

# Comprehensive School Safety Plan 2017-2018

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## Hesperia High School

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## Preface

The Comprehensive School Safety Plan Process & Templates is designed to be utilized as a school resource for prevention/mitigation, preparedness, response and recovery planning and training as well as functioning as a template for meeting the requirements for the annual Safety Plan Process under SB 187 and the National Incident Management System. It is designed to be an electronic or hard-copy Safety Plan.

The template is also designed as a living document to be updated as necessary to meet site, district and community needs, forms or requirements.

**It is *NOT* intended to be a “grab and go” guide in an actual emergency.**

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# CHAPTER 1: SCHOOL SAFETY PLAN

## Introduction

Hesperia High School is committed to creating and maintaining a safe and healthy learning environment where students are secure in their pursuit of educational success. We have created a safety plan that describes how we will respond to disaster through prevention, intervention and emergency response techniques. Our goal is to constantly improve the safety of our school and through collaboration with all interested parties, develop solutions that will accommodate our school and the surrounding community.

Our Safety Task Force consist of a broad range of qualified people from all parts of the community including students, parents, teachers, school administrators, law enforcement experts, health technicians, campus aides, attendance clerks, secretarial staff, and mental health professionals.

A copy of our Emergency Response Plan is available for public review in the administration building at least thirty days prior to our submitting it for adoption by the School Board. The appraisal of our school's safety program, by our entire allows us an opportunity to assess and modify our plan.

HESPERIA HIGH SCHOOL will...

Provide a safe, orderly, and secure environment conducive to learning.

Create a school in which pupils will attend regularly and be safe from both physical and social-psychological harm.

Work collaboratively with the district office and school board to identify, establish and use strategies and programs to comply with school safety laws.

Develop a plan to work cooperatively and collaboratively with parents, pupils, teachers, administrators, counselors and community agencies, including law enforcement, to provide a safe and orderly school and neighborhood.

Develop an academic program that will focus on high expectations of pupil performance and behavior in all aspects of the school experience.

Work collaboratively with other elementary, middle, and high schools to assist in a smooth transition from one school level to another.

Solicit the participation, views, and advice of teachers, parents, school administrators, and community members and use this information to promote the safety of our pupils, staff and community.

*Mission Statement*

In times of crisis, schools will need to respond immediately to prevent and reduce the possibility of further accidents and tragedies. Schools are neither immune to naturally occurring conditions like earthquakes nor can they prevent completely unwanted disturbances as school violence or intrusions; however, school personnel can prevent unnecessary confusion and turmoil if they take some planning steps to minimize the possibility of further accidents or tragedy on their school campus.

It is the goal of the Hesperia Unified School District to provide a safe, welcoming and secure environment for all children and those professionals who serve them. A planned school wide crisis response can significantly reduce disruption during time of high stress. A structured response by a trained team of staff members can facilitate the return to a normal school routine in the unlikely event of a crisis occurring on or near school campus.

Today’s education environment increases the burden on school district to prepare for emergencies previously thought to be outside the arena of public education. It has become a necessity to create precautionary measures when a violent intruder has entered the campuses. In an effort to maintain the safe school’s environment we currently possess, this enhanced Crisis Management Plan is created to provide school staff the knowledge to provide protection for themselves and students during these insecure times.

The written plan will be distributed to all departments and will be made available to staff, students, parents, and the community to review in the administration office.

*School Profile*

Hesperia High School has a 1,920 pupil body and is served by a dedicated staff. Both staff and parents comment on the positive changes that are ongoing in our school.

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

**School Crime Status and Reporting**

CSSA (California Safe School Assessment) School Crime Status and Reporting

SITE CRIME REPORTING SUMMARY

<b>CRIME</b>	<b>2015-2016</b>	<b>2016-2017</b>
48900a Physical Injury	141	100
48900b Dangerous Object	3	0
48900c Drugs/Alcohol	26	28
48900d Selling Controlled Substance	0	0
48900e Robbery/Extortion	0	1
48900f Damage Property	7	0

48900g Stolen Property	9	4
48900h Tobacco	3	1
48900i Profanity	60	30
48900j Drug Paraphernalia	2	2
48900k Disruption/Defiance	175	139
48900l Receiving Stolen Property	0	0
48900m Possession of Imitation Firearm	0	0
48900n Sexual Assault	0	4
48900o Harassing a Witness	0	0
48900p Soma	0	0
48900q Hazing	0	1
48900r Bullying	1	0
<b>Total</b>	<b>427</b>	<b>310</b>

**Personal Characteristics of Pupil & Staff**

Hesperia High School has an enrollment of 1,920 pupils Grades 9-12. Pupils from this school come from families with high family mobility. Approximately 72 % of the pupils are in families receiving Aid to Families with Dependent Children that are eligible for free/reduce lunches. The ethnic makeup of the pupil population is 76 % Hispanic, 8% Black, 13% Caucasian, 2% Asian and 1% other. Our pupils have a variety of life experiences.

**Curriculum and Educational Activities**

The course of study includes the basic core curriculum, English and Language Arts, Mathematics, a variety of Social Sciences, Science, and Foreign Language, many of which are offered at Advanced Placement levels. In addition to the core curriculum, Hesperia High also provides a wide array of enrichment classes for its students such as automotive technologies, photography, music, art. Drama, construction technology, services courses, ROP such as food and restaurant management, manicuring, medical terminology, police services, and a variety of other career explorative courses.

Pupils have the opportunity to participate in noon and after-school activities. These include a total of 65 clubs and organizations on campus to meet the unique interest and needs for our diverse population. These include intramural games, AVID, up to three levels of sports in Football, Volleyball, Basketball, Wrestling, Soccer, Track and Field, Tennis, Cross Country, Baseball, and Softball. After school programs including after-school tutoring, tutoring by college students in the AVID tutoring center, and several other activities and programs are offered throughout the school year.

Staff provides opportunities and additional activities open to pupils in the areas of a poetry slam competition, art show, science fairs, environmental and community beautification and improvement projects, participation in the Hesperia Days activities and functions, students in government, election day poll worker program, and career oriented days throughout the school year and over summer months.

## **Physical Environment**

### **The Schools' Location and Physical Environment**

Hesperia High School is located in the City of Hesperia area of San Bernardino County that has a high crime rate according to Neighborhoodscout.com; the city has a crime index of 23 out of 100, with 100 being the safest. This city is safer than 23% of the cities in the U.S. The immediate area around the school includes mostly single family homes, of which approximately 70% are rental properties, new and long time established apartment complexes, limited commercial buildings, two parks, and a declining industrial sector. Present safety hazards include a close proximity to Interstate 15 which is the primary thoroughfare for products transported between the eastern United States and the west coast. There is also a primary rail system that cuts the city in half which regularly supports the traffic of 90+ freight trains daily. As with the highway, this rail is the single most important rail system through the City of Hesperia on a continual basis. Less of a threat, but just as significant, is the existence of the California Aqueduct that also cuts its way through Hesperia. The San Andreas Fault is within 10 miles of the school, creating the primary auto access pass to the Inland Valley. Cajon Pass embodies the single interstate, railroad tracks, power lines, and the South West Gas main line. All these things cross the fault and have little infrastructure to support their survival in a large earthquake in this zone.

### **Description of School Grounds**

The school site encompasses 60 acres. The buildings have numerous corridors and face a variety of smaller quads. The sports fields are grass, courts and walkways are primarily concrete and asphalt including basketball and volleyball courts. The baseball diamonds are a combination of clay and grass and the stadium track is dirt. Hesperia High School is completely enclosed by fences with gates which are kept locked during school hours. There are several wings and/or clusters of classrooms including 40 permanent classrooms and 117 re-locatable classrooms. Other ancillary structures include 9 offices, 2 cafeterias, 13 restrooms, and 1 library, 1 weight room, 1 gymnasium, 1 dance room, 3 locker rooms, 2 team rooms, and 2 football coaches/film rooms.

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

It shall be the practice of Hesperia High School to remove all graffiti from school property before pupils arrive to begin their school day. Other acts of vandalism are promptly addressed.

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

The school's physical facility is well maintained and generally looks neat and clean. The school was most recently painted 2014 renovated during the 2006 year. District personnel periodically examine the school's physical facility and help eliminate obstacles to school safety. Additionally, health and fire department inspectors contribute to school safety.

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

### **Internal Security Procedures**

Hesperia High School has established procedures in the following areas: California Safe School Assessment (CSSA) reporting procedures, suspension and expulsion procedures, inventory system, and Infinite Campus school system program

Hesperia High School crime statistics reflect a total of 310 crimes reported during the 2016-17 school year.

Keeping reportable crimes at a minimum requires constant vigilance. The following strategies will be utilized in achieving this goal: identify areas of high crime activity, restrict pupil access to high crime activity areas, provide effective school supervision, identify and provide preventative programs and activities, and other appropriate to concerns and threats.

Hesperia High School maintains a copy of the district's sexual harassment policy in the main office/principal's office and the policy is available upon request. The District's Sexual Harassment Policy contains dissemination plans, applicable definitions, reporting requirements, investigation procedures, enforcement regulations, and information related to suspension and/or expulsion for sexual harassment of or by pupils. Additionally, a notice summarizing this sexual harassment policy appears in the *Parent & Student Handbook*. The parent student handbook is distributed at the beginning of each school year to all parents and pupils.

Included in this Safe School Plan is a school map established by the School Site Council indicating safe entrance and exit areas for pupils, parents and school employees. Appendix C-School Safety Maps

To ensure the safety of pupils and staff, all visitors to the campus, except pupils of the school and staff members, shall register immediately upon entering any school building or grounds when school is in session. District employees, not assigned to Hesperia High School shall wear appropriate identification badges while on campus conducting business.

Discipline procedures shall focus on finding the cause of problems and working with all concerned to reach the proper, lawful solutions. The school's discipline plan begins at the classroom level. Teachers shall use a visible classroom management plan to communicate classroom rules, promote positive pupil conduct, and reduce unacceptable conduct. Appropriate consequences are administered based on the seriousness of the pupil's misbehavior.

Pupil conduct standards and consequences for Hesperia High School are specifically described in this Comprehensive Safe School Plan include: (a) the adopted school discipline rules and procedures, (b) District Disciplinary Guidelines, and (c) the adopted school-wide dress code.

Pupils may be suspended, transferred to another school, or recommended for expulsion or for certain acts. For specific student violations, a mandatory expulsion recommendation shall be submitted by the administration of Hesperia High School.

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

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

If appropriate, additional internal security procedures affecting the integrity of the school facility include: 24 hour recording video surveillance, security system operational during non-school hours, assigned night shift campus aide working until 10:30 PM Monday through Friday.

Community involvement is encouraged to help increase school safety.

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

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

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

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

A contingency plan for emergencies is contained in a handbook available to each staff member. The District's Emergency Disaster Plan - **EDP** has been developed and provided as a separate document for each school site within the Hesperia Unified School District. The plan is reviewed at the beginning of each school year. This plan also contains information regarding available district and outside agency resources, emergency disaster procedures and information on both Standardized Emergency Management System (SEMS) and National Incident Management Systems (NIMS).

### **Classroom Organization and Structure**

Hesperia High School teachers provide a varied learning environment in their classrooms. Teachers use a variety of teaching strategies including: using projects, presentations, hands-on activities, portfolios, journal, creative writing, art displays or others.

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

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

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

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

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

Cultural diversity is celebrated throughout the year by Black History Month, Cinco de Mayo, Portuguese Cultural Day, Native American Cultural Day, Yom Kippur, Ramadan.

## CHAPTER 2: SCHOOL SAFETY PLANNING COMMITTEE

### Planning Committee

*The school site council is responsible for developing the school site safety plan or for delegating the responsibility to a school safety planning committee.*

*The school site safety committee shall be composed of the following members: the principal or designee, one teacher who is a representative of the recognized certificated employee organization; one parent/guardian whose child attends the school; one classified employee who is a representative of the recognized classified employee organization; other members if desired.*

*Local law enforcement has been consulted, other local agencies, such as health care and emergency services, may be consulted if desired.*

Other members of the school or community may provide valuable insights as members of the School Safety Planning Committee. Additional members may include:

- a representative from the local law enforcement agency
- School Resource Officers
- Guidance counselor
- Special Education Department Chairperson
- One or more key community service providers
- Student representative(s)
- Disciplinary team member
- Staff leaders
- Additional parent representatives

**School Safety Planning Committee  
2017-2018**

(Delegated of approved by School Site Council)  
ED Code 32281 – 32282 (a)(1)

The undersigned members of the Hesperia High School Safety Planning Committee certify that the requirements have been met.

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Principal

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President, School Site Council

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Teacher's Association Representative

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Classified Association Representative

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Parent Representative

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Law Enforcement Representative

## CHAPTER 3: SAFETY GOALS

### Annual Safety Goals

*The School Safety Planning Committee shall make an assessment of the current status of school crime committed on campus and at school-related functions and of appropriate strategies and programs that will provide or maintain a high level of school safety.*

While the School Safety Planning Committee reviews school, district and community crime data trends such as the California Safe School Assessment, other data can bring value to the discussions. Such data may include:

- Mental Health Data
- State, District or Site Surveys (such as the Youth Risk Behavior Survey)
- Disciplinary Data
- Community Police Data

Data may be more valuable if disaggregated by gender, age, zip code, ethnicity, etc. Current trends should be reviewed as well.

**Based on data analysis**, the School Safety Planning Committee identifies one or two safety-related goals for the next school year as well as the strategies and/or programs that will be used to meet those goals. The objective is to provide meaningful goals in order to improve the campus climate.

The goals are reported, with the Safety Plan, to the Board of Trustees and are shared with the school staff and community.

In order to keep the goals as a safety focus for the school year, it is recommended that at least three brief meetings be held to review data and progress. The progress can be reported to the School Site Council, staff, parent groups and the Board of Trustees.

**Hesperia High School  
Safety Plan Goals  
2017-2018**

**GOAL 1:** Reduced number of 48900a1 suspensions by 10%

**Strategy 1.1:** Provide conflict resolution

**Strategy 1.2:** Provide peer mediation/mentoring

**Baseline Data 1.1:** 100 incidents of suspension for 48900a1 (2016-17)

**Assessment 1.1:** Number of student mediations

**Assessment 1.2:** Number of students referred to mentoring

**Assessment 1.3:** Suspension data for fights)

**Assessment Data 1.1:** (to be completed at the end of the following year)

**Comments:**

**GOAL 2:** Reduce number of first period tardiness

**Strategy 2.1:** Adjust tardy policy to emphasize first period tardiness

**Baseline Data 2.1:** Average of 100 students report to tardy sweep first period

**Assessment 2.1:** Monitor first period tardiness

**Assessment 2.2** Tardy discipline data

**Assessment Data 2.1:**

**Comments**

## CHAPTER 4: POLICIES AND PROCEDURES

### Mandated Policies and Procedures

The School Safety Planning Committee has reviewed the site safety plan and made necessary updates and revision. The safety plan must include the following components:

- Child Abuse Prevention and Reporting
- Policies pursuant to Educational Code 48915 and other school-designated serious acts which would lead to suspension, expulsion or mandatory expulsion recommendations.
- Procedures to notify teachers and counselors of dangerous students
- Sexual harassment policy
- Procedures for safe entrance and exit of students, parents/guardians and employees to and from the school
- The rules and procedures on school discipline adopted in order to create a safe and orderly environment conducive to learning at school.
- If the school has adopted a dress code prohibiting students from wearing “gang related apparel,” the provisions of that dress code.
- Routine and Emergency Disaster Procedures that include:
  - Emergency and Disaster Preparedness Plan
  - Fire Drills
  - Bomb Threats
  - Earthquake Emergency Procedure System
  - Transportation Safety and Emergencies

## Child Abuse Prevention and Reporting

### *Child Abuse Prevention*

BP 5141.4  
Adopted January 20, 2015

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: (see next page)

## Child Abuse Prevention and Reporting (continued)

### Legal Reference:

#### EDUCATION CODE

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

#### PENAL CODE

152.3 Duty to report murder, rape, or lewd or lascivious act  
273a Willful cruelty or unjustifiable punishment of child; endangering life or health  
288 Definition of lewd or lascivious act requiring reporting  
11164-11174.4 Child Abuse and Neglect Reporting Act

#### WELFARE AND INSTITUTIONS CODE

15630-15637 Dependent adult abuse reporting

#### CODE OF REGULATIONS, TITLE 5

4650 Filing complaints with CDE, special education students

### Management Resources:

#### CDE LEGAL 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/lr/ss>

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

U.S. Department of Health and Human Services, National Clearinghouse on Child Abuse and Neglect

Information: <http://nccanch.acf.hhs.gov>

## Child Abuse Prevention and Reporting (continued)

### *Definitions*

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

1. A physical injury or death inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1
3. Neglect of a child as defined in Penal Code 11165.2
4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4

Child abuse or neglect does not include:

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

(cf. 3515.3 - District Police/Security Department)

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

(cf. 5144 - Discipline)

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

## **Child Abuse Prevention and Reporting (continued)**

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

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

### *Reportable Offenses*

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

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

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

### *Responsibility for Reporting*

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

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

## **Child Abuse Prevention and Reporting (continued)**

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

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

### *Reporting Procedures*

#### 1. Initial Telephone Report

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

Child Family Services  
412 Hospitality Lane  
San Bernardino, CA 92408  
(800) 827-8724

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

#### 2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572). (Penal Code 11166, 11168)

The Department of Justice form may be obtained from the district office or other appropriate agencies, such as the county probation or welfare department or the police or sheriff's department.

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

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location, and, where applicable, school, grade, and class
- c. The names, addresses, and telephone numbers of the child's parents/guardians

## Child Abuse Prevention and Reporting (continued)

- d. The name, address, telephone number, and other relevant personal information about the person who might have abused or neglected the child
- e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

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

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

### 1. Internal Reporting

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

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

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

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

### *Training*

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

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

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 5145.7 - Sexual Harassment)

## **Child Abuse Prevention and Reporting (continued)**

### *Victim Interviews by Social Services*

Whenever a representative from the Department of Social Services or another government agency investigating suspected child abuse or neglect deems it necessary, a suspected victim may be interviewed during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child's home or out-of-home care facility. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child. (Penal Code 11174.3)

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

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

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

### *Release of Child to Peace Officer*

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

(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

### *Parent/Guardian Complaints*

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

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with

## Child Abuse Prevention and Reporting (continued)

the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

(cf. 1312.1 – Complaints Concerning District Employees)

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

(cf. 1312.3 - Uniform Complaint Procedures)

### *Notifications*

The Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations under Penal Code 11166, and their confidentiality rights under Penal Code 11167. The district also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

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

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

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

The Superintendent or designee also shall notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)
2. If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, he/she may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code 11166)
3. No employee shall be subject to any sanction by the district for making a report. (Penal Code 11166)

# Suspension and Expulsion Policies

Hesperia Unified School District

BP 5144 (a)

## **Students**

### **Discipline**

The Governing Board believes that one of the major functions of public schools is the preparation of youth for responsible citizenship. The district shall foster a learning environment which reinforces the concepts of self-discipline and the acceptance of personal responsibility. Students are expected to progress from being adult-directed to self-directed with minimal application of disciplinary measures.

In order to maintain an environment conducive to attaining the highest quality of education in the district, there must exist certain disciplinary policies and regulations relating to student conduct which delineates acceptable behavior and provides the basis for sound disciplinary practices within each school in the district. These policies and regulations will be enforced fairly and uniformly and consistently without regard to race, creed, color or sex.

The administration, teachers and classified staff share the mutual responsibility for student conduct and safety and the enforcement of district policies and regulations. The Board shall give all reasonable support and assistance to all employees with respect to the student discipline. (cf. 5142 - Safety)

The Board recognizes that not all students will adhere to district rules for appropriate behavior. Sufficient support services shall be provided so that continually disruptive students will not be returned to regular classes without some modification of behavior. Students may be assigned to other alternative programs or be subject to removal from school. (cf. 5144.1 - Suspension and Expulsion/Due Process)

Each school shall adopt site level rules on student discipline by December 1, 1987. These rules must be consistent with district policy, and must be updated at least every four years.

All avenues provided in policy, regulation and law for the discipline of students may be utilized in developing site level rules. These include, but are not limited to, advising and counseling students, conferencing with parents/guardians, detention during the after school hours, alternative educational environments and if necessary, suspension and expulsion.

Special care shall be taken to solicit the views of the school community, including administrators, teachers, school security personnel, parents and students in developing the site level rules.

The adoption of each school's rules on student discipline is the responsibility of each school principal/designee and a designated teacher.

All adopted school site rules shall be subject to Board review and approval prior to implementation.

## Suspension and Expulsion Policies (continued)

Hesperia Unified School District

BP 5144 (b)

### Students

#### Discipline (continued)

School site rules shall be revised periodically as required by any changes in district policy, regulation or law and shall undergo the site level rules review and adoption process at least every four (4) years.

#### Notice to Parents/Guardians and Students

The principal of each school shall ensure that every student and his/her parent/guardian is notified in writing of all board policies, administrative regulations and individual school rules related to discipline at the beginning of each school year and that transfer students and their parents/guardians are so advised at the time of enrollment in school.

#### Corporal Punishment

Corporal punishment shall not be used as a disciplinary measure against any student. School administrators and teachers shall employ other means of disciplining students who violate school rules, district regulations or district policies.

The use of reasonable and necessary force by an employee to protect oneself or students or to prevent damage to district property shall not be considered corporal punishment for purposes of this policy.  
(Education Code 49001) (cf. 4158 - Employee Protection)

#### Juvenile Citations

In addition to being suspended or expelled for violations of school rules, district rules, and the provisions of the California Education Code, students may be cited by officers of the Hesperia Unified School District Police Department or other law enforcement officers.

#### Legal References:

##### EDUCATION CODE

35146	Closed sessions
35181	Pupils' responsibilities
35291	Rules
35291.5	School adopted discipline rules
35291.7	School adopted discipline rules - additional employees
44807.5	Restriction from recess for disciplinary purposes
48650-48677	Adjustment schools
48630-48644.5	Opportunity schools
48908	Duties of pupils
48900-48925	Suspension and expulsion
48980-48981	Notification of parents or guardians
48980-49001	Prohibition of corporal punishment
19330 et seq.	Injurious objects

##### ADMINISTRATIVE CODE, TITLE 5

353	Detention after school
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Policy adopted: October 14, 1996

## Suspension and Expulsion Policies (continued)

Hesperia Unified School District

AR 5144 (a)

### Students

#### Discipline (continued)

The Governing Board believes that good discipline must be maintained in order for quality education to occur. One of the major functions of the public schools is the development of young people who take responsibility for their actions and who gain the respect that comes to them for being worthy citizens. Aimed at achieving these goals, the following regulations shall be followed:

1. Students shall respect constituted authority. This shall include conformance to school rules and regulations and those provisions of civil law that apply to the conduct of juveniles or minors.
2. Student conduct must reflect consideration for the rights and privileges of others.
3. Standards of courtesy, decency, morality, clean language, honesty and wholesome relationships with others shall be maintained.
4. The Board and district administration shall support any local school administrator, teacher, or other school personnel engaged in the performance of their duties, who exercises appropriate authority or discretion as outlined in State law or Board policy.
5. In carrying out their responsibility as outlined in this section on student discipline, teachers and administrators stand "in loco parentis" to students under their custody and may exercise such powers of control and correction as may be reasonably necessary to enable them to execute their duties and accomplish the purposes of education.

#### Juvenile Citations

In an effort to reduce the potential for violence and crime on our campuses, minors who violate the following crimes may be cited to appear before a Juvenile Traffic Judge. These violations may affect a student's ability to obtain or keep a California driver's license.

- All violations of the vehicle code not classified as felonies
- All infractions, regardless of code or statute
- All violations of local ordinances relating to curfew, loitering, traffic and fare evasion

## Suspension and Expulsion Policies (continued)

### Students

AR 5144 (b)

#### Discipline (continued)

Violations which are serious enough to be considered felonies or misdemeanors will be referred to the Probation Office. At the discretion of the officer, when the offense is at the level of an infraction, a citation will be issued and the court will treat it as an infraction under P.C. 17 and 19.8. Following is a list of code sections which, if violated, could lead to the issuing of a citation:

#### Penal Code

##### Section

330	Illicit gaming, dice, cards
374.3	Littering
415	Disturbing the peace
415.5	Disturbance in School (unlawfully fighting, maliciously disturbing others with loud noise, and use of offensive words on school grounds)
485	Keeping lost property
490.1/486	Petty Theft
502(c) (6), (7) or (8)	Unlawful access of computers
555	Trespassing on posted property
594(a) (1)	Vandalism with liquid or paint (License suspended 1 year)
602(m)	Driving on private property
640(a)	Use of slugs in coin machine
640.5	Graffiti of a public vehicle
640.6	Graffiti of public property
647(f)	Public drunkenness
853.7	Written promise to appear

#### Business and Professions Code

25658	Minor consuming alcohol
25658.5	Minor attempting to purchase alcohol
25661	Use of false identification

#### Health and Safety Code

11357B	Possession of marijuana (less than 1 oz.)
11357E	Possession of marijuana on school grounds

#### Other Miscellaneous Codes

All violations of the Fish and Game Code not classified as felonies

Section 27176 Streets and Highways Code

Rules and regulations established under Section 5003 and 5008 Public Resources Code

Section 33211 Public Resources Code

City ordinances adopted pursuant to Section 647(e) P.C. are infractions as is any ordinance which declares the violation to be an infraction.

Administrative Regulation Adopted: October 14, 1996

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

BP 5144.1 (a)

### **Students**

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

The Governing Board 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.

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

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

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

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

#### **Zero Tolerance**

The Board supports a zero tolerance approach to serious offenses. This approach makes the removal of potentially dangerous students from the classroom a top priority. It ensures fair and equal treatment of all students and requires that all offenders be punished to the fullest extent allowed by law. 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.

The Superintendent or designee shall notify staff, students and parents/ guardians about the district's zero tolerance policy and the consequences which may result from student offenses. He/she shall also ensure strict enforcement of this policy.

#### **Student Due Process**

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

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

BP 5144.1 (b)

### **Students**

#### **On-Campus Suspension Program**

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

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

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

#### **Required Parental Attendance**

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

Whenever a student is removed from a class because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities or otherwise willfully defied valid staff authority, the teacher of the class from which the student was removed may provide that the student's parent/guardian attend a portion of a school day in that class. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

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

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

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

BP 5144.1 (c)

### Students

#### Required Parental Attendance (continued)

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

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

#### Decision not to Enforce Expulsion Order

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

#### Legal Reference:

##### EDUCATION CODE:

212.5 Sexual harassment  
233 Hate violence reduction  
1981 Enrollment of students  
17292.5 Program for expelled students  
35146 Closed sessions (re suspensions)  
35291 Rules (for government and discipline of schools)  
35291.5 Rules and procedures on school discipline  
48660-48666 Community day schools  
48900-48926 Suspension and expulsion  
48950 Speech and other communication  
49073-49079 Privacy of student records

##### CODE OF CIVIL PROCEDURE:

1985-1997 Subpoenas; means of production

##### GOVERNMENT CODE:

11525 Contempt  
54950-54962 Ralph M. Brown Act (re closed sessions)

##### HEALTH AND SAFETY CODE:

11014.5 Drug paraphernalia  
11053-11058 Standards and schedules

##### LABOR CODE:

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

##### PENAL CODE:

240 Assault defined  
242 Battery defined

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

BP 5144.1 (d)

### Students

#### Legal Reference (continued):

243.4 Sexual battery  
245 Assault with deadly weapon  
261 Rape defined  
266c Unlawful sexual intercourse  
286 Sodomy defined  
288 Lewd or lascivious acts with child under age 14  
288a Oral copulation  
289 Penetration of genital or anal openings  
417.25 Laser scope  
422.6 Interference with civil rights; damaging property  
422.7 Aggravating factors for punishment  
422.75 Protected classes  
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

#### UNITED STATES CODE, TITLE 20:

6301 - 8962 Improving America's Schools Act, especially:  
8921 - 8922 Gun-Free Schools Act of 1994

#### COURT DECISIONS:

Garcia v. Los Angeles Board of Education (1991) 123 Cal.App.3d 807  
Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182  
John A. v. San Bernardino School District (1982) 33 Cal. 3d 301, 308

#### ATTORNEY GENERAL OPINIONS:

81 Ops.Cal.Atty.Gen. 264 (1998)  
80 Ops.Cal.Atty.Gen. 347 (1997)  
80 Ops.Cal.Atty.Gen. 91 (1997)  
80 Ops.Cal.Atty.Gen. 85 (1997)

#### Management Resources:

#### CDE PROGRAM ADVISORIES:

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

(cf. 5144 - Discipline)  
(cf. 6145 - Extracurricular and Cocurricular Activities)  
(cf. 5119 - Students Expelled from Other Districts)  
(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

POLICY ADOPTED: NOVEMBER 22, 1999

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

AR 5144.1 (a)

### Students

#### Suspension And Expulsion/Due Process

##### Definitions

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

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level.
2. Referral to a certificated employee designated by the principal to advise students.
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

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

*Stay of Expulsion/Suspension of Expulsion* means even though the Board has expelled a student, they believe he/she deserves another opportunity to continue his/her education and so will not enforce the expulsion, but will allow the student to: 1) continue to attend his/her regular school; or 2) will place the student in another school, class or program that is deemed appropriate for the rehabilitation of the student. During the period of the stay of expulsion, the student is deemed to be on a probationary status. If the student on a stay commits any act listed in Section 48900, 48900.2, 48900.3, 48900.4, or 48915, the Board may revoke the stay of expulsion and the student is expelled under the terms of the original expulsion order.

*Day* means a calendar day unless otherwise specifically provided. (Education Code 48925)

*School day* means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)

*Student* includes a student's parent/guardian or legal counsel. (Education Code 48925) It does not include a student's caregiver.

*Principal's designee* means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

AR 5144.1 (b)

### Students

#### Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension and expulsion. Transfer students and their parents/guardians shall be notified at the time of enrollment. (Education Code 35291.5, 48900.1, 48980)

Notification shall include information about the availability of individual school rules and all district policies and regulations pertaining to student discipline. (Education Code 35291)

#### Grounds for Suspension and Expulsion

A student may be subject to suspension or expulsion when it is determined that he/she:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense. (Education Code 48900(a))
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence. (Education Code 48900(b))
3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind. (Education Code 48900(c))
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid, substance or material and represented same as controlled substance, alcohol beverage or intoxicant. (Education Code 48900(d))
5. Committed or attempted to commit robbery or extortion. (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property. (Education Code 48900(f))
7. Stole or attempted to steal school property or private property. (Education Code 48900(g))
8. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code 48900(h))

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

AR 5144.1 (c)

### Students

#### Grounds for Suspension and Expulsion (continued)

9. Committed an obscene act or engaged in habitual profanity or vulgarity. (Education Code 48900(i))
10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5. (Education Code 48900(j))
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))
12. Knowingly received stolen school property or private property. (Education Code 48900(l))
13. Possessed an imitation firearm, i.e., a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))
14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4. (Education Code 48900(n))
15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness. (Education Code 48900(o))
16. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)

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

17. Committed sexual harassment as defined in Education Code 212.5. (Education Code 48900.2)
18. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233. (Education Code 48900.3)
19. Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading student rights by creating an intimidating or hostile educational environment. (Education Code 48900.4)

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

AR 5144.1 (d)

### Students

#### Grounds for Suspension and Expulsion (continued)

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school under the jurisdiction of the Superintendent or principal or within any other school district, including but not limited to the following circumstances: (Education Code 48900)

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

Alternatives to suspension or expulsion will be used with students who are truant, tardy, or otherwise absent from assigned school activities.

#### Removal from Class by a Teacher/Parental Attendance

A teacher may suspend any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. (Education Code 48910)

A teacher also may refer a student to the principal or designee for consideration of suspension from school. (Education Code 48910)

When removing a student from his/her class, the teacher shall immediately report this action to the principal and send the student to the principal for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been removed.

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist should attend the conference if it is practicable, and a school administrator may attend if either the parent/guardian or teacher so requests.

A student removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal. (Education Code 48910)

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

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

AR 5144.1 (e)

### Students

#### Removal from Class by a Teacher/Parental Attendance (continued)

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

Pursuant to Board policy, a teacher may provide that the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date.
2. Describe the legal protections afforded to the parent/guardian as an employee under Labor Code 230.7.
3. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student.
4. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1.

#### Suspension by Superintendent, Principal or Principal's Designee

The Superintendent, principal or principal's designee may suspend a student from a school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

The Superintendent or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence.
2. Brandishing a knife, as defined in Education Code 48915(g), at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above.

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

AR 5144.1 (f)

### Students

#### Suspension by Superintendent, Principal, or Principal's Designee (continued)

Suspension also may be imposed upon a first offense if the Superintendent, principal or designee determines the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)

A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48912)

The Superintendent or designee may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which a student may be suspended in any school year. (Education Code 48903)

Suspensions shall be initiated according to the following procedures:

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

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

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior.

A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee.

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

AR 5144.1 (g)

### Students

#### Suspension by Superintendent, Principal, or Principal's Designee (continued)

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

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

In addition, the notice may also state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

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

While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend. (Education Code 48911)

5. Extension of Suspension: If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (Education Code 48911(g))

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

#### Suspension by the Board

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by Superintendent, Principal or Principal's Designee" above. (Education Code 48912)

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

AR 5144.1 (h)

### Students

#### Suspension by the Board (continued)

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

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

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

#### On-Campus Suspension Program

Students for whom an expulsion action has not been initiated and who pose no imminent danger or threat to the school may be assigned to a separate, supervised suspension classroom for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

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

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

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

AR 5144.1 (I)

### Students

#### Authority to Expel

A student may be expelled only by the Board. The Board shall expel, as required by law, any student found to have committed certain offenses listed below under "Mandatory Recommendation and Mandatory Expulsion."

The Board may also order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the principal, Superintendent, hearing officer or administrative panel, based on finding either or both of the following: (Education Code 48915(b) and (e))

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

#### Mandatory Recommendation for Expulsion

Unless the principal, Superintendent or designee finds that expulsion is inappropriate due to particular circumstances, the principal, Superintendent or designee shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense.
2. Possession of any knife as defined in Education Code 48915(g), explosive or other dangerous object of no reasonable use to the student.
3. Unlawful possession of any controlled substance, as listed in Health and Safety Code 11053-11058, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis.
4. Robbery or extortion.
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee.

#### Mandatory Recommendation and Mandatory Expulsion

The principal, Superintendent or designee shall immediately suspend, pursuant to Section 48911, and shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(c))

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

AR 5144.1 (j)

### **Students**

#### **Mandatory Recommendation and Mandatory Expulsion (continued)**

1. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence.
2. Brandishing a knife as defined in Education Code 48915(g) at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above.

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

#### **Student's Right to Expulsion Hearing**

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the principal or Superintendent or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred. (Education Code 48918(a))

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

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

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

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

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

AR 5144.1 (k)

### Students

#### Rights of Complaining Witness

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

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

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

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

#### Written Notice of the Expulsion Hearing

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

1. The date and place of the hearing.
2. A statement of the specific facts, charges and offense upon which the proposed expulsion is based.
3. A copy of district disciplinary rules which relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).
5. The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel.

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

AR 5144.1 (I)

### Students

#### Written Notice of the Expulsion Hearing (continued)

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

#### Conduct of Expulsion Hearing

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

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

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

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))
3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11525. (Education Code 48918(i))

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

AR 5144.1 (m)

### Students

#### Conduct of Expulsion Hearing (continued)

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

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

4. Presentation of Evidence: While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel must be supported by substantial evidence that the student committed any of the acts listed in "Grounds for Suspension and Expulsion" above.

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

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

5. Testimony by Complaining Witnesses: The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student: (Education Code 48918)
  - a. Any complaining witness shall be given five days' notice before being called to testify.
  - b. Any complaining witness shall be entitled to have up to two adult support persons, including but not limited to a parent/guardian or legal counsel, present during his/her testimony.
  - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
  - d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

AR 5144.1 (n)

### Students

#### Conduct of Expulsion Hearing (continued)

- e. If one or both support persons are also witnesses, the hearing shall be conducted according to Penal Code 868.5.
- f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
- g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
  - (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
  - (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
  - (3) The person conducting the hearing may:
    - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness.
    - (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
    - (c) Permit one of the support persons to accompany the complaining witness to the witness stand.
6. Decision Within 10 Days: The Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

AR 5144.1 (o)

### **Students**

#### **Conduct of Expulsion Hearing (continued)**

7. Decision Within 40 Days: If the Board does not meet on a weekly basis, its decision on whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

#### **Alternative Expulsion Hearing: Hearing Officer or Administrative Panel**

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

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures as apply to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing."

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the student shall be immediately reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers and with the student's parent/guardian. (Education Code 48918(e))

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

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year. (See "Decision Not to Enforce Expulsion Order below.")

The Board shall make its decision about the student's expulsion within 40 school days after the date of the student's removal from school unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

AR 5144.1 (p)

### **Students**

#### **Stipulated Agreement Alternative to Expulsion Hearings**

A student, his parent/guardian and the District may enter into a stipulated agreement for expulsion in lieu of conducting an expulsion hearing. The District may not enter into a stipulated agreement for expulsion unless all of the following are met:

1. The student and/or his/her parent/guardian admit that the student committed the acts alleged by the Superintendent or Principal to have violated Education Code 48900 and/or 48915 and that the acts are grounds for expulsion.
2. The student and/or his/her parent/guardian have been fully informed of their right to an expulsion hearing and the conduct of the hearing as described herein.
3. The student and/or his/her parent/guardian have been fully informed of and voluntarily waive their rights to a hearing and appeal of the expulsion order.

The Board shall take final action to approve or disapprove a stipulated agreement for expulsion.

If the Board modifies the terms of the agreement, the student and/or his/her parent/guardian may request in writing, within five (5) school days from such modification, that a hearing be conducted.

If the Board does not approve a stipulated agreement, an expulsion hearing shall be conducted.

The hearing shall be conducted within thirty (30) days from the date the agreement was modified or disapproved by the Board.

#### **Final Action by the Board**

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel shall be taken by the Board at a public meeting. (Education Code 48918(j))

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. (Education Code 48916)

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

AR 5144.1 (q)

### Students

#### Final Action by the Board (continued)

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

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

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

#### Written Notice to Expel

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

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed in Education Code 48900(a)-(o), Education Code 48900.2-48900.4 and Education Code 48915(c). (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian. (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board of Education. (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion. (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1. (Education Code 48918)

#### Decision Not to Enforce Expulsion Order

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

1. The student's pattern of behavior.

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

AR 5144.1 (r)

### Students

#### Decision Not to Enforce Expulsion Order (continued)

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

The suspension of the enforcement of an expulsion shall be governed by the following: (Education Code 48917)

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program.
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct.
4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings.
6. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board of Education.
7. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board of Education. (Education Code 48918(j)).

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

AR 5144.1 (s)

### Students

#### Right to Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision to the County Board of Education. The appeal must be filed within 30 days of the Board's decision to expel, even

if the expulsion action is suspended and the student is placed on probation. (Education Code 48919)

#### Post-Expulsion Placements

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

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

When the placement described above is not available, and when the County Superintendent of Schools so certifies, students expelled for acts described in Items #6 through #13 and #17 through #19 under "Grounds for Suspension and Expulsion" above may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school.

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

#### Readmission After Expulsion

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

AR 5144.1 (t)

### Students

#### Readmission After Expulsion (continued)

3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)
7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

#### Maintenance of Records

The Board shall maintain a record of each expulsion, including the specific cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls, within five days of a written request by the admitting school. (Education Code 48900.8, 48918(k))

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

#### Notifications to Law Enforcement Authorities

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

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

AR 5144.1 (u)

### Students

#### Notifications to Law Enforcement Authorities (continued)

substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10.  
(Education Code 48902)

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

#### Outcome Data

The Superintendent or designee shall maintain the following data and report such data annually to the California Department of Education, using forms supplied by the California Department of Education: (Education Code 48900.6, 48916.1)

1. The number of students recommended for expulsion.
2. The specific grounds for each recommended expulsion.
3. Whether the student was subsequently expelled.
4. Whether the expulsion order was suspended.
5. The type of referral made after the expulsion.
6. The disposition of the student after the end of the expulsion period.

Legal references on the following page.

## Suspension and Expulsion Policies (continued)

HESPERIA UNIFIED SCHOOL DISTRICT

AR 5144.1 (v)

### Students

#### Legal References

Legal Reference:

- (cf. 5144 - Discipline)
- (cf. 5145.6 - Parental Notifications)
- (cf. 5131.7 - Weapons and Dangerous Instruments)
- (cf. 5131.6 - Alcohol and Other Drugs)
- (cf. 5145.7 - Sexual Harassment)
- (cf. 5145.3 - Nondiscrimination/Harassment)
- (cf. 5113 - Absences and Excuses)
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))
- (cf. 9321 - Closed Session Purposes and Agendas)
- (cf. 5119 - Students Expelled from Other Districts)
- (cf. 9321.1 - Closed Session Actions and Reports)
- (cf. 6185 - Community Day School)
- (cf. 5119 - Students Expelled from Other Districts)
- (cf. 5125 - Student Records)
- (cf. 5145.12 - Search and Seizure)

POLICY ADOPTED: NOVEMBER 22, 1999

## Suspension and Expulsion Policies (continued)

**Students**

**AR 5144.2(a)**

### **SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)**

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

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

#### **Suspension**

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

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

*(cf. 6159 - Individualized Education Program)*

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

1. The removal is for more than 10 consecutive school days.
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
  - a. The series of removals total more than 10 school days in a school year.
  - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
  - c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If a student's removal is determined to be a change of placement as specified in items #1-2 above, or the student is suspended for more than 10 school days in the same school year, the student's IEP team shall determine the appropriate educational services. Such services shall be designed to enable the student to continue to participate in the general education

## Suspension and Expulsion Policies (continued)

AR 5144.2(b)

### **SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)**

curriculum in another setting, to progress toward meeting the goals set out in his/her IEP, and to address the student's behavior violation so that it does not recur. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

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

*(cf. 3541.2 - Transportation for Students with Disabilities)*

### **Interim Alternative Educational Placement Due to Dangerous Behavior**

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

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

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

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

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

## Suspension and Expulsion Policies (continued)

AR 5144.2(c)

### SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)

#### Manifestation Determination

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

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

*(cf. 5145.6 - Parental Notifications)*

*(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)*

2. **Manifestation Determination Review:** Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

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

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

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

3. **Determination that Behavior is a Manifestation of the Student's Disability:** When the student's conduct has been determined to be a manifestation of his/her disability, the IEP team shall conduct a functional behavioral assessment, unless one

## Suspension and Expulsion Policies (continued)

AR 5144.2(d)

### SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)

had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral

intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

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

*(cf. 6159.4 - Behavioral Interventions for Special Education Students)*

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

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

*(cf. 6158 - Independent Study)*

*(cf. 6185 - Community Day School)*

### Due Process Appeals

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

## Suspension and Expulsion Policies (continued)

AR 5144.2(e)

### **SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)**

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

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

#### **Readmission**

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

#### **Decision Not to Enforce Expulsion Order**

The Governing Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students. (Education Code 48917)

#### **Notification to Law Enforcement Authorities**

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

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

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

## Suspension and Expulsion Policies (continued)

AR 5144.2(f)

### SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)

#### Report to County Superintendent of Schools

The Superintendent or designee shall report to the County Superintendent of Schools when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action. (Education Code 48203)

#### Procedures for Students Not Yet Eligible for Special Education Services

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

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

1. The parent/guardian, in writing, has expressed concern to district supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education or related services.
2. The parent/guardian has requested an evaluation of the student for special education pursuant to 20 USC 1414(a)(1)(B) or 34 CFR 300.300-300.311.

*(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)*

3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or other supervisory district personnel about a pattern of behavior demonstrated by the student.

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

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

## Suspension and Expulsion Policies (continued)

AR 5144.2(g)

### SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)

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

#### *Legal Reference:*

##### EDUCATION CODE

35146 *Closed sessions re: suspensions*

35291 *Rules of governing board*

48203 *Reports of severance of attendance of disabled students*

48900-48925 *Suspension and expulsion*

49076 *Access to student records*

56000 *Special education; legislative findings and declarations*

56320 *Educational needs; requirements*

56321 *Development or revision of individualized education program*

56329 *Independent educational assessment*

56340-56347 *Individualized education program teams*

56505 *State hearing*

##### PENAL CODE

245 *Assault with deadly weapon*

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

626.9 *Gun-Free School Zone Act*

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

##### UNITED STATES CODE, TITLE 18

930 *Weapons*

1365 *Serious bodily injury*

##### UNITED STATES CODE, TITLE 20

1412 *State eligibility*

1415 *Procedural safeguards*

##### UNITED STATES CODE, TITLE 21

812 *Controlled substances*

##### UNITED STATES CODE, TITLE 29

706 *Definitions*

794 *Rehabilitation Act of 1973, Section 504*

## Suspension and Expulsion Policies (continued)

AR 5144.2(h)

### SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 Evaluation and placement

104.36 Procedural safeguards

300.1-300.818 Assistance to states for the education of students with disabilities, especially:

300.530-300.537 Discipline procedures

COURT DECISIONS

Schaffer v. Weast, (2005) 546 U.S. 549

Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489

M.P. v. Governing Board of Grossmont Union High School District, (1994) 858 F.Supp. 1044

Honig v. Doe, (1988) 484 U.S. 305

Management Resources:

FEDERAL REGISTER

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

WEB SITES

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

U.S. Department of Education, Office of Special Education Programs:

<http://www.ed.gov/about/offices/list/osers/osep>

## **Staff Notification of Dangerous Students**

### *California State Education Code 49079*

A school district shall inform the teacher of each pupil who has engaged in, or is reasonably suspected to have engaged in, any of the acts (described in E.C. §48900) that are grounds for suspension and/or expulsion. The district shall provide the information based upon records it maintains, or receives from a law enforcement agency, regarding a pupil. The information provided shall be from the previous three school years and it shall be received in confidence.

### *Suspension by Teacher (Ed. Code 48910)*

A teacher may suspend a pupil from his/her class or class period, for any act specified in Ed. Code 48900, for the day of the suspension and the day following. The suspension must be immediately reported to the principal and the student sent to the principal for further action. The teacher must also request a parent/teacher conference as soon as possible. The pupil shall not be returned to the class from which the pupil was suspended without the concurrence of the teacher and principal.

### *Notification of Law Enforcement (Ed. Code 44014)*

Whenever any school employee is attacked, assaulted, or physically threatened by a pupil, it is the duty of the employee and the supervisor who has knowledge of the incident to promptly report the matter to law enforcement authorities. Failure to make such a report is an infraction punishable by a fine. Any school employee who attempts to impede the making of a required report is guilty of an infraction punishable by a fine. No board member or school district employee may impose any sanctions against a person for making this report.

## Nondiscrimination / Harassment Policy

BP 5145.3

Adopted: May 8, 2011; January 20, 2015

Revised June 20, 2016

Students

### *NONDISCRIMINATION/HARASSMENT*

This policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the Superintendent of the school district. The Governing Board prohibits at any District school or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expressions; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. Prohibited discrimination, harassment, intimidation, or bullying includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that affects a student's ability to participate in or benefit from an education program or activity; creates an intimidating, threatening, hostile, or offensive education environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities. The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

### *Discrimination/Harassment Prevention*

District and school strategies shall focus on prevention of discrimination, harassment, intimidation and bullying by providing age-appropriate training and information to students and staff, including, but not limited to, the District's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made. The District may 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.

### *Intervention*

Students are encouraged to notify school staff immediately of any incidents of discrimination, harassment, intimidation or bullying. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness incidents of discrimination, harassment, intimidation or bullying shall immediately intervene to stop the incident when it is safe to do so.

As appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. He/she also may involve school counselors, mental health counselors, and/or law enforcement.

## **Nondiscrimination / Harassment Policy (continued)**

### *Complaints and Investigation*

The following position is designated to handle complaints regarding discrimination, harassment, intimidation, or bullying, and to answer inquiries regarding the District's nondiscrimination policies:

#### **DIRECTOR OF STUDENT SERVICES**

Any student that feels that he/she is being harassed, discriminated, intimidated or bullied should immediately contact a teacher, site administrator, or the Director of Student Services. In addition, any student who observes any such incident should report the incident to a teacher, site administrator, or the Director of Student Services, whether or not the victim files a complaint. Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying shall report the incident to a teacher, site administrator, or the Director of Student Services. The Superintendent or designee may also establish other processes for students to submit anonymous reports of discrimination or harassment. Complaints of discrimination, harassment, intimidation, or bullying shall be investigated immediately and resolved in accordance with site-level grievance procedures specified in AR 5145.7.

When a student is reported to be engaging in discrimination or harassment off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance. Law enforcement officials will be notified in accordance with the law.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

The Superintendent or designee shall ensure that the student handbook clearly describes the District's nondiscrimination policy, procedures for filing a complaint regarding discrimination, harassment, intimidation, or bullying, and the resources that are available to students who witness or are subject to any such behavior. The District's policy shall also be posted on the District web site or any other location that is easily accessible to students, parents, and staff.

### *Discipline*

Any student who engages in discrimination or harassment, on or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with District Board Policies and Administrative Regulations. Any employee who engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including termination.

## **Nondiscrimination / Harassment Policy (continued)**

### Legal Reference:

#### EDUCATION CODE

- 200-262.4 Prohibition of discrimination
- 48900.3 Suspension or expulsion for act of hate violence
- 48900.4 Suspension or expulsion for threats or harassment
- 48904 Liability of parent/guardian for willful student misconduct
- 48907 Student exercise of free expression
- 48950 Freedom of speech
- 48985 Translation of notices
- 49020-49023 Athletic program
- 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

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

#### UNITED STATES CODE, TITLE 20

- 1681-1688 Title IX of the Education Amendments of 1972

#### UNITED STATES CODE, TITLE 42

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

#### CODE OF FEDERAL REGULATIONS, TITLE 34

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

- Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
- Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

#### CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

## **Nondiscrimination / Harassment Policy (continued)**

Students who witness or are subject to any such behavior. The District's policy shall also be posted on the District web site or any other location that is easily accessible to students, parents, and staff.

### *Discipline*

Any student who engages in discrimination or harassment, on or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with District Board Policies and Administrative Regulations.

### 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
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- 4900-4965 Nondiscrimination in elementary and secondary education programs

#### UNITED STATES CODE, TITLE 20

- 1681-1688 Title IX of the Education Amendments of 1972

#### UNITED STATES CODE, TITLE 42

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

#### CODE OF FEDERAL REGULATIONS, TITLE 34

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

## COURT DECISIONS

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## Management Resources:

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

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

## Procedure for Safe Ingress and Egress

Beyond planning for daily ingress/egress routes and emergency evacuation routes, schools must plan for assisting students, staff and visitors with disabilities. Under the Americans with Disabilities Act of 1990, individuals who are deaf/hard of hearing, blind/partially sighted, mobility impaired and/or cognitively/emotionally impaired must be assisted.

### A. Schools must include plans for:

- Identifying the population of people with disabilities  
Hesperia High School identifies students with disabilities through their Individualized Educational Plan.
- Determining proper signage and equipment  
Hesperia High School has signage indicating parking for people with disabilities as well as routes to access the buildings on campus.
- Training staff to assist individuals with disabilities
- Coordinating with emergency response personnel

### B. Planning

It is recommended that schools identify the location of potential evacuation sites based on the potential circumstances that may cause movement/relocation of the school population in the event of an emergency.

#### **On-Campus Evacuation/Assembly Location**

Review your school site layout and determine where the safest outdoor location is on campus to assemble your students and staff.

#### **Off-Campus Evacuation/Assembly Location**

Determine if there is a facility close to your school that can potentially house your staff and student body. Prior to an event:

- a. Identify off-campus evacuation site(s).
- b. Establish a memorandum of agreement with the evacuation site(s).

## Procedure for Safe Ingress and Egress (continued)

Provide the addresses of at least two off-campus locations that have agreed to provide an assembly area for your school population.

### Primary Off-Site Evacuation/Assembly Location

Organization	Topaz Preparatory Academy
Address	14110 Beech Street Hesperia, CA 92345
Contact	Karen Prestwood
Phone Number	760-244-4622

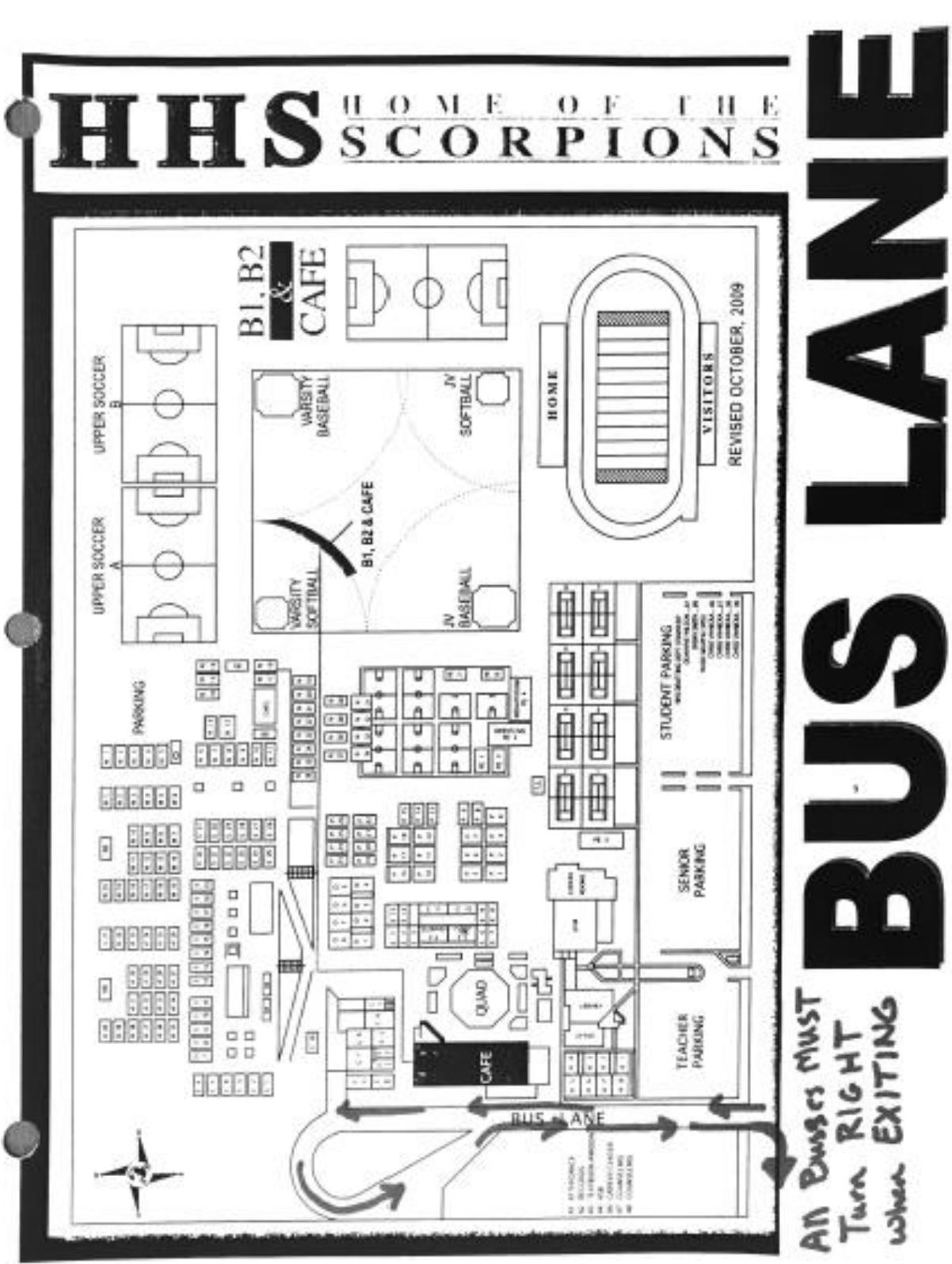
### Secondary Off-Site Evacuation/Assembly Location

Organization	Hesperia Community Park
Address	10200 Datura Road Hesperia, CA 92345
Contact	
Phone Number	760-244-5488

In the event of an airborne chemical or biological release, it is safest for students and staff to remain indoors at the school site. Follow the "Shelter-in-Place" procedures.



Procedure for Safe Ingress and Egress (continued)



## School Discipline

### *Philosophy Statement*

It is the philosophy of the Hesperia Unified School District that each and every student in the district is entitled to an equal opportunity to participate in the educational program. In order to provide this, it is essential that adequate control be maintained in the classroom and educational setting.

No person or student has the right to interrupt, restrict, or prevent other students from being provided with an education that is rightfully theirs. Thus, every student shall have an opportunity to receive an education without fear of intimidation, threats, coercion, disruptions, etc. Any activity that violates this right, by whomsoever, shall be vigorously prevented by any and all legal means.

### *California Education Code*

Suspension from school means the removal of a pupil from ongoing instruction for adjustment purposes (Education Code 48925). Expulsion means the removal of a student from the immediate or general instructional setting when other means of correction fail or when the student's presence is likely to be dangerous or disruptive to others. Students may be subject to a "period" suspension for no more than two consecutive school days (Education Code 48911), or an "all-day" suspension (Education Code 48910). Administrators have the choice of levying an in-school suspension (ALC), or a home suspension, as necessary. According to Education Codes 48900, 48900.2, 48900.3, 48900.4 and 48915, students may be suspended or expelled for the following reasons:

### **GROUNDS FOR SUSPENSION OR EXPULSION**

California Education Code 48900: (Grades K-12)

- a. Caused, attempted to cause, or threatened to cause physical injury to another person; or (2) willfully used force or violence upon the person of another, except in self-defense.
- b. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- c. Unlawfully possessed, used, sold, or otherwise furnished or been under the influence of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- d. Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
- e. Committed or attempted to commit robbery or extortion.
- f. Caused or attempted to cause damage to school property or private property.
- g. Stolen or attempting to steal school property or private property.
- h. Possessed or used tobacco, or any products containing tobacco or nicotine products including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
- i. Committed an obscene act or engaged in habitual profanity or vulgarity.
- j. Had unlawful possession of, or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- k. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
- l. Knowingly received stolen school property or private property.
- m. Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

## School Discipline (continued)

- n. Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- o. Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- p. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- q. Engaged in, or attempted to engage in, hazing. For the purpose of this subdivision, "hazing" means a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events.
- r. Engaged in the act of bullying, including, but not limited to, bullying committed by means of an electronic act as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel. For purposes of this subdivision, the following terms have the following meanings:
  - 1. "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:
    - A. Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
    - B. Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
    - C. Causing a reasonable pupil to experience substantial interference with his or her academic performance.
    - D. Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.
  - 2. (A) "Electronic act" means the transmission, by means of an electronic device, including, but not limited to, a telephone, a wireless telephone, or other wireless communication device, computer, or pager, of a communication including, but not limited to, any of the following: (i) A message, text, sound, video or image. (ii) A post on a social network Internet Web site, including, but not limited to: (I) Posting to or creating a burn page. "Burn page" means an Internet Web site created for the purpose of having one or more of the effects listed in paragraph (1). (II) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated. (III) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile. (iii) An act of cyber sexual bullying. (I) For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (A) to (D), inclusive, of paragraph (1). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act. (II) For purposes of this clause, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities. (B) Notwithstanding paragraph (1) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet. (B) Notwithstanding paragraph (1) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the internet or is currently posted on the internet.

## School Discipline (continued)

3. "Reasonable pupil" means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for person of his or her age, or for a person of his or her age with his or her exceptional needs.

A pupil aids or abets as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person.

California Education Code 48900.2 (Grades 4-12)

Committed sexual harassment, as defined in Section 212.5 of the penal code

California Education Code 48900.3 (Grades 4-12)

Caused, attempted to cause, threatened to cause, or participated in an act of hate violence, as defined in subdivision (e) of Section 33032.5 of the penal code.

California Education Code 48900.4 (Grades 4-12)

Intentionally engaged in harassment, threats, or intimidation directed against a pupil or group of pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of that pupil or group of pupils by creating an intimidating or hostile educational environment.

California Education Code 48900.7

Has made terroristic threats against school officials, school property, or both. For the purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime that will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.

California Education Code 48915 MANDATORY RECOMMENDATION FOR EXPULSION (Grades K-12)

- A
  1. Causing serious physical injury to another person, except in self-defense.
  2. Possession of any knife, explosive, or other dangerous object of no reasonable use to the pupil.
  3. Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
  4. Robbery or extortion.
  5. Assault or battery, as defined in Section 240 and 242 of the Penal Code, upon any school employee.
- C
  1. Possessing, selling, or otherwise furnishing a firearm.
  2. Brandishing a knife at another person.
  3. Unlawfully selling controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.)
  4. Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
  5. Possession of an explosive.

### *Progressive Discipline Action Plan*

1. Classroom Disruption or Defiance 48900K
  - 1st Offense - Two (2) days of classroom suspension. Teacher must contact parent before the end of the day.
  - 2nd Offense - One (1) to five (5) days of classroom suspension and/or assign A.L.C. (Alternative Learning Center). Teacher must contact parent before the end of the day.
  - 3rd Offense - Assign A.L.C. and Vice Principal will set up a mandatory teacher/parent meeting.
  - 4th Offense or more - Possible at-home suspension.

## School Discipline (continued)

2. Use of profanity in classroom or on campus 48900i – assign A.L.C. or one(1) to five (5) days of home suspension.
  3. Theft, property damage, and/or graffiti (this includes books, Chromebooks, backpacks, etc.) 48900f - assign one (1) to five (5) days A.L.C. or one (1) to five (5) days of home suspension.
  4. P.E. non-suits (Disruption of School Activities/Defiance) 48900K  
Loaners will be available to all students, all the time; however, refusal to use P.E. loaners will result in:
    - 1st offense – Half (1/2) day A.L.C.
    - 2nd offense - One (1) day A.L.C.
    - 3rd offense - Possible home suspension
  5. Tardies 48900k:  
Tardies 48900k:
    - 1st-4th offenses – Verbal warning
    - 5th offense – After-school detention (1 hour) or Two Lunch Detentions (1 hour total)
    - 10th offense – Half (½) day A.L.C.
    - 15th offense – One (1) day A.L.C.
    - 20th offense – One (1) days home suspension
    - 25th offense – Two (2) days home suspension
    - 30th offense – Three (3) days home suspension
    - 35th offense – Four (4) days home suspension
- \*\* Students more than 5 minutes late but less than 30 will be marked as a tardy and sent to A.L.C. for the remainder of that class
6. Truancies:
    - 1st offense – Possible S.A.R.B. 1 and one (1) to five (5) lunch detentions assigned
    - 2nd offense – Possible S.A.R.B. 2 and assigned A.L.C
    - 3rd offense or more – Possible S.A.R.B. 3 and home suspension
  7. Cheating/plagiarism – 0% grade on assignment/project or exam and a possible one (1) to five (5) days of lunch detention or home suspension
  8. Dress code violation:
    - 1st offense – Verbal warning (cover up if necessary)
    - 2nd offense – After-school detention (cover up if necessary)
    - 3rd offense or more – Possible one (1) day A.L.C. or home suspension
  9. Fighting:
    - 1st offense – Home suspension/ticket
    - 2nd offense – Student will possibly be referred for expulsion

## **School Discipline (continued)**

10. Cell phone – (out in class/out on campus):
  - 1st offense – After school detention and parent pick-up
  - 2nd offense – Half (1/2) day A.L.C. and parent pick-up
  - 3rd offense – One (1) day A.L.C. and parent pick-up
  - 4th Offense or more - Possible home suspension and parent pick-up
11. All California Education Code 48900 infractions could result in a one (1) to five (5) day home suspension with possible recommendation for expulsion from H.U.S.D.
12. Electronic Devices – It is recommended that students not bring their iPods/electronic devices other than school issued Chromebooks on campus. H.U.S.D. and/or H.H.S. will not be responsible in any way for loss or damage of any of these items brought on campus. These items shall not be used during instructional time and will be confiscated if instruction is disrupted.

## Dress Code Guidelines

The Governing Board believes that appropriate dress and grooming contribute to a productive and safe 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 and possessions must not present a health or safety hazard or a distraction that would interfere with the educational process.

When gangs constitute a danger to students, the Superintendent or designee may restrict student dress and grooming as necessary to comply with Board Policy related to gang activity. The dress policy is applicable to all of Hesperia Unified School District's functions and activities.

Students and parents/guardians shall be informed about the school dress code at the beginning of the year and when revised. A student who violates the dress code shall be subject to appropriate disciplinary action.

In addition, the following types of clothing have been identified as unacceptable dress:

- Bare midriffs, strapless and halter-style tops
- Hats, Du rags, skull caps, bandannas, hairnets, beanies and headwear other than unaltered, school-approved headwear. Hats that do not meet the dress code must be off and out of site.(all hats must be worn facing forward)
- When weather dictates, only solid colored (no emblems) or HHS beanies may be worn
- Raiders, Kings, LA, ICP, Player 69, "13", Skin, Hornee Industries Clothing, etc.
- Oversized clothing such as shorts, pants, coats, etc. Pants or shorts must be worn at the waist (no sagging)
- Items that promote hate, intolerance, violence, or are sexually explicit including shirts that picture a female that breaks any of the school dress code rules.
- Unsafe jewelry and accessories, including wallet chains and/or belts hanging from the waist
- Visible undergarments
- Clothing that is too tight, revealing, or sexually provocative
- Clothing and/or accessories with profanity, violence and/or weapons
- Clothing with insignia or brand names for controlled substances
- Flip-flops, slippers
- Any additional articles of clothing or accessories identified by H.U.S.D. School Police Department as being gang or hate-related will be forbidden on campus

Any student wearing or carrying overt gang paraphernalia or symbols, or making any gestures that symbolize gang membership shall be referred to the Discipline Office for appropriate disciplinary action.

If a student's apparel is found to be in violation of this policy stated above, the student will be counseled by an administrator and a 'dress code' violation warning will be entered into the student's discipline history. If a second dress code violation should occur, disciplinary steps will be taken.

Pupils to be neat and clean on entering school

Hartzell v. Connell (198) 35 CA: 3D 899

Arcadia Unified School District v. State Department of Education 92 Daily Journal, D.A.R. 3578

# Pandemic Influenza Plan

## I. Pandemic Influenza Background

Influenza, also known as the flu, is a disease that attacks the respiratory tract (nose, throat, and lungs) in humans. Different from a viral "cold," influenza usually comes on suddenly and may include fever, headache, tiredness (which may be extreme), dry cough, sore throat, nasal congestion, and body aches. Seasonal influenza is a yearly occurrence that causes minor economic impact and kills primarily persons aged 65 and older. It also provides immunity to those who are exposed, but do not succumb, to the virus.

World-wide pandemics of influenza occur when a novel (new or different) virus emerges to which the population has little immunity. During the 20th century there were three such pandemics, the most notable of which was the 1918 Spanish influenza responsible for 20 million deaths throughout the world. Public health experts are currently concerned about the risk of another pandemic, arising from the current epidemic of avian influenza that has been affecting domestic and wild birds in Asia and spreading rapidly to other parts of the world. When such strains of avian influenza interact with the common strains of human influenza, a mutation can occur that leads to a virus capable of human-to-human transmission, initiating a pandemic strain of influenza. Depending on the infectivity of such a virus and its disease-causing potential, experts estimate that as many as 35 percent of the population will become ill and there could be more than 35,000 deaths in California due to pandemic influenza. This level of disease activity would disrupt all aspects of society and severely affect the economy.

The impact of an actual pandemic cannot be predicted precisely, as it will depend on the virulence of the virus, how rapidly it spreads, the availability of vaccines and antivirals, and the effectiveness of medical and non-medical containment measures. School districts must develop a plan and be self-sufficient and not expect much assistance from outside agencies (see appendix A). There may be many requests from outside agencies requesting assistance from HUSD. These requests must be directed to the district's Incident Commander.

## II Pandemic Influenza Preparedness and Response Plan Overview

This plan is an annex to the California Department of Health Services (CDHS) *Public Health Emergency Response Plan and Procedures*. CDHS will carry out the response activities described in this plan in collaboration with the Emergency Medical Services Authority (EMSA), the California Health and Human Services Agency (CHHSA), the Governor's Office of Emergency Services (OES), other state agencies, and local health departments (LHDs). This CDHS Pandemic Influenza Preparedness and Response Plan outlines key assumptions for pandemic planning and response, summarizes relevant legal and statutory authorities, explains the CDHS emergency management organization and defines a concept of operations for pandemic influenza response. Appendices describe essential functions for conducting surveillance, case investigation, and treatment; preventing spread of the disease in the community; maintaining essential services; and other actions prior to, during, and after a pandemic. Although the term "pandemic" can refer to any disease outbreak that becomes a worldwide epidemic, this plan uses the terms "pandemic influenza" and "pandemic" interchangeably.

### **III. Hygiene**

Supervisors are to provide training on proper methods of personal hygiene. Methods of proper hand washing should be discussed along with covering ones mouth when coughing (see appendix's C and D). Sites are to provide disinfectant soaps, hand cleaners and step up disinfectant cleaning of hot spots such as doorknobs, light switches, and elevator buttons. Sites should stock up on disinfectant wipes, disposable gloves, and masks, and plan staffing, shift work, and even physical layout changes to minimize contact among employees. All of these measures will decrease the chances of spreading diseases.

### **IV. Surveillance and Reporting**

During all stages of a pandemic flu outbreak, it will be essential to monitor and document the number of students and faculty who are absent and meet the definition of influenza-like illness. Keeping track of these numbers will help health officials determine when and whether to close schools, whether the epidemic is increasing in scope and whether to declare an epidemic, making schools eligible to apply for reimbursement of ADA funds during increased absenteeism.

The Centers for Disease Control and Prevention defines an influenza-like illness as having the following symptoms: (see appendix C)

Fever of 101.5 degrees Fahrenheit or higher AND ONE OF THE FOLLOWING:

- Cough
- Sore throat
- Headache
- Muscle ache

A student with flu-like symptoms must be sent to the office for screening (symptom check and/or taking temperature). If a student meets the case definition as described above, he/she must be excluded from school until symptom free. When a large amount of students exhibit symptoms of the flu, an isolation area must be set up to isolate these students from the rest of the school population. Consider utilizing an empty classroom, library or other large area to isolate these students until parents can pick them up.

When information is received via media or other means of a possible outbreak of the flu, district nurses will review the attendance patterns of schools and district departments. When it becomes apparent the district is sustaining more than 10% absenteeism, attendance specialist will be requested to contact the district nurse every morning with the schools daily attendance. Department heads will also be required to contact the district nurse with the attendance status of district personnel.

At this time, a letter (sample Initial Outbreak) will be sent to all parents and personnel informing them of the outbreak.

The following phases will be conducted as the percentage of absenteeism increases until the flu out-break has subsided.

## V. Phases of Flu Outbreak

### Phase 1: Outbreak of Flu Disease

#### LESS THAN 10% STUDENTS

- Begin Heightened Surveillance Reporting
- Send out Parent Letter Initial Outbreak, informing parents that some students are sick but schools remain open, include tip sheets and info resource list\*
- Work with San Bernardino County Health Services regarding a Press Release announcing schools remain open but parents need to prepare.
- Post flu prevention notices on campus

### Phase 2: Expansion of the Outbreak

#### 10% OR MORE OF STUDENTS ILL (but less than 30%)

- Local Health Officer issues ADA Support Letter to schools/Epidemic Declaration
- Begin Intensive Surveillance Reporting
- Send Parent Letter Expanded Outbreak; include prevention tip sheets, etc.

### Phase 3: Continued Expansion of the Outbreak

#### MORE THAN 30% OF STUDENTS ILL

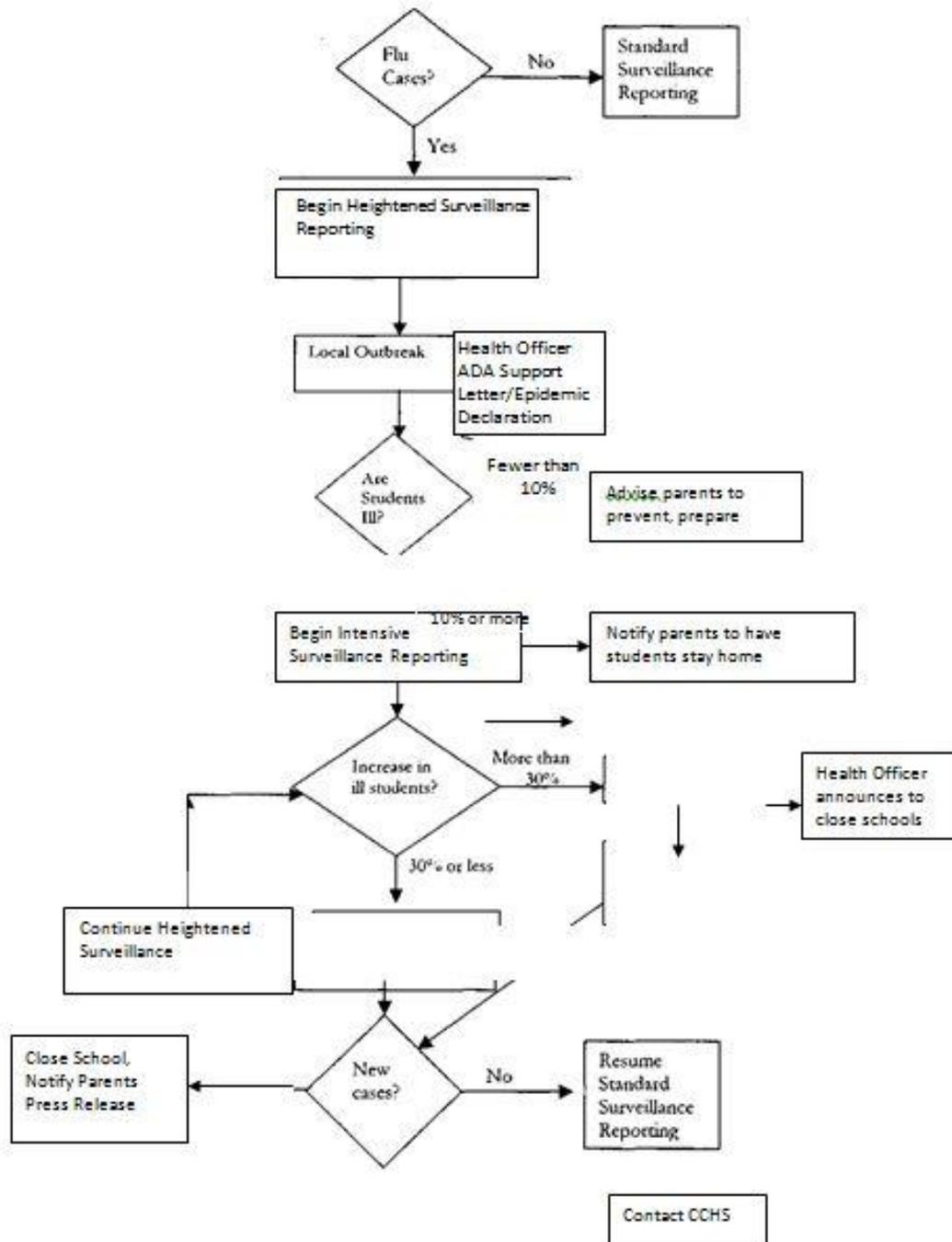
- San Bernardino County Public Health Office issues Declaration and suggests schools to close.
- Close school
- Send out Parent Letter announcing closure(s)
- Cancel any non-academic events

### Following the Outbreak

- San Bernardino County Health Services issues declaration and press release that schools can open.
- Issue Parent Letter "School Re-Opens"
- Continue communicating with local health department
- Return to heightened surveillance reporting

If students get sick again, start checklist again at Outbreak section.

## VI. School Response to Pandemic Flu Flow Chart



## **VII. Emergency Response Notification and Activation Procedures**

Medical and/or public health authorities may detect the first human case of novel influenza virus disease in California through the clinical evaluation of persons presenting with influenza-like illness or upper respiratory disease. This information will be transmitted to the California Department Health Services and eventually to the San Bernardino County Department of Health Services. The San Bernardino County Public Health Department will then contact local agencies, such as County Schools, and suggest schools that haven't done so, to begin surveillance procedures.

Those school districts within Phase 2 of the plan are to begin notification procedures by the Superintendent and increase the surveillance of students and staff. The San Bernardino County Department of Health Services will also be notified.

Department Directors will be contacted to ascertain the level of illnesses within their sections. Directors will begin determining key essential personnel which will be needed to continue the operations of the district in the event of a total shut down, in an effort to isolate personnel.

During a Phase 3 (total shut down), the superintendent, using the district snow tree, shall begin notifying personnel. These personnel will continue to utilize the snow tree in making these notifications to all personnel. The Superintendent will begin notifying parents of the school closures via letters, media or other means. The Joint Emergency Operations Center (JEOC) will be activated and set up in the Superintendents Conference Room. All parties designated as participants at the JEOC will be notified and requested to respond to the center.

Essential personnel will be directed to remain and work at home, or to report to an isolated area to continue their work functions. Key equipment and facilities should be gathered to allow personnel to continue their work functions at their isolated work site. The Director of IT should ascertain equipment required such as computers and set up a distribution point for these items.

Essential personnel needing equipment to continue their functions in an isolated area will be directed to a distribution point to obtain the equipment without contacting other personnel.

District Health Services will be notified to begin setting up POD's and vaccination teams to administer immunizations. Training will begin to increase the amount of those able to administer immunizations.

Once the San Bernardino Department of Public Health has declared it safe to re-open schools, the Superintendent will make the notifications to staff members via the phone tree or through the JEOC Officers and to students via the media, letters home to parents, or other means announcing the re-opening of schools and work sites. The JEOC will be de-activated and Directors should continue to monitor their sections and student attendance, in anticipation of a re-occurrence of the flu outbreak.

## VIII. Immunization Plan

The objectives of the California Department of Health Services (CDHS) Pandemic Influenza Vaccination Program are to:

- Allocate, distribute, and coordinate administration of pandemic influenza vaccine as rapidly, efficiently, and equitably as possible to the appropriate target groups and populations;
- Monitor the safety and effectiveness of the California Pandemic Influenza Vaccination Program.
- The school district's health services department under the direction of the County Health Department will be responsible for the administration of immunizations at the local level.

Point of Distributions (POD) will be set up at the selected school sites by district nurses with necessary paperwork, supplies, etc.

Non-licensed health or general personnel will be approved to learn and administer the vaccine by district nurses and volunteer M.D.'s, nurses, pharmacists, etc. Vaccine will be transported from central points to POD's, stored at protected refrigerators.

Under the Operations Officer (see command structure), a vaccination team shall be developed.

The School Police Chief should be notified to provide security at each P.O.D. location.

Vaccination Teams may consist of a Nurse, 2 or 3 Health Techs, a site clerical employee, a delivery/mail person, a safety officer and a custodian. Secondary teams should be developed and placed on standby.

During the surveillance phase and the hygiene teaching phase of the pandemic, the vaccination team mobilize to monitor and report statistics; ask for and obtain vaccine and any instructions from the County Medical Officer or State Department of Health Services

The vaccination team completes the POD schedule, delivers vaccine to POD's and works closely with HUSD Operations Officer monitoring delivery, security, and crowd control.

POD Structure/Method of delivery (see appendix B):

- The location and the number of sites will be determined by the number of doses available and delivery team sizes (i.e. 20,000 doses will be more safely and efficiently delivered at 20 sites, with 1,000 doses, than a 1 site with 20,000 doses)
- When number of doses and teams are identified and assembled, the Operations Officer will direct which sites/schools will be POD's and how many doses will be delivered and by whom.
- Numbers of sites can increase or decrease based on doses and teams available.
- Supplies and team members will arrive onsite, develop a "surge" flow (in one door, out another), and form one or more "assembly-line" structures to accommodate large numbers and rapid delivery of vaccine.
- Security and crowd control are essential; Operations and Logistics will provide enough personnel to accomplish adequate levels of security and control.
- Volunteers are to report in on arrival and sign out on departure.

- Communication with the Command Post should be continuous.
- Obtaining authorization paperwork (permission slips) and reproduction to the number of doses available will be done by Logistics and delivered to the teams.
- Required vaccine and delivery items (alcohol swabs, needles/syringes) will be obtained as soon as the school teams have been activated.

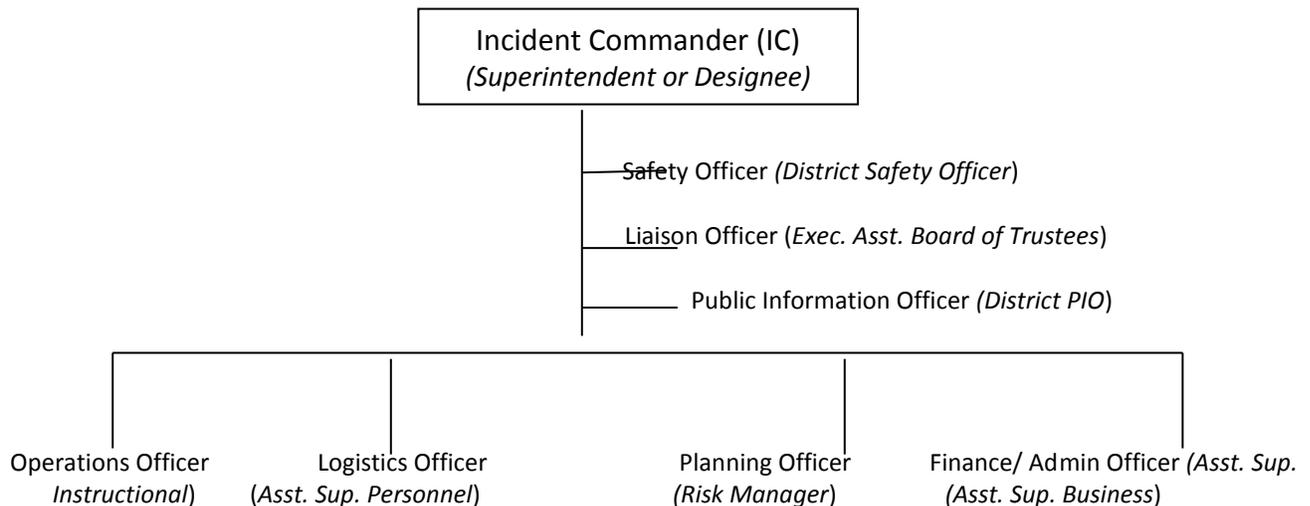
## IX. Incident Command Structure

On February 28, 2003, President Bush issued Homeland Security Presidential Directive 5, directing agencies to implement the National Incident Management System (NIMS) during emergency operations. NIMS incorporates the Standardized Emergency Management System (SEMS) and the Incident Command System (ICS) as the Command structure for emergencies.

Effective January 1, 1993, Section 8607 of the California Government Code requires that state and local governments, and special districts such as schools, respond to disasters using the Standardized Emergency Management System (SEMS). **(California Code of Regulation 2400-2405)**

As required by NIMS, the districts Crisis Management Plan will be implemented utilizing the command structure with the designated command officers shown below.

### Organizational Chart



This typical Command Chart is an example of the management positions within the Incident Command System, which would be utilized within the Hesperia Unified School District. When an emergency occurs involving the activation of the crisis management plan, these positions need to be assigned as required by the Incident Commander.

NIMS is based on a number of concepts, three of which are pertinent to schools:

- A management tool called the Incident Command System (ICS)
- Mutual Aid systems, in which similar organizations assist each other in emergencies

- Multiple agency coordination, under which diverse organizations work together and communicate with each other

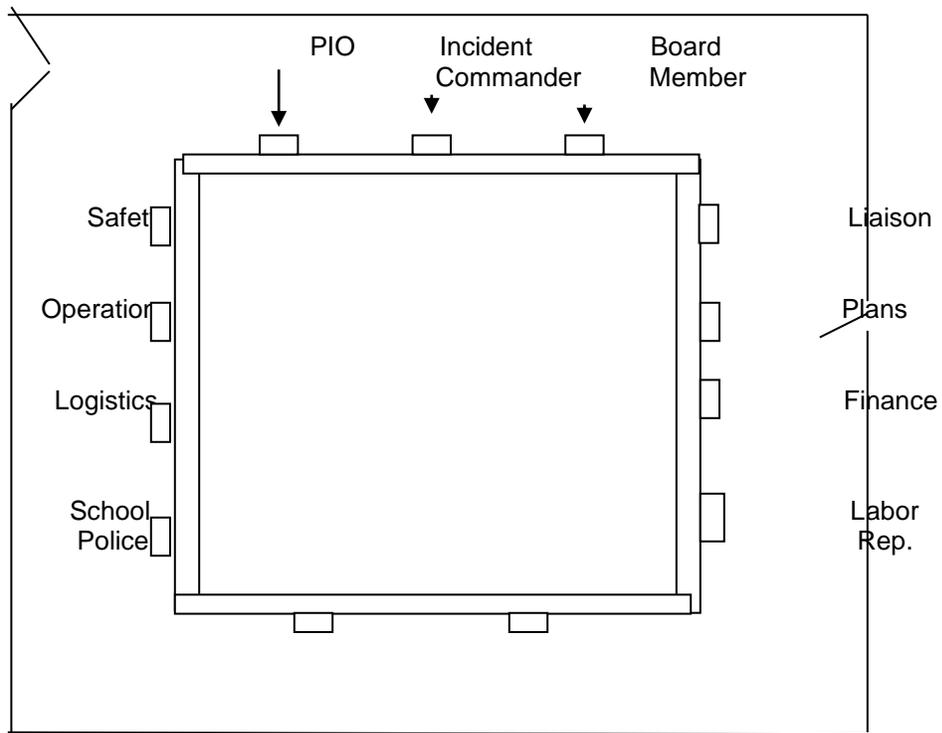
ICS was developed by fire departments to give them a common language when requesting personnel and equipment from other districts and common tactics when responding to emergencies. The system is designed to minimize the problem of duplicating efforts, common to many emergency response efforts by giving each person a structured role in the organization, and each organization its piece of the larger response.

Hesperia Unified School District  
**EMERGENCY OPERATIONS CENTER (EOC)**

The Primary role of the EOC is to coordinate & organize all relevant information about the emergency in one place. The EOC staff should not be providing “hands on” assistance to the various schools sites that are dealing with the actual field activities. Their role is to obtain and deliver needed resources to the affected school sites. Under SEMS, the school sites Incident Commanders have clear authority to command & direct the resources under their control. It is the responsibility of the EOC Incident Commander and the EOC staff to find and have delivered the needed resources to the individual school sites. The EOC will be located in the Superintendents Conference Room at the District Office.

The EOC shall be set up as shown below.

**Emergency Operations Center**  
 (Superintendents Conference Room)



The Emergency Operations Center (EOC) may be activated for emergencies involving district facilities, employees and students. The EOC may also be activated for other Regional emergencies when the Red Cross or other emergency agencies utilize various sites as evacuation centers or other operations.

Incident Commander: Manages incident resources, coordinates overall emergency activities and authorizes the release of information to the media.

Safety Officer: Responsible for monitoring the emergency operations insuring all safety and health requirements are complied with.

Liaison Officer: The liaison person is the contact point for coordination and communication between the various agencies involved in the operation.

Public Information Officer: Makes contact with all news agencies providing press releases as directed by the Incident Commander.

Operations Officer: Directs tactical responses and resources. Assures that resources committed to the incident are used effectively to carry out the overall objectives.

Logistics Officer: Logistics provides the services and supplies needed to support the incident. This person also maintains records on equipment, supplies and all expandable items used during the incident.

Planning Officer: Responsible for the collection and evaluation of information important to the on-going and future operations in the incident. This information leads to the development of oral or written plans.

Finance/Admin Officer: This function maintains the records regarding expenditures associated with the incident. This officer collects information needed for responding agencies to assist in their fiscal or budgetary needs.

## **X. Recovery**

Recovery from an influenza pandemic begins while the pandemic is still in progress, and continues during the periods between waves and following the pandemic. The following activities are important aspects of recovery:

- Providing detailed retrospective characterization of the pandemic;
- Evaluating the efficiency of containment measures and emergency management strategies;
- Assessing the effectiveness of vaccines and antivirals;
- Preventing or minimizing subsequent waves of influenza using current vaccine or antiviral resources;
- Re-supplying medical supplies and equipment

- Clean and sanitize reusable items in preparation for another round of illnesses
- Incorporating mental health messages to facilitate recovery with continuance of self care messages.

Following a pandemic, CDHS will conduct an in-depth review and critique of the response activities listed in this plan with staff and other organizations and agencies. The review will result in a formal after-action report with recommendations to improve future preparedness.

**SAMPLE PARENT LETTER**  
**Prevention Letter**

**Use this letter to help prepare parents for pandemic flu - before there are human pandemic flu or bird flu cases in the U.S.**

Dear Parents,

This letter will help your family prepare for a flu pandemic that could make many people sick.

It is important to know that at this time, there is no pandemic flu of any kind in the United States. There is also no bird/avian flu in the United States at this time.

Public health officials are worried the flu virus may change so that it can infect people and spread easily from person-to-person. This would cause a worldwide flu outbreak, called a pandemic.

Public health officials want people to protect themselves against pandemic flu. Here are some ways to protect your family:

Keep children who are sick at home. Don't send them to school.

Teach your children to wash hands a lot with soap and water for 20 seconds. Be sure to set a good example by doing this yourself.

Teach your children to cover coughs and sneezes with tissues or by coughing into the inside of the elbow. Be sure to set a good example by doing this yourself.

Teach your children to stay at least three feet away from people who are sick.

People who are sick should stay home from work or school and avoid other people until they are better.

Enclosed with this letter is a checklist to help families get ready for a pandemic flu outbreak. This information can also help your family get ready for any kind of emergency.

**If you have questions, please contact your School Nurse or healthcare provider.**

**San Bernardino County Health Services: Erik Frykman, M.D. Chief, San Bernardino county Public Health [efrykman@DPH.SBCounty.gov](mailto:efrykman@DPH.SBCounty.gov)**

**The federal government website with information on planning for individuals and families:**  
<http://www.pandemicflu.gov>

## **SAMPLE LETTER TO PARENTS**

### **Initial Pandemic Flu Outbreak : Use this letter to let parents know schools are open**

Dear Parents,

This letter will give you information about a flu outbreak in San Bernardino County. Every year, some people get sick with the flu during the fall and winter months. This year, there is a new flu virus that is making many people in San Bernardino County sick. So many people are sick in San Bernardino County and the United States that health officials call it a "pandemic flu."

A lot of students and teachers in our school are sick with the flu. We hope they will all get better quickly.

At this time, the county health department tells us that students who are not ill can safely come to school. The schools will remain open. We will keep you updated with any important information.

**To keep the flu from spreading to more people, we ask you to keep sick children home. Any children who are sick in school will be sent home.**

Public health officials want you to protect yourself and your family against pandemic flu. Here are some ways to stop the spread of germs and sickness:

Keep children who are sick at home. Don't send them to school.

Teach your children to wash hands a lot with soap and water for 20 seconds. Be sure to set a good example by doing this yourself.

Teach your children to cover coughs and sneezes with tissues or by coughing into the inside of the elbow. Be sure to set a good example by doing this yourself.

Teach your children to stay away at least three feet away from people who are sick.

People who are sick should stay home from work or school and stay away from other people until they are better.

Stay away from shopping malls, movie theaters or other places where there are large groups of people.

If you have questions, please contact your School Nurse or healthcare provider.

**San Bernardino County Health Services: Erik Frykman, M.D. Chief, San Bernardino county Public Health [efrykman@DPH.SBCounty.gov](mailto:efrykman@DPH.SBCounty.gov)**

**SAMPLE LETTER TO PARENTS Expanded Outbreak:  
Use this letter to let parents know schools are open and urge ill children to stay home**

Dear Parents,

We wrote to you recently to tell you about a pandemic flu outbreak in our community. Here is some new information.

There are now even more students in our school who are ill with this flu virus. Still the county health department tells us that students who are not ill can continue to attend school. The schools will remain open. We will keep you updated with any important information.

**To keep the flu from spreading to more people, we ask you to keep sick children home. Healthy students with sick parents at home, should remain at home. Any children who are sick in school will be sent home.**

Public health officials want you to protect yourself and your family against pandemic flu. Here are some ways to stop the spread of germs and sickness and take care of your family

Keep children who are sick at home. Don't send them to school.

If some of the people in your home are sick with the flu, keep them away from the people who are not sick.

If some of the people in your home are sick with the flu and you cannot see a health provider, some things you can do to help them are:

- o Have them drink a lot of liquid (juice, water)
- o Keep the ill person as comfortable as possible. Rest is important.
- o For fever, sore throat and muscle aches, in adults, use ibuprofen (Motrin) or acetaminophen (Tylenol). Do not use aspirin with children or teenagers; it can cause Reye's syndrome, a life-threatening illness.
- o Keep tissues and a trash bag within reach of the sick person. Be sure everyone in your home washes their hands frequently.
- o Contact a healthcare provider for further advice. If the ill person is having difficulty breathing or is getting worse, contact the healthcare provider right away.

**San Bernardino County Health Services: Erik Frykman, M.D. Chief, San Bernardino county Public Health [efrykman@DPH.SBCounty.gov](mailto:efrykman@DPH.SBCounty.gov)**

**SAMPLE LETER TO PARENTS: School Closure: Use this letter to inform parents schools are closed**

Dear Parents,

San Bernardino County health officials have ordered all schools in San Bernardino County to close. This order is because of the pandemic flu situation in San Bernardino County. All schools are immediately closed until further notice and children should stay home.

Schools may be closed for days or even weeks to reduce contact among children and stop the spread of the flu.

We know that many students and their families are very sick. We know this is a hard time for our community and our hearts go out to those who are ill.

Because the flu is easily spread from person-to-person, it is not safe for large groups of people to gather. During this time, both children and adults should stay away from other people and groups as much as possible. They should not gather in other locations such as shopping malls, movie theaters or community centers.

We know that it may be hard to get a doctor's appointment, go to a clinic or even be seen in a hospital emergency room. Here are some tips for helping those who are sick with the flu:

- Have them drink a lot of liquid (juice, water)
- Keep the sick person as comfortable as possible. Rest is important.
- For fever, sore throat and muscle aches, use ibuprofen (Motrin) or acetaminophen (Tylenol). Do not use aspirin with children or teenagers; it can cause Reye's syndrome, a life- threatening illness.
- Keep tissues and a trash bag within reach of the sick person.
- Be sure even-one in your home washes their hands frequently.
- Isolate people who are sick from the people who are not sick.

**San Bernardino County Health Services: Erik Frykman, M.D. Chief, San Bernardino county Public Health [efrykman@DPH.SBCounty.gov](mailto:efrykman@DPH.SBCounty.gov)**

We will contact you as soon as we have information about when school will reopen.

**SAMPLE LETTER TO PARENTS; School Re-Opens: Use this letter to inform parents schools are re-opened.**

Dear Parents,

San Bernardino County Health officials have declared the pandemic flu is under control. Our school will open again on \_\_\_\_\_. At this time, students may safely return to class.

Even though school is opening, there are still some people who are sick from the flu virus. And health officials say that pandemic flu outbreaks sometimes happen in waves. This means more people could become sick soon again. If more people get sick, schools may need to close again. We will continue to give you any important information.

Because the flu can still be spread from person-to-person, please keep children who are sick at home. Don't send them to school.

We are looking forward to seeing your children again.

## CHAPTER 7: INJURY AND ILLNESS

### Injury and Illness Prevention Plan

#### RESPONSIBILITY

The Injury and Illness Prevention Program (IIPP) primary administrator, **Michael Everett**, has the authority and the responsibility for implementing and maintaining this program for **Hesperia High School**. In **Michael Everett's** absence, the alternate program administrator will be **Alicia Bonnett**.

Managers and supervisors are responsible for implementing and maintaining the program in their work areas and for answering your questions about the program. A copy of this program is available in **the front office** and from the principal.

The Management of the **Hesperia Unified School District** and **Hesperia High School** is committed to the implementation and maintenance of an effective IIPP to ensure your health and safety. In addition, every employee is responsible for their own safety as well as the safety of the people they work with.

#### COMPLIANCE

All **HHS** employees, including managers and supervisors, are responsible for complying with safe and healthful work practices. Our system of ensuring that all employees comply with these practices includes:

- Inform employees of the provisions of our IIPP when first assigned
- Evaluate the safety performance of all employees
- Recognize employees who perform safe and healthful work practices
- Provide training to employees whose safety performance is deficient
- Discipline employees for failure to comply with safe and healthful work practices

#### COMMUNICATION

All managers and supervisors are responsible for communicating with you about occupational safety and health in a form you can readily understand. Discussing safety concerns are part of an ongoing dialogue between management and staff at regularly scheduled and impromptu meetings. Our communication system encourages all employees to inform their managers and supervisors about workplace hazards without fear of reprisal.

Our communication system includes:

- Safety meetings
- Email communication
- Target Solutions training

## **HAZARD ASSESSMENT**

Monthly inspections and evaluations to identify workplace hazards are performed by a competent observer in our workplace as follows:

- At the beginning of each month;
- When new substances, processes, procedures or equipment which present potential new hazards are introduced;
- When new, previously unidentified hazards are recognized;
- When occupational injuries and illnesses occur;
- Whenever workplace conditions warrant an inspection; and
- At least once per year.

## **ACCIDENT/EXPOSURE INVESTIGATION**

Procedures for investigating workplace accidents and hazardous substance exposures include:

- Interview injured employees and witnesses;
- Examine the workplace for contributing factors associated with the incident/exposure;
- Determine the cause of the incident/exposure;
- Take corrective action to prevent the incident/exposure from reoccurring; and
- Record the findings and actions taken. (Completed Work Orders)

## **HAZARD CORRECTION**

Unsafe or unhealthy work conditions, practices or procedures are corrected in a timely manner based on the severity of the hazards. Hazards are corrected according to the following procedures

- When observed or discovered; and
- When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, we will remove all exposed workers from the area except those necessary to correct the existing condition. Employees who are required to correct the condition are provided with the necessary training and protection.

## **TRAINING AND INSTRUCTION**

All employees, including managers and supervisors, are provided with training and instruction on general and job-specific safety and health practices. Training and instruction is provided:

- When the IIPP is first established;
- To all employees with respect to hazards specific to each employee's job assignment;
- To all employees given new job assignments for which training has not been previously provided;
- Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;
- Whenever the employer is made aware of a new or previously unrecognized hazard;
- To supervisors to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed;
- To all new employees.

## **CODE OF SAFE PRACTICES**

### **GENERAL**

1. All persons shall follow these safe practice rules, render every possible aid to safe operations, and report all unsafe conditions or practices to the foreman or superintendent.
2. Supervisor shall insist on employees observing and obeying every rule, regulation, and order as is necessary to the safe conduct of the work, and shall take such action as is necessary to obtain observance.
3. Anyone known to be under the influence of drugs or intoxicating substances that impair the employee's ability to safely perform the assigned duties shall not be allowed on the job while in that condition.
4. Horseplay, scuffling, and other acts that tend to have an adverse influence on the safety or well-being of the employees shall be prohibited.
5. Work shall be well planned and supervised to prevent injuries in the handling of materials and in working together with equipment.
6. No one shall knowingly be permitted or required to work while the employee's ability or alertness is so impaired by fatigue, illness, or other causes that it might unnecessarily expose the employee or others to injury.
7. Employees shall not enter manholes, underground vaults, chambers, tanks, silos, or other similar places that receive little ventilation, unless it has been determined that is safe to enter.
8. Employees shall be instructed to ensure that all guards and other protective devices are in proper places and adjusted, and shall report deficiencies promptly to the foreman or superintendent.
9. Crowding or pushing when boarding or leaving any vehicle or other conveyance shall be prohibited.
10. Workers shall not handle or tamper with any electrical equipment, machinery, or air or water lines in a manner not within the scope of their duties, unless they have received instructions from their foreman.
11. All injuries shall be reported promptly to the foreman or superintendent so that arrangements can be made for medical or first aid treatment.
12. When lifting heavy objects, the large muscles of the leg instead of the smaller muscles of the back shall be used.
13. Inappropriate footwear or shoes with thin or badly worn soles shall not be worn.

Materials, tools, or other objects shall not be thrown from buildings or structures until proper precautions are taken to protect others from the falling objects.

### **RECORDKEEPING**

The following list includes our primary methods of recordkeeping.

- Written documentation of the identity of the person or persons with authority and responsibility for implementing the program.
- Written documentation of scheduled periodic inspections to identify unsafe conditions and work practices.
- Written documentation of training and instruction.

## RESOURCES & GLOSSARY

Guide to Developing Your Workplace Injury and Illness Prevention Program with checklists for self-inspection

[http://www.dir.ca.gov/dosh/dosh\\_publications/IIPP.html#25](http://www.dir.ca.gov/dosh/dosh_publications/IIPP.html#25)

Division of Occupational Safety and Health (Cal/OSHA)

<http://www.dir.ca.gov/dosh/>

## IIPP Glossary of Terms

### Accident

The word “accident” could be interchanged with “incident”. “Accident” is used in this case to conform to the language found in the OSHA standard. Use of the word “accident” is not intended to assign fault or responsibility.

### Administrator:

One who is responsible for the execution of public affairs, as distinguished from policy-making.

### Implementing:

To carry out or accomplish.

To ensure fulfillment by concrete measures.

### Maintaining:

To keep in an existing state (as of repair, efficiency, or validity).

Preserve from failure or decline.

Communication system: The manner and methods in which employer and employees provide and share health and safety information.

*Examples should include the following:*

- Internal staff bulletins, whether distributed electronically or materially.
- Distribution of SCSRM’s “Safety Bill Says...” throughout the site, approximately bi-monthly.
- Staff and departmental meetings (documentation of attendance required)
- Material postings in high-traffic public areas
- Anonymous Suggestion Systems, including a policy prohibiting reprisal for reporting a safety concern.
- Training (documentation of attendance required)
- Regularly scheduled Health and Safety Committee meetings (documentation of attendance required) and the posting of minutes in public areas
- New employee orientation, including introduction to the Illness and Injury Prevention Program (documentation of attendance required)

## COMPLIANCE

Conformity in fulfilling a legal requirement.

### Imminent hazard:

An immediate source of danger.

### Competent Person:

A competent person is a person who is **capable** of identifying existing and predictable hazards in the surroundings or working conditions that are unsanitary, hazardous, or dangerous to employees. The competent person has the **authority** to impose prompt corrective measures to eliminate these hazards.

### Qualified (Responsible) Person:

A qualified person is a person **designated** by the employer; and by reason of **training**, experience, or instruction has demonstrated the ability to perform safely all assigned duties; &, when required is properly licensed in accordance with federal, state, or local laws and regulations.