



Rosemead School District
Established 1859

Muscatel Middle School



Comprehensive School Safety Plan

SB 187 & SB 334 Compliance Document

Revised February 2015

**Muscatel Middle School
4201 Ivar Avenue
Rosemead, California 91770**

This document is to be maintained for public inspection during business hours

BOARD ADOPTED: June 18, 2015

**Muscatel Middle School
Comprehensive School Safety Plan**

Table of Contents

Section 1: General Information – School Safety	
Part 1: District Commitment to School Safety	4
Part 2: Legislative Requirements	5
Part 3: Maintaining a Safe and Orderly Environment	6
Section 2: Child Abuse Reporting	
Part 1: Child Abuse Reporting Procedures	6
Section 3: Disaster Procedures	
Part 1: General Information	13
Part 2: Biological/Chemical Weapons Assault	14
Part 3: Bomb Threat Procedures	16
Part 4: Chemical of Hazardous Materials Incident	18
Part 5: Earthquake Procedures	19
Part 6: Explosion, Aircraft Crash or Similar Incident	20
Part 7: Fire Procedures	21
Part 8: Flood Procedures	22
Part 9: Lock Out – Criminal Activity Nearby but Not on Campus	23
Part 10: Lock Down – Intruder or Criminal Activity on Campus	24
Part 11: Lock Down – Active Shooter on Campus	25
Part 12: Severe Windstorm Procedures	26
Part 13: Suspicious Mail/Packages	27
Part 14: Africanized Honey Bees	29
Section 4: Notification of Dangerous Pupils	
Part 1: Notifying Teachers of Dangerous Pupils	31
Section 5: Suspension and Expulsion/Due Process	
Part 1: Definitions	34
Part 2: Notice of Regulations	35
Part 3: Grounds for Suspension and Expulsion	36
Part 4: Removal from Class by a Teacher/Parental Attendance	40
Part 5: Suspension by Superintendent, Principal, or Principal’s Designee	42
Part 6: Suspension by the Board	45
Part 7: On-Campus Suspension Program	46
Part 8: Authority to Expel	47
Part 9: Mandatory Recommendation for Expulsion	48
Part 10: Mandatory Recommendation and Mandatory Expulsion	49
Part 11: Student Right to Expulsion Hearing	50
Part 12: Rights of Complaining Witness	51
Part 13: Written Notice of the Expulsion Hearing	52
Part 14: Conduct of Expulsion Hearing	53
Part 15: Alternate Expulsion Hearing	57
Part 16: Final Action by the Board	58
Part 17: Written Notice to Expel	59

Muscatel Middle School Comprehensive School Safety Plan

Section 5: Suspension and Expulsion/Due Process (continued)	
Part 19: Right to Appeal	62
Part 20: Post Expulsion Assignments	63
Part 21: Readmission After Expulsion	64
Part 22: Maintenance of Records	65
Part 23: Notifications to Law Enforcement Authorities	66
Part 24: Outcome Data	67
Part 25: Students with Disabilities	68
Section 6: Sexual Harassment Policy	
Part 1: General Information	77
Part 2: Sexual Harassment – All Personnel	78
Part 3: Sexual Harassment – Students	81
Section 7: School Dress and Grooming	
Part 1: Board Policy and Administrative Regulations	89
Section 8: Safe Ingress and Egress	
Part 1: Safe Ingress and Egress	95
Part 2: Visitors on Campus	96
Section 9: Rules and Procedures of School Discipline	
Part 1: General Information	97
Part 2: Positive School Climate	98
Part 3: School Rules	100
Part 4: Conduct	102
Part 5: Campus Disturbances	105
Part 6: Conflict Resolution/Peer Mediation	108
Part 7: Drugs, Tobacco, Alcohol	111
Section 11: Appendices	121
Appendix A: SB 334 Text	
Appendix B: SB 187 Text	
Appendix C: Education Code Sections 35294 – 35294.9 Text	
Appendix D: Suspected Child Abuse Report Form	
Appendix E: Employee Acknowledgement of Child Abuse Reporting Requirements	
Appendix F: Personnel Assignments	
Appendix G: Emergency Supplies	
Appendix H: Buddy List	
Appendix I: Maps	
Appendix J: Request for Exemption from Uniform Program	
Appendix K: Behavior Contract	
Appendix L: School Site Council Meeting Minutes/Approval	

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 1: General Information – School Safety
Part 1: District Commitment to School Safety

District Commitment to School Safety (page 1 of 1)

The Rosemead School District is committed to ensuring that students enrolled in this district, and all employees attend campuses that are safe and secure. The District believes that a beginning step toward safer schools is the development of a comprehensive plan for school safety by every school within the District. The District intends that parents, students, teachers, administrators, counselors, classified personnel, and community agencies develop safe school plans, including local law enforcement. The school site committee will review these safe school plans on an annual basis and proposed changes will be submitted to the Board for approval.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 1: General Information – School Safety
Part 2: Legislative Requirements

Legislative Requirements (page 1 of 1)

The California Education Code (sections 35294-35294.9) outlines the requirements of all schools operating any kindergarten and any grades 1 to 12, inclusive, to write and develop a school safety plan relevant to the needs and resources of that particular school.

This requirement was presented in Senate Bill 187, which was approved by the Governor and chaptered in 1997. This legislation contained a sunset clause that stated that this legislation would remain in effect only until January 1, 2000. Senate Bill 334 was approved and chaptered in 1999 and perpetuated this legislation under the requirement of the initial legislation.

Comprehensive School Safety Plans are required under SB 187/SB 334 to contain the following elements:

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

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

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
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Section 1: General Information – School Safety
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Part 3: Maintaining a Safe and Orderly Environment

Maintaining a Safe and Orderly Environment (page 1 of 1)

It is a priority of the administration and staff at Muscatel Middle School that every student who attends our school will be provided with an environment in which the students not only feel physically safe, but that there is also a positive school climate in all activities both in and out of the classroom.

Our administration and staff desire to provide an orderly, caring, and nondiscriminatory learning environment in which all students can feel comfortable and take pride in their school and their achievements.

Our administration encourages staff to teach students the meaning of equality, human dignity, and mutual respect, and to employ cooperative learning strategies that foster positive interactions in the classroom among students from diverse backgrounds.

Students shall have opportunities to voice their concerns about school policies and practices and to share responsibility for solving problems that affect their school. Staff shall encourage and reward success and achievement, participation in community projects, and positive student conduct.

Our school district promotes nonviolent resolution techniques in order to encourage attitudes and behaviors that foster harmonious relations. Staff shall receive training which implements and supports conflict resolution (California Education Code Sections 32230-32239, 35160, 35160.1, 44806).

Muscatel Middle School remains in compliance with existing laws related to school safety. This manual outlines several elements critical to maintaining a safe school environment.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 2: Child Abuse Reporting
Part 1: Child Abuse Reporting Procedures

Child Abuse Reporting Procedures

OUR GOAL

The District is dedicated to providing a child-safe environment. A safe, nurturing environment to promote all public school students' learning and growth, free from abuse and neglect, shall be a continual goal of the District.

The District expects all staff members, including teachers, coaches, counselors, administrators, classified staff members, and volunteers, to maintain high professional, moral, and ethical standards in their conduct with students. The interactions and relationships among staff members and students are based upon mutual respect and trust. An understanding of appropriate boundaries among adults and students in an educational setting is consistent with the mission of the District.

Communication and interaction are vital elements in learning and instruction. In order to ensure the safety of students and to prevent misunderstandings and false accusations, procedures for child abuse prevention that include a definition of reasonable boundaries are necessary. A staff member or volunteer who observes or has reasonable evidence of child abuse shall immediately report such conduct in accordance with the procedures outlined in this chapter. The proper authorities shall promptly investigate all reported allegations.

The State Department of Education encourages District's to collaborate with outside consultants, including law enforcement, with expertise in sexual abuse and sex trafficking prevention education in order to create a school safety plan to address the threat of sexual abuse and sex trafficking.

In-service training may be conducted periodically to enable district personnel to learn about new developments in the understanding of sexual abuse and sex trafficking, and to receive instruction on current prevention efforts and methods. District's are encouraged to include training on early identification of sexual abuse and sex trafficking of pupils and minors.

WHAT IS CHILD ABUSE?

Child abuse includes physical, emotional, and sexual abuse as well as neglect of minors. Child sexual abuse can include unwanted and unnecessary touching or fondling of minors; voyeurism; exposing minors to sexual acts or pornography; requests for or offers of sex to a minor; solicitation of sex from minors; sexual exploitation of minors; lewdness or exposing private body parts to a minor; taking nude photographs of minors without proper consent or for illegal purposes; online enticement of minors; and other sexual acts to minors such as intercourse, penetration, rape, incest, and sodomy.

Responsible adults understand that minors are vulnerable to abuse from adults and other children and that all adults, not just parents and guardians, must make concerted efforts to create and maintain child-safe environments.

Both child abuse and child sexual abuse are serious crimes. Child abuse and neglect are national problems (see Child Maltreatment 2012 at <http://www.acf.hhs.gov/sites/default/files/cb/cm2012.pdf>). More than 3.8 million reports of child abuse involving almost 680,000 unique victims were made in the United States in fiscal year 2012 with over 1,600 deaths related to child abuse in that year.

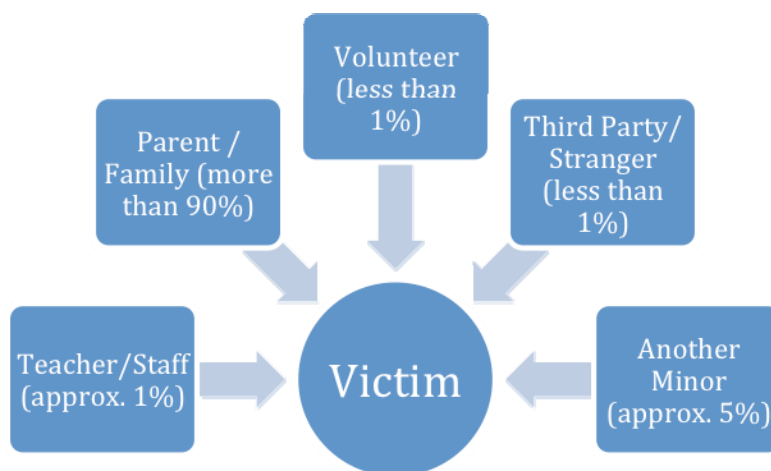
Child abuse is defined as:

- A physical injury that is inflicted by other than accidental means on a child¹ by another person.
- Sexual abuse of a child, including both sexual assault and sexual exploitation.
- Willful cruelty or unjustifiable punishment of a child.
- Unlawful corporal punishment or injury of a child.
- Negligent treatment or maltreatment of a child.
- Abuse in out-of-home care of a child such as the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, or supervision of a child where no physical injury to the child occurred.

Perpetrators of child abuse can be other children or adults. Adult perpetrators are usually parents or other family member, but they can also be teachers or other District employees, other adults known by the victim, including volunteers, or adults, including District consultants and contractors, who are strangers to the victim.

¹ In California, a child is a minor, any person under the age of eighteen years old (Penal Code Section 261.5).

Relationships between Child Abuse Perpetrators and Victims²



Signs of child abuse or neglect include, but are not limited to, the following:

- Poor nourishment or inadequate clothing.
- Consistent tiredness or listlessness.
- Inconsistent school attendance.
- Unexplained injuries, especially those located on parts of the body not usually affected by normal childhood activities.
- Repeated injuries such as bruises, welts, or burns, especially those where the shape of an object is visible.
- Unexplained fractures.
- Small circular burns which may have been inflicted by a cigarette or cigar.
- Unusual behavior including hyperactivity, disruptive, and aggressive behavior, behavior that is abnormally complacent, compliant, shy, or withdrawn, or uncommunicative behavior.

Policies to address and to help prevent child abuse can be tailored either to report perpetrators or to minimize perpetrators within the above-noted relationship classifications with respect to their victims.

Teacher or Staff/Student-Related Policy³

² The relationship is unknown in approximately 8% of cases. **Parent/Family** was defined as parent, foster parent, legal guardian, other family, or unmarried partner of parent per the *Table 5–5 Perpetrators by Relationship to Victims, 2012* coding. **Volunteer** was defined as friend or neighbor. **Teacher/Staff** was defined as child care provider, other professional, or group home and residential facility staff. **Unknown** was defined as other and unknown.

Relationships with Minors Prohibited

District employees are prohibited from having any type of sexual relationship with a minor even if the minor or his or her parent(s) provide their expressed consent. District employees and other school-site participants that are discovered to have committed or are reasonably suspected of committing child abuse will be reported to the proper legal authorities and shall be subject to disciplinary action up to and including termination.

Proper Interaction With Minors

The District requires that all employees and school-site participants interact with minors in a safe and proper manner, including:

- Eliminating the times employees and other school-site participants are alone with minors without other adults being present, accessible, or in view. **The District shall practice two-deep leadership, no one-to-one contact, respect for privacy, and prompt report of problems at all times with respect to interaction among adults and minors.**
- Physical contact between employees or other school-site participants and minors shall always be (a) non-sexual, (b) appropriate to the circumstance, and (c) unambiguous in meaning. Boundaries consistent with employees' and other school-site participants' roles as educators, mentors, and caregivers shall always be respected. Violations of boundaries include:
 - Intentional contact that constitutes physical or sexual abuse or is otherwise potentially harmful to the well-being of a minor.
 - Physical contact with a minor that is not age-appropriate or within the scope of the employee's and other school-site participant's scope of responsibilities or duties.
 - Touching or grabbing a student to get his or her attention.
 - Physical contact that demonstrates intent to discriminate between students or otherwise show favoritism.
 - Touching for the purpose of punishing or intimidation. Specifically, this does not include manual interventions necessary to protect the safety of the student or others.
 - Any gestures or movements that imply physical or sexual contact.
- Never being with a minor in a concealed area, including a locked room or a place where other adults cannot see or hear the adult's interaction with a minor or minors;

³ Legal reference: Education Code Sections 44932 and 44933; Penal Code Sections 11165.1, 11165.2, 11165.3, 11165.4, and 11166.

- Never hosting an event for minors or inviting minors to employee's and other school-site participant's homes unless such hosting or invitation is part of an approved District function;
- Never inviting minors to employees' and other school-site participant's home without the presence of the minor's guardians, parents, or multiple adults as part of an approved District function;
- Never entering a home with a minor unless the minor's guardians or parents are present and/or without the guardian's or parent's consent;
- Never giving a minor a gift without the consent of District and the guardians or parents of the minor;
- Never providing tobacco products, drugs, or alcohol to minors or purchasing tobacco products, drugs, or alcohol for minors;
- Always reporting use of tobacco products, alcohol, or illegal drugs by minors;
- Never going to an off school-site event with a minor without receiving the written consent of the minor's guardians or parents and the Lawndale Elementary School District;
- Never providing transportation to a minor or minors without approval of Lawndale Elementary School District and consent of the minor's guardians or parents and without other adults being present;
- Never taking video or audio recordings, photographs, or otherwise capturing digital images of a minor without receiving the written consent of the minor's guardians or parents and the Lawndale Elementary School District;
- Never communicating to a minor on matters unrelated to performance of your duties as a teacher or other education professional; in an unprofessional manner; or inappropriately via phone, letter, instant messaging, social media, email or in a chat room.

District employees and other school-site participants can learn more about proper interaction with minors in support of child abuse prevention by visiting the Centers for Disease Control and Prevention's (CDC's) Violence Prevention website at <http://www.cdc.gov/ViolencePrevention/index.html> . The CDC also cites the Boy Scouts of America's (BSA's) Youth Protection Plan as a resource. The BSA publication, "Youth Protection Training Guide: Cub Scout and Boy Scout Volunteer Leaders and Parents," can be downloaded at <http://www.scouting.org/filestore/ypt/pdf/46-221.pdf> .

Who must Report⁴

If you reasonably suspect that child abuse is occurring or that a minor is in danger, you must immediately report the abuse to the Los Angeles County Sheriffs Department and **Child Protective Services at (800) 540-4000** and in writing within 36 hours to Child Protective Services using state form SS 8572. If the child abuse is occurring at school or by an employee or other workplace participant, you must immediately report to the or Los Angeles County Sheriffs Department and Child Protective Services⁵ (800) 540-4000, and in writing within 36 hours to Child Protective Services using state form SS 8572, and within a reasonable period of time; 1 work day to the District.

The California Child Abuse Reporting Law mandates that all employees or “mandated reporters” must report known or suspected child abuse. “Mandated reporters” of child abuse include:

- A teacher.
- An instructional aide.
- A teacher’s aide or teacher’s assistant employed by any public or private school.
- A classified employee of any public school.
- A school nurse.

The mandated reporter’s obligations when she or he discovers that a child has been sexually abused or assaulted are as follows:

- Do not deny the problem. Assume that the child is telling the truth no matter how unbelievable the information sounds.
- Control your emotions. Fear and anger are natural reactions, but such expressions may frighten the child. Let the child know that your feelings are not directed at him or her.
- Reassure the child that he or she is safe and that it was right to tell you.
- Let the child ask questions, and provide answers that are simple and comprehensible.
- Find out as much as possible about the events leading up to, during, and after the incident.
- Follow your District’s reporting protocol.

⁴ Legal references: Education Code Sections 33308.1, 44690-44691, and 48906; Penal Code Sections 273a, 11164-11164.3, 11165-11165.5, 11166-11170, 11172, and 11174.3; Welfare and Institutions Code 600-601.2, 15630-15637.

⁵ The Child Abuse and Neglect Reporting Act (CANRA) states that the name of the mandated reporter is strictly confidential, although it is provided to the investigative parties working on the case. Under state law, mandated reporters cannot be held liable in civil or criminal court when reporting as required; however, under federal law, mandated reporters have immunity only for reports made in good faith.

As a District employee, you are a mandated reporter and are required to take the General **Child Abuse Mandated Reporter Training – California** module which is offered free by the California Department of Social Services at <http://mandatedreporterca.com/training/generaltraining.htm> . This training is required annually for all mandated reporters within 6 weeks of each school year. All new employees must take the training module within 6 weeks of that person’s employment.

Once this course is completed, educators are required to take the **Educators Specific Child Abuse Mandated Reporter Training - California** module which is offered free by the California Department of Social Services at <http://mandatedreporterca.com/training/educators.htm> . Certificates of completion for both modules should be kept within each mandated reporter employee’s personnel file.

When Do You Report?

Child abuse must be reported when the mandated reporter has knowledge of or reasonably suspects that a minor has been the victim of child abuse or neglect.

The mandated reporter must make a report immediately (or as soon as practically possible) by phone to local law enforcement (see a list of emergency phone numbers for your county at the end of this chapter). A written report must be forwarded within 36 hours of receiving the information regarding the incident. Written reports must be submitted on a Department of Justice (DOJ) SS 8572 form, which can be requested from your local police or sheriff’s department or downloaded from the Internet. A sample form SS 8572 can be found at http://ag.ca.gov/childabuse/pdf/ss_8572.pdf . If the mandated reported does not report a case of known or even suspected child abuse, he or she can be found guilty of a misdemeanor and be punished by six months in jail and/or a fine of up to \$1,000.

What is suspected Abuse or Neglect?

What are typical signals of child abuse or neglect from the perspective of seeing the suspected victim primarily at a school-site setting?

Often, there is little that is typical or obvious. And, of course, some signs that a child is experiencing violence or abuse are more obvious than others (there’s a table of potential signals seen in victims on page 13). Some “signals” are correlated conditions—accidents, signs of poverty unrelated to neglect or abuse, etc.—that aren’t prima facie evidence of child abuse. Regardless, **mandated reporters should trust their instincts**. Suspected abuse is a reason to report. If you suspect a child has been abused:

- Keep Calm
- Tell the child you believe her or him
- Show interest and concern
- Reassure and support the child
- Take action – it could save the child’s life
- Contact your school’s principal/District psychologist⁶

What types of abuse occur?

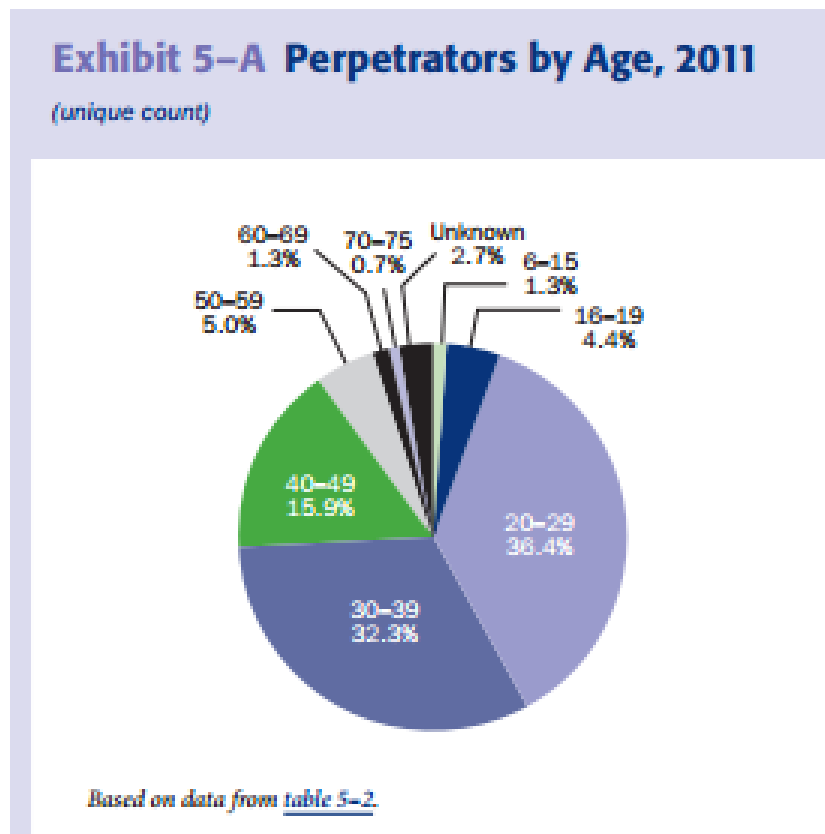
Exhibit 5–D Perpetrators by Maltreatment Type, 2011 (duplicated count)

Maltreatment Type	Duplicated Perpetrators	
	Number	Percent
SINGLE MALTREATMENT TYPE		
Medical Neglect	7,142	0.8
Neglect	539,647	61.0
Other	34,207	3.9
Physical Abuse	85,456	9.7
Psychological Abuse	30,210	3.4
Sexual Abuse	54,906	6.2
Unknown	115	0.0
MULTIPLE MALTREATMENT TYPES		
Two or More Maltreatment Types	133,320	15.1
Total	885,003	
Percent		100.0

Based on data from 50 States.

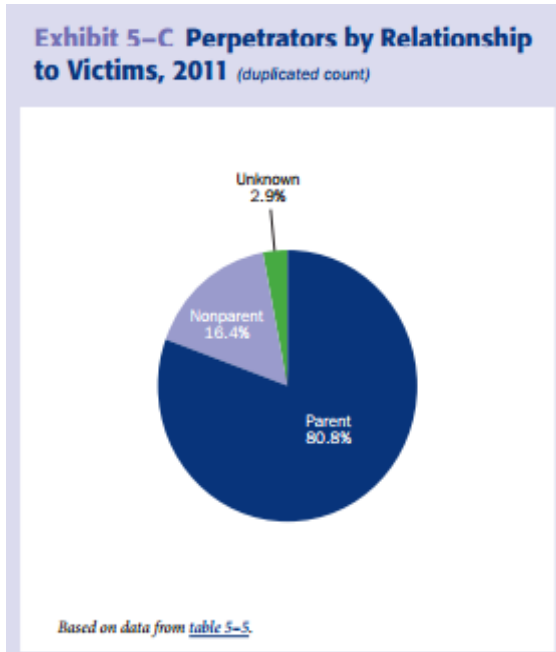
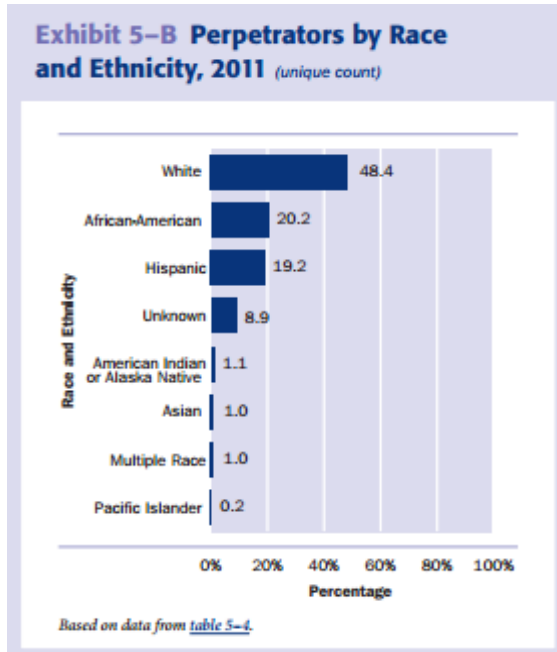
Source: U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2012). Child Maltreatment 2011. Available from <http://www.acf.hhs.gov/programs/cb/research-data-technology/statistics-research/child-maltreatment>.

Who are the Abusers?



Source: U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2012). Child Maltreatment 2011. Available from <http://www.acf.hhs.gov/programs/cb/research-data-technology/statistics-research/child-maltreatment>.

Who are the Abusers? (cont.)



Source: U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. (2012). Child Maltreatment 2011. Available from <http://www.acf.hhs.gov/programs/cb/research-data-technology/statistics-research/child-maltreatment>.

Potential Signals of Child Abuse in Victims

General Signals when the Perpetrator is Any Age	
Poor nourishment or inadequate clothing.	
Consistent tiredness or sleepiness	
Repeated injuries such as bruises welts, or burns, especially those where the shape of an object is visible (such as a cigarette burn or belt mark)	
Unexplained changes in personal hygiene or appearance	
Nightmares or other sleep problems	
Unexplained changes in school performance or attendance	
Unexplained fractures	
Unexplained extreme fears	
Sudden, unexplained behavior changes— <i>withdrawal, clinginess, swings in eating behaviors</i>	
Older child behaving like a younger child— <i>thumb-sucking, bedwetting</i>	
Specific fears of a person or place or a fear of going home	
Resistance to routines such as undressing, bathing, or toilet use	
Playing, writing, drawing, or acting out sexual or frightening imagery	
Refusal to talk about a secret that is kept with an adult or older child	
Unexplained, nonspecific ailments— <i>frequent stomach aches</i>	
New or adult words of a sexual nature	
Playing out sexual activities with toys, objects, or other children	
Special relationships with adults or older children that include gifts or secrets	
Self harmful activity— <i>drugs, alcohol, cutting, burning, promiscuity, running away</i>	
Death by mean other than accident	
Unexplained physical symptoms— <i>bruises, especially in genital or oral areas, STDs, pregnancy</i>	
Specific, Sexual-Abuse Related Signals by Victim's Age	
Age-inappropriate sexual behaviors include, but are not limited to, the following:	
Preschoolers:	Discussion of specific sex acts
	Explicit sexual language
	Adult-like sexual contact with other children
Elementary (Ages 6-12, pre-pubescent):	Discussion of specific sex acts
	Explicit sexual language
	Adult-like sexual contact
	Public genital stimulation
Elementary (Ages 6-12, post-pubescent):	Oral/genital contact
	Intercourse
	Adult-like sexual contact
	Public masturbation
Adolescents (Ages 13-17):	Public masturbation
	Sexual interest in younger children
If There is Suspicion of Abuse or Neglect, Factors (PASS) that are Common in the Suspected Perpetrator, even when this Person is Another Child	
P OWER: The suspected perpetrator uses tricks, bribes, threats, or physical force against the victim.	
A BILITY: The suspected perpetrator has greater mental, emotional, or physical ability than the victim (e.g., disabled victims, developmentally delayed victims, typical adult/child dynamic).	
S IZE: The suspected perpetrator is much older or larger than the abused child.	
S TATUS: The suspected perpetrator has more power than the abused child (adult, minor/babysitter, minor/club leader, minor/team captain, minor/bully).	

Reports are Confidential

When a mandated reporter suspects abuse or neglect, he or she must give his or her name. However, his or her identity must remain confidential, and authorities cannot reveal him or her as the source of the report. The identity of a person who reports known or suspected child abuse is confidential and may only be disclosed as follows:

- Between agencies receiving or investigating the report,
- To the district attorney in a criminal prosecution,
- To the district attorney in an action initiated under Welfare and Institutions Code Section 602 (minors violating laws defining crime, wards of court) arising from alleged child abuse,
- To the child's appointed counsel pursuant to Welfare and Institutions Code Section 371, subdivision (c),
- To the county counsel or district attorney in a proceeding under Family Code Section 7800 et seq. (termination of parental rights) or Welfare and Institutions Code Section 300 (dependent children),
- To a licensing agency when abuse in out-of-home care is reasonably suspected, or
- By court order.

Victim Interviews

Occasionally, a mandated reporter may be asked to be present voluntarily during an interview with a victim upon the victim's request. Upon request, a representative of an agency investigating suspected child abuse or neglect may interview a suspected victim 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)

Such a mandated reporter (or a volunteer aide) selected by the child may decline to be present at the interview. If the event the selected person accepts, the principal or designee shall inform him or her, before the interview takes place, 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 or 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, and
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 the 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 as required in other instances of the removal of a child from school, 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)

Peace officers shall be asked to sign an appropriate release or acceptance of responsibility form.

Parent/Guardian Complaints

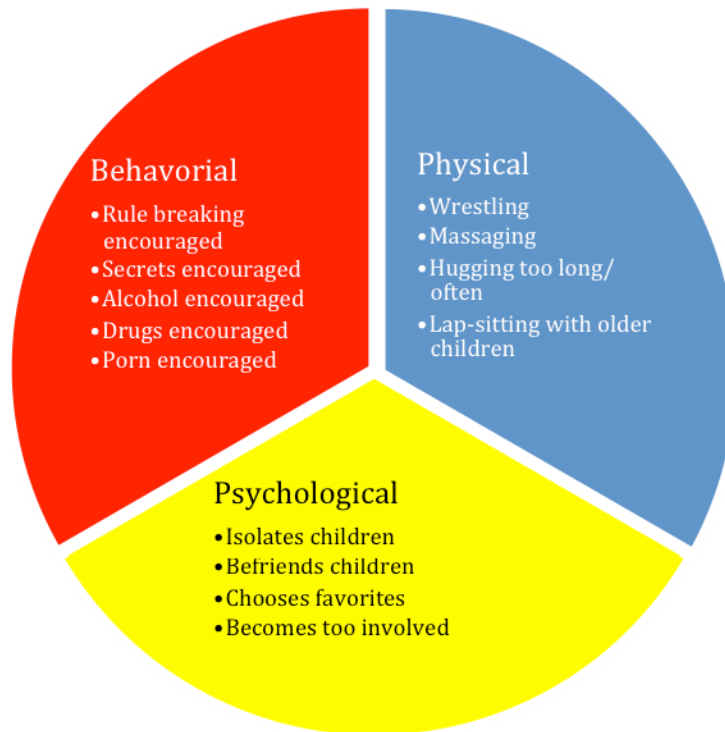
Parents and guardians can also be reporters of suspected child abuse. Upon request, the Superintendent or designee shall provide parents/guardians with procedures whereby they can report suspected child abuse occurring at a school site to appropriate agencies. Such procedures shall be in the primary language of the parent/guardian and, when communicating orally regarding those procedures, an interpreter shall be provided for parents/guardians whose primary language is other than English. (Education Code 48987)

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 in the **Child Protective Services Hotline Telephone Numbers** listing near the end of this chapter or with a local law enforcement agency.

If a parent/guardian makes a complaint to any district employee, that employee shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency and also is obligated pursuant to Penal Code 11166 to file a report himself or herself using the procedures described above for mandated reporters.

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650(a)(viii)(C). The CDE does not investigate allegations of child abuse but may investigate conditions that may involve immediate physical danger or threaten the health, safety or welfare of the child and which may result in denial of free appropriate public education.

Questionable Parent/Volunteer Behaviors



Third Party/Student-Related Policy

Most third parties unrelated to any student and/or not serving in a capacity not otherwise covered as a volunteer, including District contractors or consultants, are **not** allowed access to District campuses and facilities during school hours.

However, for District contractors and consultants who must have access to District campuses and facilities during school hours in order to perform their scope of service for the District, certain procedures apply as follows:

1. First, the contractor or consultant must certify and a District employee must verify that the proposed service or services must be performed during school hours.
2. Once (1.) is documented, the work must be approved by a District employee.

3. The contractor or consultant must be able to present some form of current government-issued photo identification (driver's license, passport, military ID, US or other government identification).
4. Upon approval, the contractor or consultant should be required to display a contractor identification badge with an ID photo at all times while on campus or at the facility.
5. The contractor's or consultant's activities must be restricted to the zone designated for contractor activities and physically separated from school activities by fencing or other approved barrier.

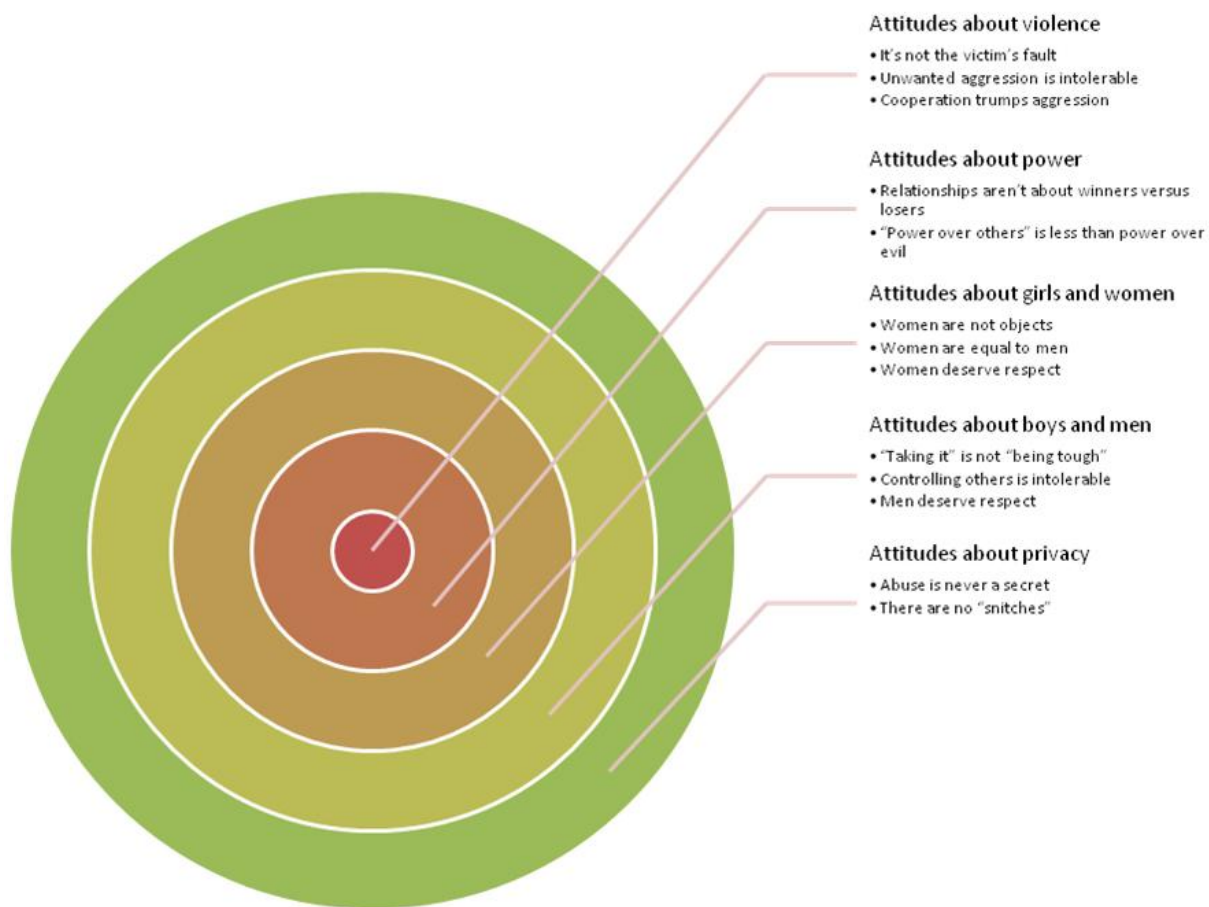
Other Minor/Student-Related Policy

Minors can victimize other minors. This topic is explored more fully in the District's guidelines contained in **Bullying Prevention Guidelines**. Nevertheless, with respect to child abuse prevention, there are several behaviors common in potential perpetrators as follows:

1. Minimizing, denying, and justifying inappropriate behavior.
2. Consistently ignoring or missing social cues about sexual behaviors, including inappropriately responding sexually or not taking "No" for an answer.
3. Preferring the company of significantly younger youth, or offering favors or secrets to a younger child.
4. Insisting on physical contact with other children, even when rebuffed.
5. Reluctance to be alone with or extreme anxiety about a specific other child.

A potentially effective tool to educate children about child abuse, including child-on-child child abuse, is children's primary child abuse prevention workshops. Such workshops can target child abuse reduction by working to change attitudes about changing norms about attitudes about violence, power, girls and women, and privacy. The following graphic displays some of these attitudes:

Targeting Child Abuse Reduction by Changing Attitudes about Damaging Norms



A primary prevention program must follow the provisions encoded in California's Welfare and Institutions Code 18976-18976.5 as follows:

18976. A primary prevention program shall include all of the following:

(a) Parent, teacher, and children's workshops which provide all of the following:

- (1) Information, provided in a clear, age-appropriate, nonthreatening manner, delineating the problem and the range of possible solutions.
- (2) Workshops which are culturally and linguistically appropriate to the population served and which are staffed by people with cultural and linguistic backgrounds representing the diversity of the population in the service area.
- (3) Workshops which are appropriate to the geographic area served.
- (4) Workshops which are designed to help counteract common stereotypes about victims and offenders.

- (b) Parent and school staff workshops presented prior to the presentation of children's workshops, which include information and training concerning all of the following:
 - (1) Physical and behavioral indicators of abuse.
 - (2) Post workshop session techniques.
 - (3) Community resources.
 - (4) Rights and responsibilities regarding reporting.
 - (5) School district procedures to facilitate reporting and apprise supervisors and administrators of reports.
 - (6) Caring for a child's needs after a report is made.

- (c) Children's workshops shall contain information and training concerning all of the following:
 - (1) The right of every child to live free of abuse.
 - (2) How to disclose incidents of abuse.
 - (3) The availability of support resources and how to obtain help.
 - (4) Child safety training and age-appropriate self-defense techniques.
 - (5) A period for post workshop sessions in a school setting which maximizes the child's privacy and sense of safety and provide a period of time following each child's workshop, or a reasonable time thereafter, for any child who on a voluntary basis may want to individually talk with classroom presenters. Reports and referrals to appropriate child protective services agencies shall be made pursuant to state law. These sessions shall not provide any therapy or other forms of treatment.

18976.1. For the purposes of program effectiveness, it is the intent of the Legislature that children's workshops, in general, be delivered to classroom-size, or smaller, groups of children. It is further the intent of the Legislature that, in general, when services are delivered to a particular school, they be delivered throughout the school as a whole, with the exception that services may be delivered to kindergarten or special education classes, without necessarily delivering services to the entire school.

18976.5. Parents shall be given notice of, and may refuse to have their children participate in, a primary prevention program.

There also exist various resources to educate youth about child abuse. For example, the video, "A Time to Tell," was produced by the Boy Scouts of America to inform about child sexual abuse and ways to prevent it. See <https://www.youtube.com/watch?v=6GrnCd7Qz1k&list=PL9DEF0AD139B72484> .

The video, "It Happened to Me," was also produced by the Boy Scouts of America to inform about child sexual abuse. See <https://www.youtube.com/watch?v=B5QRSqBEFe0> .

Extension of This Policy

To the extent the District's mission and operations make it relevant, this policy of Child Abuse Prevention is extended to include Elders and Dependent Adults. In the event of Elder/Dependent Adult Abuse, verbal reporting is required immediately, and written reporting, within two working days, is required on State Form SOC341 which is available at <http://www.dss.cahwnet.gov/cdssweb/entres/forms/English/SOC341.pdf> .

Questions about This Policy

If you have questions, suggestions or concerns about this policy, you should direct them to your lead teacher, supervisor, or school site administrator.

**Child Protective Services Hotline Telephone Numbers by California County
For Emergency Response Child Abuse Reporting (Revised 12/13/2013)**

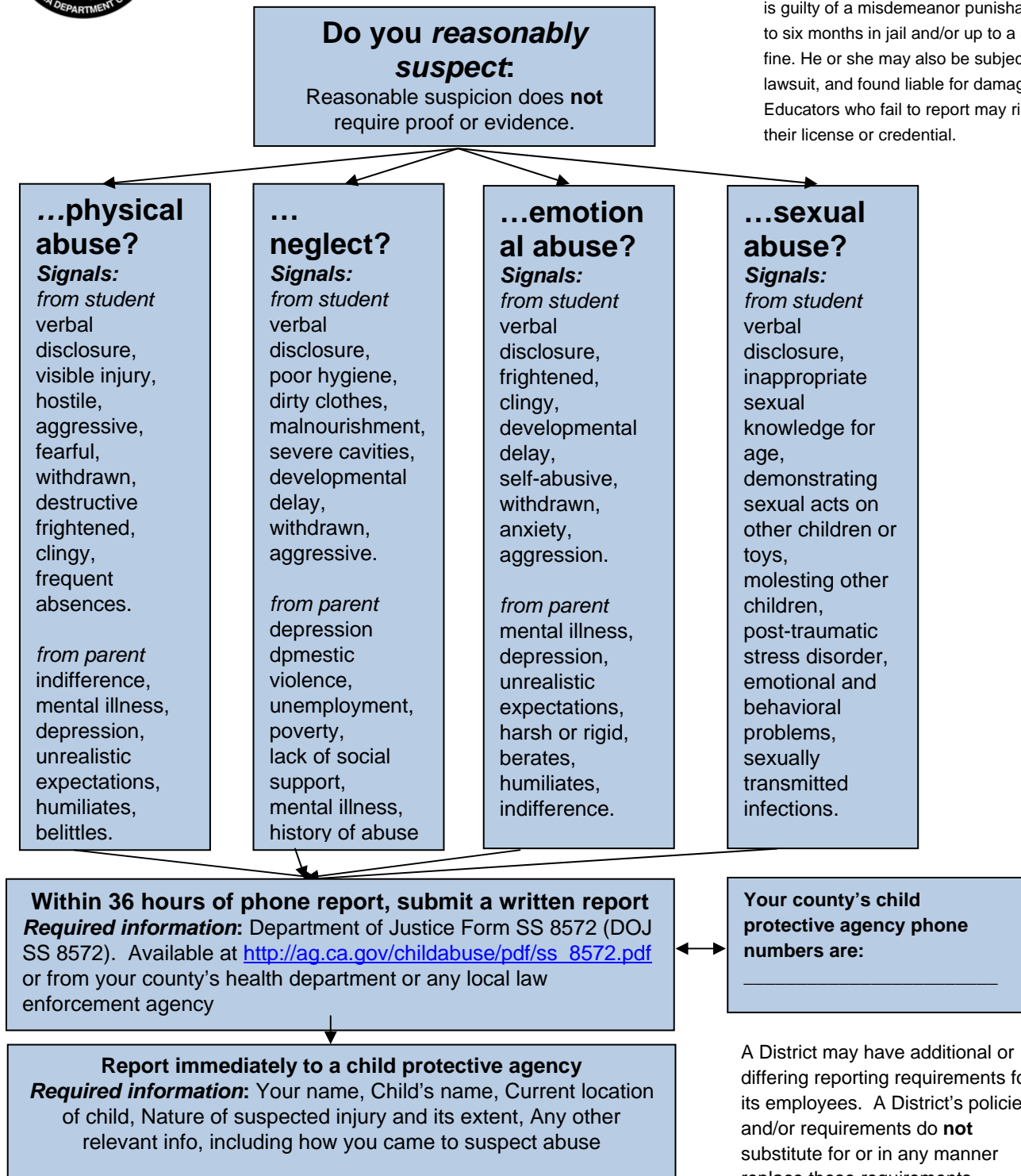
Alameda	510-259-1800
Alpine	530-694-2235
Amador	209-223-6550 – Mon-Thurs.8-5 209-223-1075 – After hours
Butte	530-538-7882 800-400-0902 – 24 hours
Calaveras	209-754-6452 209-754-6500 – After hours
Colusa	530-458-0280
Contra Costa	925-646-1680 – Central 510-374-3324 – West 925-427-8811 – East 877-881-1116
Del Norte	707-464-3191
El Dorado	530-642-7100 – Placerville 530-573-3201 – S. Lake Tahoe
Fresno	559-255-8320
Glenn	530-934-6520 530-934-6519 530-934-1429 – Intake
Humboldt	707-445-6180
Imperial	760-337-7750
Inyo	760-872-1727
Kern	661-631-6011 760-375-6049
Kings	559-582-3241 8-5 559-582-8776 after hours 866-582-8776
Lake	707-262-0235 800-386-4090
Lassen	530-251-8277 530-257-6121 530-310-3682 – After hours
Los Angeles	800-540-4000 – Within CA 213-639-4500 – Outside CA 800-272-6699 - TDD
Madera	559-675-7829 800-801-3999
Marin	415-473-7153
Mariposa	209-966-7000 800-549-6741
Mendocino	707-463-7992 – Ukiah 707-962-1100 – Fort Bragg 866-263-0368 – Toll free
Merced	209-385-3104
Modoc	530-233-6602 866-233-4424
Mono	760-924-1770 – 24 hour 760-932-7549 – Sheriff's Office 800-340-5411 – Hot Line
Monterey	831-755-4661 800-606-6618
Napa	707-253-4262 707-253-4261 800-464-4216
Nevada	530-273-4291 – 24 hour

Orange	714-940-1000 800-207-4464
Placer	916-872-6549 866-293-1940
Plumas	530-283-6300 – Sheriff's Office 530-283-6350 800-242-3338 – Toll free
Riverside	800-442-4918 877-922-4453
Sacramento	916-875-5437
San Benito	831-636-4190 831-636-4330 – After hours Police
San Bernardino	909-384-9233 800-827-8724
San Diego	858-560-2191 800-344-6000
San Francisco	415-558-2650 800-856-5553
San Joaquin	209-468-1333
San Luis Obispo	805-781-5437 800-834-5437
San Mateo	650-595-7922 650-802-7922 800-632-4615
Santa Barbara	800-367-0166
Santa Clara	650-493-1186 – North 408-683-0601 – South 408-299-2071 - Central
Santa Cruz	831-454-2273 877-505-3299
Shasta	530-225-5144
Sierra	530-289-3720 530-993-6720
Siskiyou	530-841-4200 530-842-7009 – 24 hour Hot Line
Solano	800-544-8696
Sonoma	707-565-4304
Stanislaus	209-558-3665 800-558-3665
Sutter	530-822-7227
Tehama	530-527-1911 800-323-7711
Trinity	530-623-1314
Tulare	559-730-2677 800-331-1585
Tuolumne	209-533-5717 209-533-4357 – After hours
Ventura	805-654-3200
Yolo	530-669-2345 530-669-2346 888-400-0022 – After hours
Yuba	530-749-6288



Mandated Reporter Child Abuse Reporting Procedure Flowchart

A person who fails to make a required report is guilty of a misdemeanor punishable by up to six months in jail and/or up to a \$1,000 fine. He or she may also be subject to a civil lawsuit, and found liable for damages. Educators who fail to report may risk loss of their license or credential.



A District may have additional or differing reporting requirements for its employees. A District's policies and/or requirements do **not** substitute for or in any manner replace these requirements.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 3: Disaster Procedures
Part 1: General Information – Disaster

General Information – Disaster

Muscatel Middle School and the Rosemead School District will take all necessary measures to keep students, staff and visitors safe in the event of a disaster. The following sections of this plan outline basic responsibilities for all staff for specific incidents

The Rosemead School District has developed a Standardized Emergency Management System (SEMS) Plan that outlines in more detail, specific responsibilities for Emergency Response Teams at this school.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
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Section 3: Disaster Procedures

Part 2: Biological/Chemical Weapons Assault
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Biological/Chemical Weapons Assault (page 1 of 2)

Biological and chemical weapons are unconventional warfare tactics that can be deployed upon the public with little or no notice. Such weapons typically involve microscopic materials that may be organic or synthetically manufactured in laboratories. Biological or chemical weapons can be in powder form, liquid, or vaporous. Agents used in biological/chemical attacks include, but are not limited to: anthrax, smallpox, other harmful viruses, various forms of nerve gas, tear gas, and other vaporous irritants. Pranks using stink bombs should also be considered a chemical weapons attack.

There are several possible dispersion techniques to deliver biological and chemical agents. The following procedures should be utilized in the event of an assault involving biological or chemical weapons.

Any possible biological/chemical weapons assault should be reported immediately to the principal.

The principal should notify law enforcement authorities immediately.

As necessary alert all site employees of the situation by intercom.

If the agent is delivered via aircraft:

- All staff and students should be moved indoors.
- Keep students inside and take roll.
- Close and secure all doors and windows.
- Ensure that the HVAC is shut down.
- Cover vents with plastic or thick paper using tape to create a seal.
- Inspect all windows and doors for cracks, gaps, or holes. Cover any with plastic or thick paper using tape to create a seal.
- Remain in this area until notified to leave by the principal, principal's designee or officers of emergency response agencies.
- Immediately report any injuries or illnesses to the principal, principal's designee or officers of emergency response agencies.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 3: Disaster Procedures
Part 2: Biological/Chemical Weapons Assault

Biological/Chemical Weapons Assault (page 2 of 2)

If the agent is delivered via dispersion device that is outdoors:

- All staff and students should be moved indoors.
- Keep students inside and take roll.
- Close and secure all doors and windows.
- Ensure that the HVAC is shut down.
- Cover vents with plastic or thick paper using tape to create a seal.
- Inspect all windows and doors for cracks, gaps, or holes. Cover any with plastic or thick paper using tape to create a seal.
- Remain in this area until notified to leave by the principal, principal's designee or officers of emergency response agencies.
- Immediately report any injuries or illnesses to the principal, principal's designee or officers of emergency response agencies.

If the agent is delivered via dispersion device that is indoors:

- All staff and students should be evacuated to the school's normal outdoor evacuation assembly area unless that area may be affected by the assault. Role should be taken.
- Remain in this area until notified to leave by the principal, principal's designee or officers of emergency response agencies.
- The HVAC system should be shut down.

If the agent is delivered via the school's HVAC system:

- All staff and students should be evacuated to the school's normal outdoor evacuation assembly area unless that area may be affected by the assault. Role should be taken.
- Remain in this area until notified to leave by the principal, principal's designee or officers of emergency response agencies.
- The HVAC system should be shut down.

In any situation involving biological or chemical weapons the principal and staff must follow all instructions given by officers of emergency response agencies. The District EOC will develop an action plan to handle telephone inquiries, rumor control, media relations, public information, employee/student crisis counseling, and facility damage assessment/control

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 3: Disaster Procedures
Part 3: Bomb Threat Procedures

Bomb Threat Procedures (page 1 of 2)

If you observe a suspicious object or potential bomb on property, **DO NOT HANDLE THE OBJECT, IMMEDIATELY NOTIFY 9-1-1.**

1. Receiving the Call

Make every attempt to keep the caller on the phone as long as possible to gain information. Try if possible, to determine the gender and age of caller. Try if possible, to get the caller to tell you the exact location of the bomb and the time of threatened detonation.

2. Notification Procedures

School Site, communicate the above information to the following in this order:

- School site Principal/Administrator
- Assistant Principals or Deans
- Director of Counseling Services
- Director of Student Activities.

The Principal/administrator will notify local law enforcement and the District Superintendent's office.

District Office will communicate the above information to the Superintendent's Office. The Superintendent's office will notify local law enforcement.

Strictly follow the above notification procedures and do not discuss or notify others of the bomb threat since this may create an unwarranted panic response at the facility.

3. Action Plan Procedures

If required to develop an action plan, the principal/administrator may consult with the following: other administrators, head counselor, and head custodian utilizing their expertise.

If the location of the bomb is not specifically designated, students will be kept in the classroom.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 3: Disaster Procedures
Part 3: Bomb Threat Procedures

Bomb Threat Procedures (page 2 of 2)

The principal will make the decision to evacuate the building. However, if possible, this decision should be made in conjunction with law enforcement authorities after they arrive at the site.

The decision to search the building will be made in conjunction with law enforcement authorities and performed by them.

The principal will authorize reoccupation of an evacuated building only after consulting with law enforcement authorities.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 3: Disaster Procedures
Part 4: Chemical or Hazardous Material Incident

Chemical or Hazardous Material Incident (page 1 of 1)

If a hazardous material incident occurs off site, stay indoors and close all doors and windows (referred to as taking “Shelter in Place”).

Notify 9-1-1 of the Chemical or Hazardous Material Incident.

If possible, determine the location of the spill in relation to facility buildings and wind direction.

Do not evacuate buildings until you are sure you will not be evacuating into an area that may be more hazardous.

Follow all instructions given by the Fire Department when they arrive at the facility.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 3: Disaster Procedures
Part 5: Earthquake Procedures

Earthquake Procedures (page 1 of 1)

Indoors

DUCK, COVER, AND HOLD.

Get under desk or table. Move away from windows and objects that could fall. Stay under desk or table until shaking stops.

Outdoors

Move away from buildings, utility poles and vehicles. Avoid all down wires or electrical lines. Do not run.

In a School Bus

Stop vehicle in safe location away from power lines, overpasses or large buildings. Stay in vehicle and establish radio contact with Transportation and/or District E.O.C.

General

Be prepared for immediate aftershocks and ground motion

Evaluate immediate area for earthquake related hazards (fire, building collapse, gas leaks, broken electrical lines, wires etc.)

Evaluate immediate area (classroom, bus, etc.) for injuries or medical aid situations.

Call 9-1-1, if you have an immediate emergency such as a fire or serious injury.

Assist injured with First Aid treatment

Do not evacuate buildings or vehicles unless you have a hazard-related reason to do so.

Conduct a headcount to account for all personnel and students

Establish communications with your supervisor, principal or District EOC and follow emergency checklist and procedures.

Assist any police or fire units that respond to your location.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
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Section 3: Disaster Procedures

Part 6: Explosion, Aircraft Crash or Similar Incident
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Explosion, Aircraft Crash or Similar Incident (page 1 of 1)

If possible, Duck and Cover under a desk or table.

1. Notify 9-1-1 of the explosion or crash
2. Assist any injured requiring first aid treatment
3. If necessary because of fire, building damage etc., evacuate building
4. Assist any persons who would have physical problems evacuating the building.
5. Go to an outdoor evacuation/assembly area that is hazard free and not affected by the explosion or crash.
6. Keep fire lanes, streets and walkways open for emergency responders.
7. Stay in assembly area and account for all personnel and students.
8. Do not return to buildings until authorized by fire department or principal

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 3: Disaster Procedures
Part 7: Fire Procedures

Fire Procedures (page 1 of 1)

1. Call 9-1-1 to report a fire, stay one line and give specific information (name, address of school or facility).
2. Utilize manual pull station to activate building alarm system and evacuate building when you hear an alarm.
3. In the event of a small fire, notify 9-1-1 and then use the nearest fire extinguisher to control the fire if you have been trained in their use.
4. Do not attempt to fight large fires, call 9-1-1 and evacuate building.
5. Assist students in building evacuation and proceed to outdoor school evacuation area or areas.
6. When evacuating buildings walk, do not run.
7. Do not use elevators for building evacuation or in an emergency.
8. If heavy smoke is present, crawl or stay near floor for breathable air.
9. Assist any individuals who would have physical problems evacuating the building.
10. Stay in the designated assembly area and account for all personnel and students.
11. Do not block fire lanes or areas used by the fire department
12. Do not reenter building until authorized by fire department or the principal.
13. If the fire is off site, wait for instructions from the principal or District EOC.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 3: Disaster Procedures
Part 8: Flood Procedures

Flood Procedures (page 1 of 1)

If a District school or site receives a flood warning, notify the District Superintendent immediately.

If a major flood warning is received at the District Office, the District EOC should be activated.

Based upon the specific threat, the District EOC in conjunction with the Operational Area EOC and SEMS system will develop an action plan to protect personnel, students and facilities.

The District EOC in coordination with SEMS will direct evacuation of specific schools, facilities or areas.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
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Section 3: Disaster Procedures

Part 9: Lock Out – Criminal Activity Nearby but Not on Campus
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A Lock Out is a procedure that prevents unauthorized persons from entering the school premises and is commonly used when the threat is general or an incident or criminal activity is occurring in the immediate area of the school. This procedure allows school activities to continue as normal during the outside disruption. Either the school site or notification by local law enforcement can initiate a Lock Out.

Teachers

1. When in a Lock Down status, you will receive notification from the Principal to change to a Lock Out status.
2. All classroom activities can resume as normal. Both staff and students are to remain in the classroom.
3. The Principal will notify you, via the PA system, that you cannot go outside the classroom. You can utilize the Lock Down buckets as needed while remaining in the classroom.
4. Based on updates from local law enforcement agencies, you may be authorized by the Principal to leave the classroom. The Principal will inform you to the extent of outside activities allowed (i.e. bathroom breaks or recess)
5. The Principal will notify you when you can resume all normal school activities.

Principal or Designee

1. You will be notified by the local law enforcement agency to go into Lock Down status.
2. When updated by local law enforcement agency or when you contact the local law enforcement agency and it is determined that you can safely change from Lock Down status to a Lock Out status.
3. You will notify your staff via the PA system that the status has changed from Lock Down to a Lock Out status.
4. Keeping ongoing communications with the local law enforcement agency will allow you to determine the extent of outside activity for your students and staff.
5. Notify the Superintendent either by phone, email, or District radio of your current status.
6. Keep telephone lines open for emergency-related use.

District Office

1. Either the Superintendent and/or a designee will send out a notice to the parents on its phone notification system of the following:
 - a) The need to release students immediately or if there will be a delay in dismissing the students.
 - b) If there is a need for them to pick up their children at a different time or location.
 - c) That there was a Lock Down, the reason for the Lock Down, and the steps taken to secure the students.
2. It is recommended that, if possible, at least two administrators or designated staff responders will be available to assist the school site Principal as needed.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
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Section 3: Disaster Procedures

Part 10: Lock Down – Intruder or Criminal Activity on Campus

An *Intruder or criminal activity on Campus Lock Down* is a procedure used when an unauthorized or aggravated person is on campus. An Intruder on Campus Lock Down secures staff and students by limiting access to the school classroom, offices, and other buildings. As part of this procedure, everyone must remain inside until the situation has been declared safe and given the “All Clear” signal by an authorized person (e.g., the Principal or a law enforcement officer).

Discovering Party

1. Notify the Principal or Designee. If you are unable to reach the Principal or there is a threat of danger, call 9-1-1.
2. Police/Sheriffs’ Departments contact the school and request the school to go into a Lock Down.

Teachers

When informed of a Lock Down, initiate the following Lock Down procedures and await further instructions:

1. Open classroom doors and do a quick peek outside to gather outside students into your classroom.
2. Remain calm, lock all doors, close window blinds, turn off lights, and remain out of sight.
3. Silence all cell phones and if necessary turn off all computer monitors.
4. During Lock Down, communicate any suspicious activities or noises to the office if safe to do so.
5. Take roll and report attendance to the Incident Commander or Staff/Student Accounting Team Leader.
6. Remain in Lock Down status until further instructions or an announcement is made. One type of announcement could allow you to continue classroom activities while the school is in **Lock Out** status. The Lock Down status could also be escalated to **Active Shooter on Campus**.
7. If the intruder enters your classroom or area, do not provoke the intruder. Remain calm and attempt to defuse/deescalate any aggressive behavior by the intruder by using MOAB (Management of Aggressive Behavior) training.

Principal or Designee

1. Assess the situation to determine status level of threat.
2. Call 9-1-1 if there is an indication of danger to students or staff.
3. Activate the Incident Command System. You are the Incident Commander.
4. Notify teachers and staff if there is a need for a **Lock Out** or a **Lock Down**.
5. Notify the Superintendent either by phone, email, or District radio.
6. Keep telephone lines open for emergency-related use.

District Office

1. The Superintendent will send out a notice to the parents on its phone notification system of the following:
 - a) The need to release students immediately or if there will be a delay in dismissing the students.
 - b) If there is a need for them to pick up their children at a different time or location.
 - c) That there was a Lock Down, the reason for the Lock Down, and the steps taken to secure the students.
2. It is recommended that, if possible, at least two administrators or designated staff respond to the specific school site to assist with coordinating and assisting the school site Principal.
3. When other emergency response agencies arrive, a **UNIFIED COMMAND** is formed, and you will be part of that Unified Command as the Incident Commander of your school site.

4. Refer media to the Public Information Officer (Site Principal or Unified Command PIO).

Comprehensive School Safety Plan

Muscatel Middle School
Rosemead School District

Section 3: Disaster Procedures

Part 11: Lock Down - Active Shooter on Campus

When a Lock Down is escalated to an *Active Shooter on Campus*, there are three words to remember. Run, Hide & Fight! The following tips can help you become a survivor. Remain calm, and try to keep your breathing even and exhale quietly to release adrenaline energies. Visualize enduring and surviving this event.

Teachers and Staff

When an announcement is made of an Active Shooter on Campus or you hear gun shots...

RUN! When an active shooter is **NOT** in your immediate vicinity:

1. If there is an escape path, attempt to evacuate away from the shooter or where shots have been fired.
2. Evacuate whether others agree to or not.
3. Leave your belongings behind – **JUST GET OUT.**
4. Help others escape if possible.
5. Prevent others from entering the danger area.
6. Call 9-1-1 when you are safe.

HIDE! If evacuation is not possible, find a place to **QUIETLY** hide:

1. Lock and blockade all doors with furniture as high and deep as possible (i.e. desks, chairs, bookcases).
2. Silence all cell phones and anything that might vibrate, ring, or emanate a tone.
3. Hide behind large objects.
 - a. Be out of the shooter's view.
 - b. Provide protection if shots are fired in your direction
 - c. Do restrict your options for movement.
4. Remain very quiet.

FIGHT! As a last resort, and only if your life is in danger:

1. Attempt to incapacitate the shooter.
2. Act with physical aggression.
3. Utilize any improvised weapons available, including, but not limited to, fire extinguishers.
4. Commit to your actions. Have the will to survive and protect your students.

Principal or Designee

1. Assess the situation.
2. Inform the school via PA that a shooter is on campus and the location if known.
3. Call 9-1-1 immediately or when safe to do so.
4. If your site has video surveillance equipment, monitor the shooter's movements and inform your staff via email.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 3: Disaster Procedures
Part 12: Severe Windstorm Procedures

Severe Windstorm Procedures (page 1 of 1)

If a severe wind warning is received at a District school or site, notify the District Superintendent immediately.

If a severe wind warning is received at the District Office, the District EOC should be activated.

Based upon the specific threat, the District EOC in conjunction with the Operational Area EOC or City EOC will develop an action plan to protect personnel, students and facilities.

In general, if severe winds are affecting a school or facility, employees and students should be moved to the interior core area of the building (inside wall on the ground floor) away from outside windows and doors.

Close all windows and blinds and avoid auditoriums, gymnasiums and other building locations that have large roof areas or spans.

Avoid all areas that have large concentrations of electrical equipment or power cables.

The District EOC in coordination with SEMS will direct evacuation of specific schools, facilities or areas.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 3: Disaster Procedures
Part 13: Suspicious Mail/Packages

Suspicious Mail/Packages (page 1 of 2)

All incoming mail and packages should be handled with caution.

Below are Indicators of suspicious mail and steps to take in the event that suspicious mail is received.

Mail that ...

- ... is unexpected or from an unfamiliar source
- ... has excessive postage
- ... is addressed to someone who no longer works in the District
- ... is addressed to a current employee but with the wrong title
- ... contains several misspelled words on the envelope
- ... marked with restrictive endorsements such as "Personal" or "Confidential"
- ... has no return address or an address that cannot be verified
- ... mail that is from a foreign country
- ... shows a city or state in the postmark that doesn't match the return address
- ... is lopsided, oddly shaped, or has an unusual weight, given its size
- ... has protruding wires, strange odors or stains
- ... has powdery substance on the outside
- ... has an unusual amount of tape on it
- ... is ticking or making unusual sounds

Not all mail comes perfectly packaged or with accurate information on it, so it is important that employees handling mail remain sensible in the screening of mail. However, prudent scrutiny conducted in a reasonable manner can greatly reduce the school's chances of becoming the victim of attack by mail.

Comprehensive School Safety Plan

Muscotel Middle School Rosemead School District
Section 3: Disaster Procedures
Part 13: Suspicious Mail/Packages

Suspicious Mail/Packages (page 2 of 2)

What to do with suspicious mail (general response):

- Do not try to open the package or envelope.
- Do not sniff, taste or shake the package.
- Isolate the package.
- Evacuate the immediate area; close the door.
- Contact your supervisor and call 911.

Response to mail suspected of delivering biological/chemical agents in powder form:

- Do not open an envelope or package with powder on the outside.
- If powder is spilled from an envelope or package, do not try to clean up the powder.
- Cover the spilled contents immediately with anything (clothing, paper, trash can).
- Do not remove this cover.
- Leave the room and close the door or otherwise prevent access to the room.
- Wash your hands with soap and hot water.
- Ensure that everyone who had contact with the piece of mail washes his/her hands with soap and hot water.
- Notify your supervisor.
- Supervisor should immediately contact the local police (911) or the U.S. Postal Inspection Service (626-405-1200).
- Supervisor should notify the District Superintendent's Office.
- Remove heavily contaminated clothing as soon as possible and place inside a plastic bag or some other container that can be sealed. This clothing should be given to the responding emergency response units.
- Shower with soap and water as soon as possible. Do not use bleach or other disinfectant on your skin.
- Make a list of all the people who were in the room or area, especially those who had contact with the envelope or package. Provide this list to the emergency response teams investigating the incident.
- Investigators will remove the envelope or package and conduct a thorough check of the area for contamination.
- If you are prescribed medicine as a result of this exposure, take it until instructed or until it runs out.

NOTE: Contacting the U.S. Postal Service is less likely to create a media event than the local police but their response may be slower.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 3: Disaster Procedures
Part 14: Africanized Honey Bees

Africanized Honey Bees (page 1 of 2)

INFORMATION ON BEES

- Africanized bees like to colonize in utility boxes, burrows, sheds, vacant building, trashcans, playground equipment, walls, hollow trees, etc.

Recognizing a Possible Nest:

- Bees hovering or flying in and out of an area of particular location
- Humming sound inside the location

Do not disturb a nest; don't throw rocks or objects at the nest.

If they are not attacking slowly and quietly move away from nests and notify principal or designated authority.

One sting from an Africanized bee is no different than a regular bee sting, unless you are allergic to stings. It is the multiple stings that become dangerous.

Colonies of bees will not swam and hunt you down. They are coming to their defense of their colonies and are much more likely to sting with little or no provocation.

Africanized bees attack in greater numbers and attack people and animals within a range of a Quarter mile from their hive.

Once disturbed, colonies may be agitated for 24 hours.

Sometimes machinery such as mowers, trimmers, or chain saws aggravates the colony.

WHAT TO DO IF A BEE ATTACKS

Run away quickly using a direct route to a shelter, classroom, car, room, and tent. You may have to run up to ½ a mile.

Bees like to target head and eye areas, cover your head as much as possible. Cover your head with anything even use your clothing if you have to. Stings to the body are less dangerous than to the head area.

Do not jump in water. The bees will wait for you to surface and then attack.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 3: Disaster Procedures
Part 14: Africanized Honey Bees

Africanized Honey Bees (page 2 of 2)

Run to a shelter and close all doors and windows. Don't worry if a few of the bees get inside with you.

Don't flair or attempt to swat the bees just to get away. If there is no shelter, run through tall brush; you may be able to confuse them.

MEDICAL TREATMENT

CALL 9-1-1 IMMEDIATELY.

Do not use tweezers or your fingers to pull out or remove stingers. This will only Release more toxins. Immediately scrape stingers sideways from skin using a plastic card, blunt instrument, or even a dull knife.

Seek medical treatment.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 4: Notification of Dangerous Pupils
Part 1: Notifying Teachers of Dangerous Pupils

Notifying Teachers of Dangerous Pupils (page 1 of 3)

When the principal at Muscatel Middle School is aware that a student has caused or tried to cause another person serious bodily injury, or any injury that requires professional medical treatment, a separate and confidential file is created for that child. Information based upon written District records or records received from a law enforcement agency are contained in the file.

When such a student is assigned to a teacher's classroom, the principal shall provide the teacher with written notification. The teacher is asked to review the student's separate and confidential file in the office. Teachers are informed that such information is to be kept in strictest confidence and is to disseminate no further.

Excerpts from the California Education Code, the California Penal Code and Rosemead School District Administrative Regulations are presented below.

From California Education Code Section 49079

- (a) A school district shall inform the teacher of every student who has caused or who has attempted to cause serious bodily injury to another person, as defined in paragraphs (5) and (6) of subdivision (e) of Section 243 of the Penal Code, to another person. The District shall provide the information to the teacher based on any written records that the District maintains or receives from a law enforcement agency regarding a student described in this section.
- (b) No school district shall be liable for failure to comply with this section if, in a particular instance, it is demonstrated that the district has made a good faith effort to notify the teacher.
- (c) The information provided shall be from the previous three (3) school years.
- (d) Any information received by a teacher pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 4: Notification of Dangerous Pupils
Part 1: Notifying Teachers of Dangerous Pupils

Notifying Teachers of Dangerous Pupils (page 2 of 3)

From California Penal Code Section 243(e) – Paragraphs 5 and 6

- (5) ... “Injury” means any physical injury which requires professional medical treatment.
- (6) ... “Custodial Officer” means any person who has the responsibilities and duties and who is employed by a law enforcement agency of the city or county or who performs those duties as a volunteer.

From Rosemead School District Board Policy 5144.1(b) – Employee Security

Notice Regarding Student Crimes and Offenses

The Superintendent or designee shall inform the teacher of every student who has engages in, or is reasonably suspected to have engaged in, any act during the previous three years which could constitute grounds for suspension or expulsion, with the exception of the possession or use of tobacco products. This information shall be based upon written district records or records received from a law enforcement agency. (California Education Code 49079).

When informed pursuant to Welfare and Institutions Code 828.1 that a student has committed crimes unrelated to school attendance which do not therefore constitute grounds for suspension or expulsion, the Superintendent or designee may so inform any teacher, counselor or administrator whom he/she believes needs this information in order to work with the student appropriately, avoid being needlessly vulnerable, or protect others from needless vulnerability. The Superintendent or designee shall consult with the principal of the school which the student attends in order to identify staff that should be so informed. (California Welfare and Institutions Code 828.1).

Teachers shall receive the above information in confidence and disseminate it no further. (California Education Code 49079, California Welfare and Institutions Code 828.1).

The principal or designee shall maintain the above information in a separate confidential file for each student. When such a student is assigned to a class/program, the principal or designee shall notify the teacher in writing and ask the teacher to initial this notice, return it to the principal or designee, and review the student’s file in the school office. This notification shall not name or otherwise identify the student.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 4: Notification of Dangerous Pupils
Part 1: Notifying Teachers of Dangerous Pupils

Notifying Teachers of Dangerous Pupils (page 3 of 3)

From Rosemead School District Administrative Regulations 5144.1 – Employee Security
(Continued)

The principal or designee shall notify all certificated personnel who are likely to come into contact with the student, including the student’s homeroom or classroom teachers, special education teachers, coaches and counselors.

The teacher shall initial the student’s file when reviewing it in the school office. Once the district has made a good faith effort to comply with the notification requirement of Education Code 49079, a teacher’s failure to review the file may be construed as a waiver of the district’s liability.

Comprehensive School Safety Plan

Muscateel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 1: Definitions

Definitions (page 1 of 1)

From Rosemead School District Administrative Regulations 5144.1(a) – Suspension and Expulsion/Due Process

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, “suspension” does not mean any of the following):

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 pupils 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 pupil to the principal or designee as provided in the California Education Code, Section 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.

Day means a calendar day unless otherwise specifically provided.

School day means a day upon which the schools of the district are in session or weekdays during summer recess.

Student includes a student’s parent/guardian or legal counsel.

Principal’s designee means any 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.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 2: Notice of Regulations

Notice of Student Discipline Regulations (page 1 of 1)

From Rosemead School District Administrative Regulations 5144.1(a) – Suspension and Expulsion/Due Process

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.

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

Comprehensive School Safety Plan

Muscatel Middle School
Rosemead School District

Section 5: Suspension and Expulsion/Due Process

Part 3: Grounds for Suspension and Expulsion

Grounds for Suspension and Expulsion (page 1 of 4)

From Rosemead School District Administrative Regulations 5144.1(b) – Suspension and Expulsion/Due Process

Students may be subject to suspension or expulsion for committing any of the acts listed below:

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))

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

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))

(cf. 5131.6 - Alcohol and Other Drugs)

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))

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 3: Grounds for Suspension and Expulsion

Grounds for Suspension and Expulsion (page 2 of 4)

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))
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:

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 3: Grounds for Suspension and Expulsion

Grounds for Suspension and Expulsion (page 3 of 4)

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

(cf. 5145.7 - Sexual Harassment)

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)

(cf. 5145.9 - Hate-Motivated Behavior)

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)

(cf. 5145.3 - Nondiscrimination/Harassment)

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 3: Grounds for Suspension and Expulsion

Grounds for Suspension and Expulsion (page 4 of 4)

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.

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Truancy)

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 4: Removal from Class by a Teacher/Parental Attendance

Removal from Class by a Teacher/Parental Attendance (page 1 of 2)

From Rosemead School District Administrative Regulations 5144.1(d) – Suspension and Expulsion/Due Process

A teacher may suspend any student from his/her class, for the day of suspension and the next day for any act listed in “Grounds for Suspension and Expulsion” above.

A teacher also may refer a student to the principal or designee for consideration of suspension from school.

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 suspended.

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

A student removed from class shall not be returned to class during the period of suspension without the approval of the teacher of the class and the principal.

A student removed from class shall not be placed in another regular class during the period of suspension. 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 suspended.

The teacher of any class from which a student is removed may require the suspended student to complete any assignments and tests missed during the suspension.

Pursuant to Board policy, a teacher may require the parent/guardian of a student whom the teacher has suspended to attend a portion of a school day in his/her child’s classroom. When a teacher makes this requirement, the principal shall send the parent/guardian a written notice that the parent/guardian’s attendance is pursuant to law.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 4: Removal from Class by a Teacher/Parental Attendance

Removal from Class by a Teacher/Parental Attendance (page 2 of 2)

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternative 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.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 5: Suspension by Superintendent, Principal, or Principal's Designee

Suspension by Superintendent, Principal, or Principal's Designee (page 1 of 3)

From Rosemead School District Administrative Regulations 5144.1(e) – Suspension and Expulsion/Due Process

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 has 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 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 danger to persons or property or threatens to disrupt the instructional process.

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.

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,

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 5: Suspension by Superintendent, Principal, or Principal's Designee

Suspension by Superintendent, Principal, or Principal's Designee (page 2 of 3)

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.

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 will 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.

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).

This notice shall state the reasons for suspension and 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 also add that state law requires the parent/guardian to respond to such requests without delay.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 5: Suspension by Superintendent, Principal, or Principal's Designee

Suspension by Superintendent, Principal, or Principal's Designee (page 3 of 3)

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 matters. (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 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)

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 6: Suspension by the Board

Suspension by the Board (page 1 of 1)

From Rosemead School District Administrative Regulations 5144.1(h) – Suspension and Expulsion/Due Process

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)

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.

(cf. 9321 - Closed Session Purposes and Agendas)

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)

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 7: On-Campus Suspension Program

On-Campus Suspension Program (page 1 of 1)

From Rosemead School District Administrative Regulations 5144.1(h) – Suspension and Expulsion/Due Process

Students for whom an action to expel has not been initiated and who pose no imminent danger or threat to the school, students or staff 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 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)

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 8: Authority to Expel

Authority to Expel (page 1 of 1)

From Rosemead School District Administrative Regulations 5144.1(i) – Suspension and Expulsion/Due Process

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 also may 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.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 9: Mandatory Recommendation for Expulsion

Mandatory Recommendation for Expulsion (page 1 of 1)

From Rosemead School District Administrative Regulations 5144.1 – Suspension and Expulsion/Due Process

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

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 10: Mandatory Recommendation and Mandatory Expulsion

Mandatory Recommendation and Mandatory Expulsion (page 1 of 1)

From Rosemead School District Administrative Regulations 5144.1(i) – Suspension and Expulsion/Due Process

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

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)

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 11: Student's Right to Expulsion Hearing

Student's Right to Expulsion Hearing (page 1 of 1)

From Rosemead School District Administrative Regulations 5144/1(j) – Suspension and Expulsion/Due Process

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))

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 12: Rights of Complaining Witness

Right of Complaining Witness (page 1 of 1)

From Rosemead School District Administrative Regulations 5144.1(k) – Suspension and Expulsion/Due Process

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)

Comprehensive School Safety Plan

Muscatel Middle School
Rosemead School District

Section 5: Suspension and Expulsion/Due Process

Part 13: Written Notice of the Expulsion Hearing

Written Notice of the Expulsion Hearing (page 1 of 1)

From Rosemead School District Administrative Regulations 5144.1(k) – Suspension and Expulsion/Due Process

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 that 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).

(cf. 5119 - Students Expelled from Other Districts)

5. The opportunity for the student or the student’s parent/guardian to appear in person or be represented by legal counsel or by a nonattorney advisor.

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

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

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

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 14: Conduct of Expulsion Hearing

Conduct of Expulsion Hearing (page 1 of 4)

From Rosemead School District Administrative Regulations 5144.1(l) - Suspension and Expulsion/Due Process

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 determine if the student should be expelled. If the Board admits any other person to the closed session, the parent/guardian, the student, and the counsel of the student shall also be allowed to attend the closed session.

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.

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 written and complete transcription of the proceedings can be made.
3. Presentation of Evidence: While technical rules of evidence do not apply to such 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."

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 harm.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 14: Conduct of Expulsion Hearing

Conduct of Expulsion Hearing (page 2 of 4)

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.

4. Testimony by Complaining Witnesses: The following shall be observed when hearings involve allegations of sexual assault or sexual battery by a student:
 - 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 who he/she finds disrupting the hearing.
 - 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 or 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.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 14: Conduct of Expulsion Hearing

Conduct of Expulsion Hearing (page 3 of 4)

- g. In order to facilitate a free and accurate statement of the experience of the complaining witness and to prevent discouragement of complaints, the district shall provide a non-threatening 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.
- 5. **Decision Within Ten 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.
- 6. **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 days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed.
- 7. **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

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 14: Conduct of Expulsion Hearing

Conduct of Expulsion Hearing (page 4 of 4)

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 11455.20 (formerly 11525). (Education Code 48918(i))

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))

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 15: Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel (page 1 of 1)

From Rosemead School District Administrative Regulations 5144.1(o) – Suspension and Expulsion/Due Process

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.

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 to the Board. If expulsion is not recommended, the student shall be immediately reinstated. (See “Final Action by the Board” below.)

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 finding of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order.

The hearing officer or administrative panel may recommend that the Board suspend the expulsion for a period of one year. (See “Suspension of Expulsion” 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.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 16: Final Action by the Board

Final Action by the Board (page 1 of 1)

From Rosemead School District Administrative Regulations 5144.1(p) – Suspension and Expulsion/Due Process

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))

(cf. 9321.1 - Closed Session Actions and Reports)

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)

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)

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 17: Written Notice to Expel

Written Notice to Expel (page 1 of 1)

From Rosemead School District Administrative Regulations 5144.1(q) – Suspension and Expulsion/Due Process

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)

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 18: Suspension of Enforcement of the Expulsion

Decision Not to Enforce Expulsion Order (page 1 of 2)

From Rosemead School District Administrative Regulations 5144.1(r) – Suspension and Expulsion/Due Process

The Board, upon voting to expel a student, may suspend the enforcement of the expulsion order for not more than one calendar year.

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

In cases of mandatory expulsion, the enforcement of an expulsion order shall not be suspended.

The suspension of the enforcement of an expulsion shall be governed by the following:

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 a probationary status.
3. The Board may revoke the suspension of the enforcement of an expulsion order 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.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 18: Suspension of Enforcement of the Expulsion

Suspension of Enforcement of the Expulsion (page 2 of 2)

4. When the suspension of 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 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.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 19: Right to Appeal

Right to Appeal (page 1 of 1)

From Rosemead School District Administrative Regulations 5144.1(s) – Suspension and Expulsion/Due Process

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)

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 20: Post-Expulsion Assignments

Post-Expulsion Assignments (page 1 of 1)

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

(cf. 6185 - Community Day School)

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. (Education Code 48915)

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)

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 21: Readmission After Expulsion

Readmission After Expulsion (page 1 of 1)

From Rosemead School District Administrative Regulations 5144.1(s) – Suspension and Expulsion/Due Process

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.
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)

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 22: Maintenance of Records

Maintenance of Records (page 1 of 1)

From Rosemead School District Administrative Regulations 5144.1(t) – Suspension and Expulsion/Due Process

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)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125 - Student Records)

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 23: Notifications to Law Enforcement Authorities

Notifications to Law Enforcement (page 1 of 1)

From Rosemead School District Administrative Regulations 5144.1(u) – Suspension and Expulsion/Due Process

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

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

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 24: Outcome Data

Outcome Data (page 1 of 1)

From Rosemead School District Administrative Regulations 5144.1(u) – Suspension and Expulsion/Due Process

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 48900.8, 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

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 25: Students with Disabilities

Students with Disabilities (page 1 of 8)

From Rosemead School District Administrative Regulations 5144.2(a-h) – Suspension and Expulsion/Due Process

Suspension

The Superintendent or designee may suspend a student with a disability from their current placement for up to 10 school days for any violation of school rules to the extent removal would be applied to a child without disabilities. In such a case, a public agency need not provide services for 10 school days or less if services are not provided to a child without disabilities who is similarly removed.

All the procedural safeguards established by district policies and regulations shall be observed in considering the suspension of students with disabilities.

Monitoring of Suspensions

When a special education student is suspended 10 or more consecutive days, it constitutes a change of placement.

A change of placement occurs if:

1. The removal is for more than 10 consecutive school days; or
2. The child is subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another.

Whether a pattern of removals constitutes a change of placement would be determined on a case by case basis subject to review through due process and judicial proceedings.

The provisions of the statute and regulation concerning the amount of time a child with a disability can be removed from his or her regular placement for disciplinary reasons are only called into play if the removal constitutes a change of placement and the parent/guardian objects to proposed action by school officials (or objects to a refusal by school officials to take an action) and requests a due process hearing.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 23: Students with Disabilities

Students with Disabilities (page 2 of 8)

Either before or not later than 10 business days after first removing the child for more than 10 school days in a school year or commencing a removal that constitutes a change in placement;

1. If a functional behavioral assessment was not conducted and a behavioral intervention plan was not implemented for such child before the behavior that resulted in the suspension, an IEP meeting shall be convened to develop an assessment plan to address that behavior; or
2. If the child already has a behavioral intervention plan, the IEP team shall review the plan and modify it, as necessary, to address the behavior.

If a disciplinary action is contemplated for a child with a disability or if a disciplinary action involving a change of placement for more than 10 days is contemplated for a child with a disability who has engaged in behavior that violated any rule or code of conduct that applies to all children;

1. Not later than the date on which the decision to take that action is made, the parents shall be notified of that decision and of all procedural safeguards accorded under the law; and
2. Immediately, if possible, but in no case later than 10 school days after the date on which the decision to take that action is made, a review shall be conducted of the relationship between the child's disability and the behavior subject to the disciplinary review. A review shall be conducted by the child's IEP team and other qualified personnel.

The IEP team and other qualified personnel in the meeting may determine that the behavior of the child was not a manifestation of the child's disability only if the IEP team first considers, in terms of the behavior subject to disciplinary action, all relevant information, including;

1. Evaluation and diagnostic results, including such results or other relevant information supplied by the parents of the child;
2. Observations of the child; and
3. The child's IEP and placement; and
 - a. then determines that, in relationship to the behavior subject to disciplinary action, the child's IEP and placement were appropriate and the special education services,

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 23: Students with Disabilities

Students with Disabilities (page 3 of 8)

supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement;

- b. the child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action; and
- c. the child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.

Immediate steps will be taken to remedy any deficiency in the IEP, placement or implementation.

Based on its findings, the IEP team shall determine whether to initiate alternatives to suspension, a change in placement, or other changes to the student's IEP or accommodation plan.

If the IEP team determines that the behavior was not a manifestation of the child's disability, the discipline procedures applicable to children without disabilities may be applied.

Expulsion

Procedures and timelines governing the expulsion of students with disabilities shall be the same as those for all other students, except that a pre-expulsion assessment shall be made and an IEP team meeting held under conditions and with possible consequences indicated below.

Pre-Expulsion Assessment and Meeting

1. The parent/guardian shall receive written notice of the district's intent to conduct the pre-expulsion assessment and shall make the student available for the assessment without delay at a site designated by the district. The parent/guardian shall also have the right to an independent assessment as provided in Education Code 56329.
2. The pre-expulsion assessment shall be conducted in accordance with the guidelines of the Code of Federal Regulations.

Either before or not later than 10 business days after first removing the child for more than 10 school days in a school year or commencing a removal that constitutes a change in placement:

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 23: Students with Disabilities

Students with Disabilities (page 4 of 8)

- a. If a functional behavioral assessment was not conducted and a behavioral intervention plan was not implemented for such child before the behavior that resulted in the removal, an IEP meeting shall be convened to develop an assessment plan to address that behavior; or
- b. If the child already has a behavioral intervention plan, the IEP team shall review the plan and modify it, as necessary, to address the behavior.
3. If an expulsion proceeding is contemplated, the IEP team shall meet to determine if an expulsion hearing is appropriate. This meeting shall be held at a time and place mutually convenient to the parent/guardian and district within the period, if any, of the student's pre-expulsion suspension. The parent/guardian's participation may be made through actual participation, representation, or a telephone conference call.
 - a. Not later than the date on which the decision to take disciplinary action is made, the parents shall be notified of that decision and of all procedural safeguards accorded under the law; and
 - b. Immediately, if possible, but in no case later than 10 school days after the date on which the decision to take disciplinary action is made, a review shall be conducted of the student's placement and of the relationship between the child's disability and the behavior subject to the disciplinary review, a review shall be conducted by the child's IEP team and other qualified personnel.
4. The parent/guardian shall be notified of his/her right to participate in the meeting at least 48 hours before the meeting. This notice shall specify:
 - a. That the meeting may be held without the parent/guardian's participation unless he/she requests a postponement for up to three additional school days, and
 - b. That the suspension will be continued during the postponement if the student continues to pose an immediate threat to the safety of himself/herself or others.
5. In order to make a record of its attempts to arrange the meeting at a mutually convenient time and place, the district shall keep documentation such as:

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 23: Students with Disabilities

Students with Disabilities (page 5 of 8)

- a. Detailed records of telephone calls made or attempted and the results of those calls.
 - b. Copies of correspondence sent to parents/guardians and any responses received.
 - c. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits.
6. The district shall grant a parent/guardian's request that the meeting be postponed for up to three additional school days and may extend a student's suspension for the period of postponement if he/she continues to pose an immediate threat to the safety of himself/herself or others and the district notifies the parent/guardian that the suspension will be continued during the postponement. However, the suspension shall not be extended beyond 10 consecutive school days unless agreed to by the parent/guardian or pursuant to court order. If the parent/guardian refuses to consent to an extension beyond 10 consecutive school days and chooses not to participate, the meeting may be conducted without the parent/guardian's participation.
7. The IEP team and other qualified personnel in a meeting may determine that the behavior of the child was not a manifestation of the child's disability only if the IEP team first considers all of the following:
- a. The IEP team considers all relevant information regarding the behavior subject to disciplinary action, including:
 - (1) Evaluation and diagnostic results of the pre-expulsion assessment, including such results of other relevant information supplied by the parents of the child, and the student's health and discipline records;
 - (2) Observations of the child; and
 - (3) The child's IEP and placement;
 - b. The IEP team determines that, in relationship to the behavior subject to disciplinary action, the child's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement; and

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 23: Students with Disabilities

Students with Disabilities (page 6 of 8)

- c. The IEP team determines that the child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action; and
 - d. The IEP team determines that the child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.
8. If the IEP team determines that the alleged misconduct was caused by, or was a direct manifestation of, the student's disability or that the student was not appropriately placed, the expulsion shall not proceed. If the IEP team determines that the IEP, placement or implementation of the IEP was deficient, immediate steps will be taken to remedy any deficiency.
9. If the IEP team determines that the alleged misconduct was not caused by, or a direct manifestation of, the student's disability, and if it is determined that the student was appropriately placed, the student shall be subject to expulsion in accordance with procedures that apply to all students.
10. When expulsion is recommended, the IEP team should also recommend a potential rehabilitation plan for the student, if appropriate. In addition, the IEP team shall determine whether to initiate alternatives to expulsion, a change in placement, or other changes to the student's IEP or accommodation plan.

Due Process and Expulsion Hearings

If the parent/guardian disagrees with the decision of the IEP team, he/she has a right to a due process hearing conducted pursuant to United States Code, Title 20, Section 1415 or the Code of Federal Regulations, Title 34, Section 104.36.

The expulsion hearing shall not be conducted, and the 30-day expulsion proceedings time limit shall not commence, until after completion of:

1. The pre-expulsion assessment,
2. The IEP team meeting, and

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 23: Students with Disabilities

Students with Disabilities (page 7 of 8)

3. Due process hearings and appeals, if initiated.

The district may change the placement of a child with a disability to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days, if

1. the child carries a weapon to school or to a school function; or
2. the child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.

An interim alternative educational placement is applicable to the extent permitted by both Federal and California law.

When a parent/guardian requests a hearing to challenge a disciplinary action, or a manifestation determination, the child shall remain in his or her current educational placement, unless the parent/guardian and the district agree otherwise. If a child is in an interim alternative educational setting ("IAES") he or she shall remain there during the pendency of the hearing or until the expiration of the 45 day period, whichever occurs first, unless the parent/guardian and the district agree otherwise.

If a child is placed in an interim alternative educational setting and the district proposes to change the child's placement after expiration of the IAES, during the pendency of a hearing to challenge the proposed change in placement, the child shall remain in the current placement (the placement prior to the interim alternative educational setting), except if the district maintains that it is dangerous for the child to be in the current placement during the pendency of the hearing, the district may request an expedited hearing, to the extent expedited hearings are permitted by California law. In such hearing, the hearing officer must apply the standards which apply to the dangerousness exception.

The Board shall consider the recommendations of the IEP team when developing a rehabilitation plan for an expelled student with a disability.

Services During Expulsion

Services shall be provided to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 5: Suspension and Expulsion/Due Process
Part 23: Students with Disabilities

Students with Disabilities (page 8 of 8)

Readmission

Readmission procedures for students with disabilities shall parallel those used for all students. The Superintendent or designee may consider the input of the student's IEP team - when developing recommendations to the Board regarding a request for readmission. Upon readmission, an IEP team meeting shall be convened to determine whether a new IEP or accommodation plan needs to be established.

Suspension of Expulsion

The Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities just as they are applied to regular students.

Nothing in this part shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.

Students not yet eligible may assert IDEA protections if it is shown the school district had knowledge that the child had a disability before the behavior incident.

The district shall be deemed to have such knowledge if:

1. Parent/guardian has expressed concern in writing to school personnel that the child is in need of special education;
2. Parent/guardian has requested an evaluation;
3. The behavior or performance of the child demonstrates need for special education; or
4. The teacher or other school personnel expressed concern about the child's behavior or performance to the special education director or to other school personnel.

Concern must be expressed in accordance with the districts established child find or special education referral systems. *Legal Reference: (see next page)*

Legal Reference:

EDUCATION CODE

35146 *Closed sessions (re suspensions)*
35291 *Rules (of governing board)*
48900-48925 *Suspension and expulsion*
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 *Individual 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*

UNITED STATES CODE, TITLE 20

1412 *State eligibility*
1415 *Procedural safeguards*

UNITED STATES CODE, TITLE 29

706 *Definitions*
794 *Rehabilitation Act of 1973, Section 504*
CODE OF FEDERAL REGULATIONS, TITLE 34
104.35 *Evaluation and placement*
104.36 *Procedural safeguards*
300.1-300.756 *Assistance to states for the education of students with disabilities*

COURT DECISIONS

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) U.S. Dist. Ct., S.D. Cal. 858 F.Supp. 1044
Honig v. Doe, (1988) 484 U.S. 305
Doe v. Maher, (1986) 793 F.2d 1470
Rock Island School District #41, IDELR 353:364
San Juan Unified School District, 20 IDELR 549

Management Resources:

FEDERAL REGISTER

34 CFR 300.a *Appendix A to Part 300 - Questions and Answers*
34 CFR 300a1 *Attachment 1: Analysis of Comments and Changes*

WEB SITES

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

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

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 6: Sexual Harassment Policy
Part 1: General Information

General Information (page 1 of 1)

The administration, teachers and staff at Muscatel Middle School actively strive to eliminate acts of sexual harassment at the school. All personnel are aware of the mandates from the State of California, the California Department of Education, and the Board of Education of the Rosemead School District and support them fully. All personnel have received instruction regarding the recognition, prevention, and reporting of acts of sexual harassment. It is important that parents understand the provisions regarding sexual harassment and, in particular, student-to-student harassment. In recent years, this area of sexual harassment has been more clearly delineated in federal and state legislation as well as in our District's policies.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 6: Sexual Harassment Policy
Part 2: Sexual Harassment – All Personnel

Sexual Harassment – All Personnel (page 1 of 3)

From Rosemead School District Board Policy 5145.7(a) – Sexual Harassment

The Governing Board prohibits sexual harassment in the working environment of district employees or applicants by any person in any form.

Employees who permit or engage in such harassment may be subject to disciplinary action up to and including dismissal.

Any employee or applicant for employment who feels that he/she or another individual in the district is being sexually harassed should immediately contact his/her supervisor, principal, other district administrator, or the Superintendent or designee in order to obtain procedures for reporting a complaint.

Any supervisor who receives a harassment complaint shall notify the Superintendent or designee, who shall ensure that the complaint is appropriately investigated.

The district prohibits retaliatory behavior against any complainant or any participant in the complaint process. Each complaint of sexual harassment shall be promptly investigated in a way that respects the privacy of all parties concerned.

From Rosemead School District Administrative Regulations 5145.7(a) – Sexual Harassment

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature made by someone from or in the work or educational setting when:

1. Submission to the conduct is made either expressly or by implication in terms or condition of any individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the individual.
3. The conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or of creating an intimidating, hostile, or offensive working or educational environment, or of adversely affecting the student or employee's performance, evaluation, advancement, assigned duties, or any other condition of education, employment or career development.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 6: Sexual Harassment Policy
Part 2: Sexual Harassment – All Personnel

Sexual Harassment – All Personnel (page 2 of 3)

4. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

Other examples of sexual harassment, whether committed by a supervisor or any other employee, are:

1. Unwelcome leering, sexual flirtations or propositions.
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions.
3. Graphic verbal comments about an individual’s body, or overly personal conversation.
4. Sexual jokes, stories, drawings, pictures, or gestures.
5. Spreading sexual rumors.
6. Touching an individual’s body or clothes in a sexual way.
7. Cornering or blocking of normal movements.
8. Displaying sexually suggestive objects in the educational or work environment.
9. Any act of retaliation against an individual who reports a violation of the district’s sexual harassment policy or who participates in the investigation of a sexual harassment.

Each principal and supervisor has the responsibility of maintaining an educational and work environment free of sexual harassment. This responsibility includes and/or discussing the district’s sexual harassment policy with his/her students and/or employees and assuring them that they are not required to endure sexually insulting, degrading, or exploitive treatment or any other form of sexual harassment.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 6: Sexual Harassment Policy
Part 2: Sexual Harassment – All Personnel

Sexual Harassment – All Personnel (page 3 of 3)

Notifications

A copy of the district's policy on Harassment in Employment shall:

1. Be displayed in a prominent location near each school principal's office.
2. Be provided to each faculty member, all members of the support staff at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired.
3. Appear in any school or district publication that sets forth the school or district's comprehensive rules, regulations, procedures, and standards of conduct.

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

1. The illegality of sexual harassment.
2. The definition of sexual harassment under applicable state and federal law.
3. A description of sexual harassment with examples.
4. The district's complaint process available to the employee.
5. The legal remedies and complaint process available through the Fair Employment and Housing Department and Commission.
6. Direction on how to contact the Fair Employment and Housing Department and Commission.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 6: Sexual Harassment Policy
Part 3: Sexual Harassment – Students

Sexual Harassment – Students (page 1 of 8)

From Rosemead School District Board Policy 5145.1(a) – Sexual Harassment:

The Board of Trustees is committed to maintaining a school environment that is free from harassment. The Board prohibits sexual harassment of any student by another student, an employee or other person, at school or at a school-sponsored or school-related activity. The Board also prohibits retaliatory behavior or action against any person who complains, testifies, assists or otherwise participates in the complaint process established in accordance with this policy.

Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4 through 8, disciplinary action may include suspension and/or expulsion, provided that in imposing such discipline the entire circumstances of the incident(s) shall be taken into account. Such circumstances shall include but are not limited to:

1. Age and maturity of the victim and the perpetrator
2. Pervasiveness of the alleged harassing conduct (i.e., how many times the act(s) occurred, how many individuals were involved, etc.)
3. Prior complaints against the perpetrator

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

The Superintendent or designee shall ensure that all district students receive age-appropriate instruction and information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same gender
2. A clear message that students do not have to endure sexual harassment. Students should be encouraged to report observed instances of sexual harassment, even where the victim of the harassment has not complained
3. Information about the person(s) to whom a report of sexual harassment should be made.

(cf. 5131.5 - Vandalism, Theft and Graffiti)
(cf. 5137 - Positive School Climate)
(cf. 5141.41 - Child Abuse Prevention)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 6142.1 - Family Life/Sex Education)

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 6: Sexual Harassment Policy
Part 3: Sexual Harassment – Students

Sexual Harassment – Students (page 2 of 8)

Any student who feels that he/she is being or has been subjected to sexual harassment shall immediately contact a school employee. A school employee to whom a complaint is made shall, within 24 hours of his/her getting the complaint, report it to the principal or designee. Any school employee who observes any incident of sexual harassment on any student shall similarly report his/her observation to the principal or designee, whether or not the victim makes a complaint. If the alleged harasser is the principal or designee, the employee may report the complaint or his/her observation of the incident to the Superintendent or designee who shall investigate the complaint.

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 5141.4 - Child Abuse Reporting Procedures)

The principal or designee to whom a complaint of sexual harassment is reported shall immediately investigate the complaint. Where the principal or designee finds that sexual harassment occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim. The principal or designee shall also advise the victim of any other remedies that may be available. The principal or designee shall file a report with the Superintendent or designee and refer the matter to law enforcement authorities, where necessary. In addition, the student may file a formal complaint with the Superintendent or designee in accordance with the district's uniform complaint procedures.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address and prevent repetitive harassing behavior in its schools.

Information gathered in the course of investigating a sexual harassment complaint shall be kept confidential to the extent possible.

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

Legal Reference: (see next page)

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 6: Sexual Harassment Policy
Part 3: Sexual Harassment – Students

Sexual Harassment – Students (page 3 of 8)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination on the basis of sex*
48900.2 *Additional grounds for suspension or expulsion; sexual harassment*
48904 *Liability of parent/guardian for willful student misconduct*
48980 *Notice at beginning of term*

CIVIL CODE

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

UNITED STATES CODE, TITLE 20

1681-1688 *Title IX, Discrimination*

UNITED STATES CODE, TITLE 42

2000d-2000d-7 *Title VI, Civil Rights Act of 1964*
2000e-2000e-17 *Title VII, Civil Rights Act of 1964 as amended*

CODE OF FEDERAL REGULATIONS, TITLE 34

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

COURT DECISIONS

Davis v. Monroe County Board of Education (1999) No. 97-843, 1999 U.S. Lexis 3452, -- U.S.--
Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989
Nabozny v. Podlesny (1996, 7th Cir.) 92 F.3d 446
Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Oona R.-S. etc. v. Santa Rosa City Schools et al (1995) 890 F.Supp. 1452
Rosa H. v. San Elizario Ind. School District, (W.D. Tex. 1995) 887 F. Supp. 140, 143
Clyde K. v. Puyallup School District #3 (1994) 35 F.3d 1396
Patricia H. v. Berkeley Unified School District (1993) 830 F.Supp. 1288
Franklin v. Gwinnet County Schools (1992) 112 S. Ct. 1028
Kelson v. City of Springfield, Oregon (1985, 9th Cir.) 767 F.2d 651

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL
Protecting Students from Harassment and Hate Crime: A Guide for Schools, January 1999
OFFICE OF CIVIL RIGHTS
Sexual Harassment Guidance, 62 FR 49, 1997

WEB SITES

OCR: <http://www.ed.gov/offices/OCR>

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 6: Sexual Harassment Policy
Part 3: Sexual Harassment – Students

Sexual Harassment – Students (page 4 of 8)

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when: (Education Code 212.5)

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

Types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome sexual flirtations or propositions
2. Sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversation
4. Sexual jokes, notes, stories, drawings, pictures or gestures
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Touching an individual's body or clothes in a sexual way
8. Purposefully cornering or blocking normal movements
9. Limiting a student's access to educational tools
10. Displaying sexually suggestive objects

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 6: Sexual Harassment Policy
Part 3: Sexual Harassment – Students

Sexual Harassment – Students (page 5 of 8)

Notifications

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

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location near each school principal's office (Education Code 231.5)
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester or summer session (Education Code 231.5)
4. Appear in any school or district publication that sets forth the schools or district's comprehensive rules, regulations, procedures and standards of conduct (Education Code 231.5)
5. Be provided to employees and employee organizations

Investigation of Complaints at School (Site-Level Grievance Procedure)

1. The principal or designee shall promptly investigate all complaints of sexual harassment. In so doing, he/she shall talk individually with:
 - a. The student who is complaining
 - b. The person accused of harassment
 - c. Anyone who saw the harassment take place
 - d. Anyone mentioned as having related information
2. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 6: Sexual Harassment Policy
Part 3: Sexual Harassment – Students

Sexual Harassment – Students (page 6 of 8)

3. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:
 - a. The Superintendent or designee
 - b. The parent/guardian of the student who complained
 - c. The parent/guardian of the person accused of harassing someone
 - d. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth
 - e. Child protective agencies responsible for investigating child abuse reports
 - f. Legal counsel for the district

(cf. 5141.41 - Child Abuse Prevention)

4. When the student who complained and the person accused of harassment so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided.
5. The principal or designee shall tell the student who complained that he/she has the right to file a formal complaint at any time in accordance with the district's uniform complaint procedures. If the student wishes to file a formal complaint, the principal or designee shall assist the student in doing this.

(cf. 1312.3 - Uniform Complaint Procedures)

6. In reaching a decision about the complaint, the principal or designee may take into account:
 - a. Statements made by the persons identified above
 - b. The details and consistency of each person's account

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 6: Sexual Harassment Policy
Part 3: Sexual Harassment – Students

Sexual Harassment – Students (page 7 of 8)

- c. Evidence of how the complaining student reacted to the incident
 - d. Evidence of past instances of harassment by the accused person
 - e. Evidence of past harassment complaints that were found to be untrue
7. To judge the severity of the harassment, the principal or designee may take into consideration:
 - a. How the misconduct affected one or more students' education
 - b. The type, frequency and duration of the misconduct
 - c. The number of persons involved
 - d. The age and sex of the person accused of harassment
 - e. The subject(s) of harassment
 - f. The place and situation where the incident occurred
 - g. Other incidents at the school, including incidents of harassment that were not related to sex
8. The principal or designee shall write a report of his/her findings, decision, and reasons for the decision and shall present this report to the student who complained and the person accused.
9. The principal or designee shall give the Superintendent or designee a written report of the complaint and investigation. If he/she verifies that sexual harassment occurred, this report shall describe the actions he/she took to end the harassment, address the effects of the harassment on the person harassed, and prevent retaliation or further harassment.
10. Within two weeks after receiving the complaint, the principal or designee shall determine whether or not the student who complained has been further harassed. The principal or designee shall keep a record of this information and shall continue this follow-up at his/her discretion.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 6: Sexual Harassment Policy
Part 3: Sexual Harassment – Students

Sexual Harassment – Students (page 8 of 8)

Enforcement

The Superintendent or designee shall take appropriate actions to reinforce the district’s sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti
2. Providing staff in-service and student instruction or counseling
3. Notifying parents/guardians
4. Notifying child protective services
5. Taking appropriate disciplinary action. In addition, the principal or designee may take disciplinary measures against any person who is found to have made a complaint of sexual harassment that he/she knew was not true.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 7: School Dress and Grooming
Part 1: Board Policy and Administrative Regulations

Student Dress Code Board Policy and Administrative Regulations (page 1 of 6)

From Rosemead School District Board Policy 5132(a) – Student Dress and Grooming

DRESS AND GROOMING

The Board of Trustees believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction that would interfere with the educational process.

(cf. 4119.22 - Dress and Grooming)
(cf. 5145.2 - Freedom of Speech/Expression: Publications Code)

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

(cf. 5144 - Discipline)

Gang-Related Apparel

The principal, staff and parents/guardians at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5136 - Gangs)

Uniforms

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

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 7: School Dress and Grooming
Part 1: Board Policy and Administrative Regulations

Student Dress Code Board Policy and Administrative Regulations (page 2 of 6)

From Rosemead School District Administrative Regulation 5132(a) – Student Dress and Grooming

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

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

Legal Reference:

EDUCATION CODE

35183 School dress codes; uniforms

35294.1 School safety plans

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

CODE OF REGULATIONS, TITLE 5

302 Pupils to be neat and clean on entering school

COURT DECISIONS

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

827 F.Supp. 1459

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

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

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 7: School Dress and Grooming
Part 1: Board Policy and Administrative Regulations

Student Dress Code Board Policy and Administrative Regulations (page 3 of 6)

From Rosemead School District Administrative Regulation 5132(a) – Student Dress and Grooming

Uniforms

Uniform guidelines are intended to help protect the health, safety and security of the school campuses and welfare of all students.

Parent Information Dissemination

Initial notification, annual notification, and new enrollee notification sent to parents shall include:

1. Type and color of uniform
2. Copy of the Administrative Regulation, 5132, "Dress and Grooming"
3. Compliance measures to be employed
4. The availability of financial support and the procedures for applying for assistance
5. Methods to facilitate recycling uniforms within the school community
6. Lists of vendors of uniform articles
7. Approximate uniform costs
8. Notice of school uniform sales events, if any

In addition to the initial/annual written notifications, schools are encouraged to communicate with parents about school student uniform requirements and the benefits and positive results of the uniform program through:

1. District newsletters
2. School newsletters
3. Parent forums
4. PTA meetings and newsletters

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 7: School Dress and Grooming
Part 1: Board Policy and Administrative Regulations

Student Dress Code Board Policy and Administrative Regulations (page 4 of 6)

From Rosemead School District Administrative Regulation 5132(a) – Student Dress and Grooming

5. Parent advisory meetings
6. Television, radio and/or newspaper announcements
7. Posters displayed at school and in the community
8. Registration materials

Financial Considerations

1. No student shall be denied attendance at school, penalized, or otherwise subject to compliance measures for failing to wear a uniform by reason of financial hardship. In cases of economic hardship, assistance in obtaining uniforms shall be available.
2. By the beginning of the school year, the school staff shall:
 - a. Develop a procedure and criteria to identify families who are facing severe financial hardship. This criteria shall be based on the program Aid to Families With Dependent Children (AFDC).
 - b. Determine the form and type of financial assistance appropriate for the individual school community.
 - c. Designate a specific staff member or school volunteer to assist those families in need of assistance.
3. The school shall work with staff, local school community, organizations, and business partners to identify resources for assisting families. Information will be made available at the school and district on a year-round basis regarding the availability of community resources that provide uniform items appropriate for size, age and gender.

Compliance Measures

1. Students are expected to wear uniforms daily. New enrollees have three (3) weeks to comply with the uniform program.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 7: School Dress and Grooming
Part 1: Board Policy and Administrative Regulations

Student Dress Code Board Policy and Administrative Regulations (page 5 of 6)

From Rosemead School District Administrative Regulation 5132(a) – Student Dress and Grooming

2. If necessary, disciplinary action may be taken to encourage compliance with the policy. Since the intent of the policy is not to inhibit or prohibit any student who is not in uniform from receiving the education to which he/she is entitled, no student shall be suspended from class or from school, expelled from school, or receive a lowered academic grade as a result of not complying with the mandatory uniform policy.
3. A school may develop incentives and positive reinforcement measures to encourage full compliance with the uniform policy. In addition, schools shall communicate with parents so that expectations, rationale and benefits are fully understood by the student and his/her family.
4. The parent/ guardian shall be notified when his/her child does not comply with the uniform policy.
5. As a result of any disciplinary action against a student not complying with the policy, a conference with the parent must be held with the school Principal or designee to solicit parental cooperation and support.
6. No student shall be considered noncompliant with the policy in the following instances:
 - a. When noncompliance derives from financial hardship.
 - b. When a student wears the uniform of a nationally recognized youth organization, i.e.,* Boy Scouts or Girl Scouts on regular meetings days.
 - c. When wearing a school uniform violates a student's sincerely held religious belief.
 - d. When a student's parent/guardian has secured an exemption from the uniform policy by following the procedures set forth in #C-7 below.
 - e. When a student wears alternative school-spirit attire on specified days, such as school logo shirts, pep squad or flag outfits, and band uniforms.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 7: School Dress and Grooming
Part 1: Board Policy and Administrative Regulations

Student Dress Code Board Policy and Administrative Regulations (page 6 of 6)

From Rosemead School District Administrative Regulation 5132(a) – Student Dress and Grooming

7. A student who ordinarily wears the school uniform but comes to school in other attire, must bring a note written by his/her parent/guardian explaining the reason student is out of uniform on that particular day. When a student does not wear a uniform, he/she shall be expected to wear an outfit as close to a uniform as possible. Should the student come to school without a note, the school staff may (1) allow the student to follow the regular class schedule with the understanding that a note from his/her parent/guardian will be brought the next school day; (2) provide the student with temporary uniform attire; or (3) with parent consent, send student home to change. In the event that a student does not comply with the above requirement, the parent shall be contacted and the issue resolved.
8. If a parent/guardian desires to exempt his/her child from the uniform policy, the parent/guardian must observe the following procedures:
 - a. Request in person an Application for Exemption from Uniform Program. The application will be available at the student's school site.
 - b. Complete the Application and submit it to the Principal.
 - c. Meet with the principal to discuss the uniform policy and the nature of the parent's/guardian's objection to the policy. The purposes of this meeting include (1) ensuring that the parent/guardian understands the reasons for and the goals of the uniform policy, (2) verifying the accuracy of the information on the application; (3) preventing fraud or misrepresentation.
 - d. The Superintendent or designee must give final written approval.

In service Training

The district or school shall provide in service training regarding the requirements and lawful enforcement of the mandatory uniform policy to administrators, school staff and volunteers who may be involved in the implementation or enforcement of the policy.

Annual Evaluation

1. Schools will participate in an evaluation of the uniform policy at the end of each school year.
2. The district shall consider proposed modifications to the uniform policy, as appropriate.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 8: Safe Ingress and Egress
Part 1: Safe Ingress and Egress

Safe Ingress and Egress (page 1 of 1)

Muscatel Middle School takes pride in being part of a school district that has a mission to provide a safe environment for all students, parents, and school employees. Our School will take measures to ensure safe ingress and egress to and from the school for pupils, parents, and school employees. Safe ingress and egress will be maintained by periodic reviews of the procedures for ingress and egress. The school will ensure that all passageways to and from school buildings, corridors within school buildings and emergency exits remain clear of all obstruction to allow flow of pedestrian and vehicular traffic. The school will also ensure that potential obstructions and hazards are removed from such areas. To achieve this goal, the school works closely with local law enforcement agencies and the city of Rosemead to ensure that the school's immediate community is safe.

Through the joint efforts of the District office, site administrators, faculty, Risk Management Committee, PTSA, and other organizations, including consultants, Muscatel Middle School has developed a plan to ensure the safe arrival and departure of students, staff, and visitors. Muscatel Middle School encourages input from our community and reviews this plan on an annual basis.

Any problems associated with safe ingress and egress will be addressed immediately.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 8: Safe Ingress and Egress
Part 2: Visitors on Campus

Visitors on Campus (page 1 of 1)

The following procedures are to be followed in order to maintain a safe environment for students and staff at Shuey School:

- All visitors are to check into the office and sign in.
- Visitors will be issued a badge that indicates they are checked into the office.
- Visitors will return the badge to the office at the end of their visit.
- Staff will ask all visitors without badges to check into the office or staff will notify the office for assistance
- Police services will be called upon in the even of any visitor not complying with posted regulations.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 9: Rules and Procedures of School Discipline
Part 1: General Information

General Information (page 1 of 1)

Muscatel Middle School operates on the belief that a positive, structured discipline plan with clear rewards and limits provides the best environment for school learning. Policies and procedures have been developed with the intention of creating a positive and productive school environment.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 9: Rules and Procedures of School Discipline
Part 2: Positive School Climate

Positive School Climate (page 1 of 2)

From Rosemead School District Board Policy 5137 – Positive School Climate

POSITIVE SCHOOL CLIMATE

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

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5132 - Dress and Grooming)
(cf. 5144 - Discipline)
(cf. 5145.2 - Freedom of Speech/Expression: Publications Code)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

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

(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6141.6 - Multicultural Education)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

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

(cf. 5126 - Awards for Achievement)
(cf. 5131.4 - Campus Disturbances)
(cf. 5136 - Gangs)
(cf. 6142.4 - Learning through Community Service)

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 9: Rules and Procedures of School Discipline
Part 2: Positive School Climate

Positive School Climate (page 2 of 2)

From Rosemead School District Board Policy 5137 – Positive School Climate

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

Legal Reference:

EDUCATION CODE

233.5 Duty concerning instruction of students

32230-32239 School violence reduction program

35160 Authority of Board of Trustees

35160.1 Broad authority of school districts

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 9: Rules and Procedures of School Discipline
Part 3: School Rules

School Rules (page 1 of 2)

General

1. No running.
2. No gum is allowed at school
3. Students may use the telephone in an emergency only. Forgotten homework, lunch money, lunch or books are not considered emergencies for phone use.
4. Radios, tape recorders and cameras are not permitted at school.

Cafeteria

The cafeteria should be a pleasant place in which to eat. Therefore, (a) children should remain at their seats while eating, (b) children need to use quiet voices, and (c) children must use good manners while eating. Rules are posted in the cafeteria.

1. All children will eat together in the cafeteria.
2. Children will be dismissed by the Noon Supervisors when they are finished eating. Tables must be clean and the children quiet before they are dismissed.
3. Cafeteria rules must be followed. A child's cafeteria privileges may be restricted or excluded when violations of the rules occur.

Playground

Children are required to stay in designated play areas before school and during recess. Playground equipment may be used only with adult supervision. Children must obey the following rules:

1. Use acceptable language.
2. Follow directions given by any adult in charge.
3. Hard balls and bats may not be brought to school.
4. Only one person may use the horizontal bars at a time.
5. All play activities, getting drinks, and using restrooms will stop when the bell rings.
6. Children are to line up in their designated areas when the bell rings.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 9: Rules and Procedures of School Discipline
Part 3: School Rules

School Rules (page 2 of 2)

Attendance

In order to properly educate your child, he/she needs to attend school regularly and arrive on time. Parents are required to send a written excuse or call the school office on the day of absence. Parents will be notified if written excuses are not received in a timely fashion along with a referral to the School Attendance Review Board.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 9: Rules and Procedures of School Discipline
Part 4: Conduct

Conduct (page 1 of 3)

From Rosemead School District Board Policy 5131.(a) – Conduct

CONDUCT

The Board of Trustees believes that all students have the right to be educated in a positive learning environment free from disruptions. On school grounds and at school activities, students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program.

Behavior is considered appropriate when students are diligent in study, neat and clean, careful with school property, and courteous and respectful towards their teachers, other staff, other students and volunteers.

(cf. 1240 - Volunteer Assistance)

(cf. 5131.1 - Bus Conduct)

(cf. 5137 - Positive School Climate)

(cf. 6154 - Homework/Makeup Work)

Prohibited student conduct includes but is not limited to:

1. Behavior that endangers other students and/or staff

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5136 - Gangs)

(cf. 5142 - Safety)

2. Behavior that disrupts the orderly classroom or school environment

(cf. 5131.4 - Campus Disturbances)

3. Harassment of other students or staff

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

4. Damage to or theft of property belonging to the district, staff or other students

(cf. 5131.5 - Vandalism, Theft and Graffiti)

5. Possession, use or sale of alcohol, tobacco or other drugs

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.61 - Drug Testing)

(cf. 5131.62 - Tobacco)

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 9: Rules and Procedures of School Discipline
Part 4: Conduct

Conduct (page 2 of 3)

From Rosemead School District Board Policy 5131.(a) – Conduct

6. Except with prior consent for health reasons, possession or use of electronic signaling devices (Education Code 48901.5)

Electronic signaling devices may include, but not be limited to, pagers, beepers and cellular/digital telephones

7. Possession or use of laser pointers, unless used for a valid instructional or other school-related purpose, including employment (Penal Code 417.27)

Prior to bringing a laser pointer on school premises, students shall first obtain permission from the principal or designee. The principal or designee shall determine whether the requested use of the laser pointer is for a valid instructional or other school-related purpose.

8. Profane, vulgar or abusive language

(cf. 5145.2 - Freedom of Speech/Expression: Publications Code)

9. Plagiarism or dishonesty in school work or on tests

(cf. 5131.9 - Academic Honesty)
(cf. 6162.6 - Use of Copyrighted Materials)
(cf. 6163.4 - Student Use of Technology)

10. Inappropriate dress

(cf. 5132 - Dress and Grooming)

11. Tardiness and unexcused absence from school

(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Truancy)

12. Failure to remain on school premises in accordance with school rules

(cf. 5112.5 - Open/Closed Campus)

The Superintendent or designee shall ensure that each school site develops standards of conduct and discipline consistent with district rules and regulations. Students shall receive regular instruction regarding district and school rules and regulations related to conduct. Students who violate these rules and regulations may be subject to discipline including but not limited to suspension, expulsion or transfer to alternative programs.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 9: Rules and Procedures of School Discipline
Part 4: Conduct

Conduct (page 3 of 3)

From Rosemead School District Board Policy 5131.(a) – Conduct

- (cf. 5020 - Parent Rights and Responsibilities)*
- (cf. 5144 - Discipline)*
- (cf. 5144.1 - Suspension and Expulsion/Due Process)*
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*
- (cf. 5145.6 - Parental Notifications)*
- (cf. 6020 - Parent Involvement)*
- (cf. 6164.2 - Guidance/Counseling Services)*
- (cf. 6182 - Opportunity School/Class/Program)*
- (cf. 6184 - Continuation Education)*
- (cf. 6185 - Community Day School)*

Legal Reference:

EDUCATION CODE

35181 Board of Trustees policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension or expulsion

48908 Duties of pupils

48980-48981 Notification of parent or guardian

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE

417.25-417.27 Laser scope

CODE OF REGULATIONS, TITLE 5

300-307 Duties of pupils

UNITED STATES CODE, TITLE 42

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

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 9: Rules and Procedures of School Discipline
Part 5: Campus Disturbances

Conduct (page 1 of 3)

From Rosemead School District Board Policy 5131.4 – Campus Disturbances

CAMPUS DISTURBANCES

The Board of Trustees recognizes that all school staff must be prepared to cope with campus disturbances and to minimize the risks they entail. Staff should be especially sensitive to conditions that foster racial conflict, student protests, or gang intimidation and confrontations.

The Superintendent or designee shall establish at each school a disturbance response plan for curbing disruptions which create disorder and may lead to riots, violence or vandalism at school or school-sponsored events.

The Superintendent or designee shall consult with law enforcement authorities to plan for police support during school disruptions. Each school's disturbance response plan shall address the role of law enforcement. When a disturbance directly threatens students or staff, the Superintendent or designee has the authority to call in law enforcement personnel for assistance and may dismiss school.

Students who participate in disturbances may be subject to disciplinary action.

(cf. 3515 - Campus Security)

(cf. 5136 - Gangs)

(cf. 5144 - Discipline)

Legal Reference:

EDUCATION CODE

32210 Willful disturbance of public school or meeting

32211 Threatened disruption or interference with classes

35294-35294.5 School safety plans

38000-38005 Security patrols

44810 Willful interference with classroom conduct

44811 Disruption of classwork or extracurricular activities

48907 Student exercise of free expression

PENAL CODE

403-420 Crimes against the public peace, especially:

415 Fighting; noise; offensive words

415.5 Disturbance of peace of school

416 Assembly to disturb peace; refusal to disperse

626-626.10 Crimes on school grounds

627-627.7 Access to school premises

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 9: Rules and Procedures of School Discipline
Part 3: Campus Disturbances

Conduct (page 2 of 3)

From Rosemead School District Board Policy 5131.4 – Campus Disturbances

All school staff shall respond to campus disturbances in accordance with the school's response plan. Response plans shall describe:

1. The means which will be used to signal an emergency situation and maintain communication among staff and with the Superintendent or designee.
2. Each staff member's specific duties during a disturbance.
3. Procedures for ensuring the safety of students and staff.
4. Conditions, as prearranged with law enforcement authorities, under which the principal or designee shall:
 - a. Inform the police
 - b. Secure police assistance
 - c. Give the police responsibility for a specific crisis situation
5. Procedures for the orderly dismissal of school when authorized by the principal or designee.

All media inquiries during crisis situations shall be routed to the Superintendent or designee.

(cf. 1112 - Media Relations)

Extension of Class Period

During any disturbance in which additional students might become involved while changing classes, the principal or designee may notify all staff that the present class period will be extended until further notice. Upon receiving this notification:

1. Teachers shall ensure that all students in their charge remain in one location under their supervision.
2. Teachers shall ask any students who are in the halls to return to their classes at once.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 9: Rules and Procedures of School Discipline
Part 3: Campus Disturbances

Conduct (page 3 of 3)

From Rosemead School District Board Policy 5131.4 – Campus Disturbances

Prohibited Activities

1. Disturbing the Peace

It is a misdemeanor to intentionally cause or attempt to cause a riot by engaging in conduct which urges a riot or urges others to act forcefully or violently, or to burn or destroy property under circumstances which produce a clear, present, and immediate danger of such acts occurring. (Penal Code 404.6)

Anyone who, in a public place, fights, challenges another to fight, or uses offensive words likely to provoke a fight is guilty of a misdemeanor. (Penal Code 415)

2. Disruption of School Operations

Students shall be subject to disciplinary action for any exercise of free expression which so incites students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school, such as may occur when students:

- a. Organize or participate in unauthorized assemblies on school premises.
- b. Participate in sit-ins or stand-ins which deny students or employees normal access to school premises.

3. Refusal to Disperse

Persons who assemble for the purpose of disturbing the public peace or committing any unlawful act are severally guilty of a misdemeanor if they do not disperse when desired or commanded to do so by a public officer. (Penal Code 416)

Persons who remain present at the place of any riot, rout or unlawful assembly after being lawfully warned to disperse are guilty of a misdemeanor. (Penal Code 409)

4. Boycotts

Students participating in any protest that involves nonattendance at school or at a school activity where attendance is required shall be identified as truant, regardless of any parental approval of their act.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 9: Rules and Procedures of School Discipline
Part 6: Conflict Resolution/Peer Mediation

Conflict Resolution/Peer Mediation (page 1 of 3)

From Rosemead School District Board Policy 5138(a) – Conflict Resolution/Peer Mediation

CONFLICT RESOLUTION/PEER MEDIATION

To promote student safety and contribute to the maintenance of a positive school climate, the Board of Trustees encourages the development of school-based conflict resolution programs designed to help students learn constructive ways of handling conflict. The Board believes that such programs can reduce violence and promote communication, personal responsibility and problem-solving skills among students.

Conflict resolution strategies shall be considered as part of each school’s comprehensive safety plan and incorporated into other district discipline procedures as appropriate. Conflict resolution programs shall not supplant the authority of staff to take appropriate action as necessary to prevent violence, ensure student safety, maintain order in the school, and institute disciplinary measures.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5137 - Positive School Climate)

(cf. 5144 - Discipline)

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

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

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

Schoolwide programs may include curriculum in conflict resolution, including, but not limited to, instruction in effective communication and listening, critical thinking, problem-solving processes and the use of negotiation to find mutually acceptable solutions. In addition, the curriculum may address students’ ethical and social development, respect for diversity, and interpersonal and behavioral skills.

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6141.6 - Multicultural Education)

Conflict resolution programs may incorporate peer mediation strategies in which selected students are specially trained to work with their peers in resolving conflicts.

Students’ participation in any peer mediation program shall be voluntary and kept confidential by all parties involved.

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

(cf. 5125 - Student Records)

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 9: Rules and Procedures of School Discipline
Part 6: Conflict Resolution/Peer Mediation

Conflict Resolution/Peer Mediation (page 2 of 3)

From Rosemead School District Board Policy 5138(a) – Conflict Resolution/Peer Mediation

In developing a conflict resolution and/or peer mediation program, school-site teams shall address, as appropriate:

1. The grade levels and courses in which the conflict resolution curriculum shall be delivered
2. Staff development related to the implementation of the curriculum and modeling of appropriate behaviors and communication skills

(cf. 4131 - Staff Development)

3. The selection of peer mediators involving, to the extent possible, a cross-section of students in terms of grade, gender, race, ethnicity, and socioeconomic status, and including some students who exhibit negative leadership among peers
4. Training and support for peer mediators, including training in mediation processes and in the skills related to understanding conflict, communicating effectively and listening
5. The process for identifying and referring students to the peer mediation program
6. The types of conflicts suitable for peer mediation

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.4 - Campus Disturbances)

(cf. 5136 - Gangs)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5145.7 - Sexual Harassment)

7. Scheduling and location of peer mediation sessions
8. Methods of obtaining and recording agreement from all disputants
9. The appropriate involvement of parents/guardians, the community and staff, including counseling/guidance and security staff

(cf. 1020 - Youth Services)

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

(cf. 3515.3 - District Police Department)

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 9: Rules and Procedures of School Discipline
Part 6: Conflict Resolution/Peer Mediation

Conflict Resolution/Peer Mediation (page 3 of 3)

From Rosemead School District Board Policy 5138(a) – Conflict Resolution/Peer Mediation

(cf. 6020 - Parent Involvement)

(cf. 6164.2 - Guidance/Counseling Services)

10. Communications to students, parents/guardians and staff regarding the availability of the program
11. Methods of following up with students to determine the effectiveness of the process
12. Development of assessment tools to periodically evaluate the success of the program including, but not limited to, measurements of whether there has been a reduction in violence at the school and whether the school's suspension rates have fallen since the program has been introduced

Legal Reference:

EDUCATION CODE

32230-32239 School violence reduction programs

32295.5 Teen court programs

35291-35291.5 Rules

35294-35294.9 School safety plans

44807 Duty concerning conduct of students

CALIFORNIA CONSTITUTION

Article I, Section 28(c) Right to safe schools

Management Resources:

CSBA PUBLICATIONS

Protecting Our Children: Board of Trustees Strategies to Combat School Violence, revised 1999

CDE PUBLICATIONS

Safe Schools: A Planning Guide for Action, 1995

USDE PUBLICATIONS

Creating Safe and Drug-Free Schools: An Action Guide, 1996

WEB SITES

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

<http://www.ed.gov/offices/OESE/SDFS/>

California Department of Education, Safe Schools and Violence Prevention Office:

<http://www.cde.ca.gov/spbranch/safety/>

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 9: Rules and Procedures of School Discipline
Part 7: Drugs, Tobacco, Alcohol

Drugs, Tobacco, Alcohol (page 1 of 10)

From Rosemead School District Board Policy 5131.6(a) – Drugs, Tobacco, Alcohol

ALCOHOL AND OTHER DRUGS

The Board of Trustees believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Board desires to keep district schools free of alcohol and other drugs and desires that every effort be made to reduce student use of these substances.

The Superintendent or designee shall develop a comprehensive prevention program that includes instruction, intervention, recovering student support and enforcement/discipline. The district's program shall be reviewed every two years.

The Superintendent or designee shall clearly communicate to all students, staff and parents/guardians the district's policies, regulations and school rules related to the use of alcohol and drugs on school campuses or at school activities.

The Board encourages staff to display attitudes and behaviors that made them positive role models for students with regard to alcohol and other drugs. Staff should help students see themselves as responsible partners in efforts to maintain a safe, constructive school climate.

Because keeping schools free of alcohol and other drugs is a concern common to the district and community, the Board supports cooperation among schools, parents/guardians, law enforcement and other appropriate community organizations involved in preventing alcohol and other drug abuse.

To obtain the widest possible input and support for district policies and programs, the district shall have a districtwide citizen advisory committee to make recommendations related to the prevention of alcohol and other drug abuse.

The Board also encourages the use of site-level advisory groups to promote alcohol- and drug-free schools.

INSTRUCTION

The district shall provide preventative instruction which helps students avoid the use of alcohol or other drugs. Comprehensive, age-appropriate K-8 instruction shall address the legal, social and health consequences of drug and alcohol use.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 9: Rules and Procedures of School Discipline
Part 7: Drugs, Tobacco, Alcohol

Drugs, Tobacco, Alcohol (page 2 of 10)

From Rosemead School District Administrative Regulations 5131.6(a) – Drugs, Tobacco, Alcohol

All instruction and related materials shall discourage unlawful use of alcohol or other drugs and shall not include the concept of responsible use when which use is illegal.

Teachers shall be trained to answer students' questions related to alcohol and drugs and to help students obtain and use current and accurate information, develop and maintain a positive self-concept, take positive actions to cope with stress, and use appropriate social and personal skills to resist involvement with alcohol and other drugs.

INTERVENTION

The Board recognizes that there may be students on our campuses who use alcohol and other drugs and can benefit from intervention. The Board supports intervention programs that include the involvement of students, parents/guardians and community agencies/organizations. Students and parents/guardians shall be informed about the signs of alcohol and other drug use and about appropriate agencies offering counseling and rehabilitation for students and their family members.

The Board believes that school personnel must be trained to identify symptoms that may indicate use of alcohol and other drugs. The superintendent or designee shall clarify the roles and responsibilities of staff and law enforcement in working with, intervening, and reporting students suspected of using alcohol or other drugs.

Nonpunitive Self-Referral

The Board strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her parent/guardian or with any staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or every program shall not be disciplined for such use.

Recovering Student Support

The Board desires to support recovering students in avoiding reinvolvement with alcohol and other drugs by providing school activities and support services that enhance recovery.

Enforcement/Discipline

The Superintendent or designee shall take appropriate action to eliminate possession, use or sale of alcohol and other drugs and related paraphernalia on school grounds, at school events, or in any situation in which the school is responsible for the conduct and well-being of students.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 9: Rules and Procedures of School Discipline
Part 7: Drugs, Tobacco, Alcohol

Drugs, Tobacco, Alcohol (page 3 of 10)

From Rosemead School District Administrative Regulations 5131.6(a) – Drugs, Tobacco, Alcohol

Students possessing, selling and/or using alcohol or other drugs or related paraphernalia shall be subject to disciplinary procedures which may result in suspension or expulsion.

School authorities may search students and school properties for the possession of alcohol and other drugs as long as such searches are conducted in accordance with law, Board policy and administrative regulations.

Legal Reference:

EDUCATION CODE

- 44049 *Known or suspected alcohol or drug abuse by student*
- 48900 *Suspension or expulsion (grounds)*
- 48900.5 *Suspension, limitation on imposition; exception*
- 48901 *Smoking or use of tobacco prohibited*
- 48901.5 *Prohibition of electronic signaling devices*
- 48902 *Notification of law enforcement authorities; civil or criminal immunity*
- 48909 *Narcotics or other hallucinogenic drugs*
- 48915 *Expulsion; particular circumstances*
- 49423 *Administration of prescribed medication*
- 49480 *Notice to school by parent or guardian; consultation with physician*
- 49602 *Confidentiality of pupil information*
- 51202 *Instruction in personal and public health and safety*
- 51203 *Instruction on alcohol, narcotics and restricted dangerous drugs*
- 51210 *Areas of study*
- 51220 *Areas of study, grades 7 to 12*
- 51260 *Elementary and secondary school instruction in drug education by appropriately trained instructors*
- 51262 *Use of anabolic steroids; legislative finding and declaration*
- 51264 *CDE assistance for inservice training*
- 51265 *Gang violence and drug and alcohol abuse prevention inservice*
- 51268 *Collaboration to avoid duplication of effort*

BUSINESS AND PROFESSIONS CODE

- 25608 *Alcohol on school property; use in connection with instruction*

HEALTH AND SAFETY CODE

- 11032 *Narcotics, restricted dangerous drugs and marijuana; construction of terms used in other divisions*
- 11053-11058 *Standards and schedules*
- 11353.6 *Juvenile Drug Trafficking and Schoolyard Act*
- 11357 *Unauthorized possession of marijuana; punishment; prior conviction; possession in school or on school grounds*
- 11361.5 *Destruction of arrest or conviction records*
- 11372.7 *Drug program fund; uses*
- 11802 *Joint school-community alcohol abuse primary education and prevention program*
- 11965-11969 *The School-Community Primary Prevention Program*

Legal Reference continued: (see next page)

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 9: Rules and Procedures of School Discipline
Part 7: Drugs, Tobacco, Alcohol

Drugs, Tobacco, Alcohol (page 4 of 10)

From Rosemead School District Administrative Regulations 5131.6(a) – Drugs, Tobacco, Alcohol

Legal Reference: (continued)

11998-11998.3 Drug and Alcohol Abuse Master Plans

11999-11999.3 Alcohol and drug program funding; no unlawful use

124175-124200 Adolescent family life program (Department of Health Services)

PENAL CODE

13864 Comprehensive alcohol and drug prevention education

VEHICLE CODE

13202.5 Drug and alcohol related offenses by person under age of 21, but aged 13 or over; suspension, delay, or restriction of driving privileges

WELFARE AND INSTITUTIONS CODE

828 Disclosure of information re minors

828.1 Disclosure of criminal records; protection of vulnerable staff & students

UNITED STATES CODE, TITLE 20

5812 National education goals

7101-7143 Safe and Drug-Free Schools and Communities Act of 1994

Instruction

Students shall receive instruction by appropriately trained instructors about the nature and effects of alcohol and other drugs, including dangerous drugs defined by Health and Safety Code 11032.

Site administrators shall determine that drug education instructors are appropriately trained, having demonstrated that they possess:

1. The ability to interact with students in a positive way.
2. Knowledge of the properties and effects of tobacco, alcohol, narcotics, and dangerous drugs, and shared drug apparatus.
3. Effective teaching skills and competency in helping students to express opinions responsibly and to become aware of their values as they affect drug-use decisions.

In grades 4-8, instruction shall include a study of the effects of alcohol and other drugs upon the human system, as determined by science.

In grades 1 through 6, instruction in drug education should be given in health course required by Education Code 51210.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 9: Rules and Procedures of School Discipline
Part 7: Drugs, Tobacco, Alcohol

Drugs, Tobacco, Alcohol (page 5 of 10)

From Rosemead School District Administrative Regulations 5131.6(a) – Drugs, Tobacco, Alcohol

In grades 7 and 8, instruction in drug education shall be conducted in science courses and in any other appropriate area of study required by Education Code 51220.

Instruction shall be sequential in nature and suited to meet the needs of students at their respective grade level.

Secondary school instruction shall include a study of the effects of alcohol and other drugs upon prenatal development, as determined by science.

The district drug education program shall augment any program provided by county drug education services.

Staff shall take every opportunity to cooperate with county staff in planning and implementing collaborative alcohol and drug prevention programs.

Intervention

The staff shall intervene whenever students use alcohol and other drugs while on school property or under school jurisdiction. Staff members who believe that a student may be under the influence of alcohol or drugs shall immediately notify the principal or designee.

If the principal or designee knows, observes or suspects that the student may be under the influence of alcohol or drugs, he/she shall notify the parent/guardian.

However, schools staff shall not disclose confidential information provided during counseling by a student 12 years of age or older. School counselors may report such information to the principal or parents/guardians only when they believe that disclosure is necessary to avert a clear and present danger to the health, safety or welfare of the student or other persons living in the school community. They shall not disclose such information to the parent/guardian if they believe that the disclosure would result in a clear and present danger to the student's health, safety or welfare.

In severe cases, if the parents/guardians or the school medical personnel are not immediately available, the principal is authorized to call an ambulance to remove the student to a hospital. Parents/guardians will be notified of this action and shall be responsible for the incurred expenses.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 9: Rules and Procedures of School Discipline
Part 7: Drugs, Tobacco, Alcohol

Drugs, Tobacco, Alcohol (page 6 of 10)

From Rosemead School District Administrative Regulations 5131.6(a) – Drugs, Tobacco, Alcohol

Confiscation Of Electronic Signaling Devices

Because electronic signaling devices (beepers, cellular telephones, etc) are sometimes used to facilitate illegal drug transactions, the possession or use of such devices by students is prohibited on school premises, at all school-sponsored activities, and at any time while students are under the supervision and control of district employees. An exception shall be made only when the principal or designee has determined that the beeper is essential for the student's health and then shall be used only for health purposes. The Superintendent or designee shall confiscate beepers from students.

Enforcement/Discipline

1. Possession or use of alcohol or illegal drugs
 - a. When any student uses or possesses alcohol or illegal drugs at school or while under school jurisdiction, the following shall result:
 - (1) Parent/guardian contact.
 - (2) One-to-five day suspension.
 - (3) Contact law enforcement authority within one school day of the suspension.
 - (4) Restriction from school activities.
 - b. In addition, the following action may be taken.
 - (1) Recommendation of expulsion.
 - (2) Referral to an appropriate community counseling program with the expectation that at least one counseling session will be held during the time of suspension.
 - (3) Transfer/alternative placement.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 9: Rules and Procedures of School Discipline
Part 7: Drugs, Tobacco, Alcohol

Drugs, Tobacco, Alcohol (page 7 of 10)

From Rosemead School District Administrative Regulations 5131.6(a) – Drugs, Tobacco, Alcohol

2. Continued use or possession of alcohol or other drugs

When intervention efforts fail and the student continues to use or possess alcohol or other drugs at school or any school activity, he/she shall be expelled. The Board may suspend the expulsion and may assign the student to a school, class or program appropriate for the student's rehabilitation.

3. Selling or providing

- a. When a student sells or provides alcohol or other drugs at school or while under school jurisdiction, the following shall result:
 - (1) Parent/guardian contact.
 - (2) Suspension with recommendation of expulsions.
 - (3) Law enforcement contact within one school day of suspension.
- b. Staff shall notify the principal or designee immediately upon suspecting a student is selling or providing alcohol and other drugs. The principal or designee may notify law enforcement prior to confronting or searching the student.
- c. A search for drugs may be made in accordance with the provisions of law, Board policy, and administrative regulations
- d. When there is good evidence that a student has actually sold or provided alcohol or other drugs or drug paraphernalia on or about the school premises or at school-sponsored functions, law enforcement must be notified.

Biennial Program Review

The Superintendent or designee shall review the district's alcohol and drug education program every two years in order to determine its effectiveness, implement any needed changes, and ensure that related disciplinary procedures are being consistently enforced.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 9: Rules and Procedures of School Discipline
Part 7: Drugs, Tobacco, Alcohol

Drugs, Tobacco, Alcohol (page 8 of 10)

TOBACCO

The Board of Trustees recognizes that tobacco use presents health hazards and desires to discourage students' use of tobacco products.

(cf. 3513.3 - Tobacco-Free Schools)

Students shall not smoke, chew or possess tobacco or nicotine products on school property or during school hours, at school-sponsored events, or while under the supervision of district employees. Students who violate this prohibition shall be subject to disciplinary procedures which may result in suspension from school.

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

All students shall receive instruction on the effects of smoking on the human body.

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

Legal Reference:

EDUCATION CODE

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

51202 Instruction in personal and public health and safety

HEALTH AND SAFETY CODE

104420 Implementation of tobacco use prevention program

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 9: Rules and Procedures of School Discipline
Part 7: Drugs, Tobacco, Alcohol

Drugs, Tobacco, Alcohol (page 9 of 10)

Discipline

Students who possess or use tobacco on school premises or at school-sponsored events shall be subject to the following disciplinary procedures:

1. First Offense:
 - a. Student conference
 - b. Parent/guardian contact
2. Second Offense:
 - a. Parent/guardian contact
 - b. One- to two-day suspension or detention alternative to suspension
3. Third and Subsequent Offenses:
 - a. One- to five-day suspension
 - b. Transfer
 - c. Disciplinary probation with behavioral contract

A behavioral contract is a written agreement between a student, parent/guardian and administrator, setting forth conditions that the student must meet during the probation period. Students under disciplinary probation shall either fulfill these conditions or be denied specified privileges until their behavior improves. Failure to comply with the agreement also may result in further disciplinary action.

Tobacco Use Prevention Instruction

All students in grades four through eight shall receive instruction that addresses the following topics: (Health and Safety Code 104420)

1. Immediate and long-term undesirable physiological, cosmetic and social consequences of tobacco use
2. Reasons that adolescents say they smoke or use tobacco

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
Section 9: Rules and Procedures of School Discipline
Part 7: Drugs, Tobacco, Alcohol

Drugs, Tobacco, Alcohol (page 10 of 10)

3. Peer norms and social influences that promote tobacco use
4. Refusal skills for resisting social influences that promote tobacco use

ANABOLIC STEROIDS

The Board of Trustees recognizes that the use of anabolic steroids presents a serious health and safety hazard. As part of the district's drug prevention and intervention efforts, the Superintendent or designee and staff shall make every effort to ensure that students do not begin or continue the use of anabolic steroids.

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.61 - Drug Testing)

Students participating in athletics are prohibited from using anabolic steroids or any other performance-enhancing drugs. Coaches shall inform students about this prohibition and the dangers of using such drugs.

(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall provide teachers and coaching staff with training in the symptoms and dangers of the use of performance-enhancing substances and strategies for helping students terminate the use of such substances.

Legal Reference:

EDUCATION CODE

51262 Use of anabolic steroids; legislative finding and declaration

CIVIL CODE

1812.97 Warning statement; posting in athletic facilities

ANABOLIC STEROIDS

The following warning, reproduced in 18-point bold type, shall be posted in every locker room of schools with classes in grades 7-8 and contained in any contracts for the lease or rental of the school's athletic facilities: (Civil Code 1812.97)

Warning: Use of steroids to increase strength or growth can cause serious health problems. Steroids can keep teenagers from growing to their full height; they can also cause heart disease, stroke, and damaged liver function. Men and women using steroids may develop fertility problems, personality changes, and acne. Men can also experience premature balding and development of breast tissue. These health hazards are in addition to the civil and criminal penalties for unauthorized sale, use, or exchange of anabolic steroids.

Comprehensive School Safety Plan

Muscatel Middle School Rosemead School District
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Section 11: Appendices

- Appendix A: SB 334 Text
- Appendix B: SB 187 Text
- Appendix C: Education Code Sections 35294 – 35294.9 Text
- Appendix D: Suspected Child Abuse Report Form
- Appendix E: Employee Acknowledgement of Child Abuse Reporting Requirements
- Appendix F: Pre-Incident Planning Guidelines
- Appendix G: Personnel Assignments
- Appendix H: Emergency Supplies
- Appendix I: Buddy List
- Appendix J: Maps
- Appendix K: Request for Exemption from Uniform Program
- Appendix L: Behavior Contract
- Appendix M: School Crime Reporting Form
- Appendix N: School Site Council Meeting Minutes/Approval

**Appendix A:
SB 334 Text**

Senate Bill No. 334

CHAPTER 996

An act to amend Sections 35294.1, 35294.5, 35294.6, 35294.7, 35294.8, and 35294.9 of, to add Article 10.4 (commencing with Section 35294.10) to Chapter 2 of Part 21 of, and to amend and repeal Section 35294.2 of, the Education Code, to add Sections 1170.17 and 1170.19 to the Penal Code, and to amend Sections 602, 606, 625.3, 628.1, 629, 656.2, 676, 676.5, 827, 827.5, and 1120.1 of, to amend and renumber Section 827.1 of, to add Sections 602.5, 725.1, and 730.7 to, and to repeal and add Section 827.6 of, the Welfare and Institutions Code, relating to youthful offenders, and making an appropriation therefore.

[Approved by Governor October 10, 1999. Filed with Secretary of State October 10, 1999.]

I am signing Senate Bill No. 334; however, I am deleting specified appropriations made by this bill as described below.

This bill establishes the School Safety and Violence Prevention Strategy and makes an appropriation therefore to the Superintendent of Public Instruction; repeals the January 1, 2000, sunset clauses in existing law for the development and implementation of school safety plans; makes an appropriation to the Board of Corrections to carry out the At-Risk Youth Early Intervention Program; makes several revisions to existing statutes relating to juvenile criminal procedure; requires the Department of the Youth Authority to develop a high school graduation plan for each ward who has not attained a high school diploma or equivalent certificate and to enroll that ward in an appropriate educational program; and makes appropriations to the Counties of Riverside, San Diego, and San Francisco for specified programs.

I approved a \$100 million augmentation in the 1999 Budget Act for school safety to fund school district safety initiatives such as school counselors, school psychologists, fencing, and video cameras. Consequently, I am deleting the \$5 million appropriation to the Superintendent of Public Instruction to carry out the School Safety Violence Protection Act program.

In addition, I am deleting the appropriations of \$1.5 million to the Board of Corrections; \$1.5 million to the County of Riverside to expand the Project Bridge Gang Crime Prevention Program; and \$3 million in 1999–00 and an additional \$1 million in both 2000–01 and 2001–02 to the County of San Diego for the purchase and operation of the San Pasqual Academy. I believe these appropriations should be considered within the context of the annual budget process, competing with other General Fund priorities.

However, I am sustaining the \$1.8 million appropriation to the City and County of San Francisco to acquire and install surveillance cameras on its municipal railway public transit vehicles; this appropriation was erroneously deleted in the 1999 Budget Act.

GRAY DAVIS, Governor
LEGISLATIVE COUNSEL'S DIGEST

SB 334, Alpert. Youthful offenders: education.

(1) Existing law, the Arnold-Kennick Juvenile Court Law, provides that any person who is under the age of 18 years when he or she violates any criminal law while in this state, except an age curfew ordinance, comes within the jurisdiction of the juvenile court, which may adjudge the person a ward of the court. Existing law also sets forth various provisions governing the adjudication of juvenile court cases, the transfer of certain juvenile court cases to criminal

court, the detention of juveniles prior to hearing, the conduct of juvenile court hearings, judgments and orders governing wards of the juvenile court, and juvenile court records.

This bill would enact the “ ‘No More Victims’ Violence Prevention and School Safety 2000 Strategy,” setting forth the findings and declarations of the Legislature regarding juvenile crime. The bill would also revise and recast various provisions of the Arnold-Kennick Juvenile Court Law with respect to the direct prosecution of certain juvenile repeat offenders who are 16 years of age or older in a criminal court, the sentencing of juvenile offenders who are convicted in a court of criminal jurisdiction, the assessment of the mental health status of juveniles armed during a felony or attempted felony, the conditions of release from secure detention, public attendance at juvenile court hearings, the rights of victims of juvenile crime to attend juvenile court hearings with support persons and to present victim impact statements, the notification of the Department of Justice by the juvenile court regarding minors adjudged a ward of the court for specified criminal offenses, reports to the court by a juvenile regarding the payment of restitution or performance of community service, and the disclosure by a law enforcement agency of the names of juveniles 14 years of age or older who are alleged to have committed a serious or violent felony, as defined. The bill would impose a state-mandated local program by revising the elements of a crime regarding the confidentiality provisions governing records of pupils who have been declared wards of the juvenile court, violation of which is a misdemeanor.

(2) Existing law requires the Department of the Youth Authority to establish the office of the Superintendent of Education to oversee educational programs under the jurisdiction of the department. This bill would require the department to ensure that each ward who has not attained a high school diploma or equivalent shall be enrolled in an appropriate educational program as deemed necessary by the department, and to develop a high school graduation plan for that ward.

(3) Existing law declares the intent of the Legislature that all California public schools operated by school districts develop a comprehensive school safety plan. Existing law requires that the comprehensive school safety plan include, but not necessarily be limited to, among other things, assessing the current status of school crime committed on school campuses and at school-related functions and identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the school’s procedures for complying with existing laws related to school safety.

Under existing law, the governing board of a school district, on behalf of one or more schools within the district that have developed a school safety plan, may apply to the Superintendent of Public Instruction for a grant to implement school safety plans, and the Superintendent of Public Instruction is required to award those grants in the 1989–90, 1990–91, and 1991–92 fiscal years, in an amount not to exceed \$5,000.

Existing law requires that the comprehensive school safety plan be evaluated and amended, as needed, by the schoolsite council or the school safety planning committee no less than once a year. Existing law requires that each school adopt its comprehensive school safety plan by September 1, 1998.

Existing law requires each school to forward its comprehensive school safety plan to the school district or county office of education for approval. Existing law requires each school district or county office of education to notify the State Department of Education by October 15, 1998, of any schools that have not complied with the requirement of developing a comprehensive school safety plan.

Under existing law, these provisions would be repealed on January 1, 2000, however, the comprehensive school safety plan would continue to be evaluated and amended by the schoolsite council. This bill would extend the operative date of those provisions indefinitely and would instead require each school to adopt its comprehensive school safety plan by March 1, 2000, and to review and update the plan by March 1 every year thereafter. The bill would also require each school district or county office of education to notify the State Department of Education annually of any schools that have not complied with the requirement of developing a comprehensive school safety plan. The bill would require, commencing in July 1, 2000, and every July thereafter, each school to report on the status of its school safety plan, including a description of its key elements in the school accountability report card otherwise required by law.

(4) Under existing law, various programs are designed to promote school safety and prevent school violence including, among others, the Interagency School Safety Demonstration Act of 1985, the School Community Policing Programs, and provisions pertaining to the development of school safety plans.

This bill would establish the School Safety and Violence Prevention Strategy Program, to be administered by the Superintendent of Public Instruction for the purpose of promoting school safety and violence prevention programs among children and youth in the public schools. The bill would require the Superintendent of Public Instruction, in conjunction with the Attorney General, to develop guidelines and standards for evaluating grant applications, and to award grants on a competitive basis to schools that develop school safety plans and demonstrate a collaborative and coordinated approach for implementing a comprehensive school safety and violence prevention strategy to be used for certain purposes, including, but not limited to, providing counselors who are specially trained in identifying and supporting at-risk children and youth. The bill would require the Superintendent of Public Instruction and the Attorney General to cooperatively design an evaluation process for the program and activities established under the School Safety and Violence Prevention Strategy, and to report to the Legislature by January 1 of each year on those programs. The bill would also require a school principal to disseminate information regarding a minor who has been found to have committed any specified felony or misdemeanor to a teacher or administrator, as specified.

The bill would appropriate \$5,000,000 from the General Fund to the Superintendent of Public Instruction to carry out the program. The bill would provide that these funds would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution. The bill would appropriate \$1,500,000 from the General Fund to the Board of Corrections for the At-Risk Youth Early Intervention Program, as specified. The bill would also appropriate \$3,000,000 to the County of San Diego for the purchase of the San Pasqual Academy, as specified, \$1,800,000 to the City and County of San Francisco for the purchase and installation of surveillance cameras on the public transit vehicles of the municipal railway, and \$1,500,000 to the City of Riverside for the purpose of expanding the operation of the Project Bridge Gang crime prevention program.

(5) Because the provisions of the bill described above increase the duties of school officials, court personnel, law enforcement officers, and various other local officials, this bill would impose a state-mandated local program.

(6) The bill would incorporate additional changes to Section 827 of the Welfare and Institutions Code made by SB 199 and SB 792, to take effect if one or both bills are enacted and this bill is enacted last.

(7) The California Constitution requires the state to reimburse

local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited, as the “ ‘No More Victims’ Violence Prevention and School Safety 2000 Strategy.”

SEC. 2. The Legislature declares each of the following findings:

- (a) Ensuring the safety of the people of California from serious and violent crime is the most profound obligation of state and local government.
- (b) The fundamental goal of California’s crime policy must be to prevent crime before it occurs and to reduce the number of Californians who are victims of crime. The commitment to fighting crime and ending violence in our society ultimately must be a “No More Victims” strategy aimed not only at short-term crime control, but also at long-term crime prevention.
- (c) Safe schools, safe families, and safe communities are the cornerstones of a just and prosperous society. A comprehensive crime and violence prevention strategy must be based on these three essential elements of our California community.
- (d) The juvenile justice system must respond to youth crime by protecting our communities, restoring losses suffered by victims, and reforming juvenile offenders into productive, law-abiding citizens. Restitution accountability is central to restoring victims and reforming youthful offenders.
- (e) Despite recent declines in the rate of arrests of juveniles for crimes of violence, statewide victimization and arrest rates of juveniles and young adults for acts involving violence remain unacceptably high.
- (f) California urgently needs a comprehensive youth and gang violence prevention strategy designed to ensure the safety of our families, our schools, and our communities.
- (g) The resources and responses of the California juvenile and criminal justice systems can be marshaled more effectively to control and prevent youth and gang violence.
- (h) State-funded violence prevention programs are scattered among 10 or more state agencies without adequate coordination. Both the Little Hoover Commission and the Task Force to Review Juvenile Crime and the Juvenile Justice Response have recommended that youth crime and violence prevention programs be consolidated within a single state agency for greater effectiveness.
- (i) Local communities need assistance, including economic assistance, to implement effective strategies and programs for the prevention of violence among youth and gangs.
- (j) Model, innovative, and successful violence prevention programs must be systematically identified, implemented, and evaluated in California.
- (k) The long-term health of our society depends on a renewed commitment to community-building, with an increased emphasis on

crime and violence prevention, community involvement, and collaboration.

SEC. 3. Section 35294.1 of the Education Code is amended to read:

35294.1. (a) Each school district and county office of education is responsible for the overall development of comprehensive school safety plans for its schools operating any kindergarten and any of grades 1 to 12, inclusive.

(b) (1) Except as provided in subdivision (d) with regard to a small school district, the schoolsite council established pursuant to Section 52012 or 52852 shall write and develop a comprehensive school safety plan relevant to the needs and resources of that particular school.

(2) The schoolsite council may delegate this responsibility to a school safety planning committee made up of the following members:

(A) The principal or the principal's designee.

(B) One teacher who is a representative of the recognized certificated employee organization.

(C) One parent whose child attends the school.

(D) One classified employee who is a representative of the recognized classified employee organization.

(E) Other members, if desired.

(3) The schoolsite council shall consult with a representative from a law enforcement agency in the writing and development of the comprehensive school safety plan.

(4) In the absence of a schoolsite council, the members specified in paragraph (2) shall serve as the school safety planning committee.

(c) Nothing in this article shall limit or take away the authority of school boards as guaranteed under this code.

(d) (1) Subdivision (b) shall not apply to a small school district, as defined in paragraph (2), if the small school district develops a districtwide comprehensive school safety plan that is applicable to each schoolsite.

(2) As used in this article, "small school district" means a school district that has fewer than 2,501 units of average daily attendance in the 1997-98 fiscal year.

SEC. 4. Section 35294.2 of the Education Code is amended to read:

35294.2. (a) The comprehensive school safety plan shall include, but not necessarily be limited to, the following:

(1) Assessing the current status of school crime committed on school campuses and at school-related functions.

(2) Identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, which shall include the development of all of the following:

(A) Child abuse reporting procedures consistent with Article 2.5 (commencing with Section 11164) of Title 1 of Part 4 of the Penal Code.

(B) Disaster procedures, routine and emergency.

(C) Policies pursuant to subdivision (d) of Section 48915 for pupils who committed an act listed in subdivision (c) of Section 48915 and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations pursuant to Article 1 (commencing with Section 48900) of Chapter 6 of Part 27.

(D) Procedures to notify teachers of dangerous pupils pursuant to Section 49079.

(E) A sexual harassment policy, pursuant to subdivision (b) of Section 231.5.

(F) The provisions of any schoolwide dress code, pursuant to

Section 35183, that prohibits pupils from wearing “gang-related apparel,” if the school has adopted such a dress code. For those purposes, the comprehensive school safety plan shall define “gang-related apparel.” The definition shall be limited to apparel that, if worn or displayed on a school campus, reasonably could be determined to threaten the health and safety of the school environment. Any schoolwide dress code established pursuant to this section and Section 35183 shall be enforced on the school campus and at any school-sponsored activity by the principal of the school or the person designated by the principal. For the purposes of this paragraph, “gang-related apparel” shall not be considered a protected form of speech pursuant to Section 48950.

(G) Procedures for safe ingress and egress of pupils, parents, and school employees to and from school.

(H) A safe and orderly environment conducive to learning at the school.

(I) The rules and procedures on school discipline adopted pursuant to Sections 35291 and 35291.5.

(b) It is the intent of the Legislature that schools develop comprehensive school safety plans using existing resources, including the materials and services of the School Safety Partnership, pursuant to Chapter 2.5 (commencing with Section 32260) of Part 19. It is also the intent of the Legislature that schools use the handbook developed and distributed by the School/Law Enforcement Partnership Program entitled “Safe Schools: A Planning Guide for Action” in conjunction with developing their plan for school safety.

(c) Grants to assist schools in implementing their comprehensive school safety plan shall be made available through the School Safety Partnership as authorized by Section 32262.

(d) Each schoolsite council or school safety planning committee in developing and updating a comprehensive school safety plan shall, where practical, consult, cooperate, and coordinate with other schoolsite councils or school safety planning committees.

(e) The comprehensive school safety plan shall be evaluated and amended, as needed, by the school safety planning committee no less than once a year to ensure that the comprehensive school safety plan is properly implemented. An updated file of all safety-related plans and materials shall be readily available for inspection by the public.

(f) The comprehensive school safety plan, as written and updated by the schoolsite council or school safety planning committee, shall be submitted for approval under subdivision (a) of Section 35294.8. SEC. 5. Section 35294.2 of the Education Code is repealed.

SEC. 6. Section 35294.5 of the Education Code is amended to read:

35294.5. (a) The governing board of a school district, on behalf of one or more schools within the district that have developed a school safety plan, may apply to the Superintendent of Public Instruction for a grant to implement school safety plans. The School Safety Partnership shall award grants for school safety plans that include, but are not limited to, the following criteria:

(1) Assessment of the recent incidence of crime committed on the school campus.

(2) Identification of appropriate strategies and programs that will provide or maintain a high level of school safety.

(3) Development of an action plan, in conjunction with local law enforcement agencies, for implementing appropriate safety strategies and programs, and determining the fiscal impact of executing the strategies and programs. The action plan shall identify available resources which will provide for implementation of the plan.

(b) The Superintendent of Public Instruction shall award grants

pursuant to this section to school districts for the implementation of individual school safety plans in an amount not to exceed five thousand dollars (\$5,000) for each school. No grant shall be made unless the school district makes available, for purposes of implementing the school safety plans, an amount of funds equal to the amount of the grant. Grants should be awarded through a competitive process, based upon criteria including, but not limited to, the merit of the proposal and the need for imposing school safety, based on school crime rates.

(c) Any school receiving a grant under this section shall submit to the Superintendent of Public Instruction verified copies of its schoolsite crime report annually for three consecutive years following the receipt of the grant to study the impact of the implementation of the school safety plan on the incidence of crime on the campus of the school.

SEC. 7. Section 35294.6 of the Education Code is amended to read:

35294.6. (a) Each school shall adopt its comprehensive school safety plan by March 1, 2000, and shall review and update its plan by March 1, every year thereafter.

(b) Commencing in July 2000, and every July thereafter, each school shall report on the status of its school safety plan, including a description of its key elements in the annual school accountability report card prepared pursuant to Sections 33126 and 35256.

SEC. 8. Section 35294.7 of the Education Code is amended to read:

35294.7. In the event that the Superintendent of Public Instruction determines that there has been a willful failure to make any report required by this article, the Superintendent of Public Instruction shall do both of the following:

(a) Notify the school district or the county office of education in which the willful failure has occurred of the determination.

(b) Make an assessment of not more than five hundred dollars (\$500) against that school district or county office of education. This may be accomplished by the deduction of the amount of the assessment from an apportionment made subsequent to the determination.

SEC. 9. Section 35294.8 of the Education Code is amended to read:

35294.8. (a) In order to ensure compliance with this article, each school shall forward its comprehensive school safety plan to the school district or county office of education for approval.

(b) Before adopting its comprehensive school safety plan, the schoolsite council or school safety planning committee shall hold a public meeting at the schoolsite in order to allow members of the public the opportunity to express an opinion about the school safety plan.

(c) In order to ensure compliance with this article, each school district or county office of education shall annually notify the State Department of Education by October 15 of any schools that have not complied with Section 35294.1.

SEC. 10. Section 35294.9 of the Education Code is amended to read:

35294.9. Notwithstanding any other provision of law, a school, other than a school in a small school district, that submits a comprehensive school safety plan in existence on December 31, 1997, shall be deemed to have satisfied the requirements of this article as it exists on and after the effective date of the act that adds this section if the comprehensive school safety plan meets all of the requirements of Section 35294.2.

SEC. 11. Article 10.4 (commencing with Section 35294.10) is added to Chapter 2 of Part 21 of the Education Code, to read:

Article 10.4. School Safety Violence Protection Act

35294.10. (a) It is the intent of the Legislature that all public schools with grades kindergarten to 7, inclusive, have access to supplemental resources to establish programs and strategies that promote school safety and emphasize violence prevention among children and youth in the public schools. It is further the intent of the Legislature to fund and coordinate the programs and activities carried out pursuant to the Interagency School Safety Demonstration Act of 1985 (Chapter 2.5 (commencing with Section 32260)), relating to safe school model programs; Article 10.3 (commencing with Section 35294), relating to the development of school safety plans; and Article 6 (commencing with Section 32296) of Chapter 2.5, relating to school community policing, in a cooperative and interactive effort to promote school safety and violence prevention in the public schools.

(b) It is further the intent of the Legislature that the Superintendent of Public Instruction and the Attorney General shall utilize available resources to make every effort to coordinate activities and the distribution of resources to maximize their effective and efficient use in establishing and maintaining safe schools.

35294.11. (a) The School Safety and Violence Prevention Strategy Program is hereby established to be administered by the Superintendent of Public Instruction for the purpose of promoting school safety and violence prevention programs among children and youth in the public schools.

(b) The Superintendent of Public Instruction, in conjunction with the Attorney General, shall develop standards and guidelines for evaluating proposals, and shall award grants on a competitive basis, as authorized by this article, to schools and school districts serving grades kindergarten to 7, inclusive, that meet the following conditions:

(1) The school has developed a school safety plan as required by Article 10.3 (commencing with Section 35294).

(2) The school demonstrates its ability to carry out a collaborative and coordinated approach for implementing a comprehensive school safety and violence prevention strategy.

(3) After initial eligibility has been determined, a process of random selection for grants awarded pursuant to this article shall be used that ensure that, at a minimum, all of the following criteria are met:

(A) Schools are selected from the northern, central, and southern areas of the state.

(B) Schools selected represent large, medium, and small sized numbers in their pupil populations.

(C) Schools are selected from urban, suburban, and rural areas.

35294.12. Schools or school districts that apply for funding pursuant to this article shall submit an application that includes, but is not limited to, the following:

(a) A school safety plan required by Article 10.3 (commencing with Section 35294).

(b) A school violence prevention strategy for improving and marshaling the resources set forth in the school safety plan to promote school safety and violence prevention programs among children and youth.

35294.13. The Superintendent of Public Instruction shall award grants under this article for one or more of the following purposes:

(a) Providing schools with personnel, including, but not limited to, school counselors, school social workers, school nurses, and school psychologists, who are specially trained in identifying and supporting at-risk children and youth where the applicant demonstrates that appropriate support activities are necessary and would be desirable in addressing identified problems, issues, and needs, including, but

not limited to, classes pertaining to anger management and conflict resolution.

(b) Providing effective and accessible on campus communication devices, where the applicant demonstrates that the use of these devices, beyond everyday, routine matters, is part of the school safety plan developed pursuant to Article 10.3 (commencing with Section 35294).

(c) Establishing an in-service training program for all school staff, designed to assist school staff in identifying at-risk children and youth, communicating effectively with those pupils, and appropriately referring those pupils for counseling.

(d) Establishing cooperative arrangements with local law enforcement agencies for appropriate school-community relationships.

(e) Proposals that allow school districts to respond to existing or subsequent research that establishes structural changes in the operation of schools, such as smaller schools or “schools within schools.”

(f) Any other proposal that the applicant school or school district designs that demonstrates that the proposal would materially contribute to meeting the goals and objectives of current law in providing for safe schools and preventing violence among children and youth.

35294.14. The Superintendent of Public Instruction and the Attorney General shall cooperatively design an evaluation process for the programs and activities established pursuant to this article and shall report to the Legislature by January 1 of each year, commencing in 2001, any recommendations for modifications to existing law relative to school safety and violence prevention among children and youth.

35294.15. Unless otherwise required by law, the Superintendent of Public Instruction shall establish the rules and regulations for the application process to be utilized by schools and school districts to obtain funds made available by this or any other provision of law or by the annual Budget Act to promote school safety and violence prevention among children and youth. To perform the duties of this article or any of the activities in subdivision (a) of Section 35294.10, up to 5 percent of the total funds appropriated for purposes of this article may be utilized by the Superintendent of Public Instruction for administrative costs.

SEC. 12. Section 1170.17 is added to the Penal Code, to read:

1170.17. (a) When a person is prosecuted for a criminal offense committed while he or she was under the age of 18 years and the prosecution is lawfully initiated in a court of criminal jurisdiction without a prior finding that the person is not a fit and proper subject to be dealt with under the juvenile court law, upon subsequent conviction for any criminal offense, the person shall be subject to the same sentence as an adult convicted of the identical offense, in accordance with the provisions set forth in subdivision (a) of Section 1170.19, except under the circumstances described in subdivision (b) or (c).

(b) Where the conviction is for the type of offense which, in combination with the person’s age at the time the offense was committed, makes the person eligible for transfer to a court of criminal jurisdiction, pursuant to a rebuttable presumption that the person is not a fit and proper subject to be dealt with under the juvenile court law, and the prosecution for the offense could not lawfully be initiated in a court of criminal jurisdiction, then either of the following shall apply:

(1) The person shall be subject to the same sentence as an adult convicted of the identical offense in accordance with the provisions set forth in subdivision (a) of Section 1170.19, unless the person

prevails upon a motion brought pursuant to paragraph (2).

(2) Upon a motion brought by the person, the court shall order the probation department to prepare a written social study and recommendation concerning the person's fitness to be dealt with under the juvenile court law and the court shall either conduct a fitness hearing or suspend proceedings and remand the matter to the juvenile court to prepare a social study and make a determination of fitness. The person shall receive a disposition under the juvenile court law only if the person demonstrates, by a preponderance of the evidence, that he or she is a fit and proper subject to be dealt with under the juvenile court law, based upon each of the following five criteria:

(A) The degree of criminal sophistication exhibited by the person.

(B) Whether the person can be rehabilitated prior to the expiration of the juvenile court's jurisdiction.

(C) The person's previous delinquent history.

(D) Success of previous attempts by the juvenile court to rehabilitate the person.

(E) The circumstances and gravity of the offense for which the person has been convicted.

If the court conducting the fitness hearing finds that the person is not a fit and proper subject for juvenile court jurisdiction, then the person shall be sentenced by the court where he or she was convicted, in accordance with the provisions of paragraph (1). If the court conducting the hearing on fitness finds that the person is a fit and proper subject for juvenile court jurisdiction, then the person shall be subject to a disposition in accordance with the provisions of subdivision (b) of Section 1170.19.

(c) Where the conviction is for the type of offense which, in combination with the person's age at the time the offense was committed, makes the person eligible for transfer to a court of criminal jurisdiction, pursuant to a rebuttable presumption that the person is a fit and proper subject to be dealt with under the juvenile court law, then the person shall be sentenced as follows:

(1) The person shall be subject to a disposition under the juvenile court law, in accordance with the provisions of subdivision (b) of Section 1170.19, unless the district attorney prevails upon a motion, as described in paragraph (2).

(2) Upon a motion brought by the district attorney, the court shall order the probation department to prepare a written social study and recommendation concerning whether the person is a fit and proper subject to be dealt with under the juvenile court law. The court shall either conduct a fitness hearing or suspend proceedings and remand the matter to the juvenile court for a determination of fitness. The person shall be subject to a juvenile disposition under the juvenile court law unless the district attorney demonstrates, by a preponderance of the evidence, that the person is a fit and proper subject to be dealt with under the juvenile court law, based upon the five criteria set forth in paragraph (2) of subdivision (b). If the person is found to be not a fit and proper subject to be dealt with under the juvenile court law, then the person shall be sentenced in the court where he or she was convicted, in accordance with the provisions set forth in subdivision (a) of Section 1170.19. If the person is found to be a fit and proper subject to be dealt with under the juvenile court law, the person shall be subject to a disposition, in accordance with the provisions of subdivision (b) of Section 1170.19.

(d) Where the conviction is for the type of offense which, in combination with the person's age, does not make the person eligible for transfer to a court of criminal jurisdiction, the person shall be subject to a disposition in accordance with the provisions of subdivision (b) of Section 1170.19.

SEC. 12.1. Section 1170.19 is added to the Penal Code, to read:

1170.19. (a) Notwithstanding any other provision of law, the following shall apply to a person sentenced pursuant to Section 1170.17.

(1) The person may be committed to the Youth Authority only to the extent the person meets the eligibility criteria set forth in Section 1732.6 of the Welfare and Institutions Code.

(2) The person shall not be housed in any facility under the jurisdiction of the Department of Corrections, if the person is under the age of 16 years.

(3) The person shall have his or her criminal court records accorded the same degree of public access as the records pertaining to the conviction of an adult for the identical offense.

(4) Subject to the knowing and intelligent consent of both the prosecution and the person being sentenced pursuant to this section, the court may order a juvenile disposition under the juvenile court law, in lieu of a sentence under this code, upon a finding that such an order would serve the best interests of justice, protection of the community, and the person being sentenced. Prior to ordering a juvenile disposition, the court shall cause to be received into evidence a social study by the probation officer, prepared pursuant to Section 706 of the Welfare and Institutions Code, and shall state that the social study made by the probation officer has been read and considered by the court.

(b) Notwithstanding any other provision of law, the following shall apply to a person who is eligible to receive a juvenile disposition pursuant to Section 1170.17.

(1) The person shall be entitled a hearing on the proper disposition of the case, conducted in accordance with the provisions of Section 706 of the Welfare and Institutions Code. The court in which the conviction occurred shall order the probation department to prepare a written social study and recommendation concerning the proper disposition of the case, prior to conducting the hearing or remand the matter to the juvenile court for purposes of preparing the social study, conducting the disposition hearing pursuant to Section 706 of the Welfare and Institutions Code, and making a disposition order under the juvenile court law.

(2) The person shall have his or her conviction deemed to be a finding of delinquency wardship under Section 602 of the Welfare and Institutions Code.

(3) The person shall have his or her criminal court records accorded the same degree of confidentiality as if the matter had been initially prosecuted as a delinquency petition in the juvenile court.

(4) Subject to the knowing and intelligent consent of both the prosecution and the person being sentenced pursuant to this section, the court may impose an adult sentence under this code, in lieu of ordering a juvenile disposition under the juvenile court law, upon a finding that such an order would serve the best interests of justice, protection of the community, and the person being sentenced. Prior to ordering an adult sentence, the court shall cause to be received into evidence a social study by the probation officer, prepared pursuant to Section 706 of the Welfare and Institutions Code, and shall state that the social study prepared by the probation officer has been read and considered by the court.

SEC. 12.2. Section 602 of the Welfare and Institutions Code is amended to read:

602. (a) Except as provided in subdivision (b), any person who is under the age of 18 years when he or she violates any law of this state or of the United States or any ordinance of any city or county of this state defining crime other than an ordinance establishing a curfew based solely on age, is within the jurisdiction of the juvenile court, which may adjudge the person to be a ward of the court.

(b) Subject to the provisions of this section, any person 16 years of

age or older, who is alleged and proven to have been declared a ward of the court pursuant to this section on one or more prior occasions for the commission of one or more felonies, committed after he or she had attained the age of 14 years, shall be prosecuted in a court of criminal jurisdiction if he or she is alleged to have committed any of the following criminal offenses:

(1) Murder in the first degree, as described in Sections 187 and 189 of the Penal Code, if the prosecutor alleges that the minor personally killed the victim.

(2) Attempted, willful, deliberate, and premeditated murder, if the prosecutor alleges that the minor personally attempted to kill the victim.

(3) The following sex offenses, if the prosecutor alleges that the minor personally committed any of these offenses and that one of the circumstances enumerated in subdivision (d) or (e) of Section 667.61 of the Penal Code exists:

(A) Rape, as described in paragraph (2) of subdivision (a) of Section 261 of the Penal Code.

(B) Spousal rape, as described in paragraph (1) of subdivision (a) of Section 262 of the Penal Code.

(C) Forcible sex offenses in concert with another, as described in Section 264.1 of the Penal Code.

(D) Forcible lewd and lascivious acts on a child under the age of 14 years, as described in subdivision (b) of Section 288 of the Penal Code.

(E) Forcible penetration by foreign object, as described in subdivision (a) of Section 289 of the Penal Code.

(F) Sodomy or oral copulation in violation of Section 286 or 288a of the Penal Code, by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.

(4) Aggravated forms of kidnapping, for which the penalty is life in prison, and in which the perpetrator personally and intentionally exposed the victim to a substantial likelihood of death or great bodily injury.

(5) Any felony enumerated in subdivision (a) of Section 12022.53 of the Penal Code, in which the minor personally uses and discharges a firearm, within the meaning of either subdivision (c) or (d) of Section 12022.53 of the Penal Code.

(c) Any minor directly charged under subdivision (b) shall have the right to a preliminary hearing to determine if there is probable cause to hold him or her to answer. If the magistrate holds the defendant minor to answer for a crime set forth in subdivision (b), the prosecution may file an information charging one or more of these enumerated crimes and any other properly joined crimes or enhancements. The case shall proceed in criminal court unless the defendant minor prevails in a motion to dismiss pursuant to Section 995 of the Penal Code, including pursuant to any appeal or writ arising from the motion to dismiss.

(d) Notwithstanding any other provision of law, no person under the age of 16 years shall be housed in any facility under the jurisdiction of the Department of Corrections.

SEC. 13. Section 602.5 is added to the Welfare and Institutions Code, to read:

602.5. (a) Notwithstanding any other law and pursuant to the provisions of this section, the juvenile court shall commit any minor adjudicated to be a ward of the court for the personal use of a firearm in the commission of a violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code, to placement in a juvenile hall, ranch, camp, or with the Youth Authority.

(b) A court may impose a treatment-based alternative placement order on any minor subject to this section if the court finds the minor

has a mental disorder requiring intensive treatment. Any alternative placement order under this subdivision shall be made on the record, in writing, and in accordance with Article 3 (commencing with Section 6550) of Chapter 2 of Part 2 of Division 6.

SEC. 14. Section 606 of the Welfare and Institutions Code is amended to read:

606. When a petition has been filed in a juvenile court, the minor who is the subject of the petition shall not thereafter be subject to criminal prosecution based on the facts giving rise to the petition unless the juvenile court finds that the minor is not a fit and proper subject to be dealt with under this chapter and orders that criminal proceedings be resumed or instituted against him, or the petition is transferred to a court of criminal jurisdiction pursuant to subdivision (b) of Section 707.01.

SEC. 15. Section 625.3 of the Welfare and Institutions Code is amended to read:

625.3. Notwithstanding Section 625, a minor who is 14 years of age or older and who is taken into custody by a peace officer for the personal use or possession of a firearm during the commission or attempted commission of a felony shall not be released until that minor is brought before a judicial officer. At the time the minor is brought before a judicial officer, the judicial officer shall assess the minor's mental health status, and shall order the minor to continue to be detained and a mental health evaluation conducted in accordance with Article 3 (commencing with Section 6550) of Chapter 2 of Part 2 of Division 6, if the judicial officer concludes that the minor poses a danger to the safety of himself or herself, or to the public. Any firearm found on the person of a minor subject to this section shall be confiscated.

SEC. 16. Section 628.1 of the Welfare and Institutions Code is amended to read:

628.1. If the minor meets one or more of the criteria for detention under Section 628, but the probation officer believes that 24-hour secure detention is not necessary in order to protect the minor or the person or property of another, or to ensure that the minor does not flee the jurisdiction of the court, the probation officer shall proceed according to this section.

Unless one of the conditions described in paragraph (1), (2), or (3) of subdivision (a) of Section 628 exists, the probation officer shall release such minor to his or her parent, guardian, or responsible relative on home supervision. As a condition for such release, the probation officer shall require the minor to sign a written promise that he or she understands and will observe the specific conditions of home supervision release. As an additional condition for release, the probation officer also shall require the minor's parent, guardian, or responsible relative to sign a written promise, translated into a language the parent understands, if necessary, that he or she understands the specific conditions of home supervision release. These conditions may include curfew and school attendance requirements related to the protection of the minor or the person or property of another, or to the minor's appearances at court hearings. A minor who violates a specific condition of home supervision release which he or she has promised in writing to obey may be taken into custody and placed in secure detention, subject to court review at a detention hearing.

A minor on home supervision shall be entitled to the same legal protections as a minor in secure detention, including a detention hearing.

SEC. 17. Section 629 of the Welfare and Institutions Code is amended to read:

629. As a condition for the release of a minor pursuant to Section 628.1 and subject to Sections 631 and 632, the probation officer shall

require the minor to sign, and may also require his or her parent, guardian, or relative to sign, a written promise to appear before the probation officer at the juvenile hall or other suitable place designated by the probation officer at a specified time.

SEC. 17.5. Section 656.2 of the Welfare and Institutions Code is amended to read:

656.2. (a) Notwithstanding any other provision of law, a victim shall have the right to present a victim impact statement in all juvenile court hearings concerning petitions filed pursuant to Section 602 alleging the commission of any criminal offense. In any case in which a minor is alleged to have committed a criminal offense, the probation officer shall inform the victim of the rights of victims to submit a victim impact statement. If the victim exercises the right to submit a victim impact statement to the probation officer, the probation officer shall include the statement in his or her social study submitted to the court pursuant to Section 706 and, if applicable, in his or her report submitted to the court pursuant to Section 707. The probation officer also shall advise those persons as to the time and place of the disposition hearing to be conducted pursuant to Sections 702 and 706; any fitness hearing to be conducted pursuant to Section 707, and any other judicial proceeding concerning the case.

The probation officer shall also provide the victim with information concerning the victim's right to an action for civil damages against the minor and his or her parents and the victim's opportunity to be compensated from the restitution fund. The information shall be in the form of written material prepared by the Judicial Council and shall be provided to each victim for whom the probation officer has a current mailing address.

(b) Notwithstanding any other provision of law, the persons from whom the probation officer is required to solicit a statement pursuant to subdivision (a) shall have the right to attend the disposition hearing conducted pursuant to Section 702 and to express their views concerning the offense and disposition of the case pursuant to Section 706, to attend any fitness hearing conducted pursuant to Section 707, and to be present during juvenile proceedings as provided in Section 676.5.

(c) Notwithstanding any other provision of law, in any case in which a minor is alleged to have committed an act subject to a fitness hearing under Section 707, the victim shall have the right to be informed of all court dates and continuances pertaining to the case, and shall further have the right to obtain copies of the charging petition, the minutes of the proceedings, and orders of adjudications and disposition of the court that are contained in the court file. The arresting agency shall notify the victim in a timely manner of the address and telephone number of the juvenile branch of the district attorney's office that will be responsible for the case and for informing the victim of the victim's right to attend hearings and obtain documents as provided in this section. The district attorney shall, upon request, inform the victim of the date of the fitness hearing, the date of the disposition hearing, and the dates for any continuances of those hearings, and shall inform the court if the victim seeks to exercise his or her right to obtain copies of the documents described in this subdivision.

Where the proceeding against the minor is based on a felony that is not listed in Section 676, a victim who obtains information about the minor under this subdivision shall not disclose or disseminate this information beyond his or her immediate family or support persons authorized by Section 676, unless authorized to do so by a judge of the juvenile court, and the judge may suspend or terminate the right of the victim to access to information under this subdivision if the information is improperly disclosed or disseminated by the victim or any members of his or her immediate family. The intentional

dissemination of documents in violation of this subdivision is a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500). Documents released by the court to a victim pursuant to this section shall be stamped as confidential and with a statement that the unlawful dissemination of the documents is a misdemeanor punishable by a fine of not more than five hundred dollars (\$500).

(d) Upon application of the district attorney for good cause and a showing of potential danger to the public, the court may redact any information contained in any documents released by the court to a victim pursuant to this section.

(e) For purposes of this section, “victim” means the victim, the parent or guardian of the victim if the victim is a minor, or, if the victim has died, the victim’s next of kin.

SEC. 18. Section 676 of the Welfare and Institutions Code is amended to read:

676. (a) Except as provided in this section, juvenile hearings concerning petitions filed pursuant to Section 602 alleging that a minor has violated one or more of the following offenses shall be open to the public to the same extent, and on the same basis, as trials in a court of criminal jurisdiction:

- (1) Murder.
- (2) Arson of an inhabited building.
- (3) Robbery while armed with a dangerous or deadly weapon.
- (4) Rape with force or violence or threat of great bodily harm.
- (5) Sodomy by force, violence, duress, menace, or threat of great bodily harm.
- (6) Oral copulation by force, violence, duress, menace, or threat of great bodily harm.
- (7) Any offense specified in subdivision (a) of Section 289 of the Penal Code.
- (8) Kidnapping for ransom.
- (9) Kidnapping in violation of subdivision (b) of Section 209 of the Penal Code.
- (10) Kidnapping with bodily harm.
- (11) Assault with intent to murder or attempted murder.
- (12) Assault with a firearm or destructive device.
- (13) Assault by any means of force likely to produce great bodily injury.
- (14) Discharge of a firearm into an inhabited or occupied building.
- (15) Any offense described in Section 1203.09 of the Penal Code.
- (16) Any offense described in Section 12022.5 or 12022.53 of the Penal Code.
- (17) Any felony offense in which a minor personally used a weapon listed in subdivision (a) of Section 12020 of the Penal Code.
- (18) Burglary of an inhabited dwelling house or trailer coach, as defined in Section 635 of the Vehicle Code, or the inhabited portion of any other building, if the minor previously has been adjudged a ward of the court by reason of the commission of any offense listed in this section, including an offense listed in this paragraph.
- (19) Any felony offense described in Section 136.1 or 137 of the Penal Code.
- (20) Any offense as specified in Sections 11351, 11351.5, 11352, 11378, 11378.5, 11379, and 11379.5 of the Health and Safety Code.
- (21) Criminal street gang activity which constitutes a felony pursuant to Section 186.22 of the Penal Code.
- (22) Manslaughter as specified in Section 192 of the Penal Code.
- (23) Driveby shooting or discharge of a weapon from or at a motor vehicle as specified in Sections 246, 247, and 12034 of the Penal Code.
- (24) Any crime committed with an assault weapon, as defined in Section 12276 of the Penal Code, including possession of an assault weapon as specified in subdivision (b) of Section 12280 of the Penal

Code.

(25) Carjacking, while armed with a dangerous or deadly weapon.

(26) Kidnapping, in violation of Section 209.5 of the Penal Code.

(27) Torture, as described in Sections 206 and 206.1 of the Penal Code.

(28) Aggravated mayhem, in violation of Section 205 of the Penal Code.

(b) Where the petition filed alleges that the minor is a person described in Section 602 by reason of the commission of rape with force or violence or great bodily harm; sodomy by force, violence, duress, menace, or threat of great bodily harm; oral copulation by force, violence, duress, menace, or threat of great bodily harm; or any offense specified in Section 289 of the Penal Code, members of the public shall not be admitted to the hearing in either of the following instances:

(1) Upon a motion for a closed hearing by the district attorney, who shall make the motion if so requested by the victim.

(2) During the victim's testimony, if, at the time of the offense the victim was under 16 years of age.

(c) Notwithstanding any other provision of law, up to two family members or support persons of a prosecuting witness' choosing may attend juvenile proceedings, as authorized by Section 868.5 of the Penal Code.

(d) A judge or referee may admit to juvenile proceedings those persons he or she deems to have a direct and legitimate interest in the particular case or work of the court.

(e) The name of a minor found to have committed one of the offenses listed in subdivision (a) shall not be confidential, unless the court, for good cause, so orders. The court shall make a written finding, on the record, explaining why good cause exists to make the name of the minor confidential.

(f) Notwithstanding Sections 827 and 828 and subject to subdivisions (g) and (h), when a petition is sustained for any offense listed in subdivision (a), the charging petition, the minutes of the proceeding, and the orders of adjudication and disposition of the court that are contained in the court file shall be available for public inspection. Nothing in this subdivision shall be construed to authorize public access to any other documents in the court file.

(g) The probation officer or any party may petition the juvenile court to prohibit disclosure to the public of any file or record. The juvenile court shall prohibit the disclosure if it appears that the harm to the minor, victims, witnesses, or public from the public disclosure outweighs the benefit of public knowledge. The court shall make a written finding, on the record, explaining the basis of the court's decision to prohibit disclosure.

(h) Nothing in this section shall be applied to limit the disclosure of information as otherwise provided for by law.

(i) Unless requested by the minor against whom a petition has been filed pursuant to Section 601 or 602 and by any parent or guardian present, the public shall not be admitted to a juvenile court hearing except as provided by this section.

(j) The court shall post daily public notices of juvenile proceedings open to the public.

SEC. 19. Section 676.5 of the Welfare and Institutions Code is amended to read:

676.5. The right of victims of juvenile offenses to be present during juvenile proceedings, as specified in subdivision (a), shall be secured as follows:

(a) Notwithstanding any other law, and except as provided in subdivision (d), a victim and up to two support persons of the victim's choosing shall be entitled to be admitted, on the same basis as he or

she may be admitted to trials in a court of criminal jurisdiction, to juvenile court hearings concerning petitions filed pursuant to Section 602 alleging the commission of any criminal offense, and shall be so notified by the probation officer in person or by registered mail, return receipt requested, together with a notice explaining all other rights and services available to the victim with respect to the case.

(b) A victim or his or her support person may be excluded from a juvenile court hearing described in subdivision (a) only if each of the following criteria are met:

(1) Any movant, including the minor defendant, who seeks to exclude the victim or his or her support person from a hearing demonstrates that there is a substantial probability that overriding interests will be prejudiced by the presence of the victim or his or her support person.

(2) The court considers reasonable alternatives to exclusion of the victim or his or her support person from the hearing.

(3) The exclusion of the victim or his or her support person from a hearing, or any limitation on his or her presence at a hearing, is narrowly tailored to serve the overriding interests identified by the movant.

(4) Following a hearing at which any person who is to be excluded from a juvenile court hearing is afforded an opportunity to be heard, the court makes specific factual findings that support the exclusion of the victim or his or her support person from, or any limitation on his or her presence at, the juvenile court hearing.

(c) As used in this section, "victim" means (1) the alleged victim of the offense and one person of his or her choosing or however many more the court may allow under the particular circumstances surrounding the proceeding, (2) in the event that the victim is unable to attend the proceeding, two persons designated by the victim or however many more the court may allow under the particular circumstances surrounding the proceeding, or (3) if the victim is no longer living, two members of the victim's immediate family or however many more the court may allow under the particular circumstances surrounding the proceeding.

(d) Nothing in this section shall prevent a court from excluding a victim or his or her support person from a hearing, pursuant to Section 777 of the Evidence Code, when the victim is subpoenaed as a witness. An order of exclusion shall be consistent with the objectives of paragraphs (1) to (4), inclusive, of subdivision (b) to allow the victim to be present, whenever possible, at all hearings.

SEC. 20. Section 725.1 is added to the Welfare and Institutions Code, to read:

725.1. The juvenile court shall report to the Department of Justice the complete criminal history of any minor found to be a person adjudged to be a ward of the court under Section 602 because of the commission of any felony offense set forth in Section 667.5 or 1192.7 of the Penal Code. The Department of Justice shall retain this information and make it available in the same manner as information gathered pursuant to Chapter 2 (commencing with Section 13100) of Title 3 of Part 4 of the Penal Code.

SEC. 21. Section 730.7 is added to the Welfare and Institutions Code, to read:

730.7. (a) Except as provided in subdivision (b), the court shall require any minor who is ordered to pay restitution pursuant to Section 730.6, or to perform community service, to report to the court on his or her compliance with the court's restitution order or order for community service, or both, no less than annually until the order is fulfilled.

(b) For any minor committed to the Department of the Youth Authority, the department shall monitor the compliance with any order of the court that requires the minor to pay restitution. Upon the

minor's discharge from the Department of the Youth Authority, the department shall notify the court regarding the minor's compliance with an order to pay restitution.

SEC. 22. Section 827 of the Welfare and Institutions Code is amended to read:

827. (a) (1) Except as provided in Section 828, a petition filed in any juvenile court proceeding, reports of the probation officer, and all other documents filed in that case or made available to the probation officer in making his or her report, or to the judge, referee, or other hearing officer, and thereafter retained by the probation officer, judge, referee, or other hearing officer, may be inspected only by the following:

(A) Court personnel.

(B) The district attorney, a city attorney, or city prosecutor authorized to prosecute criminal or juvenile cases under state law.

(C) The minor who is the subject of the proceeding.

(D) His or her parents or guardian.

(E) The attorneys for the parties, and judges, referees, other hearing officers, probation officers and law enforcement officers who are actively participating in criminal or juvenile proceedings involving the minor.

(F) The superintendent or designee of the school district where the minor is enrolled or attending school.

(G) Members of the child protective agencies as defined in Section 11165.9 of the Penal Code.

(H) The State Department of Social Services to carry out its duties pursuant to Division 9 (commencing with Section 10000), and Part 5 (commencing with Section 7900) of Division 12 of the Family Code to oversee and monitor county child welfare agencies, children in foster care or receiving foster care assistance, and out-of-state placements.

(I) To authorized legal staff or special investigators who are peace officers who are employed by, or who are authorized representatives of, the State Department of Social Services, as necessary to the performance of their duties to inspect, license, and investigate community care facilities, and to ensure that the standards of care and services provided in those facilities are adequate and appropriate and to ascertain compliance with the rules and regulations to which the facilities are subject. The confidential information shall remain confidential except for purposes of inspection, licensing, or investigation pursuant to Chapter 3 (commencing with Section 1500) and Chapter 3.4 (commencing with Section 1596.70) of Division 2 of the Health and Safety Code, or a criminal, civil, or administrative proceeding in relation thereto. The confidential information may be used by the State Department of Social Services in a criminal, civil, or administrative proceeding. The confidential information shall be available only to the judge or hearing officer and to the parties to the case. Names that are confidential shall be listed in attachments separate to the general pleadings. The confidential information shall be sealed after the conclusion of the criminal, civil, or administrative hearings, and shall not subsequently be released except in accordance with this subdivision. If the confidential information does not result in a criminal, civil, or administrative proceeding, it shall be sealed after the State Department of Social Services decides that no further action will be taken in the matter of suspected licensing violations. Except as otherwise provided in this subdivision, confidential information in the possession of the State Department of Social Services shall not contain the name of the minor.

(J) Members of children's multidisciplinary teams, persons or agencies providing treatment or supervision of the minor.

(K) Any other person who may be designated by court order of

the judge of the juvenile court upon filing a petition.

(2) Any records or reports relating to a matter within the jurisdiction of the juvenile court prepared by or released by the court, a probation department, or the county department of social services, any portion of those records or reports, and information relating to the contents of those records or reports, shall not be disseminated by the receiving agencies to any persons or agencies, other than those persons or agencies authorized to receive documents pursuant to this section. Further, any of those records or reports, any portion of those records or reports, and information relating to the contents of those records or reports, shall not be made attachments to any other documents without the prior approval of the presiding judge of the juvenile court, unless they are used in connection with and in the course of a criminal investigation or a proceeding brought to declare a person a dependent child or ward of the juvenile court.

(b) (1) While the Legislature reaffirms its belief that juvenile court records, in general, should be confidential, it is the intent of the Legislature in enacting this subdivision to provide for a limited exception to juvenile court record confidentiality to promote more effective communication among juvenile courts, law enforcement agencies, and schools to ensure the rehabilitation of juvenile criminal offenders as well as to lessen the potential for drug use, violence, and other forms of delinquency.

(2) Notwithstanding subdivision (a), written notice that a minor enrolled in a public school, kindergarten to grade 12, inclusive, has been found by a court of competent jurisdiction to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Section 290 of the Penal Code, assault or battery, larceny, vandalism, or graffiti shall be provided by the court, within seven days, to the superintendent of the school district of attendance. Written notice shall include only the offense found to have been committed by the minor and the disposition of the minor's case. This notice shall be expeditiously transmitted by the district superintendent to the principal at the school of attendance. The principal shall expeditiously disseminate the information to those counselors directly supervising or reporting on the behavior or progress of the minor. In addition, the principal shall disseminate the information to any teacher or administrator directly supervising or reporting on the behavior or progress of the minor whom the principal believes needs the information to work with the pupil in an appropriate fashion, to avoid being needlessly vulnerable or to protect other persons from needless vulnerability.

Any information received by a teacher, counselor, or administrator under this subdivision shall be received in confidence for the limited purpose of rehabilitating the minor and protecting students and staff, and shall not be further disseminated by the teacher, counselor, or administrator, except insofar as communication with the juvenile, his or her parents or guardians, law enforcement personnel, and the juvenile's probation officer is necessary to effectuate the juvenile's rehabilitation or to protect students and staff.

An intentional violation of the confidentiality provisions of this paragraph is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500).

(3) If a minor is removed from public school as a result of the court's finding described in subdivision (b), the superintendent shall maintain the information in a confidential file and shall defer transmittal of the information received from the court until the minor is returned to public school. If the minor is returned to a school district other than the one from which the minor came, the parole or probation officer having jurisdiction over the minor shall so notify the superintendent of the last district of attendance, who shall transmit

the notice received from the court to the superintendent of the new district of attendance.

(c) Each probation report filed with the court concerning a minor whose record is subject to dissemination pursuant to subdivision (b) shall include on the face sheet the school at which the minor is currently enrolled. The county superintendent shall provide the court with a listing of all of the schools within each school district, within the county, along with the name and mailing address of each district superintendent.

(d) Each notice sent by the court pursuant to subdivision (b) shall be stamped with the instruction: "Unlawful Dissemination Of This Information Is A Misdemeanor." Any information received from the court shall be kept in a separate confidential file at the school of attendance and shall be transferred to the minor's subsequent schools of attendance and maintained until the minor graduates from high school, is released from juvenile court jurisdiction, or reaches the age of 18, whichever occurs first. After that time the confidential record shall be destroyed. At any time after the date by which a record required to be destroyed by this section should have been destroyed, the minor or his or her parent or guardian shall have the right to make a written request to the principal of the school that the minor's school records be reviewed to ensure that the record has been destroyed. Upon completion of any requested review and no later than 30 days after the request for the review was received, the principal or his or her designee shall respond in writing to the written request and either shall confirm that the record has been destroyed or, if the record has not been destroyed, shall explain why destruction has not yet occurred.

Except as provided in paragraph (2) of subdivision (b), no liability shall attach to any person who transmits or fails to transmit any notice or information required under subdivision (b).

SEC. 22.1. Section 827 of the Welfare and Institutions Code is amended to read:

827. (a) (1) Except as provided in Section 828, a case file may be inspected only by the following:

(A) Court personnel.

(B) The district attorney, a city attorney, or city prosecutor authorized to prosecute criminal or juvenile cases under state law.

(C) The minor who is the subject of the proceeding.

(D) His or her parents or guardian.

(E) The attorneys for the parties, and judges, referees, other hearing officers, probation officers and law enforcement officers who are actively participating in criminal or juvenile proceedings involving the minor.

(F) The superintendent or designee of the school district where the minor is enrolled or attending school.

(G) Members of the child protective agencies as defined in Section 11165.9 of the Penal Code.

(H) The State Department of Social Services to carry out its duties pursuant to Division 9 (commencing with Section 10000), and Part 5 (commencing with Section 7900) of Division 12 of the Family Code to oversee and monitor county child welfare agencies, children in foster care or receiving foster care assistance, and out-of-state placements.

(I) To authorized legal staff or special investigators who are peace officers who are employed by, or who are authorized representatives of, the State Department of Social Services, as necessary to the performance of their duties to inspect, license, and investigate community care facilities, and to ensure that the standards of care and services provided in those facilities are adequate and appropriate and to ascertain compliance with the rules and regulations to which the facilities are subject. The confidential information shall remain

confidential except for purposes of inspection, licensing, or investigation pursuant to Chapter 3 (commencing with Section 1500) and Chapter 3.4 (commencing with Section 1596.70) of Division 2 of the Health and Safety Code, or a criminal, civil, or administrative proceeding in relation thereto. The confidential information may be used by the State Department of Social Services in a criminal, civil, or administrative proceeding. The confidential information shall be available only to the judge or hearing officer and to the parties to the case. Names that are confidential shall be listed in attachments separate to the general pleadings. The confidential information shall be sealed after the conclusion of the criminal, civil, or administrative hearings, and shall not subsequently be released except in accordance with this subdivision. If the confidential information does not result in a criminal, civil, or administrative proceeding, it shall be sealed after the State Department of Social Services decides that no further action will be taken in the matter of suspected licensing violations. Except as otherwise provided in this subdivision, confidential information in the possession of the State Department of Social Services shall not contain the name of the minor.

(J) Members of children's multidisciplinary teams, persons or agencies providing treatment or supervision of the minor.

(K) Any other person who may be designated by court order of the judge of the juvenile court upon filing a petition.

(2) Notwithstanding any other law and subject to subparagraph (A) of paragraph (3), juvenile case files, except those relating to matters within the jurisdiction of the court pursuant to Section 601 or 602, which pertain to a deceased child who was within the jurisdiction of the juvenile court pursuant to Section 300, shall be released to the public pursuant to an order by the juvenile court after a petition has been filed and interested parties have been afforded an opportunity to file an objection. Any information relating to another child or which could identify another child, except for information about the deceased, shall be redacted from the juvenile case file prior to release, unless a specific order is made by the juvenile court to the contrary. Except as provided in this paragraph, the presiding judge of the juvenile court may issue an order prohibiting or limiting access to the juvenile case file, or any portion thereof, of a deceased child only upon a showing that release of the juvenile case file or any portion thereof is detrimental to the safety, protection, or physical, or emotional well-being of another child who is directly or indirectly connected to the juvenile case that is the subject of the petition.

(3) Access to juvenile case files pertaining to matters within the jurisdiction of the juvenile court pursuant to Section 300 shall be limited as follows:

(A) If a juvenile case file, or any portion thereof, is privileged or confidential pursuant to any other state law or federal law or regulation, the requirements of that state law or federal law or regulation prohibiting or limiting release of the juvenile case file or any portions thereof shall prevail. Unless a person is listed in subparagraphs (A) to (J), inclusive, of paragraph (1) and is entitled to access under the other state law or federal law or regulation without a court order, all those seeking access, pursuant to other authorization, to portions of, or information relating to the contents of, juvenile case files protected under another state law or federal law or regulation, shall petition the juvenile court. The juvenile court may only release the portion of, or information relating to the contents of, juvenile case files protected by another state law or federal law or regulation if disclosure is not detrimental to the safety, protection, or physical or emotional well-being of a child who is directly or indirectly connected to the juvenile case that is the subject of the petition. This paragraph shall not be construed to limit the

ability of the juvenile court to carry out its duties in conducting juvenile court proceedings.

(B) Prior to the release of the juvenile case file or any portion thereof, the court shall afford due process, including a notice of and an opportunity to file an objection to the release of the record or report to all interested parties.

(4) A juvenile case file, any portion thereof, and information relating to the content of the juvenile case file, shall not be disseminated by the receiving agencies to any persons or agencies, other than those persons or agencies authorized to receive documents pursuant to this section. Further, a juvenile case file, any portion thereof, and information relating to the content of the juvenile case file, shall not be made as an attachment to any other documents without the prior approval of the presiding judge of the juvenile court, unless it is used in connection with and in the course of a criminal investigation or a proceeding brought to declare a person a dependent child or ward of the juvenile court.

(b) (1) While the Legislature reaffirms its belief that juvenile court records, in general, should be confidential, it is the intent of the Legislature in enacting this subdivision to provide for a limited exception to juvenile court record confidentiality to promote more effective communication among juvenile courts, law enforcement agencies, and schools to ensure the rehabilitation of juvenile criminal offenders as well as to lessen the potential for drug use, violence, and other forms of delinquency.

(2) Notwithstanding subdivision (a), written notice that a minor enrolled in a public school, kindergarten to grade 12, inclusive, has been found by a court of competent jurisdiction to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Section 290 of the Penal Code, assault or battery, larceny, vandalism, or graffiti shall be provided by the court, within seven days, to the superintendent of the school district of attendance. Written notice shall include only the offense found to have been committed by the minor and the disposition of the minor's case. This notice shall be expeditiously transmitted by the district superintendent to the principal at the school of attendance. The principal shall expeditiously disseminate the information to those counselors directly supervising or reporting on the behavior or progress of the minor. In addition, the principal shall disseminate the information to any teacher or administrator directly supervising or reporting on the behavior or progress of the minor whom the principal believes needs the information to work with the pupil in an appropriate fashion, to avoid being needlessly vulnerable or to protect other persons from needless vulnerability.

Any information received by a teacher, counselor, or administrator under this subdivision shall be received in confidence for the limited purpose of rehabilitating the minor and protecting students and staff, and shall not be further disseminated by the teacher, counselor, or administrator, except insofar as communication with the juvenile, his or her parents or guardians, law enforcement personnel, and the juvenile's probation officer is necessary to effectuate the juvenile's rehabilitation or to protect students and staff.

An intentional violation of the confidentiality provisions of this paragraph is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500).

(3) If a minor is removed from public school as a result of the court's finding described in subdivision (b), the superintendent shall maintain the information in a confidential file and shall defer transmittal of the information received from the court until the minor is returned to public school. If the minor is returned to a school district other than the one from which the minor came, the parole or

probation officer having jurisdiction over the minor shall so notify the superintendent of the last district of attendance, who shall transmit the notice received from the court to the superintendent of the new district of attendance.

(c) Each probation report filed with the court concerning a minor whose record is subject to dissemination pursuant to subdivision (b) shall include on the face sheet the school at which the minor is currently enrolled. The county superintendent shall provide the court with a listing of all of the schools within each school district, within the county, along with the name and mailing address of each district superintendent.

(d) Each notice sent by the court pursuant to subdivision (b) shall be stamped with the instruction: "Unlawful Dissemination Of This Information Is A Misdemeanor." Any information received from the court shall be kept in a separate confidential file at the school of attendance and shall be transferred to the minor's subsequent schools of attendance and maintained until the minor graduates from high school, is released from juvenile court jurisdiction, or reaches the age of 18, whichever occurs first. After that time the confidential record shall be destroyed. At any time after the date by which a record required to be destroyed by this section should have been destroyed, the minor or his or her parent or guardian shall have the right to make a written request to the principal of the school that the minor's school records be reviewed to ensure that the record has been destroyed. Upon completion of any requested review and no later than 30 days after the request for the review was received, the principal or his or her designee shall respond in writing to the written request and either shall confirm that the record has been destroyed or, if the record has not been destroyed, shall explain why destruction has not yet occurred.

Except as provided in paragraph (2) of subdivision (b), no liability shall attach to any person who transmits or fails to transmit any notice or information required under subdivision (b).

(e) For purposes of this section, a "juvenile case file" means a petition filed in any juvenile court proceeding, reports of the probation officer, and all other documents filed in that case or made available to the probation officer in making his or her report, or to the judge, referee, or other hearing officer, and thereafter retained by the probation officer, judge, referee, or other hearing officer.

SEC. 22.2. Section 827 of the Welfare and Institutions Code is amended to read:

827. (a) (1) Except as provided in Section 828, a petition filed in any juvenile court proceeding, reports of the probation officer, and all other documents filed in that case or made available to the probation officer in making his or her report, or to the judge, referee, or other hearing officer, and thereafter retained by the probation officer, judge, referee, or other hearing officer, may be inspected only by the following:

(A) Court personnel.

(B) The district attorney, a city attorney, or city prosecutor authorized to prosecute criminal or juvenile cases under state law.

(C) The minor who is the subject of the proceeding.

(D) His or her parents or guardian.

(E) The attorneys for the parties, and judges, referees, other hearing officers, probation officers and law enforcement officers who are actively participating in criminal or juvenile proceedings involving the minor.

(F) The superintendent or designee of the school district where the minor is enrolled or attending school.

(G) Members of the child protective agencies as defined in Section 11165.9 of the Penal Code.

(H) The State Department of Social Services to carry out its duties

pursuant to Division 9 (commencing with Section 10000), and Part 5 (commencing with Section 7900) of Division 12 of the Family Code to oversee and monitor county child welfare agencies, children in foster care or receiving foster care assistance, and out-of-state placements.

(I) To authorized legal staff or special investigators who are peace officers who are employed by, or who are authorized representatives of, the State Department of Social Services, as necessary to the performance of their duties to inspect, license, and investigate community care facilities, and to ensure that the standards of care and services provided in those facilities are adequate and appropriate and to ascertain compliance with the rules and regulations to which the facilities are subject. The confidential information shall remain confidential except for purposes of inspection, licensing, or investigation pursuant to Chapter 3 (commencing with Section 1500) and Chapter 3.4 (commencing with Section 1596.70) of Division 2 of the Health and Safety Code, or a criminal, civil, or administrative proceeding in relation thereto. The confidential information may be used by the State Department of Social Services in a criminal, civil, or administrative proceeding. The confidential information shall be available only to the judge or hearing officer and to the parties to the case. Names that are confidential shall be listed in attachments separate to the general pleadings. The confidential information shall be sealed after the conclusion of the criminal, civil, or administrative hearings, and shall not subsequently be released except in accordance with this subdivision. If the confidential information does not result in a criminal, civil, or administrative proceeding, it shall be sealed after the State Department of Social Services decides that no further action will be taken in the matter of suspected licensing violations. Except as otherwise provided in this subdivision, confidential information in the possession of the State Department of Social Services shall not contain the name of the minor.

(J) Members of children's multidisciplinary teams, persons or agencies providing treatment or supervision of the minor.

(K) Any other person who may be designated by court order of the judge of the juvenile court upon filing a petition.

(2) Any records or reports relating to a matter within the jurisdiction of the juvenile court prepared by or released by the court, a probation department, or the county department of social services, any portion of those records or reports, and information relating to the contents of those records or reports, shall not be disseminated by the receiving agencies to any persons or agencies, other than those persons or agencies authorized to receive documents pursuant to this section. Further, any of those records or reports, any portion of those records or reports, and information relating to the contents of those records or reports, shall not be made attachments to any other documents without the prior approval of the presiding judge of the juvenile court, unless they are used in connection with and in the course of a criminal investigation or a proceeding brought to declare a person a dependent child or ward of the juvenile court.

(b) (1) While the Legislature reaffirms its belief that juvenile court records, in general, should be confidential, it is the intent of the Legislature in enacting this subdivision to provide for a limited exception to juvenile court record confidentiality to promote more effective communication among juvenile courts, family courts, law enforcement agencies, and schools to ensure the rehabilitation of juvenile criminal offenders as well as to lessen the potential for drug use, violence, other forms of delinquency, and child abuse.

(2) Notwithstanding subdivision (a), written notice that a minor enrolled in a public school, kindergarten to grade 12, inclusive, has been found by a court of competent jurisdiction to have committed any felony or any misdemeanor involving curfew, gambling, alcohol,

drugs, tobacco products, carrying of weapons, a sex offense listed in Section 290 of the Penal Code, assault or battery, larceny, vandalism, or graffiti shall be provided by the court, within seven days, to the superintendent of the school district of attendance. Written notice shall include only the offense found to have been committed by the minor and the disposition of the minor's case. This notice shall be expeditiously transmitted by the district superintendent to the principal at the school of attendance. The principal shall expeditiously disseminate the information to those counselors directly supervising or reporting on the behavior or progress of the minor. In addition, the principal shall disseminate the information to any teacher or administrator directly supervising or reporting on the behavior or progress of the minor whom the principal believes needs the information to work with the pupil in an appropriate fashion, to avoid being needlessly vulnerable or to protect other persons from needless vulnerability.

Any information received by a teacher, counselor, or administrator under this subdivision shall be received in confidence for the limited purpose of rehabilitating the minor and protecting students and staff, and shall not be further disseminated by the teacher, counselor, or administrator, except insofar as communication with the juvenile, his or her parents or guardians, law enforcement personnel, and the juvenile's probation officer is necessary to effectuate the juvenile's rehabilitation or to protect students and staff.

An intentional violation of the confidentiality provisions of this paragraph is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500).

(3) If a minor is removed from public school as a result of the court's finding described in subdivision (b), the superintendent shall maintain the information in a confidential file and shall defer transmittal of the information received from the court until the minor is returned to public school. If the minor is returned to a school district other than the one from which the minor came, the parole or probation officer having jurisdiction over the minor shall so notify the superintendent of the last district of attendance, who shall transmit the notice received from the court to the superintendent of the new district of attendance.

(c) Each probation report filed with the court concerning a minor whose record is subject to dissemination pursuant to subdivision (b) shall include on the face sheet the school at which the minor is currently enrolled. The county superintendent shall provide the court with a listing of all of the schools within each school district, within the county, along with the name and mailing address of each district superintendent.

(d) Each notice sent by the court pursuant to subdivision (b) shall be stamped with the instruction: "Unlawful Dissemination Of This Information Is A Misdemeanor." Any information received from the court shall be kept in a separate confidential file at the school of attendance and shall be transferred to the minor's subsequent schools of attendance and maintained until the minor graduates from high school, is released from juvenile court jurisdiction, or reaches the age of 18, whichever occurs first. After that time the confidential record shall be destroyed. At any time after the date by which a record required to be destroyed by this section should have been destroyed, the minor or his or her parent or guardian shall have the right to make a written request to the principal of the school that the minor's school records be reviewed to ensure that the record has been destroyed. Upon completion of any requested review and no later than 30 days after the request for the review was received, the principal or his or her designee shall respond in writing to the written request and either shall confirm that the record has been destroyed or, if the record has not been destroyed, shall explain why destruction has not

yet occurred.

Except as provided in paragraph (2) of subdivision (b), no liability shall attach to any person who transmits or fails to transmit any notice or information required under subdivision (b).

SEC. 22.3. Section 827 of the Welfare and Institutions Code is amended to read:

827. (a) (1) Except as provided in Section 828, a case file may be inspected only by the following:

(A) Court personnel.

(B) The district attorney, a city attorney, or city prosecutor authorized to prosecute criminal or juvenile cases under state law.

(C) The minor who is the subject of the proceeding.

(D) His or her parents or guardian.

(E) The attorneys for the parties, and judges, referees, other hearing officers, probation officers and law enforcement officers who are actively participating in criminal or juvenile proceedings involving the minor.

(F) The superintendent or designee of the school district where the minor is enrolled or attending school.

(G) Members of the child protective agencies as defined in Section 11165.9 of the Penal Code.

(H) The State Department of Social Services to carry out its duties pursuant to Division 9 (commencing with Section 10000), and Part 5 (commencing with Section 7900) of Division 12 of the Family Code to oversee and monitor county child welfare agencies, children in foster care or receiving foster care assistance, and out-of-state placements.

(I) To authorized legal staff or special investigators who are peace officers who are employed by, or who are authorized representatives of, the State Department of Social Services, as necessary to the performance of their duties to inspect, license, and investigate community care facilities, and to ensure that the standards of care and services provided in those facilities are adequate and appropriate and to ascertain compliance with the rules and regulations to which the facilities are subject. The confidential information shall remain confidential except for purposes of inspection, licensing, or investigation pursuant to Chapter 3 (commencing with Section 1500) and Chapter 3.4 (commencing with Section 1596.70) of Division 2 of the Health and Safety Code, or a criminal, civil, or administrative proceeding in relation thereto. The confidential information may be used by the State Department of Social Services in a criminal, civil, or administrative proceeding. The confidential information shall be available only to the judge or hearing officer and to the parties to the case. Names that are confidential shall be listed in attachments separate to the general pleadings. The confidential information shall be sealed after the conclusion of the criminal, civil, or administrative hearings, and shall not subsequently be released except in accordance with this subdivision. If the confidential information does not result in a criminal, civil, or administrative proceeding, it shall be sealed after the State Department of Social Services decides that no further action will be taken in the matter of suspected licensing violations. Except as otherwise provided in this subdivision, confidential information in the possession of the State Department of Social Services shall not contain the name of the minor.

(J) Members of children's multidisciplinary teams, persons or agencies providing treatment or supervision of the minor.

(K) Any other person who may be designated by court order of the judge of the juvenile court upon filing a petition.

(2) Notwithstanding any other law and subject to subparagraph (A) of paragraph (3), juvenile case files, except those relating to matters within the jurisdiction of the court pursuant to Section 601 or 602, which pertain to a deceased child who was within the

jurisdiction of the juvenile court pursuant to Section 300, shall be released to the public pursuant to an order by the juvenile court after a petition has been filed and interested parties have been afforded an opportunity to file an objection. Any information relating to another child or which could identify another child, except for information about the deceased, shall be redacted from the juvenile case file prior to release, unless a specific order is made by the juvenile court to the contrary. Except as provided in this paragraph, the presiding judge of the juvenile court may issue an order prohibiting or limiting access to the juvenile case file, or any portion thereof, of a deceased child only upon a showing that release of the juvenile case file or any portion thereof is detrimental to the safety, protection, or physical, or emotional well-being of another child who is directly or indirectly connected to the juvenile case that is the subject of the petition.

(3) Access to juvenile case files pertaining to matters within the jurisdiction of the juvenile court pursuant to Section 300 shall be limited as follows:

(A) If a juvenile case file, or any portion thereof, is privileged or confidential pursuant to any other state law or federal law or regulation, the requirements of that state law or federal law or regulation prohibiting or limiting release of the juvenile case file or any portions thereof shall prevail. Unless a person is listed in subparagraphs (A) to (J), inclusive, of paragraph (1) and is entitled to access under the other state law or federal law or regulation without a court order, all those seeking access, pursuant to other authorization, to portions of, or information relating to the contents of, juvenile case files protected under another state law or federal law or regulation, shall petition the juvenile court. The juvenile court may only release the portion of, or information relating to the contents of, juvenile case files protected by another state law or federal law or regulation if disclosure is not detrimental to the safety, protection, or physical or emotional well-being of a child who is directly or indirectly connected to the juvenile case that is the subject of the petition. This paragraph shall not be construed to limit the ability of the juvenile court to carry out its duties in conducting juvenile court proceedings.

(B) Prior to the release of the juvenile case file or any portion thereof, the court shall afford due process, including a notice of and an opportunity to file an objection to the release of the record or report to all interested parties.

(4) A juvenile case file, any portion thereof, and information relating to the content of the juvenile case file, shall not be disseminated by the receiving agencies to any persons or agencies, other than those persons or agencies authorized to receive documents pursuant to this section. Further, a juvenile case file, any portion thereof, and information relating to the content of the juvenile case file, shall not be made as an attachment to any other documents without the prior approval of the presiding judge of the juvenile court, unless it is used in connection with and in the course of a criminal investigation or a proceeding brought to declare a person a dependent child or ward of the juvenile court.

(b) (1) While the Legislature reaffirms its belief that juvenile court records, in general, should be confidential, it is the intent of the Legislature in enacting this subdivision to provide for a limited exception to juvenile court record confidentiality to promote more effective communication among juvenile courts, family courts, law enforcement agencies, and schools to ensure the rehabilitation of juvenile criminal offenders as well as to lessen the potential for drug use, violence, other forms of delinquency, and child abuse.

(2) Notwithstanding subdivision (a), written notice that a minor enrolled in a public school, kindergarten to grade 12, inclusive, has

been found by a court of competent jurisdiction to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Section 290 of the Penal Code, assault or battery, larceny, vandalism, or graffiti shall be provided by the court, within seven days, to the superintendent of the school district of attendance. Written notice shall include only the offense found to have been committed by the minor and the disposition of the minor's case. This notice shall be expeditiously transmitted by the district superintendent to the principal at the school of attendance. The principal shall expeditiously disseminate the information to those counselors directly supervising or reporting on the behavior or progress of the minor. In addition, the principal shall disseminate the information to any teacher or administrator directly supervising or reporting on the behavior or progress of the minor whom the principal believes needs the information to work with the pupil in an appropriate fashion, to avoid being needlessly vulnerable or to protect other persons from needless vulnerability.

Any information received by a teacher, counselor, or administrator under this subdivision shall be received in confidence for the limited purpose of rehabilitating the minor and protecting students and staff, and shall not be further disseminated by the teacher, counselor, or administrator, except insofar as communication with the juvenile, his or her parents or guardians, law enforcement personnel, and the juvenile's probation officer is necessary to effectuate the juvenile's rehabilitation or to protect students and staff.

An intentional violation of the confidentiality provisions of this paragraph is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500).

(3) If a minor is removed from public school as a result of the court's finding described in subdivision (b), the superintendent shall maintain the information in a confidential file and shall defer transmittal of the information received from the court until the minor is returned to public school. If the minor is returned to a school district other than the one from which the minor came, the parole or probation officer having jurisdiction over the minor shall so notify the superintendent of the last district of attendance, who shall transmit the notice received from the court to the superintendent of the new district of attendance.

(c) Each probation report filed with the court concerning a minor whose record is subject to dissemination pursuant to subdivision (b) shall include on the face sheet the school at which the minor is currently enrolled. The county superintendent shall provide the court with a listing of all of the schools within each school district, within the county, along with the name and mailing address of each district superintendent.

(d) Each notice sent by the court pursuant to subdivision (b) shall be stamped with the instruction: "Unlawful Dissemination Of This Information Is A Misdemeanor." Any information received from the court shall be kept in a separate confidential file at the school of attendance and shall be transferred to the minor's subsequent schools of attendance and maintained until the minor graduates from high school, is released from juvenile court jurisdiction, or reaches the age of 18, whichever occurs first. After that time the confidential record shall be destroyed. At any time after the date by which a record required to be destroyed by this section should have been destroyed, the minor or his or her parent or guardian shall have the right to make a written request to the principal of the school that the minor's school records be reviewed to ensure that the record has been destroyed. Upon completion of any requested review and no later than 30 days after the request for the review was received, the principal or his or her designee shall respond in writing to the written request and

either shall confirm that the record has been destroyed or, if the record has not been destroyed, shall explain why destruction has not yet occurred.

Except as provided in paragraph (2) of subdivision (b), no liability shall attach to any person who transmits or fails to transmit any notice or information required under subdivision (b).

(e) For purposes of this section, a “juvenile case file” means a petition filed in any juvenile court proceeding, reports of the probation officer, and all other documents filed in that case or made available to the probation officer in making his or her report, or to the judge, referee, or other hearing officer, and thereafter retained by the probation officer, judge, referee, or other hearing officer.

SEC. 23. Section 827.1 of the Welfare and Institutions Code, as added by Chapter 422 of the Statutes of 1996, is amended and renumbered to read:

827.7. (a) Notwithstanding Section 827 or any other provision of law, written notice that a minor has been found by a court of competent jurisdiction to have committed any felony pursuant to Section 602 shall be provided by the court within seven days to the sheriff of the county in which the offense was committed and to the sheriff of the county in which the minor resides. Written notice shall include only that information regarding the felony offense found to have been committed by the minor and the disposition of the minor’s case. If at any time thereafter the court modifies the disposition of the minor’s case, it shall also notify the sheriff as provided above. The sheriff may disseminate the information to other law enforcement personnel upon request, provided that he or she reasonably believes that the release of this information is generally relevant to the prevention or control of juvenile crime.

Any information received pursuant to this section shall be received in confidence for the limited law enforcement purpose for which it was provided and shall not be further disseminated except as provided in this section. An intentional violation of the confidentiality provisions of this section is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500).

(b) In the written notice provided pursuant to this section, a court may authorize a sheriff who receives information under this section to disclose this information where the release of the information is imperative for the protection of the public and the offense is a violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code.

SEC. 24. Section 827.5 of the Welfare and Institutions Code is amended to read:

827.5. Notwithstanding any other provision of law except Sections 389 and 781 of this code and Section 1203.45 of the Penal Code, a law enforcement agency may disclose the name of any minor 14 years of age or older taken into custody for the commission of any serious felony, as defined in subdivision (c) of Section 1192.7 of the Penal Code, and the offenses allegedly committed, upon the request of interested persons, as soon as a petition to declare the minor a ward pursuant to Section 602 has been filed or a criminal complaint against the minor has been filed in a court of competent jurisdiction.

SEC. 25. Section 827.6 of the Welfare and Institutions Code is repealed.

SEC. 26. Section 827.6 is added to the Welfare and Institutions Code, to read:

827.6. A law enforcement agency may release the name, description, and alleged offense of any minor 14 years of age or older alleged to have committed a violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code, and against whom an arrest warrant is outstanding, if the release of the information is imperative for the apprehension of the minor, is necessary to protect the safety

of the public, and is authorized by the court either in the arrest warrant or by separate order. Any release of information pursuant to this section shall be solely for the limited purpose of enabling law enforcement to apprehend the minor.

SEC. 27. Section 1120.1 of the Welfare and Institutions Code is amended to read:

1120.1. (a) In furtherance of the purpose of the Department of the Youth Authority to protect society from the consequences of criminal activity, the department's educational programs shall focus on value-based character education, emphasizing curriculum leading to a crime-free lifestyle. In furtherance of this goal, the department shall establish the office of the Superintendent of Education. The Superintendent of Education shall oversee educational programs under the jurisdiction of the department.

(b) The department shall ensure that each ward who has not attained a high school diploma or equivalent shall be enrolled in an appropriate educational program as deemed necessary by the department.

(c) The department shall develop a high school graduation plan for every ward identified pursuant to subdivision (b).

SEC. 28. The sum of twelve million eight hundred thousand dollars (\$12,800,000) is hereby appropriated from the General Fund for distribution and allocation, as follows:

(a) (1) To the Superintendent of Public Instruction, the sum of five million dollars (\$5,000,000) to carry out Article 10.4 (commencing with Section 35294.10) of Chapter 2 of Part 21 of the Education Code and in augmentation of any existing appropriation for support of any activities carried out pursuant to subdivision (a) of Section 35294.10 of the Education Code. The Superintendent of Public Instruction, in consultation with the Attorney General, shall develop and implement a schedule for utilizing this appropriation that maximizes its distribution to schools and school districts serving grades kindergarten to 7, inclusive, to promote school safety and violence prevention among children and youth in grades kindergarten to 7, inclusive.

(2) For the purposes of making computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by paragraph (1) of this subdivision shall be deemed to be "General Fund revenues appropriated to school districts," as defined in subdivision (c) of Section 41202 of the Education Code for the 1999–2000 fiscal year and be included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code for the 1999–2000 fiscal year.

(b) To the Board of Corrections for funding programs currently operating pursuant to the At-Risk Youth Early Intervention Program set forth in Section 601.5 of the Welfare and Institutions Code, the sum of one million five hundred thousand dollars (\$1,500,000) no more than 5 percent of which may be spent by the board for administrative expenses.

(c) Contingent upon the County of San Diego exercising its option to purchase the San Pasqual Academy for use as a residential placement, mental health treatment, education and skills training facility for dependent children, the sum of three million dollars (\$3,000,000) is hereby appropriated to the County of San Diego for the 1999–2000 fiscal year for the purpose of purchasing the San Pasqual Academy. It is the intent of the Legislature that the additional sum of one million dollars (\$1,000,000) be appropriated each year for these purposes for the 2000–2001 and the 2001–2002 fiscal years.

(d) The sum of one million eight hundred thousand dollars

(\$1,800,000) is hereby appropriated to the City and County of San Francisco for the 1999–2000 fiscal year for the purpose of acquiring and installing surveillance cameras on the public transit vehicles of the municipal railway.

(e) The sum of one million five hundred thousand dollars (\$1,500,000) is hereby appropriated to the City of Riverside for the 1999–2000 fiscal year for the purpose of expanding the operation of the Project Bridge Gang crime prevention program.

SEC. 29. (a) Section 22.1 of this bill incorporates amendments to Section 827 of the Welfare and Institutions Code proposed by both this bill and SB 199. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2000, (2) each bill amends Section 827 of the Welfare and Institutions Code, and (3) SB 792 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after SB 199, in which case Sections 22, 22.2, and 22.3 of this bill shall not become operative.

(b) Section 22.2 of this bill incorporates amendments to Section 827 of the Welfare and Institutions Code proposed by both this bill and SB 792. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2000, (2) each bill amends Section 827 of the Welfare and Institutions Code, (3) SB 199 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after SB 792, in which case Sections 22, 22.1, and 22.3 of this bill shall not become operative.

(c) Section 22.3 of this bill incorporates amendments to Section 827 of the Welfare and Institutions Code proposed by this bill, SB 199, and SB 792. It shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2000, (2) all three bills amend Section 827 of the Welfare and Institutions Code, and (3) this bill is enacted after SB 199, and SB 792, in which case Sections 22, 22.1, and 22.2 of this bill shall not become operative.

SEC. 30. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

**Appendix B:
SB 187 Text**

BILL NUMBER: SB 187 CHAPTERED
BILL TEXT

CHAPTER 736
FILED WITH SECRETARY OF STATE OCTOBER 7, 1997
APPROVED BY GOVERNOR OCTOBER 6, 1997
PASSED THE SENATE SEPTEMBER 10, 1997
PASSED THE ASSEMBLY SEPTEMBER 5, 1997
AMENDED IN ASSEMBLY SEPTEMBER 3, 1997
AMENDED IN ASSEMBLY JULY 18, 1997
AMENDED IN ASSEMBLY JUNE 19, 1997
AMENDED IN SENATE MAY 22, 1997
AMENDED IN SENATE MAY 12, 1997
AMENDED IN SENATE MAY 5, 1997
AMENDED IN SENATE APRIL 21, 1997
AMENDED IN SENATE APRIL 10, 1997
AMENDED IN SENATE MARCH 4, 1997

INTRODUCED BY Senator Hughes

(Coauthors: Assembly Members Alquist, Campbell, Davis, Lempert, Martinez, Pacheco, Scott, Strom-Martin, Sweeney, Washington, Wayne, and Wildman)

JANUARY 23, 1997

An act to amend, renumber, and repeal Section 35294.1 of, to add Section 35294.2 to, and to add and repeal Sections 35294.1, 35294.6, 35294.7, 35294.8, and 35294.9 to, the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 187, Hughes. Comprehensive school safety plans.

Existing law declares the intent of the Legislature that all California public schools operated by school districts develop a comprehensive school safety plan, as specified. The comprehensive school safety plan may include, among other things, development of an action plan, in conjunction with local law enforcement agencies, for implementing appropriate safety strategies and programs and determining the fiscal impact of executing the strategies and programs. Existing law provides for grants to assist schools in implementing their comprehensive school safety plans.

This bill would make each school district and county office of education responsible for the overall development of comprehensive school safety plans for its schools. The bill would require

school site councils to write and develop a comprehensive school safety plan relevant to the needs and resources of that particular school, except with regard to small school districts, as defined, which would have the option of developing district wide comprehensive school safety plans applicable to each school site. The bill would authorize school site councils to delegate this responsibility to a school safety planning committee, to be composed as specified. This bill would not limit or remove the authority of school boards as guaranteed in the Education Code.

This bill would require that the comprehensive school safety plan include, but not necessarily be limited to, among other things, assessing the current status of school crime committed on school campuses and at school-related functions and identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, which shall include specified procedures and policies.

This bill would require that the comprehensive school safety plan be evaluated and amended, as needed, by the school site council or the school safety planning committee no less than once a year. The bill would also require that an updated file of all safety-related plans and materials be readily

available for inspection by the public. The bill would require the comprehensive school safety plan to be submitted for approval, as specified. The bill would require that each school adopt its comprehensive school safety plan by September 1, 1998.

This bill would provide that, if the Superintendent of Public Instruction determines that there has been a willful failure to make any report required by these provisions, the Superintendent of Public Instruction would be required to make an assessment of not more than \$500 against that school district or county office of education, as specified.

This bill would require each school to forward its comprehensive school safety plan to the school district or county office of education for approval. Before adopting the comprehensive school safety plan, the school site council or school safety planning committee would be required to hold a public hearing to allow the members of the public to express an opinion about the school safety plan. The bill would require each school district or county office of education to notify the State Department of Education by October 15, 1998, of any schools that have not complied with the requirement of developing a comprehensive school safety plan.

The bill would require a school, other than a school in a small school district, that submits a comprehensive school safety plan in existence on December 31, 1997, to be deemed to have satisfied the requirements of the law in this area on and after the effective date of this bill if the comprehensive school safety plan meets specified requirements in effect.

This bill would repeal these provisions on January 1, 2000, however, the comprehensive school safety plan would continue to be evaluated and amended by the school site council. This bill would make statements of legislative intent.

By imposing additional responsibilities on school districts, county offices of education, and schools, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund

to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. It is the intent of the Legislature that this act shall unite all existing statutes that relate to school safety and ensure compliance with their provisions by including the requirements of school safety provisions in each school's comprehensive school safety plan.

SEC. 2. Section 35294.1 is added to the Education Code, to read: 35294.1. (a) Each school district and county office of education is responsible for the overall development of comprehensive school safety plans for its schools operating any kindergarten and any of grades 1 to 12, inclusive.

(b) (1) Except as provided in subdivision (d) with regard to a small school district, the school site council established pursuant to Section 52012 or 52852 shall write and develop a comprehensive school safety plan relevant to the needs and resources of that particular school.

(2) The school site council may delegate this responsibility to a school safety planning committee made up of the following members:

- (A) The principal or the principal's designee.
- (B) One teacher who is a representative of the recognized certificated employee organization.
- (C) One parent whose child attends the school.
- (D) One classified employee who is a representative of the recognized classified employee organization.
- (E) Other members, if desired.

(3) The school site council shall consult with a representative from a law enforcement agency in the writing and development of the comprehensive school safety plan.

(4) In the absence of a school site council, the members specified in paragraph (2) shall serve as the school safety planning committee.

(c) Nothing in this article shall limit or take away the authority of school boards as guaranteed under this code.

(d) (1) Subdivision (b) shall not apply to a small school district, as defined in paragraph (2), if the small school district develops a district wide comprehensive school safety plan that is applicable to each school site.

(2) As used in this article, "small school district" means a school district that has fewer than 2,501 units of average daily attendance in the 1997-98 fiscal year.

(e) This section shall remain in effect only until January 1, 2000, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2000, deletes or extends that date.

SEC. 3. Section 35294.1 of the Education Code, as amended by Chapter 435 of the Statutes of 1993, is amended and renumbered to read:

35294.2. (a) The comprehensive school safety plan shall include, but not necessarily be limited to, the following:

(1) Assessing the current status of school crime committed on school campuses and at school-related functions.

(2) Identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, which shall include the development of all of the following:

(A) Child abuse reporting procedures consistent with Article 2.5 (commencing with Section 11164) of Title 1 of Part 4 of the Penal Code.

(B) Disaster procedures, routine and emergency.

(C) Policies pursuant to subdivision (d) of Section 48915 for pupils who committed an act listed in subdivision (c) of Section 48915 and other school-designated serious acts that would lead to suspension, expulsion, or mandatory expulsion recommendations pursuant to Article 1 (commencing with Section 48900) of Chapter 6 of Part 27.

(D) Procedures to notify teachers of dangerous pupils pursuant to Section 49079.

(E) A sexual harassment policy, pursuant to subdivision (b) of Section 212.6.

(F) The provisions of any school wide dress code, pursuant to Section 35183, that prohibits pupils from wearing "gang-related apparel," if the school has adopted such a dress code. For those purposes, the comprehensive school safety plan shall define

"gang-related apparel." The definition shall be limited to apparel that, if worn or displayed on a school campus, reasonably could be determined to threaten the health and safety of the school environment. Any school wide dress code established pursuant to this section and Section 35183 shall be enforced on the school campus and at any school-sponsored activity by the principal of the school or the person designated by the principal. For the purposes of this paragraph, "gang-related apparel" shall not be considered a protected form of speech pursuant to Section 48950.

(G) Procedures for safe ingress and egress of pupils, parents, and school employees to and from school.

(H) A safe and orderly environment conducive to learning at the school.

(I) The rules and procedures on school discipline adopted pursuant to Sections 35291 and 35291.5.

(b) It is the intent of the Legislature that schools develop comprehensive school safety plans using existing resources, including the materials and services of the School Safety Partnership, pursuant to Chapter 2.5 (commencing with Section 32260) of Part 19.

It is also the intent of the Legislature that schools use the handbook developed and distributed by the School/Law Enforcement Partnership Program entitled "Safe Schools: A Planning Guide for Action" in conjunction with developing their plan for school safety.

(c) Grants to assist schools in implementing their comprehensive school safety plan shall be made available through the School Safety Partnership as authorized by Section 32262.

(d) Each school site council or school safety planning committee in developing and updating a comprehensive school safety plan shall, where practical, consult, cooperate, and coordinate with other school site councils or school safety planning committees.

(e) The comprehensive school safety plan shall be evaluated and amended, as needed, by the school safety planning committee no less than once a year to ensure that the comprehensive school safety plan is properly implemented. An updated file of all safety-related plans and materials shall be readily available for inspection by the public.

(f) The comprehensive school safety plan, as written and updated by the school site council or school safety planning committee, shall be submitted for approval under subdivision (a) of Section 35294.8.

(g) This section shall remain in effect only until January 1, 2000, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2000, deletes or extends that date.

SEC. 4. Section 35294.2 is added to the Education Code, to read:

35294.2. (a) School safety planning may include, but is not limited to, the following:

(1) Assessing the current status of school crime committed on school campuses and at school-related functions.

(2) Identifying appropriate strategies and programs that will provide or maintain a high level of school safety.

(3) Developing an action plan, in conjunction with local law enforcement agencies, for implementing appropriate safety strategies and programs and determining the fiscal impact of executing the strategies and programs. The action plan may identify available resources which will provide for implementation of the plan.

(4) Establishing a school wide dress code, pursuant to Section 35183, that prohibits pupils from wearing "gang-related apparel." For those purposes, the parties participating in the development of the comprehensive school safety plan shall define "gang-related

apparel." The definition shall be limited to apparel that, if worn or displayed on a school campus reasonably could be determined to threaten the health and safety of the school environment. Any school wide dress code established pursuant to this section shall be enforced on the school campus and at any school-sponsored activity by the principal of the school or the person designated by the principal. For the purposes of this paragraph, "gang-related apparel" shall not be considered a protected form of speech pursuant to Section 48950.

(b) Existing school site councils may be responsible for developing a safety plan. In any event, the plan may be developed with the participation of teachers, classified employees, parents, law enforcement, school administrators, and, if deemed appropriate, students.

(c) It is the intent of the Legislature that schools develop school safety plans using existing resources, including the materials and services of the School Safety Partnership, pursuant to Chapter 2.5 (commencing with Section 32260) of Part 19. It is also the intent of the Legislature that schools use the handbook developed and distributed by the School/Law Enforcement Partnership Program entitled "Safe Schools: A Planning Guide for Action" in conjunction with developing their plan for school safety.

(d) It is the intent of the Legislature that schools shall not contract with private consultants to develop school safety plans.

(e) Grants to assist schools in implementing their school safety plan shall be made available through the School Safety Partnership as authorized by Section 32262 of the Education Code.

(f) Comprehensive school safety plans developed pursuant to Section 35294.1 and 35294.2, as those sections existed on December 31, 1999, shall be evaluated and amended, as needed, by the school site council or the school safety planning committee, no less than once a year to ensure that the comprehensive school safety plan is properly implemented. An updated file of all safety-related plans and materials shall be readily available for inspection by the public.

(g) This section shall become operative on January 1, 2000. SEC. 5. Section 35294.6 is added to the Education Code, to read:

35294.6. (a) Each school shall adopt its comprehensive school safety plan by September 1, 1998.

(b) This section shall remain in effect only until January 1, 2000, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2000, deletes or extends that date.

SEC. 6. Section 35294.7 is added to the Education Code, to read:

35294.7. (a) In the event that the Superintendent of Public Instruction determines that there has been a willful failure to make any report required by this article, the Superintendent of Public Instruction shall do both of the following:

(1) Notify the school district or the county office of education in which the willful failure has occurred of the determination.

(2) Make an assessment of not more than five hundred dollars (\$500) against that school district or county office of education. This may be accomplished by the deduction of the amount of the assessment from an apportionment made subsequent to the determination.

(b) This section shall remain in effect only until January 1, 2000, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2000, deletes or extends that date.

SEC. 7. Section 35294.8 is added to the Education Code, to read:

35294.8. (a) In order to ensure compliance with this article, each school shall forward its comprehensive school safety plan to the school district or county office of education for approval.

(b) Before adopting its comprehensive school safety plan, the school site council or school safety planning committee shall hold a public meeting at the school site in order to allow members of the public the opportunity to express an opinion about the school safety plan.

(c) In order to ensure compliance with this article, each school district or county office of education shall notify the State Department of Education by October 15, 1998, of any schools that have not complied with Section 35294.1.

(d) This section shall remain in effect only until January 1, 2000, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2000, deletes or extends that date.

SEC. 8. Section 35294.9 is added to the Education Code, to read:

35294.9. (a) Notwithstanding any other provision of law, a school, other than a school in a small school district, that submits a comprehensive school safety plan in existence on December 31, 1997, shall be deemed to have satisfied the requirements of this article as it exists on and after the effective date of the act that adds this section if the comprehensive school safety plan meets all of the requirements of Section 35294.2.

(b) This section shall remain in effect only until January 1, 2000, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2000, deletes or extends that date.

SEC. 9. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the

Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

Appendix C:
Education Code Sections 35294 – 35294.9 Text

CALIFORNIA CODES
EDUCATION CODE
SECTION 35294-35294.9

35294. It is the intent of the Legislature that all California public schools, in kindergarten, and grades 1 to 12, inclusive, operated by school districts, in cooperation with local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, and other persons who may be interested in the prevention of campus crime and violence, develop a comprehensive school safety plan that addresses the safety concerns identified through a systematic planning process. For the purposes of this section, law enforcement agencies include local police departments, county sheriffs' offices, school district police or security departments, probation departments, and district attorneys' offices. For purposes of this section a "safety plan" means a plan to develop strategies aimed at the prevention of, and **education** about, potential incidents involving crime and violence on the school campus.

35294.1. (a) The governing board of a school district, on behalf of one or more schools within the district that have developed a school safety plan, may apply to the Superintendent of Public Instruction for a grant to implement school safety plans. A grant shall be awarded only for school safety plans that include the following criteria:

(1) Assessment of the recent incidence of crime committed on the school campus.

(2) Identification of appropriate strategies and programs that will provide or maintain a high level of school safety.

(3) Development of an action plan, in conjunction with local law enforcement agencies, for implementing appropriate safety strategies and programs, and determining the fiscal impact of executing the strategies and programs. The action plan shall identify available resources which will provide for implementation of the plan.

(b) The Superintendent of Public Instruction shall award grants pursuant to this section to school districts for the implementation of individual school safety plans in an amount not to exceed fifteen thousand dollars (\$15,000) for each school. No grant shall be made unless the school district makes available, for purposes of implementing the school safety plans, an amount of funds equal to the amount of the grant. Grants should be awarded through a competitive process, based upon criteria including, but not limited to, (1) the merit of the proposal and (2) the need for imposing school safety, based on school crime rates.

(c) Any school district receiving a grant under this section shall report to the Superintendent of Public Instruction annually for three consecutive years following the receipt of the grant concerning the impact of the implementation of the school safety plan on the incidence of crime on the campus of the school.

35294.1. (a) Each school district and county office of **education** is responsible for the overall development of comprehensive school safety plans for its schools operating any kindergarten and any of grades 1 to 12, inclusive.

(b) (1) Except as provided in subdivision (d) with regard to a small school district, the schoolsite council established pursuant to Section 52012 or 52852 shall write and develop a comprehensive school safety plan relevant to the needs and resources of that particular school.

(2) The schoolsite council may delegate this responsibility to a school safety planning committee made up of the following members:

(A) The principal or the principal's designee.

(B) One teacher who is a representative of the recognized certificated employee organization.

(C) One parent whose child attends the school.

(D) One classified employee who is a representative of the recognized classified employee organization.

(E) Other members, if desired.

(3) The schoolsite council shall consult with a representative from a law enforcement agency in the writing and development of the comprehensive school safety plan.

(4) In the absence of a schoolsite council, the members specified in paragraph (2) shall serve as the school safety planning committee.

(c) Nothing in this article shall limit or take away the authority of school boards as guaranteed under this **code**.

(d) (1) Subdivision (b) shall not apply to a small school district, as defined in paragraph (2), if the small school district develops a districtwide comprehensive school safety plan that is applicable to each schoolsite.

(2) As used in this article, "small school district" means a school district that has fewer than 2,501 units of average daily attendance in the 1997-98 fiscal year.

(e) (1) When a principal or his or her designee verifies through local law enforcement officials that a report has been filed of the occurrence of a violent crime on the schoolsite of an elementary or secondary school at which he or she is the principal, the principal or the principal's designee may send to each pupil's parent or legal guardian and each school employee a written notice of the occurrence and general nature of the crime. If the principal or his or her designee chooses to send the written notice, the Legislature encourages the notice be sent no later than the end of business on

the second regular work day after the verification. If, at the time of verification, local law enforcement officials determine that notification of the violent crime would hinder an ongoing investigation, the notification authorized by this subdivision shall be made within a reasonable period of time, to be determined by the local law enforcement agency and the school district. For purposes of this section, an act that is considered a "violent crime" shall meet the definition of Section 67381 and be an act for which a pupil could or would be expelled pursuant to Section 48915.

(2) Nothing in this subdivision shall create any liability in a school district or its employees for complying with paragraph (1).

35294.2. (a) The comprehensive school safety plan shall include, but not necessarily be limited to, the following:

(1) Assessing the current status of school crime committed on school campuses and at school-related functions.

(2) Identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, which shall include the development of all of the following:

(A) Child abuse reporting procedures consistent with Article 2.5 (commencing with Section 11164) of Title 1 of Part 4 of the Penal **Code**.

(B) Disaster procedures, routine and emergency.

(C) Policies pursuant to subdivision (d) of Section 48915 for pupils who committed an act listed in subdivision (c) of Section 48915 and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations pursuant to Article 1 (commencing with Section 48900) of Chapter 6 of Part 27.

(D) Procedures to notify teachers of dangerous pupils pursuant to Section 49079.

(E) A discrimination and harassment policy consistent with the prohibition against discrimination contained in Chapter 2 (commencing with Section 200) of Part 1.

(F) The provisions of any schoolwide dress **code**, pursuant to Section 35183, that prohibits pupils from wearing "gang-related apparel," if the school has adopted such a dress **code**. For those purposes, the comprehensive school safety plan shall define "gang-related apparel." The definition shall be limited to apparel that, if worn or displayed on a school campus, reasonably could be determined to threaten the health and safety of the school environment. Any schoolwide dress **code** established pursuant to this section and Section 35183 shall be enforced on the school campus and at any school-sponsored activity by the principal of the school or the person designated by the principal. For the purposes of this paragraph, "gang-related apparel" shall not be considered a protected form of speech pursuant to Section 48950.

(G) Procedures for safe ingress and egress of pupils, parents, and school employees to and from school.

(H) A safe and orderly environment conducive to learning at the school.

(I) The rules and procedures on school discipline adopted pursuant to Sections 35291 and 35291.5.

(J) Hate crime reporting procedures pursuant to Chapter 1.2 (commencing with Section 628) of Title 15 of Part 1 of the Penal Code.

(b) It is the intent of the Legislature that schools develop comprehensive school safety plans using existing resources, including the materials and services of the School Safety Partnership, pursuant to Chapter 2.5 (commencing with Section 32260) of Part 19. It is also the intent of the Legislature that schools use the handbook developed and distributed by the School/Law Enforcement Partnership Program entitled "Safe Schools: A Planning Guide for Action" in conjunction with developing their plan for school safety.

(c) Grants to assist schools in implementing their comprehensive school safety plan shall be made available through the School Safety Partnership as authorized by Section 32262.

(d) Each schoolsite council or school safety planning committee in developing and updating a comprehensive school safety plan shall, where practical, consult, cooperate, and coordinate with other schoolsite councils or school safety planning committees.

(e) The comprehensive school safety plan shall be evaluated and amended, as needed, by the school safety planning committee no less than once a year to ensure that the comprehensive school safety plan is properly implemented. An updated file of all safety-related plans and materials shall be readily available for inspection by the public.

(f) The comprehensive school safety plan, as written and updated by the schoolsite council or school safety planning committee, shall be submitted for approval under subdivision (a) of Section **35294.8**.

35294.3. The Department of Justice and the State Department of **Education**, in accordance with Section 32262, shall contract with one professional law enforcement trainer and one professional educator trainer, respectively, to coordinate and present statewide workshops for school districts, county offices of **education**, and schoolsite personnel, and in particular school principals, to assist them in the development of their respective school safety plans. The Department of Justice and the State Department of **Education** shall work in cooperation with regard to the workshops coordinated and presented pursuant to these two contracts. The enactment of this section of this act shall be subject to the availability of funds in the Budget Act of 1990.

35294.4. The comprehensive school safety plan may also include, at local discretion of the governing board of the school district and using local funds, procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of a school. No funds received from the state may be used for this purpose.

35294.5. (a) The governing board of a school district, on behalf of one or more schools within the district that have developed a school safety plan, may apply to the Superintendent of Public Instruction for a grant to implement school safety plans. The School Safety Partnership shall award grants for school safety plans that include, but are not limited to, the following criteria:

(1) Assessment of the recent incidence of crime committed on the school campus.

(2) Identification of appropriate strategies and programs that will provide or maintain a high level of school safety.

(3) Development of an action plan, in conjunction with local law enforcement agencies, for implementing appropriate safety strategies and programs, and determining the fiscal impact of executing the strategies and programs. The action plan shall identify available resources which will provide for implementation of the plan.

(b) The Superintendent of Public Instruction shall award grants pursuant to this section to school districts for the implementation of individual school safety plans in an amount not to exceed five thousand dollars (\$5,000) for each school. No grant shall be made unless the school district makes available, for purposes of implementing the school safety plans, an amount of funds equal to the amount of the grant. Grants should be awarded through a competitive process, based upon criteria including, but not limited to, the merit of the proposal and the need for imposing school safety, based on school crime rates.

(c) Any school receiving a grant under this section shall submit to the Superintendent of Public Instruction verified copies of its schoolsite crime report annually for three consecutive years following the receipt of the grant to study the impact of the implementation of the school safety plan on the incidence of crime on the campus of the school.

35294.6. (a) Each school shall adopt its comprehensive school safety plan by March 1, 2000, and shall review and update its plan by March 1, every year thereafter. A new school campus that begins offering classes to pupils after March 1, 2001, shall adopt a comprehensive school safety plan within one year of initiating operation, and shall review and update its plan by March 1, every year thereafter.

(b) Commencing in July 2000, and every July thereafter, each school shall report on the status of its school safety plan, including a description of its key elements in the annual school

accountability report card prepared pursuant to Sections 33126 and 35256.

35294.7. In the event that the Superintendent of Public Instruction determines that there has been a willful failure to make any report required by this article, the Superintendent of Public Instruction shall do both of the following:

(a) Notify the school district or the county office of **education** in which the willful failure has occurred of the determination.

(b) Make an assessment of not more than five hundred dollars (\$500) against that school district or county office of **education**. This may be accomplished by the deduction of the amount of the assessment from an apportionment made subsequent to the determination.

35294.8. (a) In order to ensure compliance with this article, each school shall forward its comprehensive school safety plan to the school district or county office of **education** for approval.

(b) (1) Before adopting its comprehensive school safety plan, the schoolsite council or school safety planning committee shall hold a public meeting at the schoolsite in order to allow members of the public the opportunity to express an opinion about the school safety plan.

(2) The schoolsite council or school safety planning committee shall notify, in writing, the following persons and entities, if available, of the public meeting:

(A) The local mayor.

(B) A representative of the local school employee organization.

(C) A representative of each parent organization at the schoolsite, including the parent teacher association and parent teacher clubs.

(D) A representative of each teacher organization at the schoolsite.

(E) A representative of the student body government.

(F) All persons that have indicated they want to be notified.

(3) The schoolsite council or school safety planning committee is encouraged to notify, in writing, the following persons and entities, if available, of the public meeting:

(A) A representative of the local churches.

(B) Local civic leaders.

(C) Local business organizations.

(c) In order to ensure compliance with this article, each school district or county office of **education** shall annually notify the State Department of **Education** by October 15 of any schools that have not complied with Section **35294.1**.

35294.9. Notwithstanding any other provision of law, a school, other than a school in a small school district, that submits a comprehensive school safety plan in existence on December 31, 1997, shall be deemed to have satisfied the requirements of this article as it exists on and after the effective date of the act that adds this section if the comprehensive school safety plan meets all of the requirements of Section **35294.2.**

**Appendix D:
Suspected Child Abuse Report Form**

**Appendix E:
Employee Acknowledgement of Child Abuse Reporting
Requirements**

Appendix F: Personnel Assignments

Appendix G: Emergency Supplies

Appendix H: Buddy List

Appendix I: Maps

**Appendix J:
Request for Exemption from Uniform Program**

Appendix K: Behavior Contract

**Appendix L:
School Site Council Meeting Minutes/Approval**