Active
Adopted
April 9, 2020

The County Board and the County Superintendent believe that appropriate dress and grooming contribute to a productive learning environment. The County Office expects students to wear clothing that is suitable for the school activities in which they participate. Students shall not wear clothing that presents a health or safety hazard or causes a substantial disruption to the educational program.

County Office and school rules pertaining to student attire shall be included in student handbooks, may be posted in school offices and classrooms, and may be periodically reviewed with all students as necessary.

Students shall not be prohibited from dressing in a manner consistent with their gender identity or gender expression or with their religious or cultural observance.

In addition, the dress code shall not discriminate against students based on hair texture and protective hairstyles, including, but not limited to, braids, locks, and twists. (Education Code 212.1)

The principal or designee is authorized to enforce this policy and shall inform any student who does not reasonably conform to the dress code. The dress code shall not be enforced in a manner that discriminates against a particular viewpoint or results in a disproportionate application of the dress code based on students' gender, sexual orientation, race, ethnicity, household income, or body type or size.

School administrators, teachers, and other staff shall be notified of appropriate and equitable enforcement of the dress code.

When practical, students shall not be directed to correct a dress code violation during instructional time or in front of other students.

Repeated violations or refusal to comply with the County Office's dress code may result in disciplinary action.

Gang-Related Apparel

The principal, staff, and parents/guardians at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a proposed dress code shall be presented to the County Superintendent. The proposed dress code shall be placed on the meeting agenda of the County Board along with a recommendation by the County Superintendent. The County Board may approve the plan upon determining that it is necessary to protect the health and safety of the school environment. The dress code policy may be included in the school's comprehensive safety plan. (Education Code 35183)

When determining specific items of clothing that may be defined as gang apparel, the school shall ensure that the determination is free from bias based on race, ethnicity, national origin, immigration status, or other protected characteristics.

Legal Reference:

EDUCATION CODE

212.1 Nondiscrimination based on race or ethnicity

220 Nondiscrimination

32281 School safety plans

35183 School dress codes; uniforms

35183.5 Sun-protective clothing

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

COURT DECISIONS

Jacobs v. Clark County School District (2008) 26 F. 3d 419

Harper v. Poway Unified School District (2006) 445 App. 3d 166

Marvin H. Jeglin et al v. San Jacinto Unified School District et al (C.D. Cal. 1993)

827 F.Supp. 1459

Arcadia Unified School District v. California Department of Education (1992) 2 Cal. 4th 251

Hazelwood School District v. Kuhlmeier (1988) 108 S. Ct. 562

Hartzell v. Connell (1984) 35 Cal. 3d 899

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

Approved: March 1, 1990

Revised: April 9, 2020



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Book
PCOE Policies
Section
Students
Title
Dress and Grooming
Code
5132 Superintendent Regulation
Status
Active
Adopted
December 17, 2019

In cooperation with teachers, students, and parents/guardians, the principal or designee may establish school rules governing student dress and grooming which are consistent with law, County Board policy, and Superintendent regulations. These school dress codes shall be regularly reviewed.

The following guidelines shall apply to all regular school activities:

1. Students will present themselves in an orderly manner conducive to the advancement of education. Student appearance will be neat and acceptable.
2. Students will wear clothes suitable, and in an appropriate manner, for school activities in an educational environment. Student's clothing, accessories, and personal items must not present a health or safety hazard or a distraction which interferes with the educational process.
3. Clothing, accessories, and personal items shall be free of writing, pictures, insignias, or markings which would be considered, by reasonable standards, to be vulgar, profane, or sexually suggestive; which display or promote drug, alcohol, or tobacco use; which advocate gang, racial, ethnic, or religious prejudice, or which would promote or incite unlawful or inappropriate conduct.
4. For safety reasons, shoes must be worn at all times.

The dress code shall be modified as appropriate to accommodate a student's religious or cultural observance, health condition, or other circumstance deemed necessary by the principal or designee. In addition, the principal or designee may impose dress requirements to accommodate the needs of special school activities, physical education classes, athletic activities, and other extracurricular and cocurricular activities.

No grade of a student participating in a physical education class shall be adversely affected if the student does not wear standardized physical education apparel because of circumstances beyond the student's control. (Education Code 49066)

Students shall be allowed to wear sun-protective clothing, including but not limited to hats, for outdoor use during the school day. (Education Code 35183.5)

Students who participate in a nationally recognized youth organization shall be allowed to wear organization uniforms on days when the organization has a scheduled meeting. (Education Code 35183)

Approved: December 17, 2019



Gayle Garbolino-Mojica
County Superintendent of Schools
Placer County Office of Education
360 Nevada Street, Auburn

Book

PCOE Policies

Section

Students

Title

Child Abuse Prevention and Reporting

Code

5141.4 Superintendent Regulation

Status

Active

Adopted

July 10, 2014

Last Revised

March 12, 2015

The County Superintendent and the County Board recognize that child abuse has severe consequences and that the county office has a responsibility to protect students by facilitating the prompt reporting of known and suspected incidents of child abuse. The County Superintendent is responsible for establishing procedures for identifying and reporting such incidents in accordance with law and the Comprehensive School Safety Plan (SP/SR 0450).

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 including "severe" and "general neglect" 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 fight 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, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)
4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, for purposes of self-defense, 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)
6. Homelessness or classification as an unaccompanied minor (Penal code 11165.15)

Mandated Reporters

Employees who are mandated reporters, as defined by law and in regulation, are obligated to report all known or suspected incidents of child abuse and neglect. 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 misdemeanor punishable by a fine and/or imprisonment. (Penal Code 11166)

Mandated reporters include, but are not limited to, teachers; instructional aides; teacher's aides or assistants; classified employees and certificated pupil personnel employees of a public school; administrative officers or supervisors of child welfare and attendance; athletic coaches, administrators and employees of a licensed day care facility; licensed nurses or health care providers; and any employee of PCOE whose duties bring the employee in contact with children on a regular basis. (Penal Code 11165.7)

Reportable Offenses

A mandated reporter shall make a report 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)

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

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. (Penal Code 11172)

Responsibility for Reporting by Mandated Reporters and Other Persons

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, a single report may be made by one of the mandated reporters. Any mandated reporter who has knowledge that another mandated reporter has failed to report must make the report. (Penal Code 11166)

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

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

Any person other than a mandated reporter 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)

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

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, sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11165.9, 11166)

To report in Placer County contact:

Family and Children's Services
1000 Sunset Blvd., Suite 140
Rocklin, CA 95765
Phone Number: (916) 872-6549
Fax Number: (916) 787-8915
Email: pc_scar@placer.ca.gov

To report in Sacramento County contact:

Sacramento County
PO Box 269057
Sacramento, CA 95826-9057
Phone Number: (916) 875-5437
Fax Number: (916) 874-4002

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) A copy of SS 8572, Suspected Child Abuse Report, is attached to this regulation as Exhibit 5141.4.

Reports of suspected child abuse or neglect shall include: (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 information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information
- c. The child's name and address, present location, and, where applicable, school, grade, and class, if known
- d. The names, addresses, and telephone numbers of the child's parents/guardians, if known

e. The name, address, telephone number, and other relevant personal information about the person who might have abused or neglected the child, if known

The mandated reporter shall make a report even if some of the information in a-e above is not known or is uncertain to him/her. (Penal Code 11167)

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

3. Internal Reporting

A mandated reporter shall not be required to disclose his/her identity to his/her supervisor or the County Superintendent or designee. (Penal Code 11166)

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

If notified, the supervisor shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law and this regulation. Reporting the information to the County Superintendent or designee, or a supervisor, principal, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

At the mandated reporter's request, the supervisor may assist in completing and filing the necessary forms. Once notified, the supervisor or any other mandated reporter shall make the report if the employee or other person initially making the report fails to report.

Training

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

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

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

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

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

Any training may also include guidance in the appropriate discipline of students, physical contact with students, and maintenance of ethical relationships with students to avoid actions that may be misinterpreted as child abuse.

Victim Interviews by Social Services

Whenever a representative from the Department of Social Services or another government agency 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 County Superintendent or 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 Superintendent or designee and/or principal shall not notify the parent/guardian, but 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)

Parent/Guardian Complaints

Upon request, the County Superintendent or designee shall provide parents/guardians with a copy of this regulation which contains procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a county office 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. 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.

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

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 under Penal Code 11165.7, their reporting obligations under Penal Code 11166, and their confidentiality rights under Penal Code 11167. The county office also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

Before beginning employment, any person who will be a mandated reporter by virtue of his/her position, shall sign a statement indicating that he/she has received copies of the three Penal Code sections listed above, has knowledge of the reporting obligations under Penal Code 11166 and will comply with those provisions. The signed statement shall be retained by the County Superintendent or designee. (Penal Code 11166.5)

A report of "substantiated" child abuse as determined by the local law enforcement agency investigating the complaint, will be transmitted by the agency to the Department of Justice and to the County Superintendent. The County Superintendent will place the report on the County Board meeting agenda as a closed session item. A complaint is substantiated when based on the evidence, the investigator determines that more likely than not, child abuse or neglect has occurred against a student at a school site. (Penal Code 11165.12, 11165.14)

Any report of substantiated child abuse or neglect will be considered a personnel record subject to the provisions of Education Code 44031.

Legal Reference:

EDUCATION CODE

32280-32288 Comprehensive school safety plans

33308.1 Guidelines on procedure for filing child abuse complaints

44031 Personnel file contents and inspection

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

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

CODE OF REGULATIONS, TITLE 5

4650 Filing complaints with CDE, special education students

Approved: July 10, 2014

Revised: March 12, 2015



Gayle Garbolino-Mojica
County Superintendent of Schools
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Book
PCOE Policies
Section
Students
Title
Suicide Prevention
Code
5141.52 Board Policy
Status
Active
Adopted
October 9, 2014
Last Revised
February 13, 2020

The County Board and the County Superintendent recognize that suicide is increasing among today's youth and is one of the leading causes of death for youth and young adults 10 to 24 years of age. In order to attempt to reduce suicidal behavior and its impact on students and families, prevention, intervention, and postvention strategies and procedures shall be developed that will be included in Superintendent Regulation 5141.52, Suicide Prevention.

The County Board and the County Superintendent recognize that County Office policies and regulations must address the needs of high-risk groups including, youth bereaved by suicide, youth with disabilities, youth experiencing mental illness or substance use disorders; youth experiencing homelessness or living in out-of-home settings, such as foster care; and youth identifying as lesbian, gay, bisexual, transgender or questioning.

School and community stakeholders, school-employed mental health professionals, and suicide prevention experts will be consulted to assist with the development of SR 5141.52.

Suicide prevention instruction shall be age appropriate for kindergarten and grades 1-6 and shall be included with the health education instruction in the secondary grades. Such instruction shall be designed to help students recognize peers at high risk for suicide and signs of suicide. Instruction shall also be designed to include helping students identify strategies, and suicide prevention resources for families and students.

The County Superintendent or designee may offer parents/guardians prevention training, education, or information which describes the severity of the youth suicide problem, the risk factors and the warning signs of suicide and the basic steps for helping suicidal youth. The County Superintendent or designee may also offer county office and community resources that can help youth in crisis. In addition, this policy and superintendent regulation will be posted on the County Office's website and included in the parent handbook.

Crisis intervention procedures shall be established to ensure student safety and appropriate communications in the event a suicide occurs or is attempted at a school site or at a county office sponsored activity.

The County Board shall review, and update as necessary, this policy at least every five years. (Education Code 215)

Legal Reference:

EDUCATION CODE

215 Suicide prevention training

215.5 Suicide prevention hotline

216 Suicide prevention online training programs

32280-32289 Comprehensive safety plan

49060-49079 Student records

49602 Confidentiality of student information

49604 Suicide prevention training for school counselors

GOVERNMENT CODE

810-996.6 Government Claims Act

WELFARE AND INSTITUTIONS CODE

5698 Emotionally disturbed youth; legislative intent

5850-5883 Mental Health Services Act

COURT DECISIONS

Corales v. Bennett (Ontario-Montclair School District), (2009) 567 F.3d 554

Adopted: October 9, 2014

Revised: June 8, 2017

Revised: August 8, 2019

Revised: February 13, 2020



Gayle Garbolino-Mojica
County Superintendent of Schools
Placer County Office of Education
360 Nevada Street, Auburn

Book

PCOE Policies

Section

Students

Title

Suicide Prevention

Code

5141.52 Superintendent Regulation

Status

Active

Adopted

September 18, 2014

Last Revised

July 5, 2017

The purpose of this superintendent regulation is to implement the policy objectives of the County Office regarding suicide prevention and response.

The County Office will have in place procedures to assess the risk of, intervene in, and respond to suicide. The County Superintendent, consistent with Board Policy 5141.52:

1. Recognizes that physical, behavioral and mental health is an integral component of a student's educational outcomes,
2. Further recognizes that suicide is a leading cause of death among young people,
3. Has an ethical responsibility to take a proactive approach in preventing deaths by suicide and,
4. Acknowledges the school's role in providing an environment, which is sensitive to individual and societal factors that place youth at greater risk for suicide and one which helps to foster positive youth development.

Toward this end, this superintendent regulation is meant to be paired with Board Policy 5141.52 and with other policies and regulations supporting the mental and behavioral health of students more broadly. Specifically, SR 5141.52 is meant to be applied in accordance with the County Office's Child Find obligations. Additionally, any training to be provided to teachers of pupils in secondary grades shall include suicide awareness and prevention, identifying appropriate mental

health services, both at the school site and within the larger community, and when and how to refer youth and their families to those services.

All County Office employees shall act within the authorization and scope of the employee's credential or license. While County Office staff may be able to identify suicide risk factors and warning signs, treatment of suicidal ideation is typically beyond the scope of services offered in the school setting. In addition, treatment of the mental health challenges often associated with suicidal thinking typically requires mental health resources beyond what a county office of education is able to provide.

SCOPE

This superintendent regulation covers actions that take place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops, and at school sponsored out-of-school events where school staff are present. It also applies to the school community, including educators, County Office staff, students, parents/guardians, and volunteers. SR 5141.52 will also cover appropriate County Office responses to suicidal or high-risk behaviors that take place outside of the school environment.

PREVENTION

1. **County Office Policy Implementation:** A County Office level suicide prevention coordinator shall be designated by the County Superintendent. The County Office suicide prevention coordinator will be responsible for planning and coordinating implementation of this regulation for the County Office. Each school principal or program director may designate a School suicide prevention coordinator to act as a point of contact in each school for issues relating to suicide prevention and policy implementation. All staff members shall report students they believe to be at elevated risk for suicide to the principal or program director, or if applicable, to the School suicide prevention coordinator.
2. **Staff Professional Development:** All school staff will receive annual professional development on risk factors, warning signs, protective factors, response procedures, referrals, postvention, and resources regarding youth suicide prevention. Additionally, for staff involved with students in grades 7-12, the professional development will include additional training regarding groups of students at elevated risk for suicide, including those living with mental and/or substance use disorders, those who engage in self-harm or have attempted suicide, those in out-of-home settings, those experiencing homelessness, American Indian/Alaska Native students, LGBTQ (lesbian, gay, bisexual, transgender, and questioning) students, students bereaved by suicide, youth who have suffered traumatic experiences, and those with medical conditions or certain types of disabilities. Also, professional development in risk assessment and crisis intervention will be provided to County Office employed mental health professionals and school nurses.
3. **Youth Suicide Prevention Programming:** Developmentally-appropriate, student-centered education materials will be integrated into the school curriculum. The content of these age-appropriate materials will include: 1) the importance of safe and healthy choices and coping strategies, 2) how to recognize risk factors and warning signs of mental disorders and suicide in oneself and others, 3) help-seeking strategies for oneself or others, including how to engage school resources and refer friends for help. In addition, schools may provide supplemental small-group suicide prevention programming for students.
4. **Publication and Distribution:** This policy will be distributed annually to parents and guardians and shall be included in all student and teacher handbooks and on the County Office website.
5. **Suicide Prevention Education:** As part of suicide prevention education, students will be encouraged to notify a staff member when they are experiencing emotional distress or suicidal ideation, or when they suspect or have knowledge of another student's emotional distress, suicidal ideation, or suicide attempt.

ASSESSMENT AND REFERRAL

When a student is identified by a staff person as potentially suicidal, i.e., verbalizes about suicide, presents overt risk factors such as agitation or intoxication, the act of self-harm occurs, or a student self-refers, the student will be seen by a County Office employed mental health professional as soon as possible to assess risk and facilitate referral. If there is no mental health professional available, a school nurse or administrator will fill this role until a mental health professional can be brought in.

For youth at risk:

1. School staff will continuously supervise the student to ensure their safety.
2. The principal, School suicide prevention coordinator, and County Office suicide prevention coordinator will be made aware of the situation as soon as reasonably possible.
3. The school employed mental health professional or principal will contact the student's parent or guardian, as described in the Parental Notification and Involvement section, and will assist the family with urgent referral. When appropriate, this may include calling emergency services or bringing the student to the local Emergency Department, but in most cases will involve setting up an outpatient mental health or primary care appointment and communicating the reason for referral to the healthcare provider. Also, when appropriate, parents and guardians will be asked to provide documentation of care provided to the student.
4. Staff will ask the student's parent or guardian for written permission to discuss the student's health with outside care, if appropriate.

IN-SCHOOL SUICIDE ATTEMPTS

In the case of an in-school suicide attempt, the health and safety of the student is paramount. In these situations:

1. Call 911 and render first aid until professional medical treatment and/or transportation can be received, following County Office emergency medical procedures.
2. School staff will supervise the student to ensure their safety.
3. Staff will move all other students out of the immediate area as soon as possible.
4. If appropriate, staff will immediately request a mental health assessment for the youth.
5. The school or County Office employed mental health professional or principal will contact the student's parent or guardian, as described in the Parental Notification and Involvement section.
6. Staff will immediately notify the principal or County Office or School suicide prevention coordinator regarding in-school suicide attempts.
7. The school will engage the crisis team, as necessary, to assess whether additional steps should be taken to ensure student safety and well-being.

RE-ENTRY PROCEDURES

For students returning to school after a mental health crisis (e.g., suicide attempt or psychiatric hospitalization), a County Office or school employed mental health professional, the principal, or designee will meet with the student's parent or guardian, and if appropriate, meet with the student to discuss re-entry and appropriate next steps to ensure the student's readiness for return to school.

1. A County Office or school employed mental health professional or other designee will be identified to coordinate with the student, their parent or guardian, and any outside mental health care providers.
2. The County Office will request and the parent or guardian may provide documentation from a mental health care provider that the student has undergone examination and that they are no longer a danger to themselves or others.
3. The designated staff person will periodically check in with student to help the student readjust to the school community and address any ongoing concerns.

OUT-OF-SCHOOL SUICIDE ATTEMPTS

If a staff member becomes aware of a suicide attempt by a student that is in progress in an out-of-school location, the staff member will:

1. Call law enforcement and/or emergency medical services, such as 911.
2. Inform the student's parent or guardian, if student is over the age of 18, inform parents with student consent.
3. Inform the County Office and school suicide prevention coordinator, principal and/or program director.

If the student contacts the staff member and expresses suicidal ideation, the staff member should maintain contact with the student (either in person, online, or on the phone). The staff member should then enlist the assistance of another person to contact law enforcement while maintaining verbal engagement with the student.

PARENTAL NOTIFICATION AND INVOLVEMENT

In situations where a student is assessed at risk for suicide or has made a suicide attempt, the student's parent or guardian will be informed as soon as possible by the principal, designee, or mental health professional. If the student has exhibited any kind of suicidal behavior, the parent or guardian should be counseled on "means restriction," limiting the child's access to mechanisms for carrying out a suicide attempt. Staff will also seek parental permission to communicate with outside mental health care providers regarding their child.

Through discussion with the student, the principal or County Office/school employed mental health professional will assess whether there is further risk of harm due to parent or guardian notification. If the principal, designee, or mental health professional believes, in their professional capacity, that contacting the parent or guardian would endanger the health or well-being of the student, they may delay such contact as appropriate. If contact is delayed, the reasons for the delay should be documented.

POSTVENTION

1. Development and Implementation of an Action Plan: The crisis team will guide the County Office and the school's responses following a death by suicide. A meeting of the crisis team to implement the action plan should take place immediately following news of the suicide death.

The action plan may include the following steps:

a) Verify the death: Staff will confirm the death and determine the cause of death through communication with a coroner's office, local hospital, the student's parent or guardian, or police department. Even when a case is perceived as being an obvious instance of suicide, it should not be labeled as such until after a cause of death ruling has been made. If the cause of death has been confirmed as suicide but the parent or guardian will not permit the cause of death to be disclosed, the school will not share the cause of death but will use the opportunity to discuss suicide prevention with students.

b) Assess the situation: The crisis team will meet to prepare the postvention response, to consider how severely the death is likely to affect other students, and to determine which students are most likely to be affected. The crisis team will also consider how recently other traumatic events have occurred within the school community and the time of year of the suicide. If the death occurred during a school vacation, the need for or scale of postvention activities may be reduced.

c) Share information: Before the death is officially classified as a suicide by the coroner's office, the death can and should be reported to staff, students, and parents/guardians with an acknowledgement that its cause is unknown. Inform the faculty that a sudden death has occurred, preferably in a staff meeting. Write a statement for staff members to share with students. The statement should include the basic facts of the death and known funeral arrangements (without providing details of the suicide method), recognition of the

sorrow the news will cause, and information about the resources available to help students cope with their grief. Public address system announcements and school-wide assemblies should be avoided. The crisis team may prepare a letter (with the input from the student's parent or guardian) to send home with students that includes facts about the death, information about what the school is doing to support students, the warning signs of suicidal behavior, and a list of resources available.

d) Avoid suicide contagion: It should be explained in the staff meeting described above that one purpose of trying to identify and give services to other high-risk students is to prevent another death. The crisis team will work with teachers and school staff to prepare them to respond to the needs of students and to identify students who are most likely to be significantly affected by the death. In the staff meeting, the crisis team will review suicide warning signs and procedures for reporting students who generate concern.

e) Initiate support services: Students identified as being more likely to be affected by the death will be assessed by a school employed mental health professional to determine the level of support needed. The crisis team will coordinate support services for students and staff in need of individual and small group counseling as needed. In concert with parents or guardians, crisis team members will refer to community mental healthcare providers to ensure a smooth transition from the crisis intervention phase to meeting underlying or ongoing mental health needs.

f) Develop memorial plans: The school should not create on-campus physical memorials (e.g. photos, flowers), funeral services, or fly the flag at half-mast because it may sensationalize the death and encourage suicide contagion. School should not be canceled for the funeral. Any school-based memorials (e.g., small gatherings) will include a focus on how to prevent future suicides and prevention resources available.

2. External Communication: The County Superintendent or designee will be the sole media spokesperson. Staff will refer all inquiries from the media directly to the spokesperson. The spokesperson will:

a) Oversee the preparation of a statement for the media including the facts of the death, postvention plans, and available resources. The statement will not include confidential information, speculation about victim motivation, means of suicide, or personal family information.

b) Respond to all media inquiries. If a suicide is to be reported by news media, the spokesperson should encourage reporters not to make it a front-page story, not to use pictures of the suicide victim, not to use the word suicide in the caption of the story, not to describe the method of suicide, and not to use the phrase "suicide epidemic" - as this may elevate the risk of suicide contagion. They should also be encouraged not to speculate about the reason for suicide. Media should be asked to offer the community information on suicide risk factors, warning signs, and resources available.

Approved: September 18, 2014

Revised: July 5, 2017



Gayle Garbolino-Mojica
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360 Nevada Street, Auburn

Book
PCOE Policies
Section
Students
Title
Safety
Code
5142 Board Policy
Status
Active
Adopted
August 13, 2020

The County Board and County Superintendent recognize the importance of providing a safe school environment that is conducive to learning and promotes student safety and well-being. Appropriate measures shall be implemented to minimize the risk of harm to students, including, but not limited to, protocols for maintaining safe conditions on school grounds, promoting safe use of school facilities and equipment, and guiding student participation in educational programs and school-sponsored activities.

School staff shall be responsible for the proper supervision of students at all times when students are subject to County Office rules, including, but not limited to, during school hours, school-sponsored activities, before and after-school programs, morning drop-off and afternoon pick-up, and while students are using County Office transportation.

The County Office shall ensure that students receive appropriate instruction on topics related to safety and emergency procedures, as well as injury and disease prevention.

Student Identification Cards and Safety Information

Student identification cards of students in grades 7-12 shall have printed on them safety information, including the following: (Education Code 215.5, 217)

1. The National Suicide Prevention Lifeline telephone number and the Crisis Text Line and/or a local suicide prevention hotline telephone number
2. The National Domestic Violence Hotline

Legal Reference:

EDUCATION CODE

17280-17317 Building approvals (Field Act)
17365-17374 Fitness of school facilities for occupancy
32001 Fire alarms and drills
32040 First aid equipment

32225-32226 Two-way communication devices in classrooms

32240-32245 Lead-free schools

32250-32254 CDE school safety and security resources unit

32280-32289 Safety plans

44807 Duty of teachers concerning conduct of students

44808 Exemption from liability when students are not on school property

48900 Hazing

49330-49335 Injurious objects

51202 Instruction in personal and public health and safety

GOVERNMENT CODE

810-996.6 California Tort Claims Act

HEALTH AND SAFETY CODE

115725-115735 Playground safety

PENAL CODE

245.6 Hazing

PUBLIC RESOURCES CODE

5411 Purchase of equipment usable by persons with disabilities

CODE OF REGULATIONS, TITLE 5

202 Exclusion of students with a contagious disease

5531 Supervision of social activities

14103 Bus driver; authority over pupils

Adopted: August 13, 2020



Gayle Garbolino-Mojica
County Superintendent of Schools
Placer County Office of Education
360 Nevada Street, Auburn

Book

PCOE Policies

Section

Students

Title

Safety

Code

5142 Superintendent Regulation

Status

Active

Adopted

March 3, 2020

Each school shall establish emergency procedures, rules for student conduct, and rules for the safe and appropriate use of school facilities, equipment, and materials, consistent with law, County Board policy, and County Superintendent regulation. The rules shall be communicated to students, distributed to parents/guardians, and readily available at the school at all times.

Release of Students

Students shall be released during the school day only to the custody of an adult who is one of the following:

1. The student's custodial parent/guardian
2. An adult authorized on the student's emergency card as someone to whom the student may be released when the custodial parent/guardian cannot be reached, provided the principal or designee verifies the adult's identity
3. An authorized law enforcement officer acting in accordance with law
4. An adult taking the student to emergency medical care at the request of the administrator or designee

Supervision of Students

Teachers shall be present at their respective rooms and shall open them to admit students not less than 30 minutes before the time that school starts.

Every teacher shall hold students accountable for their conduct on the way to and from school, on the playgrounds, and during recess/breaks.

The administrator or designee shall require all individuals supervising students to remain alert for unauthorized persons and dangerous conditions, promptly report any such observations to the administrator or designee, and file a written report as appropriate.

In arranging for appropriate supervision on playgrounds, the administrator or designee shall:

1. Clearly identify supervision zones on the site
2. Consider the size of the play area, the number of areas that are not immediately visible, and the age of the students to determine supervision

Each school shall provide for certificated employees to supervise the conduct and safety of students who are on school grounds before and after school and during recess and other intermissions.

The County Superintendent or designee shall ensure that teachers, teacher aides, who supervise students receive training in safety practices and in supervisory techniques that will help prevent problems and resolve conflicts among students.

Playground Safety

Any new playground or any replacement of equipment or modification of components inside an existing playground shall conform to standards set forth by the American Society for Testing and Materials and the guidelines set forth by the U.S. Consumer Product Safety Commission. The County Superintendent or designee shall have a playground safety inspector certified by the National Playground Safety Institute conduct an initial inspection to aid compliance with applicable safety standards. (Health and Safety Code 115725)

Approved: March 3, 2020



Gayle Garbolino-Mojica
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Placer County Office of Education
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Book
PCOE Policies
Section
Students
Title
Discipline
Code
5144 Board Policy
Status
Active
Adopted
March 1, 1990
Last Revised
August 9, 2018

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

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

The County Office's discipline strategies shall reflect the preference for the use of positive interventions and alternative disciplinary measures over exclusionary discipline measures as a means for correcting student misbehavior.

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

Disciplinary rules may be developed to meet a school's particular needs consistent with law, County Board policy, and County Superintendent regulations. Any site-level disciplinary rules shall be included in the school's comprehensive safety plan. (Education Code 32282)

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

Disciplinary rules shall be applied fairly, consistently, and in accordance with the County Board's nondiscrimination policies.

Goals for improving school climate, based on suspension and expulsion rates, surveys of students, staff, and parents/guardians regarding their sense of school safety, and other local measures, shall be included in the County Office's local control and accountability plan.

County Office personnel and any volunteers shall not allow any disciplinary action taken against a student to result in the denial or delay of a school meal that is served during the instructional day. Education Code 49557.5

Legal Reference:

EDUCATION CODE

32280-32288 School safety plans

35146 Closed sessions

37223 Weekend classes

44807.5 Restriction from recess

48900-48926 Suspension and expulsion

48980-48985 Notification of parent/guardian

49330-49335 Injurious objects

52060-52077 Local control and accountability plan

CIVIL CODE

1714.1 Parental liability for child's misconduct

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

Management Resources:

CSBA PUBLICATIONS

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

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

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

CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

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

STATE BOARD OF EDUCATION POLICIES

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

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

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

WEB SITES

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

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

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

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

Adopted: March 1, 1990

Revised: August 9, 2018



Gayle Garbolino-Mojica
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Placer County Office of Education
360 Nevada Street, Auburn

Book

PCOE Policies

Section

Students

Title

Discipline

Code

5144 Superintendent Regulation

Status

Active

Adopted

July 2, 2019

Site-Level Rules

Site-level rules shall be consistent with County Board policies and County Superintendent regulations. In developing site-level disciplinary rules, the principal or designee 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
5. For junior high and high schools, students enrolled in the school

Annually, site-level discipline rules shall be reviewed and, if necessary, updated to align with any changes in County Office discipline policies or goals for school safety and climate as specified in the County Office's local control and accountability plan. A copy of the rules shall be filed with the County Superintendent or designee for inclusion in the comprehensive safety plan.

School rules shall be communicated to students clearly and in an age-appropriate manner.

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

Disciplinary Strategies

To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. Except when a student's presence causes a danger to himself/herself or others or he/she commits a single act of a grave nature or an offense for which suspension or expulsion is required by law, suspension or expulsion shall be used only when other means of correction have failed to bring about proper conduct. Disciplinary strategies may include, but are not limited to:

1. Discussion or conference between school staff and the student and his/her parents/guardians
2. Referral of the student to the school counselor or other school support service personnel for guidance and counseling
3. Convening of a Student Study Team or intervention team to assess the behavior and develop and implement an individual plan to address the behavior in partnership with the student and his/her parents/guardians
4. When applicable, referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program or a Section 504 plan
5. Enrollment in a program for teaching prosocial behavior or anger management Participation in trauma-informed Restorative Practices
6. A trauma-informed positive behavior support approach with tiered interventions that occur during the school day on campus
7. Participation in a program that is sensitive to the traumas experienced by students, focuses on students' behavioral health needs, and addresses those needs in a proactive manner
8. Recess restriction as provided in the section below entitled "Recess Restriction"
9. Suspension and expulsion in accordance with law, Superintendent regulation and County Board policy.

When, by law or Superintendent Regulation, Board Policy, other means of correction are required to be implemented before a student could be suspended or expelled, any other means of correction implemented shall be documented and retained in the student's records. (Education Code 48900.5)

Recess Restriction

An administrator may restrict a student's recess time only when he/she believes that this action is the most effective way to bring about improved behavior. When recess restriction may involve the withholding of physical activity from a student, the administrator shall try other disciplinary measures before imposing the restriction. Recess restriction shall be subject to the following conditions:

1. The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.
2. The student shall remain under a certificated employee's supervision during the period of restriction.

Notice to Parents/Guardians and Students

At the beginning of the school year, the County Superintendent or designee shall notify parents/guardians, in writing, about the availability of County Office rules related to discipline. (Education Code 35291, 48980)

The County Superintendent or designee shall also provide written notice of disciplinary rules to transfer students at the time of their enrollment in the district.

Approved: July 2, 2019



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Placer County Office of Education
360 Nevada Street, Auburn

Book
PCOE Policies
Section
Students
Title
Suspension and Expulsion Due Process
Code
5144.1 Board Policy
Status
Active
Adopted
July 11, 1996
Last Revised
August 8, 2019

The County Board and County Superintendent desire to provide County Office students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development.

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion of students in County Office operated court, community, and charter schools shall be only those specified in law, in this policy, and in the accompanying Superintendent Regulation.

The County Board and the County Superintendent have included in both policy and regulation citations to the California Education Code which apply to the discipline of students attending schools operated by school districts. The code sections have been included as a reference to help guide the student discipline process of the County Office, including of its dependent charter school, but otherwise do not serve as authority to bind the County Office to any legal precedent or requirements in state law specifically established for those code sections.

Jurisdiction

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within a County Office school that is subject to this Board Policy, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

1. While on school grounds
2. While going to or coming from school

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

Appropriate Use of Suspension Authority

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

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

Except for suspension by a teacher pursuant to Education Code 48910, no student shall be suspended for disruption or willful defiance.

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

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

Authority to Expel

The County Superintendent, principal, or designee shall recommend expulsion and any student shall be expelled if found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code 48915 (c))

1. Possessing a firearm which is not an imitation firearm, as verified by a County Office employee.
2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying County Superintendent regulation under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12," as required by the law, it is in the discretion of the County Superintendent, principal, or designee to recommend expulsion of a student. If expulsion is recommended, the expulsion hearing shall be conducted by an impartial administrative panel or a neutral hearing officer. A student may be expelled only if a finding is made of either or both of the following: (Education Code 48915(b) and (e))

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

A decision to expel a student shall be scheduled as an information item on the meeting agenda of the County Board and included in the meeting minutes of the County Board.

No student shall be suspended or expelled for disruption or willful defiance.

No child enrolled in a preschool program shall be expelled except under the limited circumstances as specified in Education Code 8239.1.

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981-1981.5 Enrollment of students in community school

8239.1 Expulsion from State preschool

32261 Interagency School Safety Demonstration Act of 1985

35146 Closed sessions (regarding suspensions)

47605 Charter petition requirements

48645.5 Readmission; contact with juvenile justice system

48853.5 Foster youth

48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

52060-52077 Local control and accountability plan

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

417.27 Laser pointers

422.55 Hate crime defined

422.6 Interference with exercise of civil rights

422.7 Aggravating factors for punishment

422.75 Enhanced penalties for hate crimes

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

626.9 Gun-Free School Zone Act of 1995

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

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

1415(K) Placement in alternative educational setting

7151 Gun-free schools

UNITED STATES CODE, TITLE 42

11432-11435 Education of homeless children and youths

COURT DECISIONS

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

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

Board of Education of Sacramento City Unified School County 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 County v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

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

ATTORNEY GENERAL OPINIONS

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

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

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

Management Resources:

CSBA PUBLICATIONS

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

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

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

WEB SITES

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

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

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

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

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

Adopted: July 11, 1996

Revised: August 9, 2018

Revised: August 8, 2019



Gayle Garbolino-Mojica
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360 Nevada Street, Auburn

Book
PCOE Policies
Section
Students
Title
Suspension and Expulsion Process
Code
5144.1 Superintendent Regulation
Status
Active
Adopted
July 2, 2019

The County Board and the County Superintendent have included in both policy and regulation citations to the California Education Code which apply to the discipline of students attending schools operated by school districts. The code sections have been included as a reference to help guide the student discipline process of the County Office, including of its dependent charter school, but otherwise do not serve as authority to bind the County Office to any legal precedent or requirements specifically established in state law for those code sections.

Definitions

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

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the County Board for students of the same grade level
2. Referral to a certificated employee designated by the principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910

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

Notice of Regulations

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

Grounds for Suspension and Expulsion: Grades K-12

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

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (t))
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence (Education Code 48900(b))
3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcoholic beverage, or intoxicant (Education Code 48900(d))
5. Committed or attempted to commit robbery or extortion (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))
7. Stole or attempted to steal school property or private property (Education Code 48900(g))
8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products (Education Code 48900(h))
9. Committed an obscene act or engaged in habitual profanity or in vulgarity (Education Code 48900(i))
10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))
11. Knowingly received stolen school property or private property (Education Code 48900(l))
12. Possessed an imitation firearm (Education Code 48900(m))

Imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))
13. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))
14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))

15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))

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

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

17. Engaged in an act of bullying (Education Code 48900(r))

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

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

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

1. A message, text, sound, video, or image
2. A post on a social network Internet website, including, but not limited to, posting to or creating a burn page or creating a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.
3. “Reasonable student” means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of his/her age, or for a person of his/her age with his/her disability. (Education Code 48900(r))
4. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31 (Education Code 48900(t))
5. Made terrorist threats against school officials and/or school property (Education Code 48900.7)

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

Additional Grounds for Suspension and Expulsion: Grades 4-12

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

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

“Sexual harassment” means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2; See also SR 5145.7))

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

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

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

Suspension from Class as Requested by a Teacher

A teacher may make a request of the principal or designee that a student, including a grade K-3 student, be suspended from his/her class for the remainder of the day and the following day for disruption, willful defiance, or any of the other acts specified in Education Code 48900 and listed as items #1-18 under "Grounds for Suspension and Expulsion: Grades K-12" above. (Education Code 48910)

If a student is suspended from a class, he/she shall be appropriately supervised during the class periods from which he/she has been suspended. (Education Code 48910)

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

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

Suspension by County Superintendent, Principal or Principal's Designee

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

The County Superintendent, principal, or designee shall immediately suspend any student found to have committed any of the acts listed in Board Policy 5144.1 under "Authority to Expel" for which expulsion must be recommended. (Education Code 48915(c))

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

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

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

Length of Suspension

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

A student may be suspended from school for not more than 20 school days in any school year. The county office will not count suspensions that occur while a student is enrolled in a school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903)

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

Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

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

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

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee. Any suspension, including the name of the student and the cause for the suspension, shall be reported to the County Superintendent, principal or designee. (Education Code 48911)

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

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

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

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

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

5. Extension of Suspension: If the student is being recommended for expulsion, the County Superintendent or designee may, in writing, extend the suspension until such time as the Administrative Panel or Hearing Officer has made a decision, provided the following requirements are followed: (Education Code 48911)

- a. The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.
- b. The County Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)
- c. If the student involved is a foster youth, the County Superintendent or designee shall notify the county liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)
- d. If the student involved is a homeless child or youth, the County Superintendent or designee shall notify the county liaison for homeless students. (Education Code 48918.1)

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

County Superintendent or Principal's Authority to Recommend Expulsion

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

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

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

Student's Right to Expulsion Hearing

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held by an Administrative Panel or Hearing Officer within 30 school days after the County Superintendent, principal, or designee determines that the student has committed the act(s) that form the basis for the expulsion recommendation. (Education Code 48918(a))

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

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

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

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

Stipulated Expulsion

After a determination that a student has committed an expellable offense, the County Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion. The offer shall be made only after the student or his/her parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

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

A stipulated expulsion agreed to by the student and his/her parent/guardian shall be effective upon approval by the County Superintendent.

Rights of Complaining Witness

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

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

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

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

Written Notice of the Expulsion Hearing

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

1. The date and place of the hearing and that the hearing will be conducted by an Administrative Panel or Hearing Officer
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based
3. A copy of county office disciplinary rules which relate to the alleged violation
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's expelled status to any other county office program or school district in which the student seeks enrollment

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

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

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

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

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

Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students

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

If the student facing expulsion is a homeless student, and the recommendation for expulsion is a discretionary act, the County Superintendent or designee shall also send notice of the hearing to the county liaison for homeless students at least 10 days prior to the hearing. (Education Code 48918.1)

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

Pre-Expulsion Hearing Procedures

1. Hearing Closed to the Public Unless Otherwise Requested by Parent/Guardian: The Administrative Panel or Hearing Officer shall conduct a hearing to consider the expulsion of the student in a hearing closed to the public unless the student requests in writing at least five days prior to the hearing, that the hearing be in public. If such a request is made, the hearing shall be public to the extent that privacy rights of other students are not violated. (Education Code 48918)

Whether the expulsion hearing is open or closed to the public, the Administrative Panel or Hearing Officer may meet without the public present to consider the evidence, deliberate, and determine whether or not the student should be expelled. If the Administrative Panel or Hearing Officer requests any witness to attend their

deliberations, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend when the witness is present. (Education Code 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard without the public present if testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

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

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

Any objection raised by the student or the County Superintendent or designee to the issuance of subpoenas may be considered by the Administrative Panel or Hearing Officer before the hearing closed to the public, or before the hearing that is open to the public if so requested by the student. The Administrative Panel or Hearing Officer decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the Administrative Panel or Hearing Officer finds that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration provided for in Education Code 48918(i).

Expulsion Hearing Procedures

Expulsion hearings shall be conducted by an Administrative Panel or Hearing Officer. The County Superintendent may choose to contract with the Office of Administrative Hearings of the State of California for a hearing officer. The County Superintendent may also choose to appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be on the staff of the school or program in which the student is enrolled. (Education Code 48918)

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

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

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

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

- a. Any complaining witness shall be given five days' notice before being called to testify.
- b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.
- c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
- d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
- e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
- f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
- g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, Administrative Panel or Hearing Officer shall provide a nonthreatening environment.
 - (1) The Administrative Panel or Hearing Officer shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
 - (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
 - (3) The person conducting the hearing may:
 - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
 - (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours
 - (c) Permit one of the support persons to accompany the complaining witness to the witness stand

3. Decision: The Administrative Panel or Hearing Officer's decision as to whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Final Action by the Administrative Panel or Hearing Officer

Whether the expulsion hearing is open or closed to the public and conducted by a hearing officer or by an administrative panel, or if a hearing is waived through the signing of a stipulated expulsion agreement, any action taken to expel a student shall be placed as an information item on the County Board agenda and referenced in the minutes of the meeting. (Education Code 48918(j))

The Administrative Panel or Hearing Officer's decision is final.

If the decision by the Administrative Panel or hearing Officer is to not expel, the student shall be reinstated immediately and permitted to return to the classroom/instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by his/her parent/guardian, the County Superintendent or designee shall consult with the parent/guardian and county office staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not expel shall be final. (Education Code 48918(e))

If the decision by the Administrative Panel or Hearing Officer is to expel, the County Superintendent shall set a date when the student shall be reviewed for readmission to a school or program operated by the County Office. For a student expelled for any act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the County Superintendent may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. (Education Code 48916)

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

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

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

Written Notice to Expel

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

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12" (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any district school or new county office school or program in which the student seeks to enroll of the student's expelled status with the County Office, pursuant to Education Code 48915.1 (Education Code 48918)

Appeal

The student or parent/guardian is entitled to file an appeal of the Administrative Panel or Hearing Officer decision with the County Board. The appeal must be filed within 30 days of the Administrative Panel or Hearing Officer's decision to expel. The appeal hearing shall be conducted pursuant to the procedure established in the handbook prepared by the County Office for parents and district staff for the appeal of expulsions ordered by district governing boards. (Education Code 48919)

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

Notification to Law Enforcement Authorities

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

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance. In addition, law enforcement authorities shall be notified regarding any acts by students regarding the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (c)(5) or Penal Code 626.9 and 626.10. (Education Code 48902)

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

Expulsion: Placement and Referral

The County Superintendent shall refer the student to the student's district of residence with a plan for the student's rehabilitation. (Education Code 48915, 48915.01)

Readmission After Expulsion

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

1. The County Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference, the student's rehabilitation plan shall be reviewed and the County Superintendent or designee shall verify that the provisions of this plan have been met. Any school regulations or student behavior code shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
2. The County Superintendent or designee shall make the final decision on the readmission of an expelled student.
3. If the readmission is granted, the County Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the County Superintendent's decision regarding readmission.
4. The County Superintendent may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other county office students or employees. (Education Code 48916)
5. If the County Superintendent denies the readmission of a student, the district of residence shall be notified.
6. The County Superintendent shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program.

No student shall be denied readmission into a county office school or program based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile

facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system. (Education Code 48645.5)

Maintenance of Records

The county office shall maintain a record of each suspension and expulsion, including its specific cause(s). (Education Code 48900.8)

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

The County Superintendent or designee shall, within five working days, honor a school's request for information about a student requesting to enroll of the expulsion from the County Office. (Education Code 48915.1)

Approved: July 2, 2019



Gayle Garbolino-Mojica
County Superintendent of Schools
Placer County Office of Education
360 Nevada Street, Auburn

Book
PCOE Policies
Section
Students
Title
Suspension and Expulsion Students with Disabilities
Code
5144.2 Superintendent Regulation
Status
Active
Adopted
July 2, 2019

A student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Act (IDEA), 20 USC 1400-1482, is subject to the same grounds and procedures for suspension and expulsion which apply to students without disabilities, except as otherwise specified in this Superintendent Regulation.

Suspension

The County Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. (Education Code 48903; 34 CFR 300.530)

The principal or designee shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.

The County Superintendent or designee shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under either of the following circumstances: (34 CFR 300.536)

1. The removal is for more than 10 consecutive school days.
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
 - a. The series of removals total more than 10 school days in a school year.
 - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.

c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If a student's removal is determined to be a change of placement as specified in items #1-2 above, or the student is suspended for more than 10 school days in the same school year, the student's IEP team shall determine the appropriate educational services. Such services shall be designed to enable the student to continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in his/her IEP, and to address the student's behavior violation so that it does not recur. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If the IEP of a student with a disability requires the County Office to provide the student with transportation, the County Office shall provide the student with an alternative form of transportation at no cost to him/her or to his/her parent/guardian when he/she is to be excluded from school bus transportation. (See Education Code 48915.5)

Interim Alternative Educational Placement Due to Dangerous Behavior

The County Office may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function: (20 USC 1415(k)(1)(G); 34 CFR 300.530)

1. Carries or possesses a weapon, as defined in 18 USC 930
2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V
4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365

The student's interim alternative educational setting shall be determined by his/her IEP team. (20 USC 1415(k)(1)(G); 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

A student who has been removed from his/her current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

Manifestation Determination

The following procedural safeguards shall apply when a student with a disability is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the County Office's code of conduct:

1. Notice: On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)
2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 schooldays after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

At the manifestation determination review, the County Office administrator, the student's parent/guardian, and relevant members of the IEP team (as determined by the County Office and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following: (20 USC 1415(k)(1)(E); 34 CFR 300.530)

- a. Caused by or had a direct and substantial relationship to the student's disability
- b. A direct result of the County Office's failure to implement the student's IEP, in which case the county shall take immediate steps to remedy those deficiencies

If the manifestation review team determines that either of the above conditions applies, the student's conduct shall then be determined to be a manifestation of his/her disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

3. Determination that Behavior is a Manifestation of the Student's Disability: When the student's conduct has been determined to be a manifestation of his/her disability, the IEP team shall conduct a functional behavioral assessment, unless one had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and County Superintendent or designee agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

4. Determination that Behavior is Not a Manifestation of the Student's Disability: When it has been determined that the student's conduct was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. However, the student's IEP team shall determine services necessary to enable him/her to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

As appropriate, the student also shall receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

Due Process Appeals

If the parent/guardian disagrees with any County Office decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The County Office may request a hearing if it believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a due process hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). (20 USC 1415(k)(3); 34 CFR 300.532)

Whenever a hearing is requested as specified above, the parent/guardian or the County Office shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c), and 300.510-300.514.

If the student's parent/guardian or the County Office has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and county agree otherwise. (20 USC 1415(k)(4); 34 CFR 300.533)

Readmission

Readmission procedures for students with disabilities shall be the same as those adopted for students without disabilities. Upon readmission of a student with disabilities, an IEP team meeting shall be convened to review and, as necessary, modify the student's IEP.

Notification to Law Enforcement Authorities

Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students in AR 5144.1 - Suspension and Expulsion/Due Process.

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that he/she will not disclose the student's information or records to any other person without the prior written consent of the student's parent/guardian. (Education Code 49076)

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been determined to be eligible for special education and related services and who has violated the County Office's code of student conduct may nevertheless assert any of the protections under IDEA, if the County Office had knowledge of the student's disability. (20 USC 1415(k)(5); 34 CFR 300.534)

Knowledge means that, before the occurrence of the behavior that precipitated the disciplinary action, one of the following occurred: (20 USC 1415(k)(5); 34 CFR 300.534)

1. The parent/guardian, in writing, has expressed concern to County Office supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education or related services.
2. The parent/guardian has requested an evaluation of the student for special education pursuant to 20 USC 1414(a)(1)(B) or 34 CFR 300.300-300.311.
3. The teacher of the student or other County Office personnel has expressed specific concerns directly to the County Office's director of special education or other supervisory county personnel about a pattern of behavior demonstrated by the student.

However, the County Office shall not be deemed to have knowledge of a student's disability if the student's parent/guardian has not allowed him/her to be evaluated for special education services or has refused services or, after evaluating the student pursuant to 34 CFR 300.300-300.311, the County Office determined that he/she was not an individual with a disability.

When the County Office is deemed to not have knowledge of a student's disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (20 USC 1415(k)(5); 34 CFR 300.534)

Legal Reference:

EDUCATION CODE

35146 Closed sessions re: suspensions

35291 Rules of governing board

48203 Reports of severance of attendance of disabled students

48900-48925 Suspension and expulsion

49076 Access to student records

56000 *Special education; legislative findings and declarations*
56320 *Educational needs; requirements*
56321 *Development or revision of individualized education program*
56329 *Independent educational assessment*
56340-56347 *Individualized education program teams*
56505 *State hearing*
PENAL CODE
245 *Assault with deadly weapon*
626.2 *Entry upon campus after written notice of suspension or dismissal without permission*
626.9 *Gun-Free School Zone Act*
626.10 *Dirks, daggers, knives, razors, or stun guns*
UNITED STATES CODE, TITLE 18
930 *Weapons*
1365 *Serious bodily injury*
UNITED STATES CODE, TITLE 20
1412 *State eligibility*
1415 *Procedural safeguards*
UNITED STATES CODE, TITLE 21
812 *Controlled substances*
UNITED STATES CODE, TITLE 29
706 *Definitions*
794 *Rehabilitation Act of 1973, Section 504*
CODE OF FEDERAL REGULATIONS, TITLE 34
104.35 *Evaluation and placement*
104.36 *Procedural safeguards*
300.1-300.818 *Assistance to states for the education of students with disabilities, especially:*
300.530-300.537 *Discipline procedures*
COURT DECISIONS
Schaffer v. Weast, (2005) 546 U.S. 549
Parents of Student W. v. Puyallup School County, (1994 9th Cir.) 31 F.3d 1489
M.P. v. Governing Board of Grossmont Union High School County, (1994) 858 F.Supp. 1044
Honig v. Doe, (1988) 484 U.S. 305

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

U.S. Department of Education, Office of Special Education <http://www.ed.gov/about/offices/list/osers/osep> Programs:

Approved: July 2, 2019



Gayle Garbolino-Mojica
County Superintendent of Schools
Placer County Office of Education
360 Nevada Street, Auburn

Book

PCOE Policies

Section

Students

Title

Nondiscrimination/Harassment

Code

5145.3 Board Policy

Status

Active

Adopted

December 11, 2014

Last Revised

February 11, 2021

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

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

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

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

The County Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The County Superintendent or designee shall facilitate students' access to the educational program by publicizing the County Office's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the County Superintendent or designee shall post the County Office's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the County Office's web site in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying superintendent regulation.

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

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

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

Record-Keeping

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment

48904 Liability of parent/guardian for willful student misconduct

48907 Student exercise of free expression

48950 Freedom of speech

48985 Translation of notices

49020-49023 Athletic programs

49060-49079 Student records

51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment
CODE OF REGULATIONS, TITLE 5
432 Student record
4600-4670 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1681-1688 Title IX of the Education Amendments of 1972
UNITED STATES CODE, TITLE 29
794 Section 504 of Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age Discrimination Act of 1975
12101-12213 Title II equal opportunity for individuals with disabilities
CODE OF FEDERAL REGULATIONS, TITLE 28
35.107 Nondiscrimination on basis of disability; complaints
CODE OF FEDERAL REGULATIONS, TITLE 34
99.31 Disclosure of personally identifiable information
100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504
104.8 Notice
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex
110.25 Prohibition of discrimination based on age

Adopted: December 11, 2014
Revised: December 14, 2017
Revised: June 21, 2018
Revised: February 11, 2021



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360 Nevada Street, Auburn

Book

PCOE Policies

Section

Students

Title

Nondiscrimination/Harassment

Code

5145.3 Superintendent Regulation

Status

Active

Adopted

November 13, 2014

Last Revised

July 11, 2023

Prior Revised Dates

11/17/2020, 8/2/2022

The County Office designates the individual(s) identified below as the employee(s) responsible for coordinating the County Office's efforts to comply with applicable state and federal civil rights laws and to answer inquiries regarding the County Office's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in SR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at:

Assistant Superintendent, Human Resources
360 Nevada Street Auburn, CA 95603
530-889-5952
cslattery@placercoe.12.ca.us

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at County Office schools or in school activities and to ensure equal access of all students to the educational program, the County Superintendent or designee shall implement the following measures:

1. Publicize the County Office's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through County Office -supported communications
2. Post the County Office 's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on the County Office 's web site in a manner that is easily accessible to parents/guardians and students
3. Post the definition of sex discrimination and harassment based on sex as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the County Office 's web site in a manner that is easily accessible to parents/guardians and students
4. Post in a prominent location on the County Office web site in a manner that is easily accessible to parents/guardians and students' information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following:
 - a. The name and contact information of the County Office 's Title IX Coordinator, including the phone number and email address
 - b. The rights of students and the public and the responsibilities of the County Office under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)
 - c. A description of how to file a complaint of noncompliance under Title IX, which shall include:
 1. An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations
 2. An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site
 3. A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office
 - a. A link to the Title IX information included on the California Department of Education's (CDE) web site
5. Post a link to statewide CDE-compiled resources, including community-based organizations that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location on the County Office's web site in a manner that is easily accessible to parents/guardians and students.
6. Provide to students' information that contains age-appropriate information that clearly describes the County Office's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior.
7. Annually notify all students and parents/guardians of the County Office's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the County Office's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the County Office will address any individual student's interests and concerns in private.

8. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the County Office's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

If 15 percent or more of students enrolled in a particular County Office school speak a single primary language other than English, the County Office's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the County Office shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

9. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding the County Office's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the County Office may use to provide a discrimination-free environment for all County Office students.
10. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so.
11. At the beginning of each school year, inform each principal or designee of the County Office's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights.

Enforcement of County Office Policy

The County Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti
2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond
3. Disseminating and/or summarizing the County Office's policy and regulation regarding unlawful discrimination
4. Consistent with laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community the school's response plan to unlawful discrimination or harassment
5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of County Office policy, including any student who is found to have filed a complaint of discrimination that the student knew was not true

Process for Initiating and Responding to Complaints

Students who feel that they have been subjected to unlawful discrimination described above or in County Office policy are strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, students who observe any such incident are strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer, coordinator or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When a report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal, coordinator or compliance officer, the principal, coordinator or compliance officer shall notify the student or parent/guardian of the right to file a formal complaint in accordance with SR 1312.3 - Uniform Complaint Procedures or, for complaints of sexual harassment that meet the federal Title IX definition, SR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Once notified verbally or in writing, the compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, coordinator, compliance officer, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the County Superintendent or designee who shall determine how the complaint will be investigated.

Issues Unique to Intersex, Nonbinary, Transgender and Gender-Nonconforming Students

Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth.

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Intersex student means a student with natural bodily variations in anatomy, hormones, chromosomes, and other traits that differ from expectations generally associated with female and male bodies

Nonbinary student means a student whose gender identity falls outside of the traditional conceptions of strictly either female or male, regardless of whether the student identifies as transgender, was born with intersex traits, uses gender-neutral pronouns, or uses agender, genderqueer, pangender, gender nonconforming, gender variant, or such other more specific term to describe their gender.

Transgender student means a student whose gender identity is different from the gender assigned at birth.

The County Office prohibits acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment, regardless of whether the acts are sexual in nature. Examples of the types of conduct which are prohibited in the County Office and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with the student's gender identity
2. Disciplining or disparaging a student or excluding the student from participating in activities, for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable
3. Blocking a student's entry to the restroom that corresponds to the student's gender identity

4. Taunting a student because the student participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's gender identity to individuals who do not have a legitimate need for the information, without the student's consent
6. Using gender-specific slurs
7. Physically assaulting a student motivated by hostility toward the student because of the student's gender, gender identity, or gender expression

The County Office's uniform complaint procedures (SR 1312.3) or Title IX sexual harassment procedures (SR 5145.71), as applicable, shall be used to report and resolve complaints alleging discrimination against intersex, nonbinary, transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the County Office of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's gender identity, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that intersex, nonbinary, transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and County Board policy, the County Office shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. Right to privacy: A student's intersex, nonbinary, transgender, or gender-nonconforming status is the student's private information. The County Office shall develop strategies to prevent unauthorized disclosure of students' private information. Such strategies include, but not limited to, collecting or maintaining information about student gender only when the relevant to the educational program or activity, protecting or revealing a student's gender identity as necessary to protect the health and safety of the student, and keeping a student's unofficial record separate from the official record. The County Office shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the County Office has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, the County Office shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the County Office pursuant to 34 CFR 99.31. Any County Office employee to whom a student's intersex, nonbinary, transgender or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a County Office employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless the employee is required to disclose or report the student's information pursuant to this superintendent regulation, and shall inform the student that honoring the student's request may limit the County Office's ability to meet the student's needs related to the student's status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's intersex, nonbinary, transgender or gender-nonconformity status or gender identity or gender expression to the student's parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The County Office shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

2. Determining a Student's Gender Identity: The compliance officer shall accept the student's assertion of gender identity and begin to treat the student consistent with that gender identity unless County Office personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.
3. Addressing a Student's Transition Needs: The compliance officer shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify and develop strategies for ensuring that the student's access to educational programs and activities is maintained. The meeting shall discuss the intersex,

nonbinary, transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to the student's status as an intersex, nonbinary, transgender or gender-nonconforming individual, so that prompt action can be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting the student's educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

4. Accessibility to Sex-Segregated Facilities, Programs, and Activities: When the County Office maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the County Office shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, or use of the locker room before or after the other students. However, the County Office shall not require a student to utilize these options because the student is intersex, nonbinary, transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.
5. Student Records: Upon each student's enrollment, the County Office is required to maintain a mandatory permanent student record (official record) that includes the student's gender and legal name.

A student's legal name as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. A student's gender as entered on the student's official record required pursuant to 5 CCR 432 shall only be changed with written authorization of a parent/guardian having legal custody of the student. (Education Code 49061)

However, when proper documentation or authorization, as applicable, is not submitted with a request to change a student's legal name or gender, any change to the student's record shall be limited to the student's unofficial records such as attendance sheets, report cards, and school identification.

6. Names and Pronouns: If a student so chooses, County Office personnel shall be required to address the student by a name and the pronoun(s) consistent with the student's gender identity, without the necessity of a court order or a change to the student's official County Office record. However, inadvertent slips or honest mistakes by County Office personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this administrative regulation or the accompanying County Office policy.
7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with the student's gender identity, subject to any dress code adopted on a school site.

Approved: November 13, 2014
Revised: November 17, 2020
Revised: August 2, 2022
Revised: July 11, 2023



Gayle Garbolino-Mojica
County Superintendent of Schools
Placer County Office of Education
360 Nevada Street, Auburn

Book
PCOE Policies
Section
Students
Title
Sexual Harassment
Code
5145.7 Board Policy
Status
Active
Adopted
December 11, 2014
Last Revised
August 12, 2021
Prior Revised Dates
8/8/2019, 2/11/2021

The county office of education (COE) is committed to maintaining a safe school environment that is free from harassment and discrimination. Sexual harassment targeted at any student in a COE educational program, school, or school-sponsored or school-related activity is prohibited. Retaliatory behavior or action against any person who reports, files a complaint, or testifies about sexual harassment or who otherwise supports a complainant in alleging sexual harassment is also prohibited.

Students who feel that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus, are strongly encouraged to immediately contact their teacher, the principal or program administrator, the COE's Title IX Coordinator, or any other available school employee.

Any employee who receives a report or observes an incident of sexual harassment shall notify the Title IX Coordinator so that steps may be taken to investigate and address the allegation in accordance with law and related COE regulations.

Once notified of a complaint or allegation of sexual harassment, the Title IX Coordinator shall ensure that it is addressed through the COE's Title IX complaint procedures or uniform complaint procedures (UCP), as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of the Title IX procedure concurrently meets the requirements of UCP.

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion pursuant to Education Code 48900.2, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Legal Reference:

EDUCATION CODE

- 200-262.4 *Prohibition of discrimination on the basis of sex*
- 1040 *Duties and responsibilities; county boards of education*
- 1042 *County boards; authority*
- 35160 *Authority of county boards*
- 35160.1 *Authority of county boards; legislative intent*
- 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*
- 48915 *Grounds for expulsion*
- 48980 *Notice at beginning of term*
- 48985 *Notices, report, statements and records in primary language*

CIVIL CODE

- 51.9 *Liability for sexual harassment; business, service and professional relationships*
- 1714.1 *Liability of parents/guardians for willful misconduct of minor*

GOVERNMENT CODE

- 12950.1 *Sexual harassment training*

CODE OF REGULATIONS, TITLE 5

- 4600-4670 *Uniform complaint procedures*
- 4900-4965 *Nondiscrimination in elementary and secondary education programs*

UNITED STATES CODE, TITLE 20

- 1092 *Definition of sexual assault*
- 1221 *Application of laws*
- 1232g *Family Educational Rights and Privacy Act*
- 1681-1688 *Title IX of the Education Amendments of 1972*

UNITED STATES CODE, TITLE 34

- 12291 *Definition of dating violence, domestic violence, and stalking*

UNITED STATES CODE, TITLE 42

- 1983 *Civil action for deprivation of rights*
- 2000d-2000d-7 *Title VI, Civil Rights Act of 1964*
- 2000e-2000e-17 *Title VII, Civil Rights Act of 1964 as amended*

CODE OF FEDERAL REGULATIONS, TITLE 34

- 99.1-99.67 *Family Educational Rights and Privacy*
- 106.1-106.82 *Nondiscrimination on the basis of sex in education programs*

Adopted: December 11, 2014
Revised: August 8, 2019
Revised: February 11, 2021
Revised: August 12, 2021



Gayle Garbolino-Mojica
County Superintendent of Schools
Placer County Office of Education
360 Nevada Street, Auburn

Book

PCOE Policies

Section

Students

Title

Sexual Harassment

Code

5145.7 Superintendent Regulation

Status

Active

Adopted

November 13, 2014

Last Revised

June 15, 2021

Definitions

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 educational setting, under any of the following conditions:

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

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of COE policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, *sexual harassment* is defined as any of the following forms of conduct that occurs in an education program or activity in which the COE exercises substantial control over the context and respondent:

1. A COE employee conditioning the provision of a COE aid, benefit, or service on the student's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the COE's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

Examples of Sexual Harassment

Examples of types of conduct which are prohibited and which may constitute sexual harassment under state and/or federal law, in accordance with the definitions above, include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

Title IX Coordinator/Compliance Officer

The County Superintendent of Schools designates the following individual(s) as the responsible employee(s) to coordinate the COE's efforts to comply with Title IX of the Education Amendments of 1972, as well as to oversee, investigate, and/or resolve sexual harassment complaints under the COE's uniform complaint procedures (UCP). The Title IX Coordinator(s) may be contacted at:

Assistant Superintendent, Human Resources
360 Nevada Street, Auburn, CA 95603
(530) 889-5952
cslattery@placercoe.k12.ca.us

Instruction/Information

Students in all COE programs shall receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even when the alleged victim of the harassment has not complained
4. A clear message that student safety is the COE's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students
6. Information about the COE's procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the COE investigation of a sexual harassment complaint continues
8. A clear message that, when needed, supportive measures will be implemented to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation

Notifications

The County Superintendent or designee shall notify students and parents/guardians that the COE does not discriminate on the basis of sex as required by Title IX and that inquiries about the application of Title IX to the COE may be referred to the COE's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. The COE shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the COE's Title IX Coordinator.

A copy of the COE's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year
2. Be displayed in a prominent location in the main administrative building or other area where notices of COE rules, regulations, procedures, and standards of conduct are posted
3. Be summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school.
4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the COE's web site in a manner that is easily accessible to parents/guardians and students

5. Be provided as part of any orientation program conducted for new and continuing students at the beginning of each quarter, semester, or summer session
6. Appear in any publication that sets forth the program/school's or COE's comprehensive rules, regulations, procedures, and standards of conduct
7. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to students or parents/guardians

The County Superintendent or designee shall also post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the COE's web site in a manner that is easily accessible to parents/guardians and students.

Reporting Complaints

A student or parent/guardian who believes that the student has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to a teacher, the principal or program administrator, the COE's Title IX Coordinator, or any other available school employee. Within one school day of receiving such a report, the principal/program administrator or other school employee shall forward the report to the COE's Title IX Coordinator. Any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report the observation to the principal/program administrator or Title IX Coordinator. The report shall be made regardless of whether the alleged victim files a formal complaint or requests confidentiality.

If the Title IX Coordinator determines a complaint of sexual harassment involves off-campus conduct and the conduct may create or contribute to the creation of a hostile school environment, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the student or parent/guardian shall be informed of the right to file a formal written complaint in accordance with the applicable COE complaint procedure.

Complaint Procedures

All complaints and allegations of sexual harassment by and against students shall be investigated and resolved in accordance with law and COE procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved pursuant to 34 CFR 106.44-106.45. Other sexual harassment complaints shall be investigated and resolved in accordance with BP 1312.3 - Uniform Complaint Procedures and any related County Superintendent-approved rules or regulations.

If, upon the conclusion of an investigation, sexual harassment is determined to have occurred, the Title IX Coordinator, or designee in consultation with the Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, implement remedies, and address any continuing effects.

Approved: November 17, 2020

Revised: June 15, 2021