

Safety in Schools: What you need to know.

Find Education, Labor, Civil, & Penal Codes at leginfo.legislature.ca.gov, and chose California Law
Find Code of Federal Regulations & US Code at govinfo.gov, and scroll down

Notification of Dangerous Students ... EDC 49079

- District shall inform the teacher.
- Info shall come from either district records or info received from a law enforcement agency.
- Willful failure to notify is a misdemeanor, punishable by up to 6 months in county jail and/or up to a \$1000 fine!
- Info provided shall be from previous three years.
- Shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

Definition of Dangerous Students ... EDC 48900, 48900.2, 48900.3, 48900.4, 48900.7

The pupil engaged in, or is reasonably suspected to have engaged in:

- Violence
- Threats of violence
- Drugs
- Weapons
- Damaged or stole school property
- Attempted or committed sexual assault
- Sexual harassment
- Intimidated witnesses
- Etc.

Physical Control of Students ... EDC 44807

- May use the same degree of physical control as a parent would...
- but in no event shall exceed the amount reasonably necessary!
- to maintain order, protect property, or protect the health and safety of pupils, or to maintain proper and appropriate conditions conducive to learning.

Physical Restraint and Seclusion of Students ... EDC 49005, 49005.1, 49005.8, 49006.4, 56521.1

- Reducing the ability of a pupil to move freely.
- It does not include temporary touching or holding of the hand, wrist, arm, shoulder, or back to induce a pupil who is acting out to walk to a safe location.
- Locking a pupil alone in a room or area.
- Only permitted in a facility that is licensed or permitted by state law to use a locked room.

Injurious Objects ... EDC 49331

Employees may take "injurious objects" from "any pupil upon school premises or while under the authority of school personnel."

Duty to Involve Law Enforcement ... EDC 44014 (a)

- Any employee attacked, assaulted, or physically threatened by any pupil has the duty to promptly report the incident to law enforcement.

- The supervisor of the employee, if they have knowledge of the incident, also has a duty to promptly inform law enforcement.
- Failure to make the report is punishable by a fine of up to \$1000!

Penalty for Blocking or Retaliation for Involving Law Enforcement ... EDC 44014 (c), 44014 (d)

- No person in the district is permitted to inhibit or impede the making of the report.
- Any act to do so is punishable by a fine from \$500 to \$1000! Ed Code 44014 (c)
- No person in the district shall impose any sanctions against a person under a duty to make the report. Ed Code 44014 (d)

Involving Law Enforcement with Special Ed ... Title 34 of the Code of Federal Regs, Section 300.535

- Nothing prohibits an agency from reporting a crime committed by a child with a disability.
- Nothing prevents 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.

SOMEONE CALLED THE POLICE ON YOU?

- If ANYONE wants you to answer questions, politely inform them that you will answer questions once you have talked with your attorney.
- If you are a member of the union, contact your President.
- Take full advantage of your right to remain silent!
- Don't sign, put anything in writing, or resign.

Property Damage ... EDC 48904, Civil Code 1714.1

- Parents of students who willfully damage the personal property of any school employee are liable for the damages.

Students Recording Teachers ... EDC 51512, Evens v. Superior Court of LA County

- Prohibited without prior consent of the teacher and the principal.
- "Any pupil violating this section shall be subject to appropriate disciplinary action."

HOWEVER...

- A teacher may still be disciplined, based on the illegal recording.
- A teacher has no "reasonable expectation of privacy" so the recording can be used against them.

Authority to Suspend and Expel ... EDC 48900

Suspension from school

- Principal or Superintendent.

Expulsion

- School Board, as recommended by Principal or Superintendent.

Grounds for Suspension and Expulsion ... EDC 48900

- Causing physical injury
- Firearms, knives, explosives
- Drugs and paraphernalia
- Tobacco
- Robbery

- Stealing
- Extortion
- Damaging property
- Obscene acts
- Habitual profanity or vulgarity
- Receiving stolen property
- Imitation firearm
- Sexual assault
- Intimidating witnesses
- Hazing
- Bullying

Rules about Suspension ... EDC 48903, 48911, 48913

- No longer than five (5) consecutive school days. Ed Code 48911
- No more than twenty (20) days per year. Thirty (30) if a transfer from another school. Ed Code 48903
- Teacher can require missed assignments or tests be made up. Ed Code 48913

Suspension shall be preceded by a conference between the principal, the pupil and, whenever practicable, the school employee who referred the pupil.

The pupil shall be informed of:

1. the reason for the disciplinary action, and the evidence against him or her,
2. the other means of correction that were attempted before the suspension,
3. and given the opportunity to present his or her version and evidence in his or her defense.

A conference is not required if the principal determines that an emergency situation exists.

Exclusions to Suspension and Expulsion ... EDC 48900 (k)

Classroom Suspension ... EDC 48900, 48910, 48925 (d)(3)

1. "Suspension...shall be imposed only when other means of correction fail to bring about proper conduct." - Ed Code 48900.5
2. Document the strategies you tried.
3. Ask for support from colleagues and admin.
4. Inform your colleagues about 48910.
5. It is recommended you provide work for the student.

- For acts listed in 48900, *including* disruptive behavior & willful defiance!
- For the day of, and the day following!
- Pupil may not be placed in another classroom.
- Pupil may not be put back in the original classroom, during the period of the suspension, without concurrence of the teacher and principal.
- Must immediately report the suspension and send the pupil to the principal
- JH and HS students are suspended day of and following, for that period only ☹ Ed Code 48910
- Removal shall not occur more than once every five (5) schooldays. Ed Code 48925 (d)(3)
- Teacher must make an *attempt* at a parent-teacher conference.
- School counselor or school psychologist may attend.

- Principal shall attend if requested by the parent or teacher.

Suspension of Students in Special Ed ... Title 34 Code of Federal Regulations, Section 300.530; Title 20 US Code 1415 (k)

Nearly EVERYTHING to this point, also applies to students with an IEP!

For the first 10 days of school suspension, they are under the same rules as any other student.

For those first 10 days, schools do not need to provide educational services.*

Code of Federal Regulations (CFR) § 300.530

These students are also able to be suspended from the classroom.

- More than ten (10) days of suspension in a year is considered a change of placement. An examination of the reasons for the student's behavior is required, aka: a manifestation determination.
- Is the behavior a manifestation of the student's disability?
 - If so, an assessment must be done and a behavior plan created.
 - If not, student may continue to be disciplined just like students in general ed.
- Students may be suspended for up to an additional ten (10) days, as other students are, as long as the removals do not constitute a pattern.
- Beyond first 10 days, must provide educational services.

34 CFR § 300.530; also 20 US Code 1415 (k) states the same.

May remove a student to an interim alternative educational setting for not more than 45 school days, without regard to manifestation, if offense includes:

- Inflicted serious bodily injury
- Weapons
- Or Drugs

34 CFR § 300.530

School Discipline Policy ... EDC 35291, 35291.5 (a), 48981

"The governing board of any school district shall prescribe rules...for the government and discipline of the schools under its jurisdiction.

Each school shall solicit input from one representative selected by each of these groups:

1. Parents
2. Teachers
3. School administrators
4. School security personnel, if any
5. Pupils, if a JH or HS. Ed Code 35291.5 (a)

Rules not inconsistent with law or rules of the State Board of Ed.

WHEN IS IT DUE?: On or before December 1, 1987 and at least every four years thereafter.

Ed Code 35291.5 (a)

WHO APPROVES IT?: The principal, or his or her designee, and a representative *selected by classroom teachers employed at the school.* Ed Code 35291.5 (a)

It's the duty of each employee to enforce the rules and procedures. Ed Code 35291.5 (a)

The governing board will notify the parent or guardian of the availability of rules pertaining to student discipline. Ed Code 35291

At the beginning of the year, by:

- regular mail
- electronically

- or by any other method normally used to communicate in writing. Ed Code 48981

School Safety Plan ... EDC 32280, 32281, 32281 (b)(3), 32282, 32282 (c), 32282 (d), 32282 (f), 32286 (a), 32286 (b)

“It is the intent of the Legislature that all California public schools [k-12] ... develop a comprehensive school safety plan that addresses the safety concerns identified through a systematic planning process.”

Ed Code 32280

Schools, in cooperation with:

- Law enforcement
- Community Leaders
- Parents
- Students
- Teachers
- Classified
- Administrators
- And other interested persons. Ed Code 32280

School site council or school safety committee made of:

- Principal or designee
- Teacher
- Parent
- Classified
- And shall consult with law enforcement, fire, and other first responders. Ed Code 32281

And shall, where practical:

- consult
- cooperate
- coordinate

with other school site councils or planning committees. Ed Code 32282 (c)

- An assessment of crime committed at school and at school-related functions
- Rules and procedures on school discipline
- Earthquake emergency procedures
- Anti-bullying
- If needed, define “gang-related apparel”
- Procedures for an active shooter situation
- A way to notify teachers of dangerous students
- Advice from “Safe Schools: A Planning Guide for Action”. Ed Code 32282

- *March 1:* Yearly deadline to review and update. Ed Code 32286 (a)
- *July:* Yearly deadline to post on accountability report card. Ed Code 32286 (b)
- *The plan may be amended as needed, by the school safety planning committee, but shall be evaluated at least once a year, to ensure it is properly implemented.* Ed Code 32282 (d)
- Plans are approved by the District or County. Ed Code 32282 (f)
- It is the intent of the Legislature that all school staff be trained on the comprehensive school safety plan. Ed Code 32280
- The plan, and any updates, shall be shared with the law enforcement, fire, and other first responders that were required to be consulted for its creation. Ed Code 32281 (b)(3)
- The updated file of all plans shall be readily available for inspection by the public. Ed Code 32282 (d)

- A report on the status of the plan, including a description of its key elements, shall be in the annual school accountability report card. Ed Code 32286 (b)

Misconduct by Parents ... EDC 44810, Penal Code 415.5

- Anyone who willfully interferes with the discipline, good order, lawful conduct, or administration of any school class or activity of the school, with the intent to disrupt, obstruct, or to inflict damage to property or bodily injury upon any person, is guilty of a misdemeanor.
- First conviction: fine between \$500 - \$1000 and/or county jail up to 1 year! Ed Code 44810

Any person, other than a registered student, who:

1. unlawfully fights or challenges another person to fight, or
2. maliciously and willfully disturbs another person by loud and unreasonable noise, or
3. uses offensive words which are inherently likely to provoke an immediate violent reaction, is guilty of a misdemeanor. Penal Code 415.5

Workplace Safety ... Labor Codes 6306, 6400, 6401, 6403

- Every employer is required to furnish employment and a place of employment that is safe and healthful.
- They must do everything reasonably necessary to protect the life, safety, and health of employees. Labor Codes: 6306, 6400, 6401, 6403
- Often an article in your CBA states the same or similar.

What if conditions are not safe?

1. Tell the custodian
2. Email administration
3. Tell your Site Rep
4. Enlist colleagues
5. Follow the provisions in your CBA
6. File a Grievance
7. Submit a Uniform Complaint

HEAD LICE IN SCHOOLS:

From Centers for Disease Control and Prevention (CDC) website:

- Students diagnosed with live head lice do not need to be sent home early from school; they can go home at the end of the day, be treated, and return to class after appropriate treatment has begun.
- Head lice can be a nuisance, but they have not been shown to spread disease.
- Both the American Academy of Pediatrics (AAP) and the National Association of School Nurses (NASN) advocate that “no-nit” policies should be discontinued.