

EMPLOYEE PROTECTION

The Board of Trustees desires to provide a safe, orderly working environment for all employees. As part of the district's comprehensive school safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for assisting them in the event of an emergency situation.

The Superintendent or designee shall ensure that employees are informed, in accordance with law, regarding crimes and offenses by students who may pose a danger in the classroom.

An employee may use reasonable force necessary to protect himself/herself from attack, to protect another person or property, to quell a disturbance threatening physical injury to others, or to obtain possession of weapons or other dangerous objects upon the person or within control of a student. (Education Code 44807, 49331-49333)

When violence is directed against an employee by any individual and the employee so notifies the district, the district shall take steps to ensure that appropriate legal measures are instituted. When the employee notifies the district of a threat of bodily harm, the district shall take appropriate measures to enable the employee to request assistance if an attempt occurs on school grounds.

The Superintendent or designee shall ensure that employees are trained in crisis prevention and intervention techniques in order to protect themselves and students. Staff development may include training in classroom management, effective communication techniques and crisis resolution.

The Board requires school employees to take immediate action upon being made aware that any person is in possession of an injurious object on school grounds or at a school-related or school-sponsored activity. The employee shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately notify the local law enforcement agency and the principal

When informing the principal about the possession or seizure of a weapon or dangerous device, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

The Board recognizes that persons age 16 or older may legally possess tear gas or tear gas weapons such as pepper spray for the purpose of self-defense. Employees who carry such items at school or school activities shall be subject to disciplinary action if they use such items improperly or for any purpose other than self-defense or are negligent or careless in the possession or handling of pepper spray.

If criminal or civil proceedings are brought against an employee alleging that the employee committed an assault in connection with his/her employment, such employee may request the Governing Board to furnish legal counsel to defend the employee in any civil action or proceeding brought against him/her within the limits set by law. (Government Code 995)

All employees shall be covered under the District's workers' compensation insurance for any injury

sustained in the course of his/her employment.

An employee whose person or property is injured or damaged by willful misconduct of a student may request the school district to pursue legal action against the students or the student's parent/guardian. (Education Code 48905)

NOTICE REGARDING STUDENT OFFENSES COMMITTED WHILE UNDER SCHOOL JURISDICTION

The Superintendent or designee shall inform the teacher of any student in his/her class who has engaged in, or is reasonably suspected of, any act during the previous three years which could constitute grounds for suspension or expulsion under Education Code [48900](#), 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. Teachers shall keep the information confidential. (Education Code [49079](#))

NOTICE REGARDING STUDENT OFFENSES COMMITTED WHILE OUTSIDE SCHOOL JURISDICTION

When informed by the court that a minor student has committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code [290](#), assault or battery, larceny, vandalism or graffiti, the Superintendent or designee shall so inform the school principal. The principal shall keep this information in a separate confidential file and give it to the counselors who directly supervise or report on the student's behavior or progress. The principal also may inform any teacher or administrator he/she thinks may need the information so as to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code [827](#))

Any court-initiated information that a teacher, counselor or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code [827](#))

When a student is removed from school as a result of his/her offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to public school. If the student is returned to a different district, the Superintendent shall transmit the information provided by the student's parole or probation officer to the Superintendent of the new district of attendance. (Welfare and Institutions Code [827](#))

Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first; it shall then be destroyed. (Welfare and Institutions Code [827](#))

PROCEDURES TO MAINTAIN CONFIDENTIALITY OF STUDENT OFFENSES

In order to maintain confidentiality when providing information about student offenses to counselors and teachers of classes/programs to which a student is assigned, the principal or designee shall send the staff member a written notification requesting him/her to review a student's file in the school office. This notification shall not name or otherwise identify the student. The staff member shall be asked to initial the notification and return it to the principal or designee.

The staff member shall also 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](#) and Welfare and Institutions Code [827](#), an employee's failure to review the file may be construed as a waiver of the district's liability.

Legal Reference:	Calif. Educ. Code
32210-32212	Willful disturbance, public schools or meetings
32225-32226	Communication devices
35176	Replacing or repairing employees property
35203	Duty of district attorney to defend in certain cases
35204	Contract with attorney in private practice, use of administrative advisor
35205	Contract for specialized legal services
35206	Contract for additional services from county counsel or district attorney
35208	Liability insurance
35213	Reimbursement for loss, destruction or damage of school property
44014	Report of assault by pupils against school employees
48201	Transfer of student records
44807	Duty concerning conduct of pupils; limitations on criminal prosecution
44811	Upbraiding, insulting, and abusing teachers
44812	Insulting and abusing teachers
48900-48926	Suspension or expulsion Grounds for suspension or expulsion
48902	Notification of law enforcement authorities if student commits assault with a deadly weapon
48904	Parental liability
48905	Right to seek legal redress
49079	Notification to teacher; student who has engaged in acts constituting grounds for suspension or expulsion
49330-49335	Injurious objects
49331	Removal of injurious object from possession of pupil by designated employee
CIVIL CODE	
51.7	Freedom from violence or intimidation
CODE OF CIVIL PROCEDURE	
527.8	Workplace violence safety act
GOVERNMENT CODE	
<u>995-996.4</u>	Defense of public employees
<u>3543.2</u>	Scope of representation
PENAL CODE	
71	Threatening public officers and employees and school officials
240	Definition of assault
241.2	Assault on school or park property against any person
241.3	Assault against school bus drivers
241.6	Assault on school employee includes board member
242	Definition of battery
243	Battery; definition of "injury" and "serious bodily injury"
243.2	Battery on school or park property against any person

PERSONNEL

4147; 4258; 4358

243.3	Battery against school bus drivers
243.6	Battery against school employee includes board member
245.5	Assault with deadly weapon; school employee includes board member
290	Registration of sex offenders
601	Trespass by person making credible threat
626.9	Gun-Free School Zone Act of 1995
626.10	Exceptions to bringing weapons on school grounds
646.9	Stalking
12403.7	Weapons approved for self defense

WELFARE AND INSTITUTIONS CODE

827	Juvenile court proceedings; reports; confidentiality
828.1	District police or security department, disclosure of juvenile records

Management Resources:

CDE CORRESPONDENCE

0401.01 Protecting Student Identification in Reporting Injurious Objects

WEB SITES

CDE, Safe Schools and Violence Prevention Office: <http://www.cde.ca.gov/spbranch/safety/safetyhoine>

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