

Santa Monica-Malibu Unified School District

Employee Notifications School Year 2021 – 2022

Drug And Alcohol-Free Workplace

The Board of Education believes that the maintenance of a drug- and alcohol-free workplace is essential to staff and student safety and to help ensure a productive and safe work and learning environment. An employee shall not unlawfully manufacture, distribute, dispense, possess, or use any controlled substance in the workplace. (Government Code 8355; 41 USC 701)

Employees are prohibited from being under the influence of controlled substances or alcohol while on duty. For purposes of this policy, on duty means while an employee is on duty during both instructional and noninstructional time in the classroom or workplace, at extracurricular or cocurricular activities, or while transporting students or otherwise supervising them. Under the influence means that the employee's capabilities are adversely or negatively affected, impaired, or diminished to an extent that impacts the employee's ability to safely and effectively perform his/her job.

The Superintendent or designee shall notify employees of the district's prohibition against drug use and the actions that will be taken for violation of such prohibition. (Government Code 8355; 41 USC 701)

In accordance with law and the district's collective bargaining agreements, the Superintendent or designee shall take appropriate disciplinary action, up to and including termination, against an employee for violating the terms of this policy and/or shall require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state, or local public health or law enforcement agency or other appropriate agency.

Legal Reference:

EDUCATION CODE

- 44011 Controlled substance offense
- 44425 Conviction of controlled substance offenses as grounds for revocation of credential
- 44836 Employment of certificated persons convicted of controlled substance offenses
- 44940 Compulsory leave of absence for certificated persons
- 44940.5 Procedures when employees are placed on compulsory leave of absence
- 45123 Employment after conviction of controlled substance offense
- 45304 Compulsory leave of absence for classified persons

GOVERNMENT CODE

8350-8357 Drug-free workplace

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug Free Schools and Communities Act

UNITED STATES CODE, TITLE 21

812 Schedule of controlled substances

UNITED STATES CODE, TITLE 41

701-707 Drug-Free Workplace Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1308.01-1308.49 Schedule of controlled substances

COURT DECISIONS

Cahoon v. Governing Board of Ventura USD, (2009) 171 Cal.App.4th 381

Ross v. RagingWire Telecommunications, Inc., (2008) 42 Cal.4th 920

Management Resources:

WEB SITES

California Department of Alcohol and Drug Programs: <http://www.adp.ca.gov>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Labor: <http://www.dol.gov>

Policy
Adopted: SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
February 2, 2012 Santa Monica, California

Drug And Alcohol-Free Workplace

It is a violation of district policy and/or state law for any employee, while on duty and/or on district property, to possess, use, or be under the influence of any illegal drugs, illegal narcotics, marijuana or alcohol.

Supervisors and managers have an obligation to monitor employees to ensure that district policy and state laws are enforced.

The following procedures are a guide for supervisors and managers to effectively address suspected alcohol and/or drug use by district employees:

1. If any supervisor or manager has reasonable suspicion to believe that an employee is inhibited in the proper and/or safe performance of his/her job because he or she is under the influence of either drugs or alcohol, the employee shall immediately be relieved of duty and the supervisor(s) or manager(s) shall immediately notify the Assistant Superintendent of Human Resources for further direction. Reasonable suspicion is a belief based on objective fact sufficient to lead a supervisor(s) or manager(s) to suspect that staff is under the influence of drugs and/or alcohol. Observations that may lead to reasonable suspicion include, but are not limited to, the following: slurred speech, alcohol odor on breath, unsteady walking and movement, an accident involving district property, serious accident causing injury, physical or verbal altercation, unusual behavior, possession of alcohol and/or drugs, or failure to pass field sobriety test. Reasonable suspicion may also be based on reports from reliable witnesses.
2. When employees are relieved of duty, the appropriate supervisor or manager shall make certain that arrangements for their transportation home are made. Examples of appropriate transportation are: spouse or other family member, friend, or taxi. If the employee refuses transportation home and indicates he/she plans to drive his/her motor vehicle, the supervisor shall give the employee a direct order to accept the transportation. If the employee continues to refuse transportation, the supervisor is to document the refusal and contact law enforcement.
3. When employees are relieved of duty because of their inability to properly and/or safely perform the duties of their job as a result of probable alcohol or drug use, the absence shall be charged to accumulated sick leave, if available. If sick leave is not available, the absence shall be charged as leave without pay.
4. If any employee suspected of alcohol or drug use refuses to leave district property as directed or becomes abusive or combative, a Campus Security Officer shall be immediately called for assistance.
5. If alcoholic beverages are found on district property and/or are being used on district property, the Assistant Superintendent of Human Resources and/or law enforcement shall be notified immediately.
6. If illegal drugs, narcotics or marijuana are found on district property and/or are being used on district property, the Assistant Superintendent of Human Resources and/or law enforcement shall be notified immediately.
7. The supervisor, appropriate manager, or the Assistant Superintendent of Human Resources, may require any employee suspected of using alcohol and/or drugs or of having alcohol and/or drugs in their system during working hours or while performing any district function to submit to physical or psychological examination which may include a preliminary presumptive breathalyzer test administered by law enforcement and/or submit to a medical examination, including laboratory tests, conducted by a facility selected by the district.
8. Whenever these procedures are implemented, the supervisor(s) or manager(s) and any witnesses shall file a written report to the Assistant Superintendent of Human Resources. The report shall describe the specific behavior/s exhibited by the employee that suggests there was reasonable suspicion that the employee was unable to properly and/or safely perform the duties of his/her job.

Drug-Free Workplace Act; State Contractors and Grantees - GC 8355

Every person or organization awarded a contract or a grant for the procurement of any property or services from any state agency shall certify to the contracting or granting agency that it will provide a drug-free workplace by doing all of the following:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the person's or organization's workplace and specifying the actions that will be taken against employees for violations of the prohibitions.
2. Establishing a drug-free awareness program to inform employees about all of the following:
 - a. The dangers of drug abuse in the workplace.
 - b. The person's or organization's policy of maintaining a drug-free workplace.
 - c. Any available drug counseling, rehabilitation, and employees assistance programs.
 - d. The penalties that may be imposed upon employees for drug abuse violations.
3. Requiring that each employee engaged in the performance of the contract or grant be given a copy of the statement required and that, as a condition of employment on the contract or grant, the employee agrees to abide by the terms of the statement.

Regulation SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
Adopted: February 2, 2012, Santa Monica, CA

Employee Use of Technology

The Board of Education recognizes that technological resources can enhance employee performance by offering effective tools to assist in providing a quality instructional program, facilitating communications with parents/guardians, students, and the community, supporting district and school operations, and improving access to and exchange of information. The Board expects all employees to learn to use the available technological resources that will assist them in the performance of their job responsibilities. As needed, employees shall receive professional development in the appropriate use of these resources.

Employees shall be responsible for the appropriate use of technology and shall use the district's technological resources for purposes related to their employment.

District technology includes, but is not limited to, computers, the district's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

The Superintendent or designee shall establish an Acceptable Use Agreement which outlines employee obligations and responsibilities related to the use of district technology. Upon employment and whenever significant changes are made to the district's Acceptable Use Agreement, employees shall be required to acknowledge in writing that they have read and agreed to the Acceptable Use Agreement.

Employees shall not use district technology to access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, sexually explicit, or unethical or that promotes any activity prohibited by law, Board policy, or administrative regulations.

Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. (20 USC 6777; 47 USC 254).

The Superintendent or designee shall annually notify employees in writing that they have no reasonable expectation of privacy in the use of any equipment or other technological resources provided by or maintained by the district, including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, even when provided their own password. To ensure proper use, the Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent and for any reason allowed by law.

In addition, employees shall be notified that records maintained on any personal device or messages sent or received on a personal device that is being used to conduct district business may be subject to disclosure, pursuant to a subpoena or other lawful request.

Employees shall report any security problem or misuse of district technology to the Superintendent or designee.

Inappropriate use of district technology may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative regulation.

Legal Reference:

EDUCATION CODE

52295.10-52295.55 Implementation of Enhancing Education Through Technology grant program

GOVERNMENT CODE

3543.1 Rights of employee organizations

PENAL CODE

502 Computer crimes, remedies

632 Eavesdropping on or recording confidential communications

VEHICLE CODE

23123 Wireless telephones in vehicles

23123.5 Mobile communication devices; text messaging while driving

23125 Wireless telephones in school buses

UNITED STATES CODE, TITLE 20

6751-6777 Enhancing Education Through Technology Act, Title II, Part D, especially:

6777 Internet safety

UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 Internet safety policy and technology protection measures, E-rate discounts

COURT DECISIONS

City of Ontario v. Quon et al. (2010) 000 U.S. 08-1332

Management Resources:

WEB SITES

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

American Library Association: <http://www.ala.org>

California Department of Education: <http://www.cde.ca.gov>

Federal Communications Commission: <http://www.fcc.gov>

U.S. Department of Education: <http://www.ed.gov>

Policy	SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
Adopted:	June 25, 2009 Santa Monica, California
Revised:	October 5, 2017

Employee Use of Technology

ACCEPTABLE USE AGREEMENT AND RELEASE OF DISTRICT FROM LIABILITY (EMPLOYEES)

The Santa Monica-Malibu Unified School District authorizes district employees to use technology owned or otherwise provided by the district as necessary to fulfill the requirements of their position. The use of district technology is a privilege permitted at the district's discretion and is subject to the conditions and restrictions set forth in applicable Board policies, administrative regulations, and this Acceptable Use Agreement. The district reserves the right to suspend access at any time, without notice, for any reason.

The district expects all employees to use technology responsibly in order to avoid potential problems and liability. The district may place reasonable restrictions on the sites, material, and/or information that employees may access through the system.

The district makes no guarantee that the functions or services provided by or through the district will be without defect. In addition, the district is not responsible for financial obligations arising from unauthorized use of the system.

Each employee who is authorized to use district technology shall sign this Acceptable Use Agreement as an indication that he/she has read and understands the agreement.

Definitions

District technology includes, but is not limited to, computers, the district's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

Employee Obligations and Responsibilities

Employees are expected to use district technology safely, responsibly, and for work-related purposes. Any incidental personal use of district technology shall not interfere with district business and operations, the work and productivity of any district employee, or the safety and security of district technology. The district is not responsible for any loss or damage incurred by an employee as a result of his/her personal use of district technology.

The employee in whose name district technology is issued is responsible for its proper use at all times. Employees shall not share their assigned online services account information, passwords, or other information used for identification and authorization purposes, and shall use the system only under the account to which they have been assigned. Employees shall not gain unauthorized access to the files or equipment of others, access electronic resources by using another person's name or electronic identification, or send anonymous electronic communications. Furthermore, employees shall not attempt to access any data, documents, emails, or programs in the district's system for which they do not have authorization.

Employees are prohibited from using district technology for improper purposes, including, but not limited to, use of district technology to:

1. Access, post, display, or otherwise use material that is discriminatory, defamatory, obscene, sexually explicit, harassing, intimidating, threatening, or disruptive
2. Disclose or in any way cause to be disclosed confidential or sensitive district, employee, or student information without prior authorization from a supervisor

3. Engage in personal commercial or other for-profit activities without permission of the Superintendent or designee
4. Engage in unlawful use of district technology for political lobbying
5. Infringe on copyright, license, trademark, patent, or other intellectual property rights
6. Intentionally disrupt or harm district technology or other district operations (such as destroying district equipment, placing a virus on district computers, adding or removing a computer program without permission, changing settings on shared computers)
7. Install unauthorized software
8. Engage in or promote unethical practices or violate any law or Board policy, administrative regulation, or district practice

Privacy

Since the use of district technology is intended for use in conducting district business, no employee should have any expectation of privacy in any use of district technology.

The district reserves the right to monitor and record all use of district technology, including, but not limited to, access to the Internet or social media, communications sent or received from district technology, or other uses within the jurisdiction of the district. Such monitoring/recording may occur at any time without prior notice for any legal purposes including, but not limited to, record retention and distribution and/or investigation of improper, illegal, or prohibited activity. Employees should be aware that, in most instances, their use of district technology (such as web searches or emails) cannot be erased or deleted.

All passwords created for or used on any district technology are the sole property of the district. The creation or use of a password by an employee on district technology does not create a reasonable expectation of privacy.

Personally Owned Devices

If an employee uses a personally owned device to access district technology or conduct district business, he/she shall abide by all applicable Board policies, administrative regulations, and this Acceptable Use Agreement. Any such use of a personally owned device may subject the contents of the device and any communications sent or received on the device to disclosure pursuant to a lawful subpoena or public records request.

Records

Any electronically stored information generated or received by an employee which constitutes a district or student record shall be classified, retained, and destroyed in accordance with BP/AR 3580 - District Records, BP/AR 5125 - Student Records, or other applicable policies and regulations addressing the retention of district or student records.

Reporting

If an employee becomes aware of any security problem (such as any compromise of the confidentiality of any login or account information) or misuse of district technology, he/she shall immediately report such information to the Superintendent or designee.

Consequences for Violation

Violations of the law, Board policy, or this Acceptable Use Agreement may result in revocation of an employee's access to district technology and/or discipline, up to and including termination. In addition, violations of the law, Board policy, or this agreement may be reported to law enforcement agencies as appropriate.

Employee Acknowledgment

I have received, read, understand, and agree to abide by this Acceptable Use Agreement, BP 4040 - Employee Use of Technology, and other applicable laws and district policies and regulations governing the use of district technology. I understand that there is no expectation of privacy when using district technology or when my personal electronic devices use district technology. I further understand that any violation may result in revocation of user privileges, disciplinary action, and/or appropriate legal action.

I hereby release the district and its personnel from any and all claims and damages arising from my use of district technology or from the failure of any technology protection measures employed by the district.

Employee Signature on the annual Employee Notifications Confirmation Sheet serves as acknowledgment of the Acceptable Use Agreement, BP 4040.

Exhibit	SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
Adopted:	June 25, 2009 Santa Monica, California
Revised:	October 5, 2017

Sexual Harassment

The Board of Education prohibits sexual harassment of district employees and job applicants. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify or otherwise participate in the complaint process established pursuant to this policy and administrative regulation.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to staff
3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (5 CCR 4964)

Any district employee or job applicant who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately report the incident to his/her supervisor, the principal, district administrator or Superintendent.

A supervisor, principal or other district administrator who receives a harassment complaint shall promptly notify the Superintendent or designee.

Complaints of sexual harassment shall be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment against a district employee, job applicant, or student is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

7287.8 Retaliation

7288.0 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

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

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr/index.html>

Policy SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
Adopted: June 25, 2009 Santa Monica, California

Sexual Harassment

Definitions

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of such conduct by the individual is used as the basis for an employment decision affecting him/her.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work or has the purpose or effect of creating an intimidating, hostile, or offensive work environment. The conduct is sufficiently severe, persistent, pervasive, or objectively offensive so as to create a hostile or abusive working environment or to limit the individual's ability to participate in or benefit from an education program or activity.
4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs, or activities available at or through the district.

Other examples of actions that might constitute sexual harassment, whether committed by a supervisor, a co-worker, or a non-employee, in the work or educational setting, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

Prohibited sexual harassment may also include 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 complaint.

Training

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All newly hired or promoted supervisory employees shall receive training within six months of their assumption of the supervisory position. (Government Code 12950.1)

The district's training and education program for supervisory employees shall include information and practical guidance regarding the federal and state laws on the prohibition against and the prevention and correction of sexual harassment, and the remedies available to the victims of sexual harassment in employment. The training shall also include all of the content specified in 2 CCR 7288.0 and practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1; 2 CCR 7288.0)

In addition, the Superintendent or designee shall ensure that all employees receive periodic training regarding the district's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the district's complaint procedures.

Notifications

A copy of the Board policy and this administrative regulation shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted
2. Be provided to each faculty member, all members of the administrative staff, and 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's 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 (DFEH) or a copy of district information sheets that contain, at a minimum, components on: (Government Code 12950)

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 DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC
7. The protection against retaliation provided by 2 CCR 7287.8 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

In addition, the district shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment. (Government Code 12950)

Regulation SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
Adopted: June 25, 2009 Santa Monica, California

Student & Staff Interaction

The Board of Education requires that all students are provided a safe and secure learning environment.

Recognizing that all employees, including volunteers, coaches, and other adults who interact and work students, are considered educators, it is the policy of the Board of Education that its educators to act in a manner that reflect professional, moral, and ethical practices within established boundaries. Educators are also required to maintain an atmosphere conducive to learning, and their interactions with students must be consistent with the educational mission of the district and legitimate educational purpose within the scope their employment duties.

Additionally, this policy endeavors to:

- A. Maintain the integrity of the teaching profession and of public education;
- B. Maintain public trust and confidence in the safety of our schools;
- C. Protect employees from prohibited or unauthorized student-employee interactions which may result in false allegations.

It is the policy of the Board of Education that all employees:

1. Communicate and interact with students in a manner that respects the student's right to a safe and secure environment as required by Article I, Section 28 (c) of the California Constitution.
2. Conduct themselves in a manner that adheres to district governing policies and abide by state and federal laws.
3. Maintain appropriate boundaries with students that are consistent with their role, duties, responsibilities, and within accepted professional standards and norms of behavior for educators.
4. Adhere to district governing policies and regulations for being alone with a single student on district premises and during all District programs and activities.
5. Limit one-to-one student engagements to what is necessary to perform assigned services and to conduct such in a forthright and transparent manner.
6. Take immediate action and/or report to a supervisor when they witness, overhear, recognize, or otherwise become cognizant of prohibited or inappropriate student-employee interactions.
7. Report all suspected child abuse or neglect as a Mandated Reporter.
8. Understand that failure to comply with Board Policy and Administrative Regulations may result in disciplinary action up to termination and/or legal action.

Legal References

CALIFORNIA CONSTITUTION

Article 1, Section 28(c)

CALIFORNIA CODE OF REGULATIONS

TITLE 5

SECTION 4621

SECTION 4622

SECTION 4900

SECTION 4950

SECTION 4960

SECTION 4961

SECTION 4962

PENAL CODE

422.55

11164—Child abuse and Neglect Reporting

11165—Child abuse and Neglect Reporting

11166.5

Policy
Adopted:

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
August 1, 2019 Santa Monica, California

Student & Staff Interaction

Consistent with Article I, Section 28(c) of the California Constitution and Student-Employee Interaction Board Policy, all district employees expected to maintain professional, moral, and ethical relationship with students that are conducive to a safe learning environment. This administrative regulation addresses a range of behaviors that includes, but are not limited to, unlawful behavior, improper or inappropriate interactions with students, and/or grooming behavior that undermine the professional student-employee relationship leading to abuse, misconduct, or the appearance of impropriety. Grooming behavior is when someone builds an emotional connection with a child to gain trust for the purposes of sexual misconduct, abuse, exploitation or trafficking. Children and young people can be groomed online or face-to-face, by a stranger or by someone they know (e.g. family member, friend or professional). All employees shall:

1. Communicate and interact with students in a manner that respects student's right to a safe and secure environment as required by the California Constitution.
2. Maintain appropriate boundaries with students that are consistent with their role, duties, responsibilities, within accepted norms of behavior for educators, and in a manner that a reasonable person would not interpret as inappropriate. Examples of boundary violations include, but are not limited to, the following:
 - Dating, courting, or entering into or attempting to form a romantic or sexual relationship with any student, regardless of the student's age.
 - Singling or seeking out a specific student which may create excessive emotional attachment for all parties or may be perceived as acting in a "parental" role.
 - Kissing of any kind.
 - Taking a student out of class without a legitimate educational purpose.
 - Showing inappropriate videos, photographs, images or other content to a student.
 - Inappropriate photographing and videoing students outside of district sponsored activities or events.
 - Touching a student (e.g. grabbing, tickling, and rubbing) which is not in keeping with what is professionally required and acceptable.
 - Encouraging or allowing a student to sit on the employee's lap or sitting on a student's lap.
 - Making sexual or sexualized comments or communication about a student's physical appearance.
 - Consuming alcohol or drugs with, or offering, giving, or otherwise making alcohol or drugs available to a student.
 - Giving or exchanging personal gifts, cards or letters with an individual student for which it is directly or implicitly suggested that a student is to say or do something in return.
 - Using student restrooms when staff restrooms are available.
3. Avoid appearances of impropriety and refrain from unauthorized and inappropriate communications with students.

Duty to Report

Employees who observe or has knowledge of a violation of this policy shall immediately report the information to an administrator or manager. When an employee observes conduct by another employee that creates a reasonable suspicion of child abuse (including sexual abuse), the employee must report the conduct to the Department of Children and Family Services and/or local police/sheriff's department in accordance with state law and District policy.

Investigation

Law enforcement and the Department of Children and Family Services shall investigate suspicions of child abuse. District must investigate all other policy violations. Reporting employees are neither permitted nor responsible for investigating whether the conduct is inappropriate.

Immediate intervention shall be considered and implemented when necessary to protect student safety and/or the integrity of the investigation.

Noncompliance

Employees shall be disciplined up to and including termination and/or legal action, for noncompliance with this policy. Examples of noncompliance include, but are not limited to:

1. Failure to maintain appropriate boundaries when interacting and communicating with students.
2. Failure to appropriately intervene or report when witnessing, observing, and becoming cognizant of prohibited or inappropriate student-employee interactions.
3. Failure to fulfill duties and requirements as mandated reporters.
4. Failure to report to the California Commission on Teacher Credentialing (CCTC) regarding possible educational misconduct, as required by their role.

Confidentiality and Retaliation

The District prohibits retaliation against anyone who makes a report under this policy. Any employee who retaliates against any such complainant, reporter, or other participant in the District's complaint process shall be subject to discipline.

Reporting employees are required to maintain confidentiality.

Confidentiality protects both the student(s) and the employee who is the subject of the report. Failure to maintain confidentiality may impede the investigation and foster untrue and potentially harmful rumors. Nothing in this policy shall prevent any represented employee from consulting with his/her exclusive representative.

This policy will be presented to and signed by all district employees as part of their initial employment, and as part of ongoing training.

Regulation
Adopted:

SANTA MONICA-MALIBU SCHOOL DISTRICT
August 1, 2019 Santa Monica, CA

Exposure Control Plan For Bloodborne Pathogens

As part of its commitment to provide a safe and healthful work environment, the Board of Education recognizes the importance of developing an exposure control plan. The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace to protect employees from possible infection due to contact with bloodborne pathogens, including but not limited to hepatitis B virus, hepatitis C virus and human immunodeficiency virus (HIV).

The Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the district's exposure control plan, employees having occupational exposure shall be offered the hepatitis B vaccination.

The Superintendent or designee may exempt designated first aid providers from pre-exposure hepatitis B vaccination under the conditions specified by state regulations. (8 CCR 5193(f))

Any employee not identified by the Superintendent or designee as having occupational exposure may submit a request to the Superintendent or designee to be included in the training and hepatitis B vaccination program. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with any infectious material.

Legal Reference:

LABOR CODE

142.3 Authority of Cal/OSHA to adopt standards

144.7 Requirement to amend standards

CODE OF REGULATIONS, TITLE 8

3204 Access to employee exposure and medical records

5193 California bloodborne pathogens standards

CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 OSHA bloodborne pathogens standards

Management Resources:

CDE ADVISORIES

1016.89 Guidelines for Informing School Employees about Preventing the Spread of Infectious Diseases, including Hepatitis B and AIDS/HIV Infections and Policies for Dealing with HIV-Infected Persons in School Settings

WEB SITES

OSHA: <http://www.osha.gov>

Cal/OSHA: http://www.dir.ca.gov/occupational_safety.html

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

Policy SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
Adopted: June 25, 2009 Santa Monica, California

Exposure Control Plan For Bloodborne Pathogens

Definitions

Occupational exposure means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. (8 CCR 5193(b))

Exposure incident means a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that result from the performance of an employee's duties. (8 CCR 5193 (b))

Parenteral contact means piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions. (8 CCR 5193(b))

A sharp is any object that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident. (8 CCR 5193(b))

A sharps injury is any injury caused by a sharp, including but not limited to cuts, abrasions or needlesticks. (8 CCR 5193(b))

Work practice controls are controls that reduce the likelihood of exposure by defining the manner in which a task is performed. (8 CCR 5193(b))

Engineering controls are controls, such as sharps disposal containers, needleless systems, and sharps with engineered sharps injury protection, that isolate or remove the bloodborne pathogens hazard from the workplace. (8 CCR 5193(b))

Engineered sharps injury protection is a physical attribute built into a needle device or into a non-needle sharp which effectively reduces the risk of an exposure incident. (8 CCR 5193(b))

Exposure Control Plan

The district's exposure control plan shall contain at least the following components: (8 CCR 5193(c))

1. A determination of which employees have occupational exposure to blood or other potentially infectious materials

The district's exposure determination shall be made without regard to the use of personal protective equipment and shall include a list of:

- a. All job classifications in which all employees have occupational exposure
 - b. Job classifications in which some employees have occupational exposure
 - c. All tasks and procedures, or groups of closely related tasks and procedures, in which occupational exposure occurs and which are performed by employees listed in item #b above
2. The schedule and method of implementing:
- a. Methods of compliance required by 8 CCR 5193(d), such as universal precautions, general and specific engineering and work practice controls, and personal protective equipment
 - b. Hepatitis B vaccination
 - c. Bloodborne pathogen post-exposure evaluation and follow-up

d. Communication of hazards to employees, including labels, signs, information and training

e. Recordkeeping

3. The district's procedure for evaluating circumstances surrounding exposure incidents

4. An effective procedure for gathering information about each exposure incident involving a sharp, as required for the log of sharps injuries

5. An effective procedure for periodically determining the frequency of use of the types and brands of sharps involved in exposure incidents documented in the sharps injury log

6. An effective procedure for identifying currently available engineering controls and selecting such controls as appropriate for the procedures performed by employees in their work areas or departments

7. An effective procedure for documenting instances when a licensed healthcare professional directly involved in a patient's care determines, in the reasonable exercise of clinical judgment, that the use of an engineering control would jeopardize an individual's safety or the success of a medical, dental or nursing procedure involving the individual

8. An effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed by employees in their respective work areas or departments

The exposure control plan shall be reviewed and updated at least annually and whenever necessary to: (8 CCR 5193(c))

1. Reflect new or modified tasks and procedures affecting occupational exposure

2. To the extent that sharps are used in the district, reflect progress in implementing the use of needleless systems and sharps with engineered sharps injury protection

3. Include new or revised employee positions with occupational exposure

4. Review and evaluate the exposure incidents which occurred since the previous update

5. Review and respond to information indicating that the exposure control plan is deficient in any area

The district's exposure control plan shall be accessible to employees upon request. (8 CCR 3204(e))

Preventive Measures

The Superintendent or designee shall use engineering and work practice controls to eliminate or minimize employee exposure, and shall regularly examine and update controls to ensure their effectiveness. (8 CCR 5193(d))

Hepatitis B Vaccination

The hepatitis B vaccination and vaccination series shall be made available at no cost to all employees who have occupational exposure. The hepatitis B vaccination shall be made available after an employee with occupational exposure has received the required training and within 10 working days of initial assignment, unless the employee has previously received the complete hepatitis B vaccination series, or antibody testing has revealed that the employee is immune, or vaccination is contraindicated by medical reasons. (8 CCR 5193(f))

Employees who decline to accept the vaccination shall sign the hepatitis B declination statement. (8 CCR 5193(f))

The Superintendent or designee may exempt designated first aid providers from the pre-exposure hepatitis B vaccine in accordance with 8 CCR 5193 (f).

Information and Training

The Superintendent or designee shall ensure that all employees with occupational exposure participate in a training program containing the elements required by state regulations, during working hours and at no cost to the employee. This program shall be offered at the time of initial assignment to tasks where occupational exposure may take place, at least annually thereafter, and whenever a change of tasks or procedures affects the employee's exposure. (8 CCR 5193(g))

Designated first aid providers shall receive training that includes the specifics of reporting first-aid incidents which involve blood or body fluids which are potentially infectious. (8 CCR 5193(g))

Reporting Incidents

All exposure incidents shall be reported as soon as possible to the Superintendent or designee.

Unvaccinated designated first aid providers must report any first aid incident involving the presence of blood or other potentially infectious material, regardless of whether an exposure incident occurred, by the end of the work shift. The full hepatitis B vaccination series shall be made available to such employees no later than 24 hours after the first aid incident. (8 CCR 5193(f))

Sharps Injury Log

The Superintendent or designee shall establish and maintain a log recording each exposure incident involving a sharp. The exposure incident shall be recorded within 14 working days of the date the incident is reported to the district. (8 CCR 5193(c))

The information recorded shall include the following, if known or reasonably available: (8 CCR 5193(c))

1. Date and time of the exposure incident
2. Type and brand of sharp involved in the exposure incident
3. A description of the exposure incident, including:
 - a. Job classification of the exposed employee
 - b. Department or work area where the exposure incident occurred
 - c. The procedure that the exposed employee was performing at the time of the incident
 - d. How the incident occurred
 - e. The body part involved in the incident
 - f. If the sharp had engineered sharps injury protection, whether the protective mechanism was activated and whether the injury occurred before, during or after the protective mechanism was activated
 - g. If the sharp had no engineered sharps injury protection, the injured employee's opinion as to whether and how such a mechanism could have prevented the injury
 - h. The employee's opinion about whether any other engineering, administrative or work practice could have prevented the injury

Post-Exposure Evaluation and Follow-up

Following a report of an exposure incident, the Superintendent or designee shall immediately make available to the exposed employee, at no cost, a confidential medical evaluation, post-exposure evaluation and follow-up. The Superintendent or designee shall, at a minimum: (8 CCR 5193(f))

1. Document the route(s) of exposure and the circumstances under which the exposure incident occurred
2. Identify and document the source individual, unless that identification is infeasible or prohibited by law
3. Provide for the collection and testing of the employee's blood for hepatitis B, hepatitis C and HIV serological status
4. Provide for post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service
5. Provide for counseling and evaluation of reported illnesses

The Superintendent or designee shall provide the health care professional with a copy of 8 CCR 5193; a description of the employee's duties as they relate to the exposure incident; documentation of the route(s) of exposure and circumstances under which exposure occurred; results of the source individual's blood testing, if available; and all medical records maintained by the district relevant to the appropriate treatment of the employee, including vaccination status. (8 CCR 5193(f))

The district shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation. (8 CCR 5193(f))

Records

Upon an employee's initial employment and at least annually thereafter, the Superintendent or designee shall inform employees with occupational exposure of the existence, location and availability of related records; the person responsible for maintaining and providing access to records; and the employee's right of access to these records. (8 CCR 3204)

Medical records for each employee with occupational exposure shall be kept confidential and not disclosed or reported without the employee's written consent to any person within or outside the workplace except as required by law. (8 CCR 5193(h))

Upon request by an employee, or a designated representative with the employee's written consent, the Superintendent or designee shall provide access to a record in a reasonable time, place and manner, no later than 15 days after the request is made. (8 CCR 3204(e))

Records shall be maintained as follows: (8 CCR 3204(d), 5193(h))

1. Medical records shall be maintained for the duration of employment plus 30 years.
2. Training records shall be maintained for three years from the date of training.
3. The sharps injury log shall be maintained five years from the date the exposure incident occurred.
4. Exposure records shall be maintained for at least 30 years.
5. Each analysis using medical or exposure records shall be maintained for at least 30 years.

Regulation SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
Adopted: June 25, 2009 Santa Monica, California

Child Abuse Prevention And Reporting

Child Abuse Prevention

The Board of Education recognizes the district's responsibility to educate administrators, staff and students about the dangers of child abuse so that they will acquire the skills and techniques needed to identify unsafe situations and to react appropriately and promptly. The Board also recognizes the district's responsibility to provide and maintain a safe physical environment that will minimize unsafe situations for children.

The district's instructional program shall include age-appropriate and culturally and linguistically sensitive child abuse prevention curriculum. This curriculum shall explain students' right to live free of abuse, inform them of available support resources, and teach them how to obtain help and disclose incidents of abuse. The curriculum also shall include training in self-protection techniques. Students who are new to the district will receive an orientation which will include this curriculum.

The Superintendent or designee shall seek to incorporate community resources into the district's child abuse prevention programs. To the extent feasible, the Superintendent or designee shall use these community resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

Child Abuse Reporting

The Board recognizes that child abuse has severe consequences and that the district has a responsibility to protect students by facilitating the prompt reporting of known and suspected incidents of child abuse. With concern for the total well-being of each student, the Board directs the employees of the district to report known or suspected incidences of child abuse in accordance with state law and administrative regulations. District employees shall cooperate with the child protective agencies responsible for reporting, investigating and prosecuting cases of child abuse. The Superintendent or designee shall establish procedures for the identification and reporting of such incidents in accordance with law.

Employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known, suspected, or alleged incidents of child abuse and neglect.

Mandated reporters shall not investigate any suspected incidents but rather shall cooperate with agencies responsible for investigating and prosecuting cases of child abuse and neglect.

The Superintendent or designee shall provide training regarding the reporting duties of mandated reporters.

By no later than October 31st of each year, the Superintendent shall inform the public via an Information Item in the Board of Education agenda the numbers of child abuse reports and the number involving district employees for the previous school year. The Superintendent shall also inform the public that the training for all mandated reporters has been provided.

In the event that training is not provided to mandated reporters, the Superintendent shall report to the California Department of Education and the public the reasons that such training has not been provided.

Legal Reference:

EDUCATION CODE

32280-32288 Comprehensive school safety plans

33308.1 Guidelines on procedure for filing child abuse complaints

44690-44691 Staff development in the detection of child abuse and neglect

44807 Duty concerning conduct of students

48906 Notification when student released to peace officer

48987 Dissemination of reporting guidelines to parents
49001 Prohibition of corporal punishment
51220.5 Parenting skills education

PENAL CODE

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

WELFARE AND INSTITUTIONS CODE

15630-15637 Dependent adult abuse reporting

CODE OF REGULATIONS, TITLE 5

4650 Filing complaints with CDE, special education students

Management Resources:

CDE LEGAL ADVISORIES

0514.93 Guidelines for parents to report suspected child abuse

WEB SITES

California Attorney General's Office, Crime and Violence Prevention Center: <http://safestate.org>

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

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

U.S. Department of Health and Human Services, National Clearinghouse on Child Abuse and Neglect Information: <http://nccanch.acf.hhs.gov>

Policy **SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT**
Adopted: August 19, 2009 Santa Monica, California

Child Abuse Prevention And Reporting

Definitions

Child abuse or neglect includes the following:

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

Child abuse or neglect does not include:

1. A mutual affray between minors (Penal Code 11165.6)
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment (Penal Code 11165.6)
3. An injury resulting from the exercise by a teacher, assistant principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)
4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student (Education Code 49001)
5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student (Education Code 49001)

Mandated reporters include, but are not limited to, teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; administrators and employees of a licensed day care facility; Head Start teachers; district police or security officers; licensed nurses or health care providers; and administrators, presenters, and counselors of a child abuse prevention program (Penal Code 1165.7)

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. (Penal Code 11166)

Reportable Offenses

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

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

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

Responsibility for Reporting

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

When two or more mandated reporters jointly have initial reported knowledge of a known or suspected instance of child abuse or neglect, each reporter must file a report or they must file the report jointly. If filing jointly, all mandated reporters must have their name on the form. (Penal Code 11166)

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

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

Reporting Procedures

1. Initial Telephone Report

Within 24 hours of knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11166) When possible, the telephone call should be made before the end of the school day during which the information was obtained.

LA County Child Protection Hot Line 24 hours

800-540-4000

Or

Santa Monica Police Department

33 Olympic Drive, Santa Monica, CA 90401

Attn: Youth Services Division

310-458-8491 (24 hours)

310-393-5051 (fax)

Or

Malibu LA County Sheriff's Department (310-456-6652, ext. 235)

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

2. Written Report

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

Mandated reporters may obtain copies of the Department of Justice form from either the district or the appropriate agency.

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

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location and, where applicable, school, grade, and class
- c. The names, addresses, and telephone numbers of the child's parents/guardians
- d. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information
- e. The name, address, telephone number, and other relevant personal information about the person(s) who might have abused or neglected the child

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

Information relevant to the incident of child abuse or neglect may also be given to an investigator from an agency that is investigating the case. (Penal Code 11167)

3. Internal Reporting

a. Internal Reporting of Alleged Child Abuse Regarding Non-district employees

Employees reporting child abuse or neglect to an appropriate agency are required, to notify the principal or designee immediately after the initial telephone report to the appropriate agency.

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

After completion of the written follow-up report, which includes a completed Department of Justice form (SS 8572), and after providing that form to the appropriate agency, the mandated reporter shall provide that form to the school nurse or designee. The mandated reporter shall not be required to disclose his/her identity and may remove his/her name from the form. (Penal Code 11166)

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

b. Internal Reporting of Alleged Child Abuse Regarding district employees or volunteers

Employees reporting child abuse or neglect allegations against an district employee or volunteer to an appropriate agency are required to notify the Superintendent or designee immediately after the initial telephone report to the appropriate agency. When so notified, the Superintendent or designee shall inform the Superintendent or designee with the Confidential Incident Report Form.

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

After completion of the written follow-up report, which includes a completed Department of Justice form (SS 8572), and after providing that form to the appropriate agency, the mandated reporter shall provide that form to the principal or designee. The mandated reporter shall not be required to disclose his/her identity to the principal and may remove his/her name from the form. (Penal Code 11166)

The principal or designee shall attach the follow-up report to the Confidential Incident Report Form, which shall be provided to the Superintendent or designee.

The Superintendent or designee shall maintain a record of all reported cases of suspected child abuse regarding employees to enable the district to monitor, address and prevent repetitive child abuse in its schools. All complaints and allegations of child abuse shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action.

No student shall be required or asked to meet with the employee or volunteer who has allegedly abused that student. If the employee or volunteer suspected of sexual misconduct is a district employee or volunteer, then during the course of the investigation, he/she shall discontinue contact with students.

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

Training

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

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

Victim Interviews

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

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

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.

3. The selected person shall not discuss the facts or circumstances of the case with the child.

4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

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

Release of Child to Peace Officer

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

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

Parent/Guardian Complaints Regarding Suspected Child Abuse

Upon request, the Superintendent or designee shall provide parents/guardians with a copy of the district's administrative regulation that describes how to report suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is other than English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

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.

Notifications

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

Before beginning employment, employees shall sign the statement indicating that they have knowledge of the reporting obligations under Penal Code 11166 and that they will comply with those provisions. The signed statements shall be retained by the Superintendent or designee. (Penal Code 11166.5)

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

The Superintendent or designee shall also notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her

employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)

2. If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, he/she may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code 11166)

3. No employee shall be subject to any sanction by the district for making a report. (Penal Code 11166)

Regulation SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
Adopted: August 19, 2009 Santa Monica, California

Sexual Harassment

The Board of Education is committed to maintaining an educational environment that is free from harassment. The Board prohibits sexual harassment of students by other students, employees or other persons, at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against persons who complain, testify, assist or otherwise participate in the complaint process established pursuant to this policy and the administrative regulation.

Instruction/Information

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
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the person(s) to whom a report of sexual harassment should be made

Complaint Process

Any student who feels that he/she is being or has been sexually harassed by a school employee, another student, or a non-employee on school grounds or at a school-related activity (e.g., a visiting athlete or coach) shall immediately contact his/her teacher or any other employee. A school employee to whom a complaint is made shall, within 24 hours of receiving the complaint, report it to the principal or designee.

Any school employee who observes any incident of sexual harassment involving a student shall report this observation to the principal or designee, whether or not the victim files a complaint.

In any case of sexual harassment involving the principal or any other district employee to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall report to the nondiscrimination coordinator or the Superintendent or designee.

The Superintendent or designee to whom a complaint of sexual harassment is reported shall immediately file a report to the Superintendent with the Confidential Incident Report Form. The Superintendent will determine who will investigate the complaint in accordance with administrative regulation. Where the Assistant Superintendent of Human Resources or designee and/or independent investigator 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 refer the matter to law enforcement authorities, where required.

Disciplinary Measures

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 4-12, disciplinary action may include suspension, opportunity transfer, and/or expulsion, provided that in imposing such discipline the entire circumstances of the incident(s) shall be taken into account.

Any employee who engages in sexual harassment or misconduct is in violation of this policy and shall be subject to disciplinary measures and shall be reported to law enforcement agencies.

Record-Keeping

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.

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

By no later than October 31st of each year, the Superintendent shall inform the public via an Information Item in the Board agenda regarding the number of reported student and employee sexual harassment complaints for the previous school year.

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

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

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

Reese v. Jefferson School District, (2001) 208 F.3d 736
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989
Nabozny v. Podlesny, (1996, 7th Cir.) 92 F.3d 446
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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

Sexual Harassment

Prohibited sexual harassment and misconduct includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors or other unwanted verbal, visual or physical conduct of a sexual nature made against another person of the same or opposite gender, in the educational setting. Egregious examples of sexual harassment and misconduct include: (Education Code 212.5; 5 CCR 4916)

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

Additionally, any consensual sexual relationship between an employee/volunteer and student, including students who have reached the age of consent, is prohibited.

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

1. Unwelcome leering, sexual flirtations or propositions
2. Sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
3. Graphic comments about an individual's body, or overly personal conversation
4. Sexual jokes, notes, stories, drawings, pictures, electronic communication, or gestures
5. Spreading sexual rumors, including those spread via electronic communication
6. Teasing or sexual remarks about students enrolled in a predominantly single-gender class
7. Massaging, grabbing, fondling, stroking or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Purposefully cornering or blocking normal movements with sexual intent
10. Displaying sexually suggestive objects
11. Homophobic taunts or other slurs related to sexual orientation
12. The conduct includes excessive or repeated touching of a student that is without a clear educational purpose.

Preventing Sexual Harassment and Misconduct

In an effort to prevent the occurrence or perception of sexual misconduct, the following precautions shall be taken by all employees:

1. Employees shall, whenever possible, avoid closed door meetings and before/during/after school hours activities with only one student.
2. On any student trip away from school, there shall be a minimum of two chaperones, preferably a man and a woman.

Notifications

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

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures and standards of conduct are posted (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)
5. Be provided to employees and employee organizations

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

1. Notice and Receipt of Complaint: Any student who believes he/she has been subjected to sexual harassment or who has witnessed sexual harassment may file a complaint with any school employee. Within 24 hours of receiving a complaint, the school employee shall report it to the Coordinator/Principal. In addition, any school employee who observes any incident of sexual harassment involving a student shall, within 24 hours, report this observation to the Coordinator/Principal, whether or not the victim files a complaint.

In any case of sexual harassment involving the Coordinator/Principal to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall instead report to the Superintendent or designee.

2. The Coordinator/Principal shall report a complaint to the Superintendent using the Confidential Incident Report form. Even if no complaint is filed, the Coordinator/Principal has a duty to investigate suspected sexual harassment or misconduct.

3. Initiation of Investigation: The Coordinator/Principal shall initiate an impartial investigation of an allegation of sexual harassment within five school days of receiving notice of the harassing behavior, regardless of whether a formal complaint has been filed. The district shall be considered to have "notice" of the need for an investigation upon receipt of information from a student who believes he/she has been subjected to harassment, the student's parent/guardian, an employee who received a complaint from a student, or any employee or student who witnessed the behavior.

4. The Coordinator/Principal and Superintendent shall determine whether the Coordinator/Principal, a designee, or an independent investigator will investigate the complaint. In cases of complaints filed against an employee, an independent investigator shall investigate the complaint. That person 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 witnessed the conduct complained of

d. Anyone mentioned as having related information

5. 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.

6. The Coordinator/Principal or designee shall discuss the complaint only with the people described above. If the complaint regards occurrences for which the Coordinator/Principal or designee has a reasonable suspicion of child abuse, the Coordinator/Principal or designee is mandated to report to law enforcement and/or child protective agencies as per Board Policy and Administrative Regulation 5141.4. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the Coordinator/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. If the alleged harasser is a student, his/her parent/guardian

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

7. The complainant shall not be required or asked to meet with the alleged harasser or person suspected of sexual misconduct. If the alleged harasser or person suspected of sexual misconduct is a district employee or volunteer, then during the course of the investigation, he/she shall discontinue contact with students.

8. In reaching a decision about the complaint, the Assistant Superintendent of Human Resources or designee and/or independent investigator may take into account:

a. Statements made by the persons identified above

b. The details and consistency of each person's account

c. Evidence of how the complaining student reacted to the incident

d. Evidence of any past instances of harassment by the alleged harasser

e. Evidence of any past harassment complaints that were found to be untrue

9. To judge the severity of the harassment, the Assistant Superintendent of Human Resources or designee and/or independent investigator 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 gender 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 gender

10. The Assistant Superintendent of Human Resources or designee and/or independent investigator 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.

11. The Assistant Superintendent of Human Resources or designee and/or independent investigator shall give the Superintendent or designee a written report of the complaint and investigation. If the principal or designee verifies that sexual harassment occurred, this report shall describe the actions taken to end the harassment, address the effects of the harassment on the student harassed, and prevent retaliation or further harassment.

12. Within two weeks after receiving the complaint, the Coordinator/Principal or designee shall determine whether or not the student who complained has been further harassed. The Coordinator/Principal or designee shall keep a record of this information and shall continue this follow-up.

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 training to students, staff, and parents/guardians about how to recognize harassment and how to respond
3. Notifying parents/guardians of the actions taken.
4. Notifying child protective services.
5. Taking appropriate disciplinary action. In addition, the Coordinator/Principal or designee may take disciplinary measures against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.
6. If an employee is found to be in violation of this policy, disciplinary action shall include, at a minimum, a letter of reprimand, which shall be placed in the employee's personnel file. That letter shall not be expunged under any circumstances.

Support for Students

The Superintendent or designee shall take appropriate actions to provide support for students who have been subjected to sexual harassment and/or misconduct by a district employee or volunteer.

1. The Principal or designee will make it clear to the affected student(s) and the parents/guardians that any form of retaliation or mistreatment of a student who complained will not be tolerated.
2. In instances where there were substantiated findings that a student was subjected to sexual harassment/misconduct by a district employee or volunteer, the district will offer, and upon the request of the parent/guardian, will assist the student in receiving therapeutic intervention.

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; 5 CCR 4917)

2. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
3. Be included in the student handbook
4. Be provided to employees and employee organizations

Regulation SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
Adopted: August 19, 2009 Santa Monica, California

Disaster Service Worker Mandate

California Government Code

Section 3100 of the California Government Code states that public employees are disaster service workers (DSWs) who are subject to the disaster service activities assigned to them by their superiors or by law. The term *public employee includes* all personnel employed by State of California agencies, California county and city agencies, and public districts, excluding legally employed aliens. Santa Monica-Malibu Unified School District (SMMUSD) employees are designated as DSWs. Section 3100 of the California Government Code applies to public school employees for cases in which:

1. a local emergency has been proclaimed,
2. a State of Emergency has been proclaimed, or
3. a Federal disaster declaration has been made.

Generally stated, District personnel can be assigned to any disaster service activity that promotes the protection of public health and safety during any kind of catastrophic event—natural or manmade—in which life or property is in jeopardy. Assignments might require an SMMUSD employee to serve at locations, during times, and/or under conditions that significantly differ from normal work assignments. Despite inconveniences, District personnel are mandated to serve the public during a time of need in whatever role is directed by a superior or law enforcement agent. DSWs' home and personal preparedness is important because such SMMUSD personnel may not be able to return to their homes immediately after a significant emergency event.

Controlled Substance Protocol

Possession or use of drugs or alcohol on a school campus represents a significant risk factor for any student. As a school community we must be vigilant in ensuring our school is free of alcohol, intoxicants and other drugs. A student possessing, using or selling, being under the influence of, or otherwise furnishing to others a controlled substance, alcohol, intoxicant of any kind, or related paraphernalia at school, any school event, activity, field trip or on any school district property or adjacent public property shall be subject to disciplinary procedures including suspension or expulsion in accordance with law, Board policy and administrative regulation. (BP 5131.61)

District staff shall intervene whenever students use a controlled substance, alcohol, intoxicant or related paraphernalia, at school, at any school activity or on any school district or adjacent property. Staff members who reasonably suspect that a student may be under the influence of alcohol or drugs shall immediately notify the principal or designee. (AR 5131.61)

The following is a protocol for faculty and staff members who receive information or believe that a student has violated the District's Controlled Substance Policy: possessing, using, selling, under the influence or otherwise furnishing a controlled substance, alcohol or intoxicant of any kind. Additionally, a protocol for how administrators and security staff are to respond is included.

Protocol for Faculty and Staff Members

Faculty and staff members may receive information that a student may have violated the Controlled Substance Policy. Individuals may receive this information in a variety of ways: observation, report from other student(s), smell, anonymous tip, or over-hearing student talk, to name a few.

Upon receiving information that a student may have violated the Controlled Substance Policy:

1. Ensure the student is safe, especially if you are concerned that the student is under the influence and potentially experiencing a harmful or medically-compromising reaction.
2. Seek assistance from Campus Security or administration.
 - a. Call for a Campus Security Officer or administrator to come to the classroom or location.
 - b. Send a note to an administrator's office seeking assistance from security or administration.
 - c. If available, have the student escorted to an administrator's office by another adult available in the classroom.
 - d. If out of the classroom, remain with the student while sending another student or adult to seek assistance from security or administration.
3. Call for the School Nurse if the student is experiencing a harmful or medically-compromising reaction.
4. If the student fails to comply or defies the directive of the adult by fleeing, notify security, an administrator or person in the office immediately.

Protocol for Campus Security & Administrators

The following actions should be taken upon receiving information that a student may have violated the Controlled Substance Policy.

1. Assess the validity of the allegation. Safety dictates that we assume the allegation is true unless you have information to the contrary.
2. Safely have the student escorted to an administrator's office or similar appropriate location.
 - a. The student is to bring all items.
 - b. Effort is to be taken to ensure he/she is not given the opportunity to dispose of any items.
 - c. If necessary, security or administration should keep the student in his or her current location with the adults going to that location.
3. Call for the School Nurse if the student is experiencing a harmful or medically-compromising reaction.
4. Inform the student of the allegation. Afford him/her the opportunity to respond.
5. Ask the student to allow a search.
 - a. If the student consents, conduct the search. Security should conduct the search with administrative oversight. Two adults should be present, including one of the same gender when possible.
 - b. If the student fails to consent, but reasonable suspicion exists, inform the student that you have *reasonable suspicion* to believe he/she has violated the Controlled Substance Policy, which gives you authority to conduct a search. Conduct the search.
6. If you find no evidence the student has violated the Controlled Substance Policy, then do the following:
 - a. Engage the student in a dialogue as to why his/her name may have emerged as opposed to all other students on campus.
 - b. Ask the student directly if he or she is currently engaging in use of any controlled substance(s). Advise the student as to how he/she can receive support. If the student reports use, seek assistance from a counselor/advisor or administrator for a possible referral for counseling.
 - c. Dialogue with the student about how to lower one's profile. The student was likely reported because:
 - i. the student is an active user;
 - ii. the student is talking about being a user;
 - iii. the student is associated with known users;
 - iv. any combination of the above.
 - d. Contact a parent to inform the parent that his/her child was searched and counseled after a concern about a possible violation of the Controlled Substance Policy.
7. If you find evidence the student has violated the Controlled Substance Policy, then do the following:
 - a. Assess the student's present condition to ensure there is no present danger to the student's well-being. Seek assistance from the School Nurse if necessary.
 - b. Engage an administrator to fully investigate the incident and administer the consequences as detailed in the District's Controlled Substance Policy.
 - c. As appropriate, and per the Policy, contact law enforcement. Remember to follow the District's protocol for when law enforcement questions students.
 - d. Seek information from the student about what they might know about other inappropriate activities.
 - e. Contact a parent.

8. If you are uncertain as to whether a student is under the influence, retain the student in an administrator's office or other appropriate location for further monitoring.

Protocol for all Campus Adults

Adults on campus have meaningful and important relationships with students. At any given time a student may disclose to you that he or she is actively using controlled substances, alcohol, or intoxicants. The student may also share concerns about addiction or regular use. Any student who discloses this information should be referred to a counselor/advisor, School Nurse or administrator for counseling. All students are to be encouraged to seek help; seeking help is preferable to being caught. Our goal is to ensure our students are safe and our school communities are safe.

Addressing Escalating Conduct

SMMUSD is committed to providing safe, supportive, and positive school environments that are conducive to student learning and to preparing students for responsible citizenship by fostering self-discipline and personal responsibility. SMMUSD believes high expectations for student behavior, use of effective school and classroom management strategies, provision of appropriate intervention and support, and parent involvement are necessary for ensuring safe school climates. On occasion, faculty and staff are confronted with an escalating or crisis situation.

The goal, when confronted with an escalating or crisis situation is to *de-escalate* the situation while ensuring safety at all times. Physical contact should only be used in exceptional situations that require physical intervention to ensure safety. Per Education Code 49000, faculty and staff shall use only the amount of force that is reasonable and necessary to quell a disturbance that could lead to physical injury; damage property; for self-defense; or to obtain possession of weapons or other dangerous objects.

These five (5) tips can be applied to intervene and de-escalate confrontational situations/crises.

1. Remain calm and professional:

- Rationally detach, stay in control of your behavior and do not take the acting out behavior personally. This helps to keep you from inadvertently escalating acting-out behavior.
- Know that we are seldom the cause of acting-out behavior.
- Take a deep breath; know you have a plan.

2. Use a team approach:

- Dial XX-511 or direct an adult or student to dial XX-511. State you need assistance immediately. State the location.
- Call for assistance from campus security or administrators.
- Get help from other staff; activate individuals who received Crisis Prevention Institute (CPI) training.
- If necessary, direct a student to get help from another staff and come right back.

3. Communicate and give clear, simple directions:

- How a verbal statement is delivered is equally, if not more, important than the actual words. Be aware how you use these three para-verbals:
 - **Tone:** Speak calmly; try to avoid inflections of impatience, condescension, or inattention.
 - **Volume:** Keep the volume appropriate for the distance and situation; avoid yelling.
 - **Cadence:** Deliver your message using an even rate and rhythm.

4. Assess the environment and situation for potential danger and contributors to further escalation:

- Give person(s) space: At least 1.5 - 3 feet away. Remember that a desk, backpack, or wheelchair is part of someone's personal space.
- Stand off to the side. Do not stand toe to toe, square your shoulders off, or turn your back.
- Look for the door and stand so that both you and the person have the opportunity to exit. This helps lower anxiety levels.
- Put yourself in between any potential weapons and the person.
- Identify any students or others who may further escalate the situation.

5. Isolate the situation:

- Remove the audience by asking students to step out of the room.
- Move yourself and the acting-out person out of the room.