

MODESTO CITY SCHOOLS

Administrative Regulation

AR 5142

STUDENTS

Safety

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

Release of Students

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

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

Every teacher shall hold students to a strict account for their conduct on the way to and from school, on the playgrounds, and during recess. (Education Code 44807)

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

Any certificated or classified employee, or other school official, whose duties bring the employee or other school official in contact on a regular basis with

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students in any of grades 6-12, as part of a middle or high school, who are alerted to or observe any threat or perceived threat of a homicidal act, as defined, shall immediately report the threat or perceived threat to law enforcement in accordance with Education Code 49393. (Education Code 49390, 49393)

Threat or perceived threat means any writing or action of a student that creates a reasonable suspicion that the student is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the student. It may also include a warning by a parent, student, or other individual.

Additionally, anyone who receives or learns of a health or safety threat related to school or a school activity is encouraged to report the threat to a school or District administrator.

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

1. Clearly identify supervision zones and require all playground supervisors to remain at a location from which they can observe their entire zone of supervision and be observed by students in the supervision zone
2. Consider the size of the playground area, the number of areas that are obstructed from open view, and the age of the students to determine the ratio of playground supervisors to students

At any school where playground supervision is not otherwise provided, the principal or designee shall provide for certificated employees to supervise the conduct and safety, and direct the play, of students who are on school grounds before and after school and during recess and other intermissions. (5 CCR 5552)

The Superintendent or designee shall ensure that teachers, teacher aides, playground supervisors, yard aides, and volunteers who supervise students receive training in safety practices and in supervisory techniques that will help prevent problems and resolve conflicts among students. Additionally, all staff and other school officials shall be made aware of their responsibilities regarding the reporting of potential

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homicidal acts to law enforcement, and receive training in the assessment and reporting of such threats. The training shall be documented and kept on file.

Student Safety Patrols

A school safety patrol shall be composed of students of the school selected by the principal or designee and shall be allowed to serve only with written consent of the students and their parents/guardians. Patrol members shall be at least 10 years old and in the fifth grade. (Education Code 49302; 5 CCR 571)

School safety patrols shall be used only at those locations where the nature of traffic will permit their safe operation. The locations where school safety patrols are used should be determined jointly with the local law enforcement agency. (5 CCR 572)

Patrol members shall be under the supervision and control of the principal or designee and shall receive training in proper procedures, including, but not limited to, the operations specified in 5 CCR 573-574. Whenever on duty, patrol members shall wear the standard uniform required by 5 CCR 576.

Playground Safety

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

Activities with Safety Risks

Due to concerns about the risk to student safety, the principal or designee shall not permit the following activities on campus or during school-sponsored events unless the activity is properly supervised, students wear protective gear as appropriate, and each participant has insurance coverage:

1. Trampolining

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2. Scuba diving
3. Skateboarding or use of scooters
4. In-line or roller skating or use of skate shoes
5. Sailing, boating, or water skiing
6. Cross-country or downhill skiing
7. Motorcycling
8. Target shooting
9. Horseback riding
10. Rodeo
11. Archery
12. Mountain bicycling
13. Rock climbing
14. Rocketeering
15. Surfing
16. Body Contact Sports
17. Other activities determined by the principal to have a high risk to student safety

As needed, the Superintendent or designee may periodically provide training or instruction to students on the safe use of electric, motorized or nonmotorized bicycles, scooters, skateboards, and roller skates. Any student who rides any such bicycle, scooter, skateboard, or roller skates at school shall wear a properly fitted and fastened bicycle helmet.

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Events In or Around a Swimming Pool

When any on-campus event that is not part of an interscholastic athletic program is sponsored or hosted by the District and is to be held in or around a swimming pool, at least one adult with a valid certification of cardiopulmonary resuscitation training shall be present throughout the duration of the event. (Education Code 35179.6)

Laboratory Safety

The principal of each school offering laboratory work shall develop procedures for laboratory safety and designate a trained certificated employee to regularly review, update, and implement these procedures.

Students in a laboratory shall be under the supervision of a certificated employee. Students shall be taught laboratory safety, and safety guidelines and procedures shall be posted in science classrooms. Students shall receive continual reminders about general and specific hazards.

Hazardous materials shall be properly used, stored, and disposed of in accordance with law and the District's chemical hygiene plan.

Bloodborne pathogens shall be handled in accordance with the District's exposure control plan.

The District's emergency plan, emergency contact numbers, and first aid supplies shall be readily accessible.

Parents/guardians shall be made aware of the kinds of laboratory activities that will be conducted during the school year.

Hearing Protection

The Superintendent or designee shall monitor students' exposure to excessive noise in classrooms and provide protection as necessary. The Superintendent or designee may also provide hearing conservation education to teach students ways to protect their hearing.

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Eye Safety Devices

The Superintendent or designee shall provide schools with eye safety devices for use whenever students, teachers, or visitors are engaged in or observing an activity or using hazardous substances likely to cause injury to the eyes. Eye safety devices may be sold to students for an amount not to exceed the actual cost to the District. (Education Code 32030, 32031, 32033)

Protection Against Insect Bites

To help protect students against insect bites or stings that may spread disease or cause allergic reactions, students shall be allowed to apply insect repellent provided by their parents/guardians, when engaging in outdoor activities. Any application of insect repellent shall occur under the supervision of school personnel, and in accordance with the manufacturer's directions.

Legal References:

EDUCATION CODE

17280-17317 Approval of plans and supervision of construction
17365-17374 fitness of buildings for occupancy; liability of board members
215.5 Student identification cards; safety information
32001 Fire alarms and drills
32020 School gates; entrances for emergency vehicles
32030-32034 Eye safety
32040 duty to equip school with first aid kit
32225-32226 communications devices in classrooms
32240-32245 Lead-Safe Schools Protection Act
32250-32254 CDE school safety and security resources unit
32280-32289.5 School safety plans
35179.6 School-sponsored on-campus event in or around swimming pool
38134 Use of school property
44807 Teachers' duty concerning conduct of students
44808 Exemption from liability when students are not on school property
44808.5 Permission for students to leave school grounds; notice (high school)
45450-45451 Crossing guards
48900 Grounds for suspension or expulsion
49300-49307 School safety patrols
49330-49335 Injurious objects
49341 Hazardous materials in school science laboratories
49390-49395 Homicide threats
51202 Instruction in personal and public health and safety
51860 time and facilities for bicycle and scooter safety instruction
8482-8484.6 After School Education and Safety Program

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Legal References (cont.):

CODE OF REGULATIONS, TITLE 5

14030 Preliminary procedure, planning and approval of school facilities

14103 Authority of the driver

202 Exclusion of students with a contagious disease

5531 Supervision of extracurricular activities of pupils

5552 Playground supervision

5570 When school shall be open and teachers present

570-576 School safety patrols

UNITED STATES CODE, TITLE 6

665k Federal Clearinghouse on School Safety Evidence-Based Practices

PENAL CODE

245.6 Hazing

GOVERNMENT CODE:

810-996.6 California Tort Claims Act

HEALTH & SAFETY CODE

115725-115735 Playground safety

115775-115800 Wooden playground equipment

116046 Issuance of best practices guidelines for K-12 pool safety

PUBLIC RESOURCES CODE

5411 Purchase of equipment usable by person with disabilities

STREETS AND HIGHWAYS CODE

894 Statewide safety and training programs; electric bicycles

VEHICLE CODE

21100 Rules and regulations; crossing guards

21201 Rules for operation of bicycle on roadway

21212 Use of helmets

42200 Fines and forfeitures, disposition by cities

42201 Fines and forfeitures, disposition by counties

Management References:

AMERICAN SOCIETY FOR TESTING AND MATERIALS

F1487-05, Standard Consumer Safety Performance Specification for playground Equipment for Public Use, 2017

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATION

Science Safety Handbook for California Public Schools, 2014

U.S. CONSUMER PRODUCT SAFETY COMM PUBLICATION

Public Playground Safety Handbook, 2010

COURT DECISIONS

Knight v. Jewett, (1992) 3 Cal.4th 296, 313

Lane v. City of Sacramento, (2010) 183 Cal. App 4th. 1337

J.H. v. Los Angeles Unified School District (2010) 183 Cal.App.4th 123

Kahn v. East Side Union High School District, (2002) 31 Cal.4th 990

Dailey v. Los Angeles Unified School District, (1970) 2 Cal 3d 741

Hoyem v. Manhattan Beach City School District, (1978) 22 Cal. 3d 508

Wiener v. Southcoast Childcare Centers, (2002) 32 Cal.4th 1138

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Management References (cont.):

WEBSITES

U.S. Department of Homeland Security, Fusion Centers: <https://www.dhs.gov/fusion-centers>

California State Threat Assessment System: <https://calstas.org/>

CSBA District and County Office of Education Legal Services: <https://legalservices.csba.org/>

National Recreation and Park Association, Certified Playground Safety Inspector

Certification: <https://www.nrpa.org/certification/CPSI/>

U.S. Department of Education, Safe Schools: <https://www.ed.gov/category/keyword/safe-and-supportive-schools>

American Society for Testing and Materials: <https://www.astm.org/>

U.S. Consumer Product Safety Commission: <https://www.cpsc.gov/>

U.S. Environmental Protection Agency: <https://www.epa.gov/>

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

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

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

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

Cross References (cf.):

0450 – Comprehensive Safety Plan

1250 – Visitors/Ousiders

1330.1 – Joint Use Agreements (N/A)

3260 – Fees And Charges (N/A)

3260 – Fees Deposits and Other Charges to Pupils

3452 – Student Activity Funds

3512 – Equipment (N/A)

3514 – Environmental Safety

3514.1 – Hazardous Substances (N/A)

3514.1 – Use of Pesticides

3515 – Campus Security

3515.21 – Unmanned Aircraft Systems (Drones)

3515.5 – Sex Offender Notification (N/A)

3516 – Emergencies And Disaster Preparedness Plan

3516.5 – Emergency Schedules (N/A)

3530 – Risk Management/Insurance

4119.42/4219.42/4319.2 – Exposure Control Plan for Bloodborne Pathogens

5020 – Parent Rights And Responsibilities

5021 – Noncustodial Parents (N/A)

5131 – Conduct

5131.1 – Bus Conduct

5131.4 – Student Disturbances

5137 – Positive School Climate

5138 – Conflict Resolution/Peer Mediation (N/A)

5138 – Electronic Signaling or Communication Devices

5141 – Health Care And Emergencies

5141.22 – Infectious Diseases

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Cross References (cf.) (cont.):

5141.23 – Asthma Management
5141.4 – Child Abuse Prevention And Reporting
5141.52 – Suicide Prevention
5141.7 – Sun Safety (N/A)
5142.1 – Identification And Reporting Of Missing Children
5142.2 – Safe Routes to School Program (N/A)
5143 – Insurance (N/A)
5143 – Student Accident Insurance
5144 – Discipline (N/A)
5144 – Subpoena Power, Expulsion Proceedings
5144.1 – Suspension and Expulsion/Due Process
5145.11 – Questioning And Apprehension By Law Enforcement
5145.13 – Response To Immigration Enforcement
6142.8 – Comprehensive Health Education (N/A)
6142.93 – Science Instruction (N/A)
6145.2 – Athletic Competition
6153 – School-Sponsored Trips (N/A)
6153 – Field Trips or District Sponsored
6163.2 – Animals At School
7110 – Facilities Master Plan

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