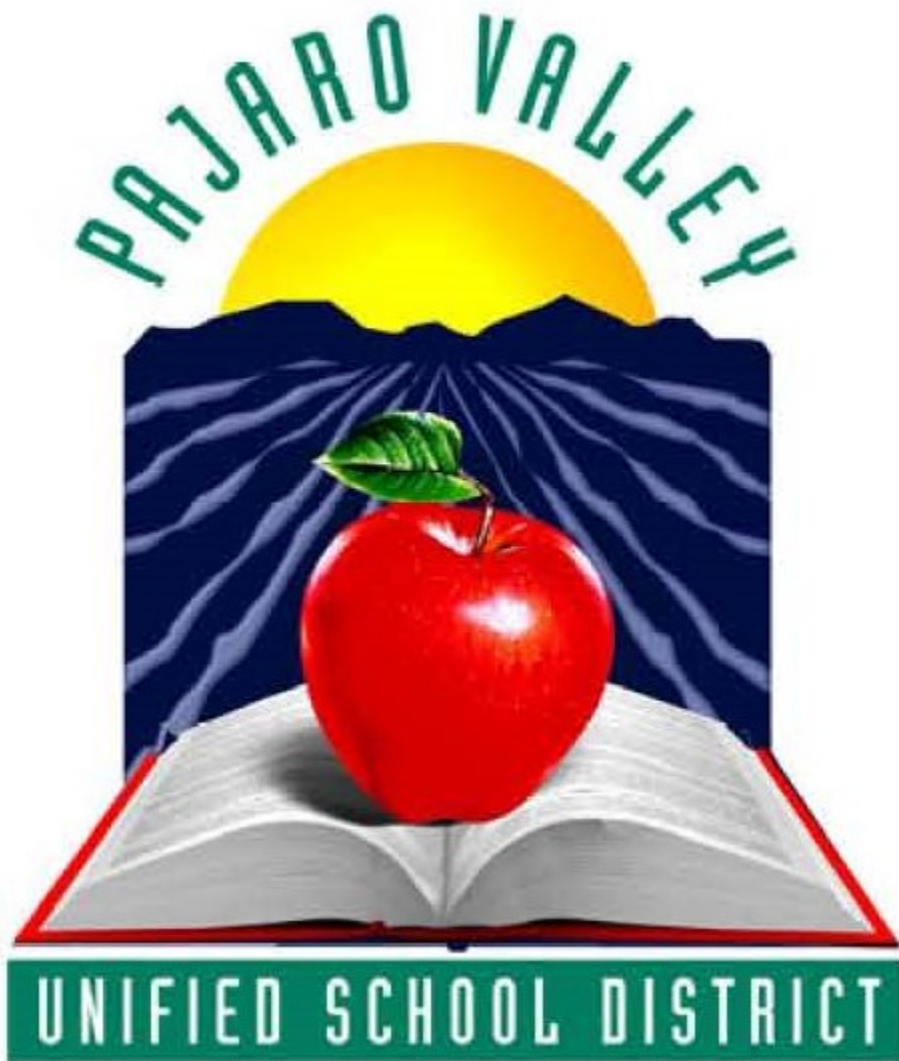


# **Directions for the Santa Cruz Countywide Comprehensive School Safety Template Part I - Public Components**

1. All sections of this template are required.
2. Add documents as Attachments.





***COMPREHENSIVE SCHOOL SAFETY PLAN***  
***Part I – Public Components***  
***2023-2024***

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**Address:** 6860 Soquel Drive  
Aptos, CA 95003  
**Principal:** Ronnie Platt  
**Phone Number:** (831) 761-6177

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**District:** Pajaro Valley Unified School District

**Superintendent** Dr. Heather Contreas

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## **Purpose of the Comprehensive School Safety Plan (CSSP)**

Sections 32280-32288 of the California Education Code outline the requirements of all schools operating any kindergarten and any grades 1 to 12, inclusive, to write and develop a Comprehensive School Safety Plan relevant to the needs and resources of that particular school.

It is the intent of the Legislature in enacting the provisions to support California public schools as they develop their mandated Comprehensive School Safety Plans that are the result of a systematic planning process, that include strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on school campuses. Comprehensive School Safety Plans are required under SB 719 & AB 115 and must contain the following elements:

- Assessment of school crime committed on school campuses and at school-related functions
- Child abuse reporting procedures
- Disaster procedures
- Suspension and expulsion policies
- Procedures to notify teachers of dangerous pupils
- Discrimination and harassment policies
- School wide dress code policies
- Procedures for safe ingress and egress
- Policies enacted to maintain a safe and orderly environment
- Rules and procedures on school discipline
- Hate crime reporting procedures

The Comprehensive School Safety Plan will be reviewed and updated by March 1st every year. In July of every year, the school will report on the status of its school safety plan including a description of its key elements in the annual School Accountability Report Card (SARC).

A copy of the Comprehensive School Safety Plan Public Version – Part I is available for review at the Mar Vista Elementary School office, and online at [www.marvista.pvUSD.net](http://www.marvista.pvUSD.net).

### Plan Development and Approval

The Mar Vista Elementary School Comprehensive School Safety Plan has been developed by:

- X School Site Council
- X School Safety Planning Committee

Which includes the following members:

Name	Membership Role
Ronnie Platt	Principal or Principal's Designee
Jenna Wafford	Teacher from Mar Vista Elementary School
Christine Cooke	Parent whose child attends the School
Barbara Dipuma	Classified Employee
SCSO Dep. Lopez	Law Enforcement Agency Representative

Key Dates of Plan Development and Approval	Date(s)
Meeting with representative of law enforcement agency to develop the Plan	2/20/24
Meeting at the school site to allow members of the public the opportunity to review and express opinions about the Plan	1/24/24
School Site Council approval of the Plan	1/24/24
School District Board approval of the Plan	2/28/24
Submission to Santa Cruz County Office of Education for audit review	2/29/24

**Current Status of School Crime**

This section presents data that will be analyzed to assess the current status of school crime committed on the Mar Vista Elementary School campus and at school-related functions. Data presented include:

Findings from the analysis of the data presented above include:

No incidents of school crime were reported for the 23-24 school year as of 1/16/24



## **School Safety Strategies and Programs**

Mar Vista Elementary School is committed to school safety for all students, staff, and visitors. Many strategies and programs provide and maintain a high level of school safety.

### **School Vision/Mission Statement**

Mar Vista Staff are dedicated to supporting students to be resilient and adaptable problem solvers, to be intellectually prepared for current and future challenges, to be joyful lifelong learners, to appreciate diverse perspectives, and to develop the knowledge and skills to maintain healthy bodies and minds.

Providing a safe learning environment is a priority for staff, parents, students, and school community members. Mar Vista Elementary School prepares students to be self-disciplined and responsible citizens who can meet the challenge of living in an ethnically and socio-economically diverse community. Mar Vista Elementary School promotes caring and nurturing relationships and work cooperatively with parents, students, law enforcement representatives, and other community agencies. Mar Vista Elementary School stresses prevention of violence on campus and prepares students to handle conflict, anger, and other threats to safety.

Programs are implemented to prevent drug, alcohol, and tobacco use. The Mar Vista Elementary School discipline policy provides students with behavior guidelines that are aligned to the California Education Code and district policies. School-wide rules, classroom rules, the dress code, and consequences for rule infractions provide students with clear expectations for behavior. The focus is to reduce barriers to learning as well as to build protective factors leading to student success, both academically and socially.

Intervention and prevention programs focus on positive youth development. Mar Vista Elementary School implements programs to create a positive school climate and promote social-emotional learning using research-based strategies. Mar Vista Elementary School implements multi-tiered systems of support/response to intervention for students that promote high expectations, maintain student engagement in school, and provide systems for student success.

Strategies and programs unique to Mar Vista Elementary School that provide a safe learning environment for all students, including specifically for LGBTQ students.

Mar Vista utilizes Positive Behavior Interventions and Supports (PBIS) as a guiding philosophy and protocol for responding to issues of school safety, emotional wellbeing and social development. Teachers also use Sanford Harmony Social Emotional Learning Program and the district-developed Restorative Start to provide regular instruction to build empathy, caring and tolerance while building strong classroom relationships. Bully prevention strategies (Stop Walk and Talk) are explicitly taught and a bully prevention hotline number is posted in the office and the Sown to Grow program is available to students in 3rd-6th grade to ensure students and parents know there are multiple avenues for responding to bullying situations. Each classroom conducts lessons on digital citizenship twice per year. Mar Vista also works closely with the Santa Cruz County Sheriff's office who provides consultation, lessons and trainings on school and community safety. The school has been trained in ALICE in case of an active shooter situation.

## **Child Abuse Reporting Procedures**

(EC 35294.2 [a] [2]; PC 11166)

All school staff members actively monitor the safety and welfare of all students. Staff members understand their responsibility as child-care custodians and will immediately report all cases of known and suspected child abuse pursuant to Penal Code Section 11166. District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

Penal Code 11166. (a) Except as provided in subdivision (d), and in Section 11166.05, a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report by telephone to the agency immediately or as soon as is practicably possible, and shall prepare and send, fax, or electronically transmit a written follow up report within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any non-privileged documentary evidence the mandated reporter possesses relating to the incident.

Plans are also completed to assure ongoing monitoring of the student. School staff work closely with police and Child Protective Services with follow up actions as needed. Considerable effort is made to maintain the confidentiality of the student and employee in all cases of child abuse reporting. Copies of all written reports are maintained in a confidential file in the principal's office. Board Policy 5141.4 addresses Child Abuse Prevention and Reporting and is included in the Appendix of the Comprehensive School Safety Plan.

## Emergency/Disaster Preparedness Training Schedule

Mar Vista Elementary School will provide all students and staff with emergency/disaster preparedness training in a variety of procedures according to the following schedule:

Training	Date(s)
Fire Procedures	9/22/23, 10/27/23, 11/17/23, 12/8/23, 1/26/24, 2/16/24, 3/8/24, 4/19/24, 5/17/24
Shelter in Place Procedures	9/27/23, 1/31/24
Earthquake Emergency Procedures	10/27/23, 12/8/23, 2/16/24, 4/19/24
A.L.I.C.E (Alert, Lockdown, Inform, Counter, Evacuate)	10/13/23

### Procedures for Emergency Use by Public Agency – BP 3516

As documented in Board Policy 3516, public agencies, including the American Red Cross, have permission to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Board will cooperate with such agencies in furnishing and maintaining whatever services they deem necessary to meet the community's needs. Board Policy 3516 is included in the Appendix.

### Suspension/Expulsion Policies – BP 5144.1

As documented in Board Policy 5144.1, the school desires to provide 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. Rules and regulations set the standards of behavior expected of students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion. Board Policy 5144.1 is included in the Appendix.

5 suspension between August 2023-December 2023.

### Procedures to Notify Teachers of Dangerous Pupils – BP 5119, BP 5131.4 & BP 5131.7

As documented in Board Policy 5119, BP 5131.4 & BP 5131.7, the Superintendent or designee shall ensure that employees are informed, in accordance with law, regarding crimes and offenses by students who may pose a danger in the classroom. Board Policy 5119, BP 5131.4 & BP 5131.7 is included in the Appendix.

### Nondiscrimination/Harassment Policy – BP 5145.3

As documented in Board Policy 5145.3, the Board of Education desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and/or bullying of any student, based on actual or perceived characteristics of race or ethnicity, color, nationality, national origin, ethnic group identification, age, religion, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other characteristic identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics. Board Policy 5145.3 is included in the Appendix.

Strategies and programs unique to Mar Vista Elementary School that provide a safe school environment for all students, including specifically for LGBTQ students.

Mar Vista Elementary is in its fifth year of implementation with Positive Behavior Interventions and Supports (PBIS), and as part of this framework, teachers lead lessons using the Sanford Harmony Social Emotional Learning curriculum and employ bully prevention strategies in all areas of the school. Teachers and yard supervisors have all been trained in district-mandated Bully Prevention Training in order to recognize signs and respond to reports to bullying and/or discrimination at school. Data is collected via Office Discipline Referrals and tracked through Synergy Student Information System. This information, which identifies problem areas and opportunities for reteaching, tiered supports and positive rewards is shared regularly by the PBIS team with whole staff and parent community.

### **Dress Code – BP 5132**

As documented in Board Policy 5132, the Board of Education believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction which would interfere with the educational process. Students are prohibited from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Board Policy 5132 is included in the Appendix.

In cooperation with administrators, teachers, staff, students and parents/guardians, the superintendent or designee shall establish district rules governing student dress and grooming which are consistent with law and Governing Board policy. This Administrative Regulation will serve as the de facto district dress code. The district dress code shall be regularly reviewed. PVUSD holds the highest aspirations for our students. To this end, we distinguish the academic environment from other social arenas. We encourage parents to take an active role in determining what clothing is considered appropriate at school. Fashions and fads that constitute a health or safety hazard to one's self or others are not allowed. A student's personal appearance should not disrupt the educational process, call undue attention to the individual, violate federal, state or local health or obscenity laws, or affect the health, safety and/or welfare of student and his/her classmates or the school staff.

Each school shall allow students to wear sun-protective clothing, including but not limited to hats, for outdoor use during the school day. In addition, the following guidelines shall apply to all regular school activities:

Shoes must be worn at all times. Flip-flops or backless shoes are not acceptable at elementary sites due to integrated recess & physical education activities.

Clothing, jewelry and personal items (backpacks, fanny packs, gym bags, water bottles etc.) shall be free of writing, pictures or any other insignia which are crude, vulgar, profane or sexually suggestive; which bear drug, alcohol or tobacco company advertising, promotions and likenesses; or which advocate racial, ethnic or religious prejudice. Students must wear clothing including both a shirt with pants or skirt, or the equivalent (for example dresses, leggings, or shorts). Shirts and dresses must have fabric in the front, back, sides, and over the shoulders. Separate upper body apparel must be long enough to meet the top of the lower body apparel. Clothing must cover undergarments (straps excluded).

Any emerging trend not addressed in this dress code will be evaluated by the administration and that decision will be final.

Heavily scented products are not permitted.

Wearable technology (i.e. smart watches) is permitted but is to be governed under each school's policy on digital devices and/or smart phones.

## **Rules and Procedures for School Discipline – BP 5144**

As documented in Board Policy 5144, the Board of Education is committed to providing a safe, supportive, and positive school environment which is conducive to student learning and to preparing students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, provision of appropriate intervention, 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.

At Mar Vista, a Positive Behavior Interventions and Supports (PBIS) framework is applied to promote positive behavior expectations and reduce discipline referrals and suspensions. A school wide matrix of behavior expectations has been created by staff and explicitly taught to students in all areas of the school. Students are positively rewarded using Mar Star Bucks for following expectations both individually and collectively. Students who receive discipline referrals for not following expectations will be provided with tiered PBIS-based interventions depending on the severity and frequency of the behaviors.

## **Bullying Prevention – BP 5131.2**

As documented in Board Policy 5131.2, the Board of Education is committed to creating a safe learning and working environment for all students and employees. The Board of Education recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No student or groups of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel. Board Policy 5131.2 is included in the Appendix.

Strategies and programs unique to Mar Vista Elementary School that prevent bullying for all students, including specifically for LGBTQ students.

As part of PBIS, Mar Vista is implementing Sanford Harmony Social Emotional Learning Program, which teaches empathy, perspective taking, bully prevention and other social emotional skills. Mar Vista's teachers and yard duty staff have all completed the Keenan Bully Prevention training provided by the district. We also implement the Great Kindness Challenge annually with the support of the Mar Vista Student Council. These events consisted of activities, videos and discussions on empathy and kindness. Please also see this link: <http://mar-pajaro-ca.schoolloop.com/file/1346930895830/1409206342260/8316905094850195684.pdf>.

This year, PVUSD implemented the "Stop It" program to ensure students and families have access to a variety of avenues to report bullying. STOPit is an app-based tool that our site uses that allows students or families to make an anonymous report to school administrators at any time - on or off-campus. Students can report through either an app downloaded to their device or through a web-browser on any computer. Students can report: bullying, cyber bullying, violence, threats, substance abuse, suicide ideation, asking for help for themselves or friends, or any unsafe situation. STOPit allows site administration to communicate in real-time with the person making the report through a texting feature. Students can upload photos, videos, and any other information that will allow site administrators to address issues as they arrive. STOPit is also monitored 24/7 by both District Administration and the STOPit organization to provide immediate support for emergency situations after-hours.

Mar Vista Elementary School

Bullying Prevention and Intervention Plan

Each year parents or guardians of enrolled students will be provided with information about the anti-bullying curricula. Mar Vista Elementary will post the Plan and related information on the Mar Vista website.

Student, Parents, and Staff can assist by:

#### A. Students Treating each other respectfully

- Refusing to bully others
- Refusing to let others be bullied
- Refusing to watch, laugh, or join in when someone is being bullied
- Trying to include others in play, especially those who are left out
- Reporting bullying to an adult

#### B. Parents

- Encouraging you child not to engage in harmful teasing
- Listening to your child if he/she report being bullied
- Reporting signs of being bullied to your school teacher or principal
- Encouraging your child not to exclude others or spread rumors or gossip
- Supporting the school if your child is identified as having engaged in bullying behavior
- Helping your child to understand how hurtful it feels to be excluded, bullied, or harassed

#### C. Staff

The following approaches are integral to establishing a safe and supportive school environment.

These underscore the importance of our bullying intervention and prevention initiatives.

General teaching approaches that support bullying prevention efforts:

- Setting clear expectations for students and establishing school and classroom routines;
- Creating safe school and classroom environments for all students, including but not limited to students with disabilities, lesbian, gay, bisexual, transgender students, and homeless students;
- Using appropriate and positive responses and reinforcement, even when students require discipline;
- Using positive behavioral supports;
- Encouraging adults to develop positive relationships with students;
- Modeling, teaching, and rewarding pro-social, healthy, and respectful behaviors;

#### PROCEDURES FOR REPORTING AND RESPONDING TO BULLYING AND RETALIATION

##### Reporting Bullying or Retaliation

Reports of bullying or retaliation may be made by staff, students, parents or guardians, or others and may be oral or written. Oral reports made by or to a staff member shall be recorded in writing. A school or district staff member is required to report immediately to the principal or designee any instance of bullying or retaliation the staff member becomes aware of or witnesses. Reports made by students, parents or guardians, or other individuals who are not school or district staff members, may be made anonymously to the principal. The school or district will make a variety of reporting resources available to the school community including, but not limited to, a Critical Incident Reporting/Complaint Form available on the school website and in the main office. Additionally, members of the school community may also contact the principal by phone or school email.

Retaliation against a person who reports bullying, provides information during an investigation of bullying, witnesses bullying, or has reliable information about bullying is prohibited. Retaliation is defined as any form of intimidation, reprisal, or harassment directed against a student who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying. Behavior that is interpreted as retaliatory in response to a bullying complaint being filed is in violation of this policy and subject to the same reporting and investigative procedures as the initial complaint. Filing of false reports is also in violation of this policy. Persons found to be filing false reports or accusations of bullying or harassment will be subject to appropriate disciplinary action. Disciplinary actions will be consistent with this Plan and the Code of Conduct.

##### Complaint Resolution

All incidents of bullying must be documented and reported directly to the building principal who will have the primary responsibility for resolving complaints. If at any time during this process a school official is made aware of behavior which may constitute a criminal offense, he/she is obligated by law to report such actions to the legal authorities.

In addition, any behavior which is identified as being so harmful as to suggest a personal threat or assault, will receive immediate disciplinary consequences according to the discipline code, and will result in an immediate suspension, or possible expulsion. All reports and complaints of bullying, cyber bullying, and retaliation will receive prompt action to end that behavior and restore the target's sense of safety. This commitment will be supported in all aspects of our school community, including curricula, instructional programs, staff development, extracurricular activities, and parent or guardian involvement. Members of certain student groups may be more vulnerable to becoming targets of bullying, harassment, or teasing. The school will take specific steps to create a safe, supportive environment for all populations in the school community, and provide all students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing.

PLEASE NOTE: As the following steps go forward, it is important that the child being bullied and/or the recipient of retaliation be given support from appropriate school staff, including counseling intervention as needed. Research has clearly shown that it is ineffective to bring a student who is being bullied and/or retaliated against together with the student who is doing the bullying for the purpose of mediating the dispute. However, each case is unique and should be addressed with sensitivity to the safety and welfare of the students involved.

#### I. First Incident:

If a teacher or other staff person recognizes, or perceives a report from a student regarding behavior of a relatively minor nature, such as mild teasing, name calling, or excluding a student from group activities, etc. the student or students involved will be warned that such behavior is not allowed. The student should be told that, if this behavior occurs again the student would be sent to the principal for further action.

When bullying is reported to a staff member, it is important to ask whether or not this behavior has happened previously. If there has been a history of chronic bullying, the staff member will skip Step One and consult with the principal.

When a warning is given, the staff member should document that such a warning has taken place. A teacher reporting bullying to the office should use the Critical Incident Reporting/Complaint Form, completing the identifying information.

#### II. Second Incident:

The principal will review school expectations and rules with the student, and a problem solving conference is held. The parents of the student will be called and notified. The student and parents are told that any subsequent referrals for bullying or any retaliation against those who brought the matter to the attention of staff will be followed by disciplinary consequences. If the bullying behavior is judged to be severe, the principal always has the option to dispense a disciplinary consequence, even upon the initial referral to the office.\*

#### III. Third Incident:

The principal will contact the parents to set up a parental conference. The student will receive a disciplinary consequence which could range from detention to out of school suspension, depending on the severity of the behavior. At the parental conference, bullying will be addressed, and a remedial plan may be formulated. Appropriate community based interventions or counseling will also be considered.\*

#### IV. Fourth Incident: Sent to the Principal

Following a comprehensive investigation, the student will be immediately suspended. A parental conference will be arranged to create/review a remedial plan. Additional alternatives, such as referral for expulsion could be considered.\*

#### Reporting and Record Keeping

The principal will keep a written record of any and all children referred to the office for bullying

behavior utilizing the Mar Vista Elementary Schools Critical Incident Form. (See attached)

\*In cases where disciplinary action becomes necessary, a due process investigation will precede any such action.

#### Principal's contact with parents

Upon investigation and determination that bullying or retaliation has occurred, the principal shall promptly notify the parents of the target and the aggressor of the determination and the school district or school's procedures for responding to the bullying or retaliation. The principal shall inform the target's parents of actions that school officials will take to prevent further acts of bullying or retaliation.

#### Confidentiality with regard to record/information release

1. A principal may not disclose information from a student record of a target or aggressor to a parent unless the information is about the parent's own child.
2. A principal may disclose a determination of bullying or retaliation to a local law enforcement agency without the consent of a student or his/her parent. The principal shall communicate with law enforcement officials in a manner that protects the privacy of targets, student witnesses, and aggressors to the extent practicable under the circumstances.
3. If the reported incident involves students from more than one school district, charter school, non-public school, approved special education day or residential school, or collaborative school, the principal will notify the principal or designee of the other school(s) of the incident so that each school may take appropriate action.

A principal may disclose student record information about a target or aggressor to appropriate parties in addition to law enforcement in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. The principal must document the disclosures and the reasons that the principal determined that a health or safety emergency exit.

#### **Positive School Climate – BP 5137**

As documented in Board Policy 5137, the Board of Education desires to enhance student learning by providing an orderly, caring, and nurturing educational and social environment in which all students can feel safe and take pride in their school and their achievements. The school environment should be characterized by positive interpersonal relationships among students and between students and staff.

The district's curriculum shall include age-appropriate character education which includes, but is not limited to, the principles of equality, human dignity, mutual respect, fairness, honesty, and citizenship. The Superintendent or designee may develop other strategies to enhance students' feelings of connectedness with the schools, such as campus beautification projects, graffiti removal, development of extracurricular activities and after-school programs, pairing of adult mentors with individual students, recognition of student achievement, and encouragement of strong family and community involvement in the schools. Board Policy 5137 is included in the Appendix.

Describe strategies and programs that this school uses to promote a positive school climate here:

Mar Vista implements a PBIS framework that promotes positive school climate through 5:1 and 10:1 positive to corrective verbal messages, bully prevention strategies, and Sanford Harmony SEL Program.



Describe roles and responsibilities of mental health professionals, school counselors, and school resource officers in these strategies and programs, if applicable.

Mar Vista is proud to collaborate with PVPSA through its offer of Kids Korner counseling on campus two days per week. PVUSD provides the school with a Social Emotional Counselor 2 days per week as well as the support of a School Psychologist two to three days per week. Our district School Resource Officer makes routine visits to our campus and is also available to our school on an as-needed basis.

Strategies and programs unique to Mar Vista Elementary School that create a positive school climate for all students, including specifically for LGBTQ students.

Mar Vista provides many strategies and programs that promote a positive school climate including, but not limited to the following: Mar Vista Character awards, Student Council spirit days and participation rewards, Fun Friday Music at Lunch, Big/Little Buddy program, Ned Show Growth Mindset Mission Assembly, attendance and academic achievement awards, publishing parties, after school programs for academics and enrichment activities. Mar Vista also offers school/community events such as the Harvest Festival, Movie Nights, Pages and PJs, monthly Principal's Coffee Chat, Variety Show, Annual 5K run, 21 Days of Kindness, Bike/Walk to School, school dance, school plays, dance instruction, game night and student art show at Open House.

### **Uniform Complaint Procedure – BP 1312.3**

As documented in Board Policy 5137, the Board of Education recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation. Board Policy 1312.3 is included in the Appendix.

Strategies and programs unique to Mar Vista Elementary School that encourage early resolution of complaints for all students, including specifically for LGBTQ students.

Families and students at Mar Vista are encouraged to discuss concerns with the teaching staff and administrators in order for corrective actions to take place as quickly as possible. Uniform Complaint Procedure forms are available in the office and the school website, as well.

### **Protocols to Address Mental Health Care of Pupils Who Have Witnessed a Violent Act**

Pupils who have witnessed a violent act at school or at a school-sponsored activity, while going to or coming from school or a school sponsored activity, or during a lunch period on or off campus, will need attention to address their mental health. Witnessing violence and being a victim of violence at school have been found both positively and significantly associated with child psychological trauma symptoms and self-reported violent behavior, even after controlling for the effects of various demographic factors. Serious emotional and behavioral consequences can occur for students who are merely witnesses to violence (Flannery, D. J., Wester, K. L., & Singer, M. I., 2004).

Describe protocols for reporting incidents and referring students for mental health care

Students who have witnessed a violent act will be referred to supports from our School Counselor or PVPSA Kids Korner Counselor. In addition, teachers and yard supervisors have completed training as Mandated Reporters and know the procedures for making reports when signs of emotional or physical abuse are observed.

Our site utilizes a variety of tools to allow students to report incidents and ask for help. STOPit is an app and web-based reporting tool which allows students to anonymously report incidents in real time to site and district administration. This tool allows students to upload photos, images, screenshots, or videos. The interface includes a texting feature allowing administration to ask follow-up questions and ascertain more information in real time, including after-hours. STOPit also

has 24/7 monitoring and will contact law enforcement if immediate support is needed. This tool increases the ability for our site to get needed resources where needed in a timely manner.

Gaggle is another program which monitors students' use of district-assigned technology and alerts site and district administrators when certain keywords are used indicating a student may need help or is in crisis. Like STOPit, this tool allows for site administration and counselors to efficiently connect students and families to mental health resources.

We have a Site Wellness Team (SWT) to identify, assess, triage, provide resources, and make referrals for students experiencing mental health needs. The Site Wellness team meets weekly and is composed of site administration, health staff, teachers, and mental health staff (Social Emotional Counselor, Psychologist, Mental Health Clinician). Teachers are the first line of contact and refer students in need of support directly to the Site Wellness Team. The Social Emotional Counselor works with the SWT to coordinate needed services. The Social Emotional Counselor checks-in with students and families, assesses mental health needs, and makes appropriate referrals to site or community based mental health agencies.

When our site identifies a student as having needs that require services beyond our site resources, we refer to the District Wellness Team for further support. The District Wellness Team coordinates with district Mental Health Clinicians, Pajaro Valley Prevention and Student Assistance (PVPSA), County Children's Mental Health, and other community mental health agencies to coordinate services and provide support.

For students in crisis (non life-threatening emergencies and/or active suicide ideation), we coordinate with district Mental Health Clinicians and Pajaro Valley Prevention and Student Assistance (PVPSA) crisis counselors to provide immediate care. These Mental Health Clinicians and Crisis Counselors will immediately meet with the student/family, assess mental health needs, and provide immediate crisis care and appropriate referrals for follow-up care.

### **Procedures for Safe Ingress and Egress of Pupils, Parents, and School Employees to and from school**

In an effort to assure the safety and welfare of students, parents, and visitors to Mar Vista Elementary School, the following procedures should be followed when traveling to and from the school site:

- Daily Bus Drop-off & Pick-up at School:
- Students Walking to School:
- Students and Adults visiting the school site after hours or on weekends:

During Back to School Night we communicate drop off and pick up policies to parents and a detailed description is sent at the beginning of the year to all families. A map of parking lot, drop off/pick up lane and instructions go home as a hard copy the first day of school and are available on the school website. Safe Routes to School information and Bike/Walk to School activities are planned for Winter 2023/2024 and follow up information will be shared with families once the sessions are completed. Students and adults visiting the school must abide by rules posted on signs at entry ways to campus. Adults visiting the campus during school hours must check in at the office, log their time and purpose on campus and wear a visitor's badge at all times.

## **Appendix**

### **Board Policy 0450 Philosophy, Goals, Objectives and Comprehensive Plans**

The Board of Education recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that includes strategies for violence prevention and high expectations for student conduct, responsible behavior, and respect for others.

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

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

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

(cf. [3515.2](#) - Disruptions)

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

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

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

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

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

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

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

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

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

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

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

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

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

The school site council at each district school shall develop a comprehensive school safety plan relevant to the needs and resources of that particular school. New school campuses shall develop a safety plan within one year of initiating operations. (Education Code [32281](#), [32286](#))

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

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

The school safety plan shall take into account the school's staffing, available resources, and building design, as well as other factors unique to the site.

Each school shall forward its comprehensive safety plan to the Board for approval. (Education Code [32288](#))

The comprehensive safety plan(s) shall be reviewed and updated by March 1 of each year. (Education Code [32286](#))

The Board shall review the comprehensive safety plan(s) in order to ensure compliance with state law, Board policy, and administrative regulation and shall approve the plan(s) at a regularly scheduled meeting.

(cf. [0500](#) - Accountability)

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

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education of any schools that have not complied with the requirements of Education Code [32281](#). (Education Code [32288](#))

#### Tactical Response Plan

Notwithstanding the process described above, any portion of a comprehensive safety plan that includes tactical responses to criminal incidents that may result in death or serious bodily injury at the school site, including steps to be taken to safeguard students and staff, secure the affected school premises, and apprehend the criminal perpetrator(s), shall be developed by district administrators in accordance with Education Code [32281](#). In developing such strategies, district administrators shall consult with law enforcement officials and with a representative of an employee bargaining unit, if he/she chooses to participate.

When reviewing the tactical response plan, the Board may meet in closed session to confer with law enforcement officials, provided that any vote to approve the tactical response plan is announced in open session following the closed session. (Education Code [32281](#))

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

(cf. [9011](#) - Disclosure of Confidential/Privileged Information)

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

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

#### Public Access to Safety Plan(s)

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code [32282](#))

(cf. [1340](#) - Access to District Records)

However, those portions of the comprehensive safety plan that include tactical responses to criminal incidents shall not be publicly disclosed.

#### Legal Reference:

##### EDUCATION CODE

[200-262.4](#) Prohibition of discrimination

[32260-32262](#) Interagency School Safety Demonstration Act of 1985

[32270](#) School safety cadre

[32280-32289](#) School safety plans

[32290](#) Safety devices

[35147](#) School site councils and advisory committees

[35183](#) School dress code; uniforms

[35291](#) Rules

[35291.5](#) School-adopted discipline rules

[35294.10-35294.15](#) School Safety and Violence Prevention Act

[41510-41514](#) School Safety Consolidated Competitive Grant Program

[48900-48927](#) Suspension and expulsion

[48950](#) Speech and other communication

[49079](#) Notification to teacher; student act constituting grounds for suspension or expulsion

[67381](#) Violent crime

PENAL CODE

[422.55](#) Definition of hate crime

[626.8](#) Disruptions

[11164-11174.3](#) Child Abuse and Neglect Reporting Act

CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to Safe Schools

CODE OF REGULATIONS, TITLE 5

[11987-11987.7](#) School Community Violence Prevention Program requirements

[11992-11993](#) Definition, persistently dangerous schools

UNITED STATES CODE, TITLE 20

[7101-7165](#) Safe and Drug Free Schools and Communities

[7912](#) Transfers from persistently dangerous schools

UNITED STATES CODE, TITLE 42

[12101-12213](#) Americans with Disabilities Act

Management Resources:

CSBA PUBLICATIONS

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

Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief, October 2010

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

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Safe Schools: A Planning Guide for Action, 2002

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007

Early Warning, Timely Response: A Guide to Safe Schools, August 1998

U.S. SECRET SERVICE AND U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates, 2002

WEB SITES

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

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

California Emergency Management Agency: <http://www.calema.ca.gov>

California Healthy Kids Survey: <http://chks.wested.org>

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

Federal Bureau of Investigation: <http://www.fbi.gov>

National Alliance for Safe Schools: <http://www.safeschools.org>

National Center for Crisis Management: <http://www.schoolcrisisresponse.com>

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

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

U.S. Secret Service, National Threat Assessment Center: [http://www.secretservice.gov/ntac\\_ssi.shtml](http://www.secretservice.gov/ntac_ssi.shtml)

Policy PAJARO VALLEY UNIFIED SCHOOL DISTRICT

adopted: February 11, 2015 Watsonville, California

**Board Policy 1020 Community Relations**

The Board of Education desires to help all district students achieve their highest potential regardless of their social, health, or economic circumstances and recognizes that schools alone cannot meet all the complex needs of children. The district shall provide support services for children and families to the extent possible and shall work with other local governments, businesses, foundations, and community-based organizations, as appropriate, to improve the health, safety, and well-being of the community's youth.

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

(cf. [5030](#) - Student Wellness)

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

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

(cf. [5141.32](#) - Health Screening for School Entry)

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

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

(cf. 5141.6 - School Health Services)

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

(cf. [5148](#) - Child Care and Development)

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

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. [5149](#) - At-Risk Students)

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

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

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

The Board shall initiate or participate in collaborative relationships with city and county elected officials to design and coordinate multi-agency programs that respond to the needs of children and families and provide more efficient use of district and community resources.

The Board may establish or participate in formal structures for governance teams to regularly meet and discuss issues of mutual concern.

(cf. [0200](#) - Goals for the School District)

(cf. [9140](#) - Board Representatives)

The Superintendent and appropriate staff shall cooperate with public and private entities in the planning and implementation of joint projects or activities within the community. The Superintendent or designee may designate a coordinator to ensure effective implementation of the district's responsibilities in any such collaborative project.

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

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

In order to identify priorities for youth services, the Board shall encourage a periodic assessment of children's needs within the community, which may include, but not be limited to, needs based on poverty, child abuse and neglect, poor physical or mental health, homelessness, placement in foster care, lack of access to child care, substance abuse, or violence. The needs assessment also should examine the extent to which those needs are

being met through existing services in the district and in the community, the costs of providing those services, and any gaps, delay, or duplication of services.

The Board will be informed of the services to be offered by the district, the resources that will be allocated to support collaboration, any use of school facilities for services, and any development or joint use of facilities with other jurisdictions.

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

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

All agreements with other agencies to coordinate services or share resources shall be in writing. The Board may establish joint powers agreements or memorandums of understanding, when feasible, to formalize the responsibilities and liabilities of all parties in a collaborative activity.

The Superintendent or designee shall work with interagency partners to explore funding opportunities available through each agency, state and national grant programs, and/or private foundations for youth services coordination and delivery.

In order to facilitate service delivery or determination of eligibility for services, the district may share information with other appropriate agencies with parent/guardian consent and in accordance with laws pertaining to confidentiality and privacy.

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

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

The Board may receive regular reports of progress toward the identified goals of the collaborative effort. The reports may include, but not be limited to, feedback from staff and families regarding service delivery, numbers of children and families served, specific indicators of conditions of children, and indicators of system efficiency and cost effectiveness.

(cf. [0500](#) - Accountability)

The Board may communicate with the community about the district's collaborative efforts and the conditions of children within the schools. The Board may advocate for local, state, and national policies, programs, and initiatives designed to improve the conditions of children and youth.

(cf. [1100](#) - Communication with the Public)

(cf. [1160](#) - Political Processes)

(cf. [9000](#) - Role of the Board)

Legal Reference:

EDUCATION CODE

[8800-8807](#) Healthy Start support services for children

[49073](#) Privacy of student records

[49075](#) Parent/guardian permission for release of student records

[49557.2](#) Sharing of information for MediCal eligibility

HEALTH AND SAFETY CODE



[120440](#) Immunization records; release to local health departments

130100-130155 Early childhood development; First 5 Commission

#### WELFARE AND INSTITUTIONS CODE

[5850-5883](#) Mental Health Services Act

[18961.5](#) Computerized database; families at risk for child abuse; sharing of information

18980-18983.8 Child Abuse Prevention Coordinating Council

[18986-18986.30](#) Interagency Children's Services Act

[18986.40-18986.46](#) Multidisciplinary services teams

18986.50-18986.53 Integrated day care program

18987.6-[18987.62](#) Family-based services

Management Resources:

#### CSBA PUBLICATIONS

Expanding Access to High-Quality Preschool Programs: A Resource Guide for School Leaders, rev. April 2008

Educating Foster Youth: Best Practices and Board Considerations, Policy Brief, March 2008

Mental Health Services Act (Proposition 63): Collaborative Opportunity to Address Mental Health, Policy Advisory, October 2007

Maximizing School Board Governance: Community Leadership, 1996

#### CHILDREN NOW PUBLICATIONS

California Report Card: The State of the State's Children, 2008

#### CITIES, COUNTIES AND SCHOOLS PARTNERSHIP PUBLICATIONS

Healthy Children, Healthy Communities: An Action Guide for California Communities, 2006

Stretching Community Dollars: Cities, Counties and School Districts Building for the Future, 2006

#### YOUTH LAW CENTER PUBLICATIONS

Model Form for Consent to Exchange Confidential Information among the Members of an Interagency Collaborative, 1995

#### WEB SITES

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

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

California Department of Public Health: <http://www.cdph.ca.gov>

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

California State Association of Counties: <http://www.csac.counties.org>

Children Now: <http://www.childrennow.org>

Cities, Counties and Schools Partnership: <http://www.ccspartnership.org>

First 5 California: <http://www.cafc.ca.gov>

League of California Cities: <http://www.cacities.org>

Youth Law Center: <http://www.ylc.org>

Policy PAJARO VALLEY UNIFIED SCHOOL DISTRICT

adopted: February 11, 2015 Watsonville, California

### **Board Policy 5141.4 Child Abuse Prevention and Reporting**

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

The district's instructional program shall include age-appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain students' right to live free of abuse, inform them of available support resources, and teach them how to obtain help and disclose incidents of abuse. The curriculum also shall include training in self-protection techniques.

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

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

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

#### **Child Abuse Reporting**

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

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

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

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

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

Legal Reference:

## EDUCATION CODE

[32280-32288](#) Comprehensive school safety plans

[33308.1](#) Guidelines on procedure for filing child abuse complaints

44690-[44691](#) Staff development in the detection of child abuse and neglect

[44807](#) Duty concerning conduct of students

[48906](#) Notification when student released to peace officer

[48987](#) Dissemination of reporting guidelines to parents

[49001](#) Prohibition of corporal punishment

[51220.5](#) Parenting skills education

## PENAL CODE

[152.3](#) Duty to report murder, rape, or lewd or lascivious act

[273a](#) Willful cruelty or unjustifiable punishment of child; endangering life or health

[288](#) Definition of lewd or lascivious act requiring reporting

[11164-11174.4](#) Child Abuse and Neglect Reporting Act

## WELFARE AND INSTITUTIONS CODE

[15630-15637](#) Dependent adult abuse reporting

## CODE OF REGULATIONS, TITLE 5

[4650](#) Filing complaints with CDE, special education students

Management Resources:

## CDE LEGAL ADVISORIES

[0514.93](#) Guidelines for parents to report suspected child abuse

## WEB SITES

California Attorney General's Office, Crime and Violence Prevention Center: <http://safestate.org>

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

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

U.S. Department of Health and Human Services, National Clearinghouse on Child Abuse and Neglect Information: <http://nccanch.acf.hhs.gov>

Policy PAJARO VALLEY UNIFIED SCHOOL DISTRICT

adopted: August 27, 2008 Watsonville, California

### **Board Policy 3516 Emergencies and Disaster Preparedness**

The Board of Education recognizes that all district staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and threats of disaster.

The Superintendent or designee shall develop and maintain a disaster preparedness plan which details provisions for handling emergencies and disasters and which shall be included in the district's comprehensive school safety plan. (Education Code [32282](#))

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

(cf. 3516.3 - Earthquake Emergency Procedure System)

The Superintendent or designee shall also develop and maintain emergency plans for each school site.

In developing the district and school emergency plans, the Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators.

The Superintendent or designee shall use state-approved Standardized Emergency Management System guidelines and the National Incident Command System when updating district and site-level emergency and disaster preparedness plans.

The Board shall grant the use of school buildings, grounds, and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Board shall cooperate with such agencies in furnishing and maintaining whatever services they deem necessary to meet the community's needs. (Education Code [32282](#))

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

School employees are considered disaster service workers and are subject to disaster service activities assigned to them. (Government Code [3100](#))

(cf. [4112.3/4212.3/4312.3](#) - Oath or Affirmation)

(cf. 4119.3/4219.3/4319.3 - Duties of Personnel)

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

#### GOVERNMENT CODE

[3100](#) Public employees as disaster service workers

[8607](#) Standardized emergency management system

#### 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

#### Management Resources:

##### CSBA PUBLICATIONS

Avian Influenza, Governance and Policy Services Fact Sheet, April 2006

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

##### CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

Pandemic Influenza Planning Checklist, 2006

##### CONTRA COSTA COUNTY OFFICE OF EDUCATION

Pandemic Flu School Action Kit, June 2006

##### GOVERNOR'S OFFICE OF EMERGENCY SERVICES

School Emergency Response: Using SEMS at Districts and Sites, June 1998

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

Practical Information on Crisis Planning: A Guide for Schools and Communities, May 2003

##### 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 Emergency Management Agency: <http://www.calema.ca.gov>

California Seismic Safety Commission: <http://www.seismic.ca.gov>

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

Contra Costa County Office of Education, Pandemic influenza resources: [http://www.cccoe.k12.ca.us/about/flu/resources\\_flu\\_action\\_kit](http://www.cccoe.k12.ca.us/about/flu/resources_flu_action_kit)

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

U.S. Department of Education, Emergency Planning: <http://www.ed.gov/admins/lead/safety/emergencyplan>

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

Policy PAJARO VALLEY UNIFIED SCHOOL DISTRICT

adopted: May 7, 2008 Watsonville, California

### **Board Policy 5144.1 Suspension and Expulsion/Due Process**

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

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

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

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

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

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

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

#### **Zero Tolerance**

The Board supports a zero tolerance approach to serious offenses in accordance with state and federal law. This approach makes the removal of potentially dangerous students from the classroom a top priority and ensures the standardized treatment of all students. Staff shall immediately report to the Superintendent or designee any incidence of offenses specified in law, Board policy, and administrative regulation as cause for suspension or expulsion.

#### **Student Due Process**

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

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

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

#### Supervised Suspension Classroom

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

The Superintendent or designee shall establish a supervised classroom suspension program which meets the requirements of law for students suspended for any of the reasons enumerated in Education Code [48900](#) and [48900.2](#), who pose no imminent danger or threat at school, and for whom an expulsion action has not been initiated.

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

#### Required Parental Attendance

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

Whenever a student is suspended from class by a teacher because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities, or otherwise willfully defied valid staff authority, the teacher of the class from which the student was removed may provide that the student's parent/guardian attend a portion of a school day in the class from which the student was suspended. (Education Code [48900.1](#))

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

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

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

The notice shall specify that the attendance may be on either the date the student is scheduled to return to class or within one week thereafter.

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

The principal or designee shall contact a parent/guardian who does not respond to the request to attend school. The Board recognizes that parent/guardian compliance with this policy may be delayed, modified, or prevented for reasons such as serious illness/injury/disability, absence from town, or inability to get release time from work.

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

## Decision Not to Enforce Expulsion Order

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

Legal Reference:

### EDUCATION CODE

[212.5](#) Sexual harassment

[1981](#) Enrollment of students in community school

[17292.5](#) Program for expelled students

[32261](#) Interagency School Safety Demonstration Act of 1985

[35146](#) Closed sessions (re suspensions)

[35291](#) Rules (for government and discipline of schools)

[35291.5](#) Rules and procedures on school discipline

[48660](#)-48667 Community day schools

[48900](#)-[48927](#) Suspension and expulsion

[48950](#) Speech and other communication

[49073](#)-[49079](#) Privacy of student records

### CIVIL CODE

[47](#) Privileged communication

[48.8](#) Defamation liability

### CODE OF CIVIL PROCEDURE

[1985](#)-[1997](#) Subpoenas; means of production

### GOVERNMENT CODE

[11455.20](#) Contempt

[54950](#)-[54963](#) Ralph M. Brown Act

### HEALTH AND SAFETY CODE

[11014.5](#) Drug paraphernalia

[11053](#)-[11058](#) Standards and schedules



LABOR CODE

[230.7](#) Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

[31](#) Principal of a crime, defined

[240](#) Assault defined

[241.2](#) Assault fines

[242](#) Battery defined

[243.2](#) Battery on school property

[243.4](#) Sexual battery

[245](#) Assault with deadly weapon

[245.6](#) Hazing

[261](#) Rape defined

[266c](#) Unlawful sexual intercourse

[286](#) Sodomy defined

[288](#) Lewd or lascivious acts with child under age 14

[288a](#) Oral copulation

[289](#) Penetration of genital or anal openings

[626.2](#) Entry upon campus after written notice of suspension or dismissal without permission

[626.9](#) Gun-Free School Zone Act of 1995

[626.10](#) Dirks, daggers, knives, razors or stun guns

[868.5](#) Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

[729.6](#) Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

[7151](#) Gun free schools

## COURT DECISIONS

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

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

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

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

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

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

## ATTORNEY GENERAL OPINIONS

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

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

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

Management Resources:

## WEB SITES

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

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

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

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

Policy PAJARO VALLEY UNIFIED SCHOOL DISTRICT

adopted: August 27, 2008 Watsonville, California

### **Board Policy 5149 At-Risk Students**

The Board of Education recognizes that personal, social, health, and economic circumstances of children and families sometimes place students at risk of school failure. The Board believes, however, that each student can succeed in meeting district academic standards with appropriate educational programs and support services.

(cf. [6011](#) - Academic Standards)

(cf. [6146.1](#) - High School Graduation Requirements)

(cf. [6146.5](#) - Elementary/Middle School Graduation Requirements)

(cf. [6162.52](#) - High School Exit Examination)

District assessments and ongoing classroom evaluations shall be used to identify students performing below grade-level or at risk of failing to meet district standards. The Superintendent or designee shall develop strategies to address the needs of at-risk students, which may include but are not limited to instructional strategies responsive to the needs of individual students, provision of supplemental instruction outside the regular school day, provision of effective support services, parent involvement, and/or enrollment in an alternative program.

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

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

(cf. [5030](#) - Student Wellness)

(cf. [5113.1](#) - Truancy)

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

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

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

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

(cf. [5141.23](#) - Infectious Disease Prevention)

(cf. [5141.3](#) - Health Examinations)

(cf. [5141.31](#) - Immunizations)

(cf. [5141.32](#) - Health Screening for School Entry)

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

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

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

(cf. [5147](#) - Dropout Prevention)

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

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

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

(cf. 6164.5 - Student Success Teams)

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

(cf. [6179](#) - Supplemental Instruction)

(cf. [6181](#) - Alternative Schools)

(cf. [6300](#) - Preschool/Early Childhood Education)

The Superintendent or designee shall ensure that employees are trained to support students and are prepared to implement intervention strategies as needed or to make appropriate referrals.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall establish a student assistance program to help coordinate the district's learning support programs including education, prevention, early identification, intervention, referral, and support services, into an integrated delivery system.

The district's program for at-risk students shall emphasize coordination between site, district, and community-based programs in order to ensure effective implementation and shared accountability.

Legal Reference:

EDUCATION CODE

[8800-8807](#) Healthy Start support services for children

[11500-11506](#) Programs to encourage parent involvement

[35160](#) Authority of governing boards

[35183](#) Gang-related apparel

[41505-41508](#) Pupil Retention Block Grant

[41510-41514](#) School Safety Consolidated Competitive Grant

[44049](#) Report of alcohol or controlled substance abuse

[48260-48273](#) Truancy

[48400-48454](#) Continuation education

[48660-48666](#) Community day schools

[49400-49409](#) Student health

[49450-49457](#) Physical examinations of students

[49600-49604](#) Educational counseling

[51266-51266.5](#) Gang and substance abuse prevention curriculum

[51268](#) Collaboration re drug, alcohol and tobacco prevention

[51745-51749.3](#) Independent study programs

[52200-52212](#) Gifted and Talented Pupil Program

[52800-52887](#) School-Based Program Coordination Act

[54400-54425](#) Programs for disadvantaged children

[54440-54445](#) Migrant children

[54740-54749.5](#) California School Age Families

[56000-56001](#) Special education programs

[56302](#) Identification and assessment of needs for individuals with disabilities

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

[52014](#) Inclusion of activities in plan

[52015](#) Components of plan

[54685-54686.2](#) Early Intervention for School Success Program

HEALTH AND SAFETY CODE

[11802](#) Joint school-community alcohol abuse primary education and prevention program

11965.5-11967.5 School-community primary prevention program

[120325-120380](#) Immunizations

[121475-121520](#) Tuberculosis tests for students

[124025-124110](#) Child health and disability prevention program

PENAL CODE

[11164-11174.3](#) Child abuse and neglect reporting

WELFARE AND INSTITUTIONS CODE

[4343-4360](#) Primary intervention programs - mental health

[4370-4390](#) School-based early mental health intervention and prevention

[18975-18979](#) Child abuse prevention training

[18986.40-18986.46](#) Interagency children's services programs

CODE OF REGULATIONS, TITLE 5

[11900-11935](#) Healthy Start program

UNITED STATES CODE, TITLE 20

[6301-6578](#) Title I programs

Management Resources:

WEB SITES

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

Policy PAJARO VALLEY UNIFIED SCHOOL DISTRICT

adopted: August 27, 2008 Watsonville, California

### **Board Policy 5119, 5131.4 & 5131.7 Employee Security/Teacher Notification**

The Board of Education may grant admission to students expelled from other districts in accordance with law and when consistent with the Board's goal to provide a safe and secure environment for students and staff.

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

If a student expelled from another district is granted enrollment, in accordance with the procedures specified below, he/she shall either establish legal residence in this district or enroll pursuant to an interdistrict attendance agreement. (Education Code [48915.1](#), [48915.2](#))

(cf. [5111](#) - Admission)

(cf. [5111.1](#) - District Residency)

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

Enrollment During the Term of the Expulsion

The district shall not enroll a student expelled by another district for any of the offenses listed in Education Code [48915](#)(a) or (c) (mandatory expulsion offenses) during the term of the student's expulsion, unless the enrollment is at a community day school. (Education Code [48915.2](#))

Upon receiving a request for enrollment from a student expelled from another district for acts other than those specified in Education Code [48915](#)(a) or (c), the Board shall hold a hearing to determine whether the student poses a continuing danger to students or staff. The hearing shall be conducted and notice shall be provided in accordance with procedures governing expulsion of students described in Education Code [48918](#). (Education Code [48915.1](#))

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

If the student or parent/guardian neglects to inform the district that the student was expelled from his/her previous district for an act other than those listed in Education Code [48915](#)(a) or (c), the Board shall record and discuss this lack of compliance during the hearing. (Education Code [48915.1](#))

If the Board finds that a student expelled for acts other than those specified in Education Code [48915](#)(a) or (c) does not pose a continuing danger to students or staff, the student may be admitted or conditionally admitted during the term of expulsion. If the Board determines that the student does pose a continuing danger to students or staff, the student shall not be admitted. (Education Code [48915.1](#))

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

Enrollment After the Term of the Expulsion

A student expelled for an act specified in Education Code [48915\(a\)](#) or (c) may enroll in the district after the term of his/her expulsion if the Board finds, at a hearing, that the student does not pose a continuing danger to students or staff. The hearing shall be conducted and notice shall be provided in accordance with procedures governing expulsion of students described in Education Code [48918](#). (Education Code [48915.2](#))

A student expelled for any act other than those specified in Education Code [48915\(a\)](#) or (c) may request enrollment after the term of his/her expulsion in accordance with the district's procedures for establishing residency or interdistrict transfer.

Legal Reference:

#### EDUCATION CODE

[46600](#) Agreements for interdistrict attendance

[46601](#) Failure to approve interdistrict attendance; expulsion prohibiting appeal

[48200](#) Compulsory attendance

[48645.1](#) Juvenile court school

[48660-48666](#) Community day schools

[48915](#) Expulsion; particular circumstances

[48915.1](#) Expelled individuals: enrollment in another district

[48915.2](#) Expelled student; enrollment during and after period of expulsion

[48918](#) Rules governing expulsion procedures

Management Resources:

#### WEB SITES

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

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

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

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

#### Policy PAJARO VALLEY UNIFIED SCHOOL DISTRICT

adopted: August 27, 2008 Watsonville, California

The Board of Education desires to provide orderly campuses that create a positive school environment and are conducive to learning. When students initiate or are involved in a campus disturbance that has the potential to threaten the safety of students or staff, the Superintendent or designee may request law enforcement assistance.

The Superintendent or designee and the principal of each school shall establish a school disturbance response plan that is intended to curb disruptions which may lead to riots, violence, or vandalism at school or at school-sponsored events. In developing each school's plan, the Superintendent or designee shall consult with local law enforcement authorities to create guidelines for law enforcement support and intervention.

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

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

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

Staff are encouraged to be alert to conditions at school that may lead to a disturbance, such as racial or cultural conflict, student protests, or gang intimidation and confrontations. Staff who believe that a disturbance is imminent, or who see a disturbance occurring, shall immediately contact the principal and invoke the school disturbance response plan.

(cf. 4131 - Staff Development)

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

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

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

Students who participate in a campus disturbance shall be subject to disciplinary action in accordance with Board policy and administrative regulations.

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

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

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

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

Legal Reference:

#### EDUCATION CODE

[32210](#) Willful disturbance of public school or meeting

[32211](#) Threatened disruption or interference with classes

[32280-32288](#) School safety plans

[35160](#) Authority of governing boards

[38000-38005](#) Security patrols

[44810](#) Willful interference with classroom conduct

[44811](#) Disruption of classwork or extracurricular activities

[48900](#) Grounds for suspension or expulsion

[48907](#) Student exercise of free expression

[51512](#) Prohibited use of electronic listening or recording device

#### PENAL CODE



[243.5](#) Assault or battery on school property

[403-420](#) Crimes against the public peace, especially:

[415](#) Fighting; noise; offensive words

[415.5](#) Disturbance of peace of school

[416](#) Assembly to disturb peace; refusal to disperse

[626-626.10](#) Crimes on school grounds

[627-627.7](#) Access to school premises

[653b](#) Loitering about schools or public places

Management Resources:

CSBA PUBLICATIONS

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

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, May 2003

WEB SITES

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

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

U.S. Department of Education, Emergency Planning: <http://www.ed.gov/admins/lead/safety/emergencyplan>

Policy PAJARO VALLEY UNIFIED SCHOOL DISTRICT

adopted: August 27, 2008 Watsonville, California

The Board of Education desires students and staff to be free from the danger presented by firearms and other weapons.

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

Possession of Weapons

The Board prohibits any person other than authorized law enforcement or security personnel from possessing weapons, imitation firearms, or dangerous instruments of any kind in school buildings, on school grounds or buses, or at a school-related or school-sponsored activity away from school, or while going to or coming from school.

Students possessing without permission or threatening others with a weapon, dangerous instrument or imitation firearm are subject to suspension and/or expulsion in accordance with law, Board policy and administrative regulations.

Under the power granted to the Board to maintain order and discipline in the schools and to protect the safety of students, staff and the public, any school employee is authorized to confiscate a weapon, dangerous instrument or imitation firearm from any person on school grounds.

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

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

The principal or designee shall notify law enforcement authorities when any student possesses a weapon without permission or commits any act of assault with a firearm or other weapon. (20 USC [7151](#); Education Code [48902](#); Penal Code [245](#), [626.9](#), [626.10](#))

#### Possession of Pepper Spray

To prevent potential misuse that may harm students or staff, students are prohibited from carrying tear gas or tear gas weapons such as pepper spray on campus or at school activities.

#### Reporting of Dangerous Objects

The Board encourages students to promptly report the presence of weapons, injurious objects or other suspicious activity to school authorities. The identity of a student who reports such activity shall remain confidential to the extent permitted by law.

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

The Superintendent or designee shall develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity. Incident reports and records shall not identify the student who reported the possession. The strategy shall also provide a method of informing staff, students and parents/guardians that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

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

Legal Reference:

#### EDUCATION CODE

[35291](#) Governing board to prescribe rules for discipline of the schools

[48900](#) Grounds for suspension/expulsion

[48902](#) Notification of law enforcement authorities

[48915](#) Required recommendation for expulsions

[48916](#) Readmission

[49330-49335](#) Injurious objects

#### PENAL CODE

[245](#) Assault with deadly weapon

[417.4](#) Imitation firearm; drawing or exhibiting

[626.9](#) Gun-Free School Zone Act of 1995

[626.10](#) Dirks, daggers, knives, razor or stun gun; bringing or possessing in school or on school grounds; exception

[653k](#) Soliciting a minor to commit certain felonies

[12001](#) Control of deadly weapons

[12020-12036](#) Unlawful carrying and possession of concealed weapons

[12220](#) Unauthorized possession of a machinegun

[12401](#) Tear gas

[12402](#) Tear gas weapon

[12403.7](#) Weapons approved for self defense

[12403.8](#) Minors 16 or over; tear gas and tear gas weapons

[12555](#) Imitation firearms

UNITED STATES CODE, TITLE 20

[6301-7941](#) No Child Left Behind Act; especially:

[7151](#) Gun-Free Schools Act

Management Resources:

CDE COMMUNICATIONS

0401.01 Protecting Student Identification in Reporting Injurious Objects

CSBA PUBLICATIONS

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

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

WEB SITES

California Attorney General's Crime and Violence Prevention Center: <http://www.safestate.org>

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

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

National Alliance for Safe Schools: <http://www.safeschools.org>

National School Safety Center: <http://www.nssc1.org>

U.S. Department of Education, Safe Schools: <http://www.ed.gov/about/offices/list/osers/osep/gtss.html>

Policy PAJARO VALLEY UNIFIED SCHOOL DISTRICT

adopted: August 27, 2008 Watsonville, California

### **Board Policy 5145.3 Nondiscrimination/Harassment**

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

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school. 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](#))

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

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

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

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

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

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

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

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, includes physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also shall include the creation of a hostile environment when the 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 Board also prohibits any form of retaliation against any individual who files or otherwise participates in the filing or investigation of a complaint or report regarding an incident of discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

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

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

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

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

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

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion for behavior that is severe or pervasive as defined in Education Code

[48900.4](#). Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

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

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

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

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

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

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

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

Legal Reference:

EDUCATION CODE

[200-262.4](#) Prohibition of discrimination

[48900.3](#) Suspension or expulsion for act of hate violence

[48900.4](#) Suspension or expulsion for threats or harassment

[48904](#) Liability of parent/guardian for willful student misconduct

[48907](#) Student exercise of free expression

[48950](#) Freedom of speech

[48985](#) Translation of notices

[49020-49023](#) Athletic programs

[51500](#) Prohibited instruction or activity

[51501](#) Prohibited means of instruction

[60044](#) Prohibited instructional materials

CIVIL CODE

[1714.1](#) Liability of parents/guardians for willful misconduct of minor

PENAL CODE

[422.55](#) Definition of hate crime

[422.6](#) Crimes, harassment

CODE OF REGULATIONS, TITLE 5

[432](#) Student record

[4600-4687](#) Uniform complaint procedures

[4900-4965](#) Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

[1681-1688](#) Title IX of the Education Amendments of 1972

12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

[794](#) Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

[2000d-2000e-17](#) Title VI and Title VII Civil Rights Act of 1964, as amended

[2000h-2-2000h-6](#) Title IX of the Civil Rights Act of 1964

6101-6107 Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28

[35.107](#) Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

[100.3](#) Prohibition of discrimination on basis of race, color or national origin

[104.7](#) Designation of responsible employee for Section 504

[106.8](#) Designation of responsible employee for Title IX

[106.9](#) Notification of nondiscrimination on basis of sex

COURT DECISIONS

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

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

Management Resources:

#### CSBA PUBLICATIONS

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

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

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

#### FIRST AMENDMENT CENTER PUBLICATIONS

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

#### NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

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

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

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, January 1999

#### WEB SITES

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

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

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

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

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

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

Policy PAJARO VALLEY UNIFIED SCHOOL DISTRICT

adopted: January 21, 2015 Watsonville, California

### **Board Policy 5132 Dress and Grooming**

The Board of Education believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in

which they participate. Students' clothing must not present a health or safety hazard or a distraction which would interfere with the educational process.

(cf. [4119.22](#) - Dress and Grooming)

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

Students and parents/guardians shall be informed about dress and grooming standards at the beginning of the school year and whenever these standards are revised. A student who violates these standards shall be subject to appropriate disciplinary action.

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

#### 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 dress code may be included as part of the school safety plan.

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

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

#### Uniforms

In order to promote student safety and discourage theft, peer rivalry and/or gang activity, the principal, staff and parents/guardians at a school may establish a reasonable dress code requiring students to wear uniforms. Such a dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

If a school's plan to require uniforms is adopted, the Superintendent or designee shall establish procedures whereby parents/guardians may choose to have their children exempted from the school uniform policy. Students shall not be penalized academically, otherwise discriminated against or denied attendance to school if their parents/guardians so decide. (Education Code [35183](#))

The Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms.

#### Legal Reference:

##### EDUCATION CODE

[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

##### CODE OF REGULATIONS, TITLE 5

[302](#) Pupils to be neat and clean on entering school



## COURT DECISIONS

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

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

Policy PAJARO VALLEY UNIFIED SCHOOL DISTRICT

adopted: August 27, 2008 Watsonville, California

### **Board Policy 5144 Discipline**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(cf. 6164.5 - Student Success Teams)

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

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

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

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

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

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

The Superintendent or designee shall provide professional development as necessary to assist staff in developing classroom management skills and implementing effective disciplinary techniques.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Legal Reference:

CIVIL CODE

[1714.1](#) Parental liability for child's misconduct

EDUCATION CODE

[32280-32288](#) School safety plans

[35146](#) Closed sessions

[35291](#) Rules

[35291.5-35291.7](#) School-adopted discipline rules

[37223](#) Weekend classes

[44807.5](#) Restriction from recess

[48900-48926](#) Suspension and expulsion

[48980-48985](#) Notification of parents or guardians

[49000-49001](#) Prohibition of corporal punishment

[49330-49335](#) Injurious objects

CODE OF REGULATIONS, TITLE 5

[307](#) Participation in school activities until departure of bus

[353](#) Detention after school

Management Resources:

CSBA PUBLICATIONS

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

CDE PROGRAM ADVISORIES

[1010.89](#) Physical Exercise as Corporal Punishment, CIL 89/9-3

[1223.88](#) Corporal Punishment, CIL: 88/9-5

WEB SITES

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

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

Policy PAJARO VALLEY UNIFIED SCHOOL DISTRICT

adopted: August 27, 2008 Watsonville, California

## **Board Policy 5131.2 Bullying Prevention**

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

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

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

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

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

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

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

Cyberbullying includes 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.

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

Strategies for addressing bullying in district schools shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and may be incorporated into the comprehensive safety plan, the local control and accountability plan, and other applicable district and school plans.

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

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

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

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

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

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

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

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

#### Bullying Prevention

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

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

As appropriate, the district shall provide students with instruction, in the classroom or other educational settings, that promotes 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.

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

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

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

Staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective response.

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

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

(cf. 4331 - Staff Development)

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

#### Intervention

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

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

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

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

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

#### Complaints and Investigation

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, a compliance officer, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. Within two business days of receiving a report of bullying, the principal shall notify a district compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report his/her observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel

constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

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

#### Discipline

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

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

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

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

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

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

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

(cf. [4117.3](#) - Dismissal)

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

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

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

[200-262.4](#) Prohibition of discrimination

[32282](#) Comprehensive safety plan

[35181](#) Governing board policy on responsibilities of students

[35291-35291.5](#) Rules

[48900-48925](#) Suspension or expulsion

[48985](#) Translation of notices

PENAL CODE

[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

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

COURT DECISIONS

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

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

Management Resources:

## CSBA PUBLICATIONS

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

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

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

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

## CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

Bullying at School, 2003

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

Dear Colleague Letter: Harassment and Bullying, October 2010

## WEB SITES

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

California Cybersafety for Children: <http://www.cybersafety.ca.gov>

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

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

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

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

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

## Policy PAJARO VALLEY UNIFIED SCHOOL DISTRICT

adopted: November 12, 2014 Watsonville, California

### **Board Policy 5137 Positive School Climate**

The Board of Education desires to provide an orderly, caring and nondiscriminatory learning environment in which all students can feel comfortable and take pride in their school and their achievements.

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

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

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

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

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

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

The Board encourages staff to teach students the meaning of equality, human dignity, and mutual respect, and to employ cooperative learning strategies that foster positive interactions in the classroom among students from diverse backgrounds. The district shall provide instruction and counseling designed to promote positive racial and ethnic identity, help students understand diverse cultures, teach them to think critically about racial bias and show them how to deal with discriminatory behavior in appropriate ways.

(cf. [6141](#) - Curriculum Development and Evaluation)

(cf. 6141.6 - Multicultural Education)

(cf. [6161.1](#) - Selection and Evaluation of Instructional Materials)

Students shall have opportunities to voice their concerns about school policies and practices and to share responsibility for solving problems that affect their school. The Superintendent or designee may initiate student courts, campus beautification projects, buddy systems, vandalism prevention campaigns and other similar programs. Staff shall encourage and reward success and achievement, participation in community projects and positive student conduct.

(cf. [5126](#) - Awards for Achievement)

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

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

(cf. 6142.4 - Learning through Community Service)

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

Legal Reference:

EDUCATION CODE

[233.5](#) Duty concerning instruction of students

[35160](#) Authority of governing boards

[35160.1](#) Broad authority of school districts

Policy PAJARO VALLEY UNIFIED SCHOOL DISTRICT

adopted: August 27, 2008 Watsonville, California

### **Board Policy 1312.3 Uniform Complaint Procedure**

The Board of Education recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early, informal resolution of complaints



whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the Board shall adopt a uniform system of complaint processes specified in 5 CCR [4600-4670](#) and the accompanying administrative regulation.

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs (5 CCR [4610](#))

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

(cf. [3555](#) - Nutrition Program Compliance)

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

(cf. [5148](#) - Child Care and Development)

(cf. [6159](#) - Individualized Education Program)

(cf. [6171](#) - Title I Programs)

(cf. [6174](#) - Education for English Language Learners)

(cf. [6175](#) - Migrant Education Program)

(cf. [6178](#) - Career Technical Education)

(cf. [6178.1](#) - Work-Based Learning)

(cf. [6178.2](#) - Regional Occupational Center/Program)

(cf. [6200](#) - Adult Education)

2. Any complaint alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, in district programs and activities against any person based on his/her actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code [200](#) or [220](#), Government Code [11135](#), or Penal Code [422.55](#), or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR [4610](#))

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

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

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

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

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

3. Any complaint alleging bullying in district programs and activities, regardless of whether the bullying is based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or

genetic information, or any other characteristic identified in Education Code [200](#) or [220](#), Government Code [11135](#), or Penal Code [422.55](#), or based on his/her association with a person or group with one or more of these actual or perceived characteristics

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

4. Any complaint alleging district violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR [4610](#))

(cf. [3260](#) - Fees and Charges)

(cf. [3320](#) - Claims and Actions Against the District)

5. Any complaint alleging that the district has not complied with legal requirements related to the implementation of the local control and accountability plan (Education Code [52075](#))

(cf. 0460 - Local Control and Accountability Plan)

6. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

7. Any other complaint as specified in a district policy

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is agreeable to all parties. One type of ADR is mediation, which shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

In filing and investigating complaints, the confidentiality of the parties involved shall be protected as required by law. As appropriate for any complaint alleging retaliation, unlawful discrimination, or bullying, the Superintendent or designee shall keep confidential the identity of the complainant and/or the subject of the complaint, if he/she is different from the complainant, as long as the integrity of the complaint process is maintained.

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

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

(cf. [9011](#) - Disclosure of Confidential/Privileged Information)

When an allegation that is not subject to the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints. All such records shall be destroyed in accordance with applicable state law and district policy.

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

#### Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR [4611](#))

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.
4. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments. (Education Code [35186](#))

(cf. [1312.4](#) - Williams Uniform Complaint Procedures)

#### Legal Reference:

##### EDUCATION CODE

[200-262.4](#) Prohibition of discrimination

[8200-8498](#) Child care and development programs

[8500-8538](#) Adult basic education

[18100-18203](#) School libraries

[32289](#) School safety plan, uniform complaint procedures

[35186](#) Williams uniform complaint procedures

[37254](#) Intensive instruction and services for students who have not passed exit exam

[41500-41513](#) Categorical education block grants

[48985](#) Notices in language other than English

[49010-49013](#) Student fees

[49060-49079](#) Student records

[49490-49590](#) Child nutrition programs

[52060-52077](#) Local Control and Accountability

[52160-52178](#) Bilingual education programs

[52300-52490](#) Career technical education

[52500-52616.24](#) Adult schools

[52800-52870](#) School-based program coordination

[54000-54028](#) Economic impact aid programs

[54100-54145](#) Miller-Unruh Basic Reading Act

[54400-54425](#) Compensatory education programs

[54440-54445](#) Migrant education

[54460-54529](#) Compensatory education programs

[56000-56867](#) Special education programs

[59000-59300](#) Special schools and centers

[64000-64001](#) Consolidated application process

#### GOVERNMENT CODE

[11135](#) Nondiscrimination in programs or activities funded by state

[12900-12996](#) Fair Employment and Housing Act

#### PENAL CODE

[422.55](#) Hate crime; definition

[422.6](#) Interference with constitutional right or privilege

#### CODE OF REGULATIONS, TITLE 5

[3080](#) Application of section

[4600-4687](#) Uniform complaint procedures

[4900-4965](#) Nondiscrimination in elementary and secondary education programs

#### UNITED STATES CODE, TITLE 20

[6301-6577](#) Title I basic programs

[6601-6777](#) Title II preparing and recruiting high quality teachers and principals

[6801-6871](#) Title III language instruction for limited English proficient and immigrant students

[7101-7184](#) Safe and Drug-Free Schools and Communities Act

[7201-7283g](#) Title V promoting informed parental choice and innovative programs

[7301-7372](#) Title V rural and low-income school programs

Management Resources:

WEB SITES

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

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

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

Policy PAJARO VALLEY UNIFIED SCHOOL DISTRICT

adopted: November 12, 2014 Watsonville, California