

OFFICE OF THE SOLANO COUNTY SUPERINTENDENT OF SCHOOLS

Series 4000 – PERSONNEL

Policy 4158

Employee Security

The Solano County Office of Education (SCOE) desires to provide a safe, orderly working environment for all employees. As part of SCOE's comprehensive safety plan, the County Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for assisting them in the event of an emergency situation.

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

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

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

SCOE recognizes that access to two-way communications devices allows employees to call for assistance from their supervisor or law enforcement in the event of a threat of violence or medical emergency. SCOE shall provide such communications devices in classrooms to the extent possible.

Employees may not carry or possess pepper spray at school or on SCOE property or at school or SCOE activities. On a case-by-case basis, however, the Superintendent or designee may allow the possession of a pepper spray weapon that meets the requirements of Penal Code 12403.7 when justified by unusual dangerous circumstances. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.

An employee may use reasonable and necessary force when necessary for self-defense, to protect another person or property, to quell a disturbance threatening physical injury to others, or to obtain possession of weapons or other dangerous objects on or within the control of a student. (Education Code 49001)

Employees shall promptly report to their principal, site administrator, or other immediate supervisor any attack, assault, or physical threat made against them by a student.

Both the employee and the principal, site administrator, or other immediate supervisor shall promptly report such instances to the appropriate local law enforcement agency.

In addition, employees shall promptly report to their principal, site administrator, or supervisor, and may report to law enforcement, any attack, assault, or threat made against them on school grounds by any other individual.

Reports of attack, assault, or threat also shall be forwarded immediately to the County Superintendent or designee.

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

Reporting of Injurious Objects

The County Superintendent requires employees to take immediate action upon being made aware that any person is in possession of an injurious object on school or SCOE grounds or at a work- or

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school-related or work- or school-sponsored activity. The employee shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall do one of the following:

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

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

Notice Regarding Student Offenses Committed While Under School Jurisdiction

The Superintendent or designee shall inform the teacher of each student who has engaged in, or is reasonably suspected of, any act during the previous three school years which could constitute grounds for suspension or expulsion under Education Code 48900, with the exception of the possession or use of tobacco products, or Education Code 48900.2, 48900.3, 48900.4, or 48900.7. This information shall be based upon SCOE or district records maintained in the ordinary course of business or records received from a law enforcement agency.

Upon receiving a transfer student's record regarding acts committed by the student that resulted in his/her suspension or expulsion, the Superintendent or designee shall inform any of the student's teacher(s) that the student was suspended from his/her former district and of the act that resulted in the suspension or expulsion.

Information received by the teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

Notice Regarding Student Offenses Committed While Outside School Jurisdiction

When a minor student has been found by a court of competent jurisdiction to have illegally used, sold, or possessed a controlled substance or committed specified crimes involving serious acts of violence, the SCOE or district police or security department may provide written notification to the Superintendent.

When informed by the court that a minor student has been found by a court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism or graffiti, the Superintendent or designee shall so inform the school principal.

The principal shall disseminate this information to the counselor(s) who directly supervises or reports on the student's behavior or progress. The principal also may inform any teacher or administrator s/he thinks may need the information so as to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability.

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

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

Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first; it shall then be destroyed.

Procedures to Maintain Confidentiality of Student Offenses

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

The staff member shall also initial the student's file when reviewing it in the school office. Once SCOE has made a good faith effort to comply with the notification requirement of Education Code 49079 and Welfare and Institutions Code 827, an employee's failure to review the file constitutes SCOE compliance with the requirement to provide notice to the teacher.

Use of Pepper Spray

Employees who possess pepper spray on school property shall be notified of the following conditions:

1. The pepper spray shall be used only in self-defense.
2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by SCOE and, in accordance with law, a fine and/or imprisonment.
3. The employee shall ensure that the pepper spray is stored in a secure place and not accessible to students or other individuals. An employee who is negligent in the storage of pepper spray may be subject to disciplinary action.

Employees wishing to carry pepper spray on school or SCOE property or to a work- or school-related activity shall submit to the Superintendent or designee a written request setting forth the need for the pepper spray. Should the Superintendent or designee determine that the employee may not carry pepper spray, the employee shall receive a written statement of the reason for this determination.

Identification Badges

The purpose of SCOE issued I.D. badges is to provide a safe workplace and convey a status in the community as a professional, caring, and competent agency.

A personnel identification badge serves to identify SCOE employees and other authorized personnel while providing measured protection against unauthorized personnel from entering secure work areas. The system is effective only if there is active cooperation and compliance by all employees at all times.

County Standards of Practice

The County Standards of Practice will, of necessity, vary by department, but managers are expected to enforce the following basic standards:

1. All employees must have an identification badge in their possession while on duty.
2. County policy will be integrated into site policies. Site policies will complement the County policies. County and site safety plan committee(s) will convene and amend the safety plan(s) to call for visible photographic identification badges.
3. Identification badges will be displayed as deemed appropriate by site/department management and site safety plan committees. Badges will be displayed below the shoulders and above the waist.

4. Identification badges are the property of SCOE and are to be returned upon separation or retirement from SCOE.
5. Temporary visitor identification badges will be issued by site/department management (refer to site policies).

Issuance of Identification Badges

Supervisors will:

1. Notify all staff members of the badge requirements
2. Arrange for employees to be photographed (including temporary and substitute employees)
3. Accommodate religious objections to the requirement of visible photographic identification badges on a case-by-case basis while keeping the overall goal of employee safety in mind
4. Collect badges upon separation or retirement from SCOE

Enforcement/Discipline

Employees are expected to fully comply with all provisions of the County and site/department policy. Management shall enforce all provisions.

Legal Reference:

EDUCATION CODE

- 32210-32212 Willful disturbance, public schools or meetings
- 32225-32226 Communication devices
- 35204 Contract with attorney in private practice or use of administrative advisor
- 35205 Contract for legal services
- 35208 Liability insurance
- 35213 Reimbursement for loss, destruction or damage of school property
- 44014 Report of assault by pupil against school employee
- 44807 Duty concerning conduct of students
- 48201 Transfer of student records
- 48900-48926 Suspension or expulsion Grounds for suspension or expulsion
- 49079 Notification to teacher; student who has engaged in acts constituting grounds for suspension or expulsion
- 49330-49335 Injurious objects

CIVIL CODE

- 51.7 Freedom from violence or intimidation

CODE OF CIVIL PROCEDURE

- 527.8 Workplace violence safety act

GOVERNMENT CODE

- 995-996.4 Defense of public employees
- 3543.2 Scope of representation

PENAL CODE

- 71 Threatening public officers and employees and school officials
- 240 Definition of assault
- 241.2 Assault on school or park property against any person
- 241.3 Assault against school bus drivers
- 241.6 Assault on school employee includes board member
- 242 Definition of battery

Legal Reference:

PENAL CODE (Continued)

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

WELFARE AND INSTITUTIONS CODE

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

Policy Cross-Reference:

- 0450 Comprehensive Safety Plan
- 3515 Campus Security
- 3515.2 Disruptions
- 3515.4 Recovery for Property Loss or Damage
- 4118 Dismissal/Suspension/Disciplinary Action
- 4131 Staff Development
- 5125 Student Records
- 5131.4 Student Disturbances
- 5131.7 Weapons and Dangerous Instruments
- 5141 Health Care and Emergencies
- 5144. Discipline
- 5144.1 Suspension and Expulsion/Due Process
- 5144.2 Suspension and Expulsion/Due Process (Students with Disabilities)