

# Comprehensive School Safety Plan

William S. Hart Senior High School  
William S. Hart School District

Jason d'Autremont, Principal  
24825 Newhall Ave., Santa Clarita, CA 91321  
(661)259-7575  
harthighschool.org

Plan Adopted February 27, 2018  
Law Enforcement Review February 26, 2018  
Plan Presented to Parents March 9, 2018  
Plan presented to William S. Hart Governing Board February 28, 2018

Safety Plan Committee members  
Brian Necessary, Assistant Principal, parent of student  
Tara Holloway, Teacher representative  
Cindy Godwin, Teacher representative  
Henry Reyes, Teacher representative  
Dominic Marcucilli, Teacher representative  
Shane Nazarian, Teacher representative  
Javier Guzman, School Resource Deputy

This document is available for public inspection on website at [www.harthighschool.org](http://www.harthighschool.org)

## School Site Mission

We strive to prepare all students to become lifelong learners and responsible citizens ready to meet the challenges of the future. In partnership with families and community, our goal is to create relevant learning opportunities for student -- both inside and outside the classroom-- that help them develop the knowledge, critical thinking skills, and character necessary to succeed in a technologically advanced world. We honor quality and enable students to perform at their highest level of ability.

## School Site Vision

Hart High is dedicated to a continuing tradition of excellence in an ever-changing world. Within a safe and supportive environment, we provide a relevant, high-quality education and prepare our diverse student body for future endeavors. We honor achievement and promote pride in ourselves, in our school, and in our community.

## Table of Contents

1. Report of School Discipline	page 3
2. Safety Goals for 2018	
3. Appropriate Programs and Strategies that Provide School Safety	
a) Child Abuse Reporting Procedures	page 5
b) Disaster Response Procedures	page 7
c) Lockdown Drill Protocols	page 8
d) Suspension and Expulsion Policies	page 9
e) Procedures for Notifying Teachers about Dangerous Pupils	page 20
f) School-wide Dress Code prohibiting gang-related apparel	page 21
g) Sexual Harassment Policy	page 22
h) Procedures for Safe Ingress and Egress from school	page 34
i) Procedures to Ensure a Safe and Orderly Environment	
1) <i>The social climate</i> -people and programs (Component 1)	page 35
2) <i>The physical environment</i> -place (Component 2)	page 35
j) Rules and Procedures on School Discipline	page 36
k) Bullying Prevention Policies and Procedures	page 42
l) Hate Crime Policies and Procedures	page 47

## Report of the School Discipline Resulting in Suspension or Expulsion 2016-17

Student Offense Name	Total Count of Offenses Committed	Count of Offenses Resulting in Expulsion	Count of Offenses Resulting in Suspension	Count of Offenses Resulting in Disciplinary Diversion
48900(a)(1) Caused, Attempted, or Threatened Physical Injury	8	0	7	1
48900(c) Possession, Use, Sale, or Furnishing a Controlled Substance, Alcohol, Intoxicant	11	1	8	2
48900(f) Property Damage	4	0	2	2
48900(g) Property Theft	7	0	7	0
48900(h) Possession or Use of Tobacco Products	1	0	0	1
48900(j) Obscene Acts, Profanity, and Vulgarity	7	0	4	3
48900(j) Offering, Arranging, or Negotiating Sale of Drug Paraphernalia	1	0	1	0
48900(k) Disruption, Defiance	67	0	3	64
48900.3 Committed an act of Hate Violence	1	0	0	1
48900.4 Harassment or Intimidation	2	0	1	1
48900.7 Made Terrorist Threats	1	1	0	0
48915(a)(1) Caused Physical Injury	1	0	1	0
48915(a)(3) Possession of Controlled Substance	6	0	4	2
48915(c)(3) Sale of Controlled Substance	6	1	4	1
48915(c)(4) Sexual Battery, as defined by Penal Code Section 243.4	1	0	1	0
<b>TOTAL</b>	<b>124</b>	<b>3</b>	<b>43</b>	<b>78</b>

## **Safety Goals for 2018**

The Safety Committee's primary goal for the current year is improving methods and supervision of student ingress/egress. More specifically, this will involve updating supervision schedules, and updating keyed gate locks. The second goal for safe schools will be to improve parent access to information about A) mental health trends in teens B) trends in nicotine & drug use.

## **Child Abuse Reporting Procedures**

The William S. Hart School district is compliant with EC 44691, for mandated reporter training-effective January-1-2015. For specific details, refer to Los Angeles County Office of Education Board Policy and Administrative Regulations 5141.4 Child Abuse Prevention and Reporting 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 11165.7) 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. However, reasonable suspicion does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect. (Penal Code 11166)

### Reportable Offenses

A mandated reporter shall make a report using the procedures provided below 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)

### Responsibility for Reporting

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

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

### Reporting Procedures

#### 1. Initial Telephone Report

Immediately or as soon as practicable after 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 11165.9, 11166)

DCFS- LA County Department of Children and Family Services

28490 Avenue Stanford, Santa Clarita, Ca. 91355

(818) 717-4802

## 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)

### Victim Interviews by Social Services/Law Enforcement

Whenever a representative from the Department of Social Services or another government agency investigating suspected child abuse or neglect 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 school 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)



## **Disaster Response Procedures**

For specific details, refer to William S. Hart Board Policy and Administrative Regulations 3516.

### **EMERGENCY/DISASTER PROCEDURE**

In accordance with Board policy and California laws, each school in the William S. Hart Union High School District has developed specific plan in preparation for a possible emergency or disaster. The purpose is to prepare as much as possible in advance for the safety and welfare of each student. What is done now, when there is time to prepare, could result in preventing serious injury to or possible death of student (s).

In the event of an emergency or disaster, you can expect the following:

1. Regularly scheduled fire, earthquake, and lock down drills, as well as disaster drills will be conducted at school.
2. Preparation for an emergency or disaster will be reviewed and an emergency backpack will be maintained in each classroom.
3. Students will be kept AT SCHOOL during school hours UNLESS it is unsafe or inappropriate to do so.
4. Students will be instructed to continue on their way home if they are already going home.
5. Students will be instructed to continue on their way to school if they are already going to school.
6. Parents/guardians will be asked for identification before your student is released to you.
7. Unauthorized persons will not be allowed on campus.
8. Should a parent/guardian need to pick up their student, you may do so at the location where there is a sign stating PICK-UP POINT.
9. Parents/guardians will be asked to keep clear of all access roads and parking lots so that emergency vehicles can arrive safely and easily.
10. Should a student need to be evacuated from the school, he/she will be taken to the nearest safe location available.

Hart's highest priority is student safety. For more information, please look up the specific Safety Plan under students/parents section on our website: [www.harthighschool.org](http://www.harthighschool.org)



WM. S. HART UHSD SCHOOL SITE  
LOCKDOWN DRILLS  
PROTOCOL

A lockdown situation exists when the school needs students and staff in a secured area as quickly as possible. A violent intruder on campus, news of a potential threat to the school, hazardous material on campus, or a fugitive on the run are all examples of events that may necessitate the need for a campus lockdown.

Each campus follows the protocols published by the Federal Bureau of Investigation when conducting a lockdown drill. Based on the specific situation, students will determine the appropriate action which may be to run, hide, or fight. Students and staff receive annual training prior to a lockdown drill and drills are conducted bi-annually. Families will be notified in advance of lockdown drills.

The specific details of the lockdown plan are located at the school office and are not published online for security reasons. Administration in conjunction with law enforcement will be in complete command of the response.



## **Suspension and Expulsion Policies**

The William S. Hart District Board Policy in suspensions and Expulsions is as follows:  
BP 5144

### **Students**

\*\*\*Note: The following policy is optional. Pursuant to Education Code 52060, as added by AB 97 (Ch. 47, Statutes of 2013), the Governing Board is required to adopt, for the district and each school under its jurisdiction, a local control and accountability plan (LCAP) that includes a description of the specific actions that the district intends to take in order to achieve its annual goals in specific priority areas, including student engagement and school climate. See BP/AR 0460 - Local Control and Accountability Plan. \*\*\*

\*\*\*Note: Since a district's ability to meet its goals around these priorities is impacted by its student discipline policies and practices, the Board must be careful to enact rules that are effective in maintaining safety and order on campus and in correcting student misbehavior without unnecessarily excluding students from school or participation in instruction. Education Code 48900 specifies behaviors for which a student may be suspended and/or recommended for expulsion (see BP/AR 5144.1 - Suspension and Expulsion/Due Process) and authorizes the use of age-appropriate alternatives designed to address a student's specific misbehavior, including those listed in Education Code 48900.5 and 48900.6. \*\*\*

\*\*\*Note: In addition, the U.S. Department of Justice's Civil Rights Division and the U.S. Department of Education's Office for Civil Rights (OCR), in their joint January 2014 Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, state that studies have suggested a correlation between exclusionary discipline policies and practices (such as suspension and expulsion) and an array of serious educational, economic, and social problems, including school avoidance, diminished educational engagement, decreased academic achievement, increased behavior problems, and increased likelihood of dropping out, substance abuse, and involvement with the juvenile justice system. Consequently, they recommend that districts adopt alternative disciplinary measures that provide students with appropriate interventions and supports as a means for preventing and addressing student misbehavior. \*\*\*

The Governing Board is committed to providing a safe, supportive, and positive school environment which is conducive to student learning and to preparing students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, provision of appropriate intervention and support, and parent involvement can minimize the need for disciplinary measures that exclude students from instruction as a means for correcting student misbehavior.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5145.9 - Hate-Motivated Behavior)  
(cf. 6020 - Parent Involvement)

The Superintendent or designee shall design a complement of effective, age-appropriate strategies for maintaining a positive school climate and correcting student misbehavior at district schools. The strategies shall focus on providing students with needed supports; communicating clear, appropriate, and consistent expectations and consequences for student conduct; and ensuring equity and continuous improvement in the implementation of district discipline policies and practices.

In addition, the Superintendent or designee's strategies shall reflect the Board's preference for the use of positive interventions and alternative disciplinary measures over exclusionary discipline measures as a means for correcting student misbehavior.

Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as detention, suspension, and expulsion, shall be imposed only when required by law or when other means of correction have been documented to have failed. (Education Code 48900.5)

(cf. 5020 - Parent Rights and Responsibilities)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)  
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))  
(cf. 6159.4 - Behavioral Interventions for Special Education Students)  
(cf. 6164.5 - Student Success Teams)

\*\*\*Note: The following optional paragraph may be revised to reflect district practice. According to Public Counsel's model policy issued as part of the Fix School Discipline Project, a discipline matrix that lists violations and consequences could be a useful guide to school site administrators with regard to when suspension or expulsion referrals should be utilized. \*\*\*

The Superintendent or designee shall create a model discipline matrix that lists violations and the consequences for each as allowed by law.

\*\*\*Note: Education Code 35291.5 authorizes, but does not require, school sites to adopt rules and procedures for student discipline. Pursuant to Education Code 32282, any adopted site-level discipline rules must be included in the comprehensive safety plan; see BP/AR 0450 - Comprehensive Safety Plan. The following paragraph is optional. \*\*\*

The administrative staff at each school may develop disciplinary rules to meet the school's particular needs consistent with law, Board policy, and district regulations. The Board, at an open meeting, shall review the approved school discipline rules for consistency with Board policy and state law. Site-level disciplinary rules shall be included in the district's comprehensive safety plan. (Education Code 35291.5, 32282)

(cf. 0450 - Comprehensive Safety Plan)  
(cf. 9320 - Meetings and Notices)

At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. When choosing

between different disciplinary strategies, staff shall consider the effect of each option on the student's health, well-being, and opportunity to learn.

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the district's nondiscrimination policies.

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5145.7 - Sexual Harassment)

The Superintendent or designee shall provide professional development as necessary to assist staff in developing the skills needed to effectively implement the disciplinary strategies adopted for district schools, including, but not limited to, consistent school and classroom management skills, effective accountability and positive intervention techniques, and development of strong, cooperative relationships with parents/guardians.

(cf. 4131 - Staff Development)  
(cf. 4231 - Staff Development)  
(cf. 4331 - Staff Development)

\*\*\*Note: Pursuant to Education Code 52060, as added by AB 97 (Ch. 47, Statutes of 2013), the district must annually adopt an LCAP that includes a description of district goals for improving school climate, as provided in the following paragraph. \*\*\*

District goals for improving school climate, based on suspension and expulsion rates, surveys of students, staff, and parents/guardians regarding their sense of school safety, and other local measures, shall be included in the district's local control and accountability plan, as required by law.

(cf. 0460 - Local Control and Accountability Plan)  
(cf. 3100 - Budget)

At the beginning of each school year, the Superintendent or designee shall report to the Board regarding disciplinary strategies used in district schools in the immediately preceding school year and their effect on student learning.

Legal Reference:

EDUCATION CODE

32280-32288 School safety plans

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

37223 Weekend classes

44807.5 Restriction from recess

48900-48926 Suspension and expulsion

48980-48985 Notification of parent/guardian

49330-49335 Injurious objects

52060-52077 Local control and accountability plan

## CIVIL CODE

1714.1 Parental liability for child's misconduct

## CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

## Management Resources:

### CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Maximizing Opportunities for Physical Activity during the School Day, Fact Sheet, 2009

### CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

Classroom Management: A California Resource Guide for Teachers and Administrators of Elementary and Secondary Schools, 2000

### STATE BOARD OF EDUCATION POLICIES

01-02 School Safety, Discipline, and Attendance, March 2001

### U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014

### WEB SITES

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

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

Public Counsel: <http://www.fixschooldiscipline.org>

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

## Wm. S. Hart Union High School District

**Students BP 5144.1(a)**

### **SUSPENSION AND INVOLUNTARY TRANSFER BACK TO THE DISTRICT OF RESIDENCE /DUE PROCESS**

#### **Suspensions**

In order to maintain an educational environment that promotes learning and protects the health, safety and welfare of all students and staff, Wm. S. Hart Union High School District requires students of Wm. S. Hart Union High School District programs and activities to face discipline for misconduct.

#### **Grounds for Suspension**

Grounds for suspension shall conform to the acts enumerated in Education Code Sections 48900, 48900.2, 48900.3, 48900.4., and 48900.7.

Descriptions of the acts shall be provided in the Wm. S. Hart Union High School District Annual Notification.

#### **Suspension from a Classroom/Out of Class Referrals**

1. A teacher may suspend a student from class for any of the misconduct listed in Wm. S. Hart Union High School District Policy, for the day of the misconduct and the day after.

2. The teacher will immediately report the classroom suspension to the site administrator and ensure that the student is under appropriate supervision.
3. As soon as possible, the teacher will request a parent/guardian conference to discuss the suspension. If practicable, a school counselor or school psychologist will also attend. The site administrator shall attend if the teacher or the parent/guardian so requests. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law.
4. The student, who is suspended from a classroom, will not be placed in another class during the period of suspension. However, if the student is assigned to more than one class per day taught by a teacher other than the suspending teacher, the student is entitled to attend the remainder of the day's classes.

### **Suspension from School**

1. A site administrator or designee may suspend a student from school for up to five (5) consecutive school days for misconduct listed in Wm. S. Hart Union High School District Policy. A special needs student is subject to the same grounds for suspension that apply to students without disabilities except as provided below.
2. The site administrator or designee will first hold an informal conference with the student and, if possible, the teacher or Wm. S. Hart Union High School District staff member who referred the student for suspension. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given an opportunity to present his or her version and evidence in his or her defense.
  - a. This conference may be postponed if the principal determines that an emergency situation exists that constitutes a clear and present danger to the life, safety, or health of students or Wm. S. Hart Union High School District staff.
    - (1) If a student is suspended without a conference, the parent/ guardian and student will be notified of the right to a conference and the student's right to return to campus for the conference.
    - (2) The conference should be held within two (2) school days of the suspension, unless the student is physically unable to attend (for example, hospitalized or incarcerated). If the student is physically unable to attend, the conference should be held as soon as the student is able to attend.
3. A Wm. S. Hart Union High School District staff member will immediately notify the parent/guardian of the student of the suspension in person or by telephone. This notice will be followed by notification in writing.
4. The parent/guardian of any pupil shall respond without delay to any request from Wm. S. Hart Union High School District staff to attend a conference regarding his or her child's behavior. Failure of the parent/guardian to attend shall not be held against the student in the form of penalties or withholding reinstatement.

5. After a student is suspended, the site administrator/designee and, where possible, the teacher, may meet with the parent/guardian of the student to discuss the misconduct, length of suspension, school policy, and any other related matters.

6. A student may be suspended up to twenty (20) school days per school year, or thirty (30) school days if the student enrolls in or transfers to another school. The school may count suspensions from the former school district toward the maximum number of days for the year.

7. Wm. S. Hart Union High School District staff must monitor the number of days, including portions of days, in which a special needs student has been suspended during the school year. After ten (10) days of suspension in a school year, a special needs student is entitled to services. For additional removals that do not constitute a change in placement as defined by 34

CFR 300.536, the school administrator along with the student's teacher shall determine the services provided. For additional removals that do constitute a change in placement, services are to be determined by the IEP team. Within ten (10) business days after removing a student for more than ten (10) school days in a school year or commencing a removal that constitutes a change in placement, staff shall implement a behavioral intervention plan in accordance with 34 CFR 300.524. Removals that constitute a change in placement require a manifestation determination review before the removal can be made.

8. If the student does not pose an imminent danger or threat to the campus, students, or Wm. S. Hart Union High School District staff, the student may attend a supervised classroom throughout the suspension.

a. Wm. S. Hart Union High School District staff member must notify the student's parent/guardian of this placement by phone or in person. If the placement is longer than one class period a written notification shall also be provided.

b. The classroom shall be appropriately staffed. Student should have access to counseling services, and the classroom should promote the completion of schoolwork and tests missed by the student.

c. The teacher of any class from which the student is suspended shall provide all assignments and tests that the pupil will miss while suspended. (*Wm. S. Hart Union High School District: Adopted 11/24/1998; Policy 7420 Revised and Renumbered 01/19/2010*)

### **Involuntary Transfers**

Involuntary transfer back to the district of residence of students enrolled in Wm. S. Hart Union High School District schools may be used to promote the positive social adjustment of a particular student and to promote school safety for all students.

When possible, staff should work with the student and the family to seek a voluntary transfer that is in the best interest of the student and the school. Involuntary transfers should generally be made only when other interventions fail to bring about student improvement, except for expellable offenses.

For those students under IDEA or Section 504, the manifestation determination process will be utilized to determine if the Wm. S. Hart Union High School District program is the Least Restrictive Environment or if additional Behavioral Assessments and Behavior Intervention Plan is required.

### **Grounds for Involuntary Transfer back to the District of Residence**

1. The student commits an act of misconduct enumerated in Education Code Sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7.
2. Students who commit a mandatory expellable offense enumerated in Education Code Section 48915(c).
3. The student is habitually truant or absent and the interventions specified in Policy have failed to bring about student improvement.
4. For students attending a specialized Wm. S. Hart Union High School District school, additional grounds for involuntary transfer include failure to pass arts probation, behavior probation, or academic probation.

### **Process**

1. A decision to involuntarily transfer a student shall be made within ten (10) days after it is determined that grounds for transfer exist.
2. Prior to an involuntary transfer, the student and parent/guardian shall be given written notice that they may attend a meeting with the principal or designee.

At the meeting, the student and parent/guardian shall be informed of the specific facts and reasons for the proposed transfer. The student and parent/guardian shall have the opportunity to inspect all documents relied upon, question any evidence presented, and present evidence on the student's behalf. The student may designate one or more representatives and witnesses to be present with him/her at the meeting.

3. The decision to involuntary transfer shall be made by the principal.
4. Written notice of the decision, stating the facts and reasons for the transfer, shall be sent to the student and parent/guardian. The notice shall include to where the student will be released, either the district of residence or, if the student qualifies, another Wm. S. Hart Union High School District program. The student's district of residence shall be sent a copy of the decision.
5. For students identified as needing special education and related services under the Individuals with Disabilities Education Act (IDEA), and Section 504, or for students for whom the school had prior knowledge that the student may qualify for special education and related services, the following concerns must be addressed before an involuntary transfer can be rendered:
  - a. Convene an IEP team to conduct a manifestation determination review in accordance with SELPA guidelines.
  - b. If it is determined that the behavior is a manifestation of the student's disability, the student shall be returned to the placement from which he/she was removed, unless the IEP team agrees to a change of placement. The IEP team shall also conduct a functional behavioral assessment, unless one has already been conducted and shall behavior intervention plan has already been

developed, the IEP team shall review the plan and modify it as necessary to address the behavior.

c. If it is determined that the behavior is not a manifestation of the student's disability, the student may be transferred in accordance with the procedures for students without disabilities. For transfers within Wm. S. Hart Union High School District, the IEP team shall ensure a free appropriate education is provided in the subsequent placement.

## **Appeal**

1. Appeal to Wm. S. Hart Union High School District's Assistant Superintendent, Educational Programs or designee.

a. The student or parent/guardian may appeal an involuntary transfer decision within ten (10) school days to the Assistant Superintendent, Educational Programs or designee.

b. The director will convene an impartial panel to review the decision of the principal.

The panel shall be comprised of three members, all of whom are not employed at the site from which the student was removed.

The panel shall meet with the parent and staff from the school to review the specific facts and reasons for the proposed transfer, the student's record, and all documents considered during the involuntary transfer meeting.

c. The panel shall determine whether appropriate procedures were followed and whether the evidence supports the findings made by the principal in rendering the decision. The panel may consider new evidence if such evidence could not have been produced at the involuntary transfer meeting with reasonable diligence.

d. Each appeal panel member has a single vote. A vote of at least two out of three panel members constitutes adoption of the recommendation to either: 1) uphold the principal's decision in whole; 2) revise and require specific conditions for the student that is allowed to remain at the school; or 3) reverse the decision.

The decision letter must be prepared with the signatures of all three (3) appeal panel members regardless of each individual member's decision. The signed decision letter will be given to the parent and the principal.

2. Appeal to the County Board

The Los Angeles County Board of Education (County Board) has appellate authority to determine whether a student should be involuntarily transferred from a Wm. S. Hart Union High School District program to the student's district of residence.

a. Parent/guardian of a student involuntarily transferred from any Wm. S. Hart Union High School District program to the student's district of residence may appeal the decision of the Assistant Superintendent, Educational Programs or designee to the County Board.

This process will be confidential to the extent possible.

## b. Appeal Policy

### (1) Statement of Intent

It is the desire of the County Board that all appeal proceedings be completed as quickly as possible, consistent with giving the parties a fair opportunity to prepare and present their cases.

The County Board believes that through a degree of informality in and appeal proceeding, burdens on all concerned and the amount of time required can be significantly reduced without prejudice to the rights of the parties. The parties should recognize that this is not possible without their fullest cooperation, and the County Board expects all parties to conduct themselves with this in mind.

### (2) County Board Hearing

The hearings before the County Board will be held in closed session unless the parent/guardian requests an open session hearing at least five (5) calendar days before the hearing. Even with an open session appeal hearing, the County Board may deliberate its decision in closed session. During a closed session, for the purpose of deliberation, the County Board may exclude any or all persons except that if one party is present, the other party has the right to be present at the same time.

The parent/guardian may bring advocates or counsel to the appeal hearing.

In ruling on matters of procedure and questions of law, the County Board may consult with the County Office's legal adviser.

The County Board's decision on the appeal shall be final and binding upon the student, and upon the school. The parent/guardian and the school will be notified of the County Board's decision in writing by personal delivery or certified mail. The order shall become final when rendered.

## c. Appeal Procedures

### (1) Initiating an Appeal

An appeal of an involuntary transfer shall be filed with the Wm. S. Hart Union High School District Educational Programs, in writing and utilizing a Notice of Appeal form. The Notice of Appeal form shall state why the parent/guardian feels the decision of the school should be reversed. The parent/guardian may amend the Notice of Appeal up to five (5) school days prior to the hearing before the County Board.

### (2) Deadline to File

In order to be timely, an appeal form must be received by Wm. S. Hart Union High School District Educational Programs within fifteen (15) calendar days of the decision of the school to involuntarily transfer the student to the district of residence. Delivery of the appeal form shall be made in person or by U.S. mail. The office address is Los

Angeles County Office of Education, Wm. S. Hart Union High School District  
Educational Programs, 9300 Imperial Highway, Downey, California 90242-2890.  
Forms mailed and postmarked but not actually received within fifteen (15) calendar  
days will not be accepted.

(3) Written Briefs/Arguments.

The parent/guardian may submit a written argument or appeal brief, limited to ten (10) pages or less, which must be received at least five (5) school days prior to the date set for the hearing before the County Board.

Upon receipt, staff shall serve a copy of the written argument or brief upon the school.

The school may submit a written argument or brief, limited to ten (10) pages or less, which must be received at least five (5) school days prior to the date set for the hearing before the County Board. The school shall also simultaneously serve a copy of its written argument or brief upon the parent/guardian.

(4) Hearing Procedures

Upon hearing the appeal of the involuntary transfer, the County Board shall render a decision within ten (10) school days. All parties will be notified in writing of the date, time, and place of the hearing and its procedures.

The administrative hearing proceeds as follows:

(a) The County Board President opens the hearing, identifies all participants, and addresses procedural matters.

(b) Parties may make an opening statement of up to five (5) minutes to the County Board as follows:

- (i) Parent/guardian's opening argument
- (ii) School's rebuttal argument
- (iii) Parent/guardian's rebuttal/closing argument

(c) County Board members will direct questions to the parties.

(d) Upon completion of a hearing, the County Board President declares the hearing closed.

(e) The County Board will render a decision within ten (10) school days.

(f) All documents submitted to the Wm. S. Hart Union High School District Educational Programs shall be sent to the parent/guardian and the school.

d. Postponement of Hearing

The parent/guardian may request a postponement of the County Board hearing. Such request shall be filed in writing no less than five (5) calendar days prior to the date of the hearing with

the Los Angeles County Office of Education, Wm. S. Hart Union High School District Educational Programs, 9300 Imperial Highway, Downey, California 90242- 2890. The request may be granted by mutual agreement of the parties.

e. Termination of Appeal

(1) Abandonment by Parent/guardian

Unless otherwise excused by the County Board, failure to pursue the appeal with diligence within the established time frames may be deemed an abandonment of the appeal, and the County Board may dismiss the appeal.

(2) Acquiescence by the School Failure of the school to appear at the scheduled hearing may be deemed acquiescence of the appeal, and the County Board may reverse the decision of the school in favor of the student.

f. Decision

The County Board believes that appeals of an involuntary transfer are among the most important business that the Board undertakes. The County Board therefore believes that every County Board member present for such an appeal should, absent some disqualifying conflict of interest, participate in the decision on such appeals. Accordingly, the County Board strongly discourages abstentions on appeal decisions. Four affirmative votes of the County Board are required for the appeal to be granted. The County Board will either affirm or reverse the school's decision to involuntarily transfer the student to the district of residence.

g. Attendance during Appeal During the appeal process, the student must continue to attend school. The student's placement during that time will be determined by the Wm. S. Hart Union High School District Educational Services. The parent/guardian may choose to enroll the student in any other appropriate educational setting, such as a private or charter school, during the appeal process.

h. Attendance after an Unsuccessful Appeal

The County Board is not authorized to order the specific school placement for the student in the district of residence. School placement in the district of residence is determined by the district of residence.



## Procedures for Notifying Teachers about Dangerous Pupils

In order to fulfill the requirements made by Education Code 49079 and Welfare and Institutions Code 827 that state teachers must be notified of the reason(s) a student has been suspended. The information provided is for the student's current teachers only. All information regarding suspension and expulsion is **CONFIDENTIAL**, is not to be shared with any student(s) or parent(s). Teachers are asked to secure the list so students and others may not view it.

Pursuant to Welfare & Institution Code 827(b) and Education Code 48267, the Court notifies the Superintendent of the William S. Hart School District regarding students who have engaged in certain criminal conduct. This information is forwarded to the site Principal. The site Principal is responsible for prompt notification of the student's teachers. Per Education Code 49079, this information must be kept confidential. This information is also forwarded to all administrators and the student's counselor.



## **Dress Code Policy**

Hart High School is a place where learning is honored and business is conducted. Students should dress appropriately, as if they were in the workplace.

Undergarments of any kind should not be visible due to sheer fabrics, low cut clothing, fit of clothing, or any other reason.

- Underwear includes compression athletic shorts intended to be worn under other layers.
- Underwear will include bandeau tops and sports bras.
- Sleeveless undershirts are also considered underwear.

The bust, bottom, and belly must be covered. If these standards above are met, then the length of clothing is satisfactory.

Tube tops are prohibited.

Halter tops and spaghetti straps are permissible.

Apparel unique to athletics are not to be worn as clothing outside of the proper athletic setting.

---

### Dress code standards also prohibit the following:

- Sharp pointed studs, and chains for wallets, etc.
- Masks or clothing that obscures the face.
- Images or messages that are crude, vulgar, profane, violent, sexually suggestive or which demonstrate racial, ethnic, or religious prejudice.
- Images, markings, or messages that promote smoking, tobacco, drugs, or alcohol.
- Attire with markings or styles representative of gangs, including bandannas of a gang style.

Students not dressed appropriately will be addressed. Inappropriate clothing will need to change into appropriate clothing prior to returning to class.



## **Sexual Harassment Policy**

**Sexual Harassment – EC 231.5 and 48980(g)**

The School District is committed to maintaining a learning and working environment that is free from sexual harassment. Any student who engages in sexual harassment of anyone in or from the district may be subject to disciplinary action up to and including expulsion. Any employee who permits, engages in, or fails to report sexual harassment shall be subject to disciplinary action up to and including dismissal. For a copy of the district's sexual harassment policy or to report incidences of sexual harassment, please contact Mr. Greg Lee at 661-259-0033 ext. 316 or [glee@hartdistrict.org](mailto:glee@hartdistrict.org).

**Hart High School**

**BP5145.7**

**BP 5145.7**

**Students**

\*\*\*Note: Education Code 231.5 mandates the district to have written policies on sexual harassment. The following policy addresses harassment by and/or of students; for policy addressing the sexual harassment by and/or of employees, see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment. \*\*\*

\*\*\*Note: Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex by recipients of federal financial assistance. School districts are responsible under Title IX and the regulations for the issuance of a policy against sex discrimination (34 CFR 106.8). Sexual harassment is a form of sex discrimination under Title IX and can deny or limit a student's ability to participate in or receive education benefits, services, or opportunities on the basis of that student's sex. \*\*\*

\*\*\*Note: A district can be held liable for civil damages for the sexual harassment of students pursuant to Title IX and/or Education Code 220, if the district is found to have been "deliberately indifferent" in its response to known sexual harassment. In *Davis v. Monroe County Board of Education*, the U.S. Supreme Court held that a district would be deliberately indifferent if (1) the harasser and the context in which the sexual harassment occurred were within the district's control; (2) the harassment was so severe, pervasive, and objectively offensive that it deprived a student of access to educational opportunities or benefits provided by the district; (3) the district had actual knowledge of the harassment; and (4) the district's conduct was unreasonable considering the surrounding circumstances. This standard was applied by an appellate court in *Donovan v. Poway Unified School District* based on Education Code 220. \*\*\*

\*\*\*Note: In addition to filing a private civil lawsuit, an alleged victim of sexual harassment may file a complaint with the California Department of Education (CDE) and/or the U.S. Department of Education's Office for Civil Rights (OCR), the federal agency responsible for administrative

enforcement of federal laws and regulations that prohibit discrimination in programs and activities that receive federal financial assistance from the U.S. Department of Education. OCR applies a different standard than the "deliberate indifference" standard when addressing complaints against a district. Under OCR's enforcement standards, a district may be held to be in violation when a student is subjected to harassing conduct by another student, an employee, or a third party, and (1) the district knows or should know about the harassment, (2) the harassment is sufficiently serious as to create a hostile educational environment for the student, and (3) the district failed to take appropriate responsive actions. In other words, while a district is not responsible for the conduct of the other student or the third party, it may be liable for failing to respond adequately once it has notice. However, if a student is sexually harassed by an employee who was acting in the context of his/her job responsibilities, the district may be in violation of Title IX whether or not it has notice. See BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment. \*\*\*

\*\*\*Note: In April 2011, OCR issued its Dear Colleague Letter: Sexual Violence to supplement its January 2001 Revised Sexual Harassment Guidance on federal Title IX requirements as they pertain to sexual harassment. In the letter, OCR clarifies that sexual violence, including rape, sexual assault, sexual battery, and sexual coercion, is a form of sexual harassment that must be addressed by districts using the same procedures used to address other forms of sexual harassment, such as unwelcome sexual advances. \*\*\*

\*\*\*Note: CSBA staff met with representatives from CDE and OCR to discuss this policy and the accompanying regulation as they relate to the uniform complaint procedure (UCP) requirements. As a result, the sample policy and regulation have been drafted to go beyond the minimal requirements under California's UCP laws and regulations in an attempt to address issues and concerns raised by CDE and OCR. While CDE and OCR have not approved or signed off on them, CSBA believes that the additional details provided herein may help school districts and county offices of education during any compliance check by CDE or in the event that a CDE or OCR investigation occurs. \*\*\*

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

\*\*\*Note: OCR's January 2001 Revised Sexual Harassment Guidance and 2011 Dear Colleague Letter: Sexual Violence note that, regardless of whether a harassed student, his/her parent/guardian, or a third party files a complaint under the district procedures or otherwise requests action on the student's behalf, a school that knows, or reasonably should know, about possible harassment must promptly take action to determine what occurred and then take appropriate steps to resolve the situation. Even where a parent/guardian or student does not wish to disclose the student's identity, there are steps a school can take to limit the effects of alleged harassment and prevent its recurrence without initiating formal action. Such steps may include limited investigative activities and actions to protect the complainant and the school community and prevent recurrence while keeping the identity of the complainant confidential. These actions may include providing services to the complainant, such as counseling services; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; or changing and publicizing the school's policies on sexual violence. OCR has indicated that the

principles in its Revised Sexual Harassment Guidance also apply to harassment based on race, color, national origin, disability, or age. \*\*\*

\*\*\*Note: It is also important to note that a referral to law enforcement does not relieve a school district of its responsibility to investigate the complaint as a matter of sex discrimination. \*\*\*

The district strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer.

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 1312.1 - Complaints Concerning District Employees)  
(cf. 5131 - Conduct)  
(cf. 5131.2 - Bullying)  
(cf. 5137 - Positive School Climate)  
(cf. 5141.4 - Child Abuse Prevention and Reporting)  
(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

\*\*\*Note: Pursuant to Education Code 231.5, the district's policy must contain information on where to obtain a specific procedure for reporting incidents of sexual harassment and pursuing available remedies. In addition, 34 CFR 106.8 requires a district to adopt and publish a complaint procedure providing for a prompt and equitable resolution of student complaints alleging sexual harassment. To avoid confusion that may arise from having a multiplicity of complaint processes for resolving a variety of student complaints, it is recommended that districts use the UCP to investigate and resolve sexual harassment complaints involving students. See AR 1312.3 - Uniform Complaint Procedures for details of these procedures. \*\*\*

Complaints regarding sexual harassment shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 - Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

\*\*\*Note: Government Code 12950.1 requires any district with 50 or more employees to provide two hours of sexual harassment training and education to supervisory employees once every two years. See AR 4119.11/4219.11/4319.11 - Sexual Harassment. In addition, in its April 2011 Dear Colleague Letter: Sexual Violence, OCR underlies the importance of training in preventing and responding to sexual harassment and encourages districts to provide training to all segments of the school community. \*\*\*

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate 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 sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance

\*\*\*Note: In its April 2011 Dear Colleague Letter: Sexual Violence, OCR acknowledges that, where sexual harassment or violence occurs in the context of other possible rule violations, students may be reluctant to report sexual harassment or violence. For example, a student who is sexually harassed while he/she is away from school without permission may be reluctant to file a complaint if he/she believes that he/she may be disciplined for the violation. As such, item #4 below clarifies that any other rule violation will be addressed separately from the sexual harassment complaint in order to encourage students to report the harassment. \*\*\*

3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made

\*\*\*Note: In its April 2011 Dear Colleague Letter: Sexual Violence, OCR restates the requirement that a district's procedure for investigating sexual harassment complaints must be widely disseminated and be written in language appropriate to the age of the school's students. Examples include having copies of the procedure available throughout the school, publishing the procedure in the student handbook, and identifying individuals who can explain the procedure. \*\*\*

6. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable

#### Disciplinary Actions

\*\*\*Note: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Education Code 48900.2 also requires the sexual harassment, when considered from the perspective of a reasonable person of the same gender as the alleged victim, to be sufficiently severe or pervasive as to have a negative impact upon the alleged victim's academic performance or to create an intimidating, hostile, or offensive educational environment for the alleged victim. Under OCR's 2001 Revised Sexual Harassment Guidance interpreting Title IX, a hostile environment is created when the conduct is sufficiently serious that it denies or limits a student's ability to participate in or benefit from the school's program based on sex. OCR considers the conduct from both the subjective perspective of the individual who was harassed

and from the perspective of a reasonable person with the same characteristics as the alleged victim. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process. \*\*\*

Any student who engages in sexual harassment or sexual violence 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 and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 5144 - Discipline)

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

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

Any staff member found to have engaged in sexual harassment or sexual violence toward any student shall be subject to discipline up to and including dismissal in accordance with applicable policies, laws, and/or collective bargaining agreements.

(cf. 4117.4 - Dismissal)

(cf. 4117.7 - Employment Status Report)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

#### 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 district schools.

(cf. 3580 - District Records)

#### WEB SITES

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

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

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

**(3/09 3/12) 10/14**

#### **Sexual Harassment**

Hart High School will not tolerate sexual harassment by anyone participating in any Hart High School program or activity. This includes student-to-student or peer sexual harassment as well as harassment between a student and any Hart High School participant. Hart High School shall take all complaints of sexual harassment seriously, investigate and address identified sexual harassment, and if the investigation results in the determination that sexual harassment has occurred, take reasonable, immediate corrective action to stop the harassment, eliminate a hostile environment, and prevent future sexual harassment. To the extent possible, complaints shall be kept confidential. For situations of

harassment or suspected harassment involving Hart High School staff, Superintendent Policy on Personnel is applicable.

### **Notice of Hart High School Policy**

1. Each Hart High School site will inform Hart High School Participants of this Sexual Harassment Policy along with the name, title, address and phone number of the Principal or designee
2. This Notice will include a statement of policy, definitions, how to file a complaint, confidentiality of any investigations into complaints, Hart High School's policy against retaliation for complaints, and the disciplinary consequences of substantiated claims of harassment and false claims
3. Notices of the Sexual Harassment Policy will be included in the Annual Notice to all students and parents, which students and parents shall receive at the beginning of the year or upon enrollment.

### **Complaint Procedure for Victims of Sexual Harassment**

1. Hart High School encourages any student who believes s/he is the target of sexual harassment or who believes s/he has witnessed sexual harassment while participating in any Hart High School program or activity to report the incident as soon as possible to a Principal or designee.
2. The staff member will then contact the Principal or designee regarding the reported incident immediately or as soon as practicably possible, no later than 48 hours after the student's report and make a written note that the report was forwarded to the Principal or designee.
3. Confidentiality
  - a. All complaints and investigations regarding sexual harassment will be held confidential to the extent possible.
  - b. Retaliation for complaints of harassment by complainants or witnesses is prohibited.

### **Investigations of Complaints of Sexual Harassment**

1. Hart High School will treat complaints of sexual harassment seriously. Upon receiving a complaint of sexual harassment, the Hart High School staff person shall provide the student with a copy of this policy and the regulations implementing this policy. The school Principal or other administrator shall conduct an investigation of the allegations.
2. The investigator will notify the parents of the complainants and the Alleged Harasser, if they are students, of the reported incident, the school's intent to investigate and the potential consequences if the complaint is substantiated.
3. The investigator will conduct a private, confidential interview with the Alleged Harasser to get the Alleged Harasser's response to the allegations.
4. The investigator will notify the complainant and his/her parent or legal guardian of the investigation's progress.
5. No more than 30 school days after receiving the complaint, the Principal or other administrator shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the Principal shall notify the student who complained and explain the reasons for the extension. The Principal or designee will write a report for

each complaint, to be completed within three days of the completion of the investigation. This report will include:

- a. A description of the incident
- b. The claims
- c. The Alleged Harasser's response
- d. The results of the investigation's fact-finding
- e. Conclusions based on the factual findings
- f. Recommendations for disciplinary action or other reasonable, age-appropriate, specific corrective actions to end the harassment, eliminate the hostile environment, or future harassment (see Part V below)

6. Hart High School will maintain records of all sexual harassment investigations. These records shall be kept confidential and may be used for tracking purposes or to substantiate claims of repeated harassment or retaliation.

### **Consequences**

If a complaint of sexual harassment is substantiated, the site administrator or designee shall determine reasonable, age-appropriate, specific corrective actions to end the harassment, eliminate the hostile environment, or eliminate future harassment. If a student, the Harasser may be suspended up to five days or expelled involuntarily release to student's district of residence. Retaliation for reporting harassment is also grounds for suspension or involuntary release to student's district of residence.

1. Appeal of determination of harassment. The student charged with harassment may appeal the decision of a suspension or involuntary release to student's district of residence in accordance with Board policy 7430, Suspensions & Expulsions. For lesser corrective actions, the student may request a conference between the student, his/her parent or guardian, and the site Principal.

#### 2. Unsubstantiated complaints

- a. If an investigation does not support the complaint, the complainant and the Alleged Harasser will be notified. No disciplinary action may be taken but counseling may be offered to both parties.
- b. If an investigation determines that the sexual harassment claim was false and the complainant made the claim knowing it was false, the complainant is subject to discipline, including suspension or involuntary release to student's district of residence
- c. If the complainant is dissatisfied with the determination of unsubstantiation, he or she complainant may invoke an appeal of this determination by following the County Board Policy, at whichever step the complainant feels appropriate.

The County Board is committed to maintaining an educational environment that is free from harassment and discrimination. The County Board prohibits sexual harassment of students by other students, employees, or other persons, at school or at school-sponsored or school related activities. The

County Board also prohibits retaliatory behavior or action against persons who complain, testify, assist, or otherwise participate in Hart High School complaint processes.

### **Instruction/Information**

The County Superintendent or designee will ensure that all Hart High School students receive ageappropriate 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 sex
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 Hart High School's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made

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. An employee who receives such a complaint shall report it to the school Principal or designee.

The County Superintendent or designee will ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative regulation. When the County Superintendent or designee has determined that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim.

### **Disciplinary Actions**

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 Hart High School, disciplinary action may include suspension and/or involuntary release to student's district of residence, provided that, in imposing

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)

The County Superintendent or designee will maintain a record of all reported cases of sexual harassment to enable Hart High School to monitor, address, and prevent repetitive harassing behavior in the schools.

### **AR5145.7**

#### **Definitions**

1. Complainant: the person(s) subject to sexual harassment.
2. Alleged Harasser: person(s) identified as sexually harassing the Target.

3. Hart High School Participant: includes students, employees of Hart High School, guests and other individuals involved in Hart High School programs and activities.
4. Unwelcome: unwanted and inappropriate.
5. Program: any program sponsored by Hart High School.
6. Activity: any activity sponsored by Hart High School.
7. Sexual harassment: unwelcome attention of a sexual nature that interferes with the educational performance, learning environment and/or full participation in a Hart High School program or activity by any individual. Sexual harassment may, for example, come in physical (including but not limited to pinching, touching, patting, or blocking movements), visual (including but not limited to posters, cartoons, sketches, gestures or other visual displays of a clearly sexual nature), or verbal (including but not limited to spoken or written comments of a clearly sexual nature) forms and may be used to intimidate or to coerce.

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 educational setting, when made on the basis of sex and under any of the following conditions:  
(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 Hart High School program or activity

Examples of types of conduct that are prohibited at the Hart High School and that may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class

7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual Assault, sexual battery, or sexual coercion

### **School-Level Complaint Process/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 Principal or designee. In addition, any school employee who observes any incident of sexual harassment involving a student shall, within 24 hours, 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 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 Labor Relations.

2. Initiation of Investigation: The Principal or other administrator 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. Hart High School 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.

3. Initial Interview with Student: When a student or parent/guardian has complained or provided information about sexual harassment, the Principal shall describe Hart High School's grievance procedure and discuss what actions are being sought by the student in response to the complaint. The student who is complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put his/her complaint in writing. If the student requests confidentiality, he/she shall be informed that such a request may limit Hart High School's ability to investigate.

4. Investigation Process: The Principal or other administrator shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

The Principal or other administrator shall interview individuals who are relevant to the investigation, including, but not limited to, the student who is complaining, the person accused of harassment, anyone who witnessed the reported harassment, and anyone mentioned as having relevant information. The Principal may take other steps such as reviewing any records, notes, or statements related to the harassment or visiting the location where the harassment is alleged to have taken place.

When necessary to carry out his/her investigation or to protect student safety, the Principal or other administrator also may discuss the complaint with the Superintendent or designee, the parent/guardian of the student who complained, the parent/guardian of the alleged harasser if the alleged harasser is a student, a teacher or staff member whose knowledge of the students involved may help in determining

who is telling the truth, law enforcement and/or child protective services, and Hart High School legal counsel or Hart High School's Risk Management Office.

5. Interim Measures: The Principal or other administrator shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher.

6. Optional Mediation: In cases of student-to-student harassment, when the student who complained and the alleged harasser agree, the Principal or other administrator may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator, or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree, and he/she shall be advised of the right to end the informal process at any time.

7. Factors in Reaching a Determination: In reaching a decision about the complaint, the Principal 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 any past instances of harassment by the alleged harasser
- d. Evidence of any past harassment complaints that were found to be untrue

To judge the severity of the harassment, the Principal 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 identity, age, and sex of the harasser and the student who complained, and the relationship between them
- d. The number of persons engaged in the harassing conduct and at whom the harassment was directed
- e. Other incidents at the school involving different students

8. Written Report on Findings and Follow-Up: No more than 30 school days after receiving the complaint, the Principal or other administrator shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the Principal shall notify the student who complained and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If sexual harassment occurred, the report shall also include any corrective actions that have or will be taken to address the harassment and prevent any retaliation or further harassment. A summary report shall be presented to the student who complained, the person accused, the parents/guardians of the student who complained and the student who was accused, and the County Superintendent or designee.

In addition, the Principal or designee shall ensure that the harassed student and his/her parent/guardian are informed of the procedures for reporting any subsequent problems. The Principal shall also make follow-up inquiries to see if there have been any new incidents or retaliation and shall keep a record of this information.

### **Enforcement of Hart High School Policy**

The County Superintendent or designee will take appropriate actions to reinforce Hart High School'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. Disseminating and/or summarizing Hart High School's policy and regulation regarding sexual harassment
4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to parents/guardians and the community
5. Taking appropriate disciplinary action.

In addition, disciplinary measures may be taken against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

### **Notifications**

A copy of Hart High School'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. 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)
4. 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)



## **Procedures for Safe Ingress and Egress from School**

Students can enter Hart High School from Newhall Avenue, Arcadia Street and Kansas Street. When entering or exiting the campus, students are instructed and expected to utilize any available sidewalks. At dismissal, campus supervisors or other school personnel are stationed at all parking lots and exits to assist students and motorists.

All students are expected to enter our campus in the morning through the front main gate, the back gate adjacent to the student parking lot or the Q-gate adjacent to the Q-parking lot. A campus supervisor is stationed at these gates throughout the school day, including before and after school.

Motorists are expected to obey all driving and speed laws while in the parking lot and/or on streets near Hart High School. Bicycle and skateboard possession and riding are strictly prohibited on campus. Signs indicating this are posted.

Student drivers must purchase and display a valid parking permit in order to park on campus. This pass is subject to revocation for reckless driving or infractions while in the parking lot. Disciplinary consequences or fines will apply for failure to obtain a permit, failure to display a permit and parking in non-student spaces. Students may not park in any of the faculty designated spaces for any reason.

Eleventh and twelfth graders, with proper identification and privileges indicated on their ID cards, may leave for the lunch period. These students must exit and enter through either the front gate, back gate or north gate on campus. Campus supervisors are posted at these positions to check IDs during the lunch period. Students who are tardy after lunch are subject to revocation of the off-campus pass. No students are permitted to leave at any other time during the school day, including brunch, without proper parent authorization. Hart High School is a closed campus. Students who leave campus without proper permission are subject to school discipline.

Visitor parking spaces are located in the front parking lot. All visitors to Hart High School are greeted at the front gate by a campus supervisor and directed to the reception area, where they sign in, obtain a visitor pass, and are directed to the appropriate office. All visitors are expected to sign in at the front office



# **Procedures to Ensure a Safe and Orderly Environment**

## **COMPONENT #1: PEOPLE AND PROGRAMS**

### **GOAL**

**All students and staff members are provided a safe teaching and learning environment.**

**Objective #1:** Hart High School has processes in place that allow for early intervention into possible student problems. Regularly scheduled Student Study Team (SST) meetings address student issues with respect to student behavior, grades and attendance. SST will include an administrator, a counselor, teacher(s), parent(s) and student. School Resource Office (SRO), school psychologist, and Child Welfare and Attendance may also be invited to attend. Hart High School should participate in the Safe School Ambassador Program, in which staff and students are trained to intervene and diffuse conflicts between students.

**Objective #2:** Hart High School models and actively encourages positive and caring interaction between site staff, students and parents. Hart High School will hold annual school-related events that bring staff members, students, and parents together in a positive environment. Hart will hold parent informational sessions regularly throughout the school year. Topics will cover issues related to healthy development and academic success.

**Threat Assessment Team:** In the event that a student is found to be or reported to be exhibiting some signs of threatening behavior or self-harmful behavior, members of Threat Assessment Team will conduct an initial evaluation leading to a report to district personnel. The team consists of the following members: Lead Administrator, School Resource Deputy, School Psychologist, or ERICS Therapist, Counselor, Campus Supervisor

## **COMPONENT #2: PHYSICAL ENVIRONMENT**

### **GOAL**

**All students and staff are safe and secure while at school as well as when traveling to and from school.**

**Objective #1:** Hart High School shall maintain a visible staff presence on campus including a local law enforcement School Resource Officer (SRO).

**Objective #2:** Hart High School will insure that the campus has appropriate lighting in areas used by staff and students during periods of darkness (early in the morning, later in the evening).

**Objective #3:** Hart High School will take measures to prevent vandalism and graffiti on campus, working with law enforcement.

**Objective #4:** Hart High School will make classroom door security easier with mechanisms to quickly lock doors from the inside.



# **Rules and Procedures on School Discipline**

## **Attendance Policy**

The Hart High School faculty and staff believe that there is a direct relationship between good attendance and high achievement. Students with good attendance achieve higher grades, enjoy school, realize success, gain the necessary credits for graduation, and learn positive habits that carry over to their personal and occupational achievement. Please note the attendance link on the website at [www.harths.org](http://www.harths.org).

It is the responsibility of each parent, teacher, administrator, and staff member to promote and stress the value of good attendance. It is also the responsibility of the staff to carry out all attendance policies in a fair, firm, consistent, and timely manner.

### **Tardies**

A tardy is considered unexcused when the student arrives to class late without a signed, dated, and timed excuse from school personnel. The number for tardies listed below is for total period tardies.

Consequences for tardies will be assigned as follows:

10 Tardies	=	Saturday School
13 Tardies	=	2 <sup>nd</sup> Saturday School
15 Tardies	=	In-School-Suspension

At any time an AP could assign Detentions for tardies as needed  
Teachers may have in place additional classroom consequences  
Any no show to Saturday School can result in an In-School Suspension

11 Tardies in a quarter	=	Loss of Off-Campus Pass for the following quarter
20 Tardies in a semester	=	No dances (Homecoming and Winter Formal based on Fall Semester; Prom based on Spring Semester)
25 Tardies in a semester	=	No Parking pass for next semester

### **Truancy**

An absence is considered a truancy whenever, in the judgment of the Principal or designee, the student intentionally and deliberately failed to report to an assigned class or classes, without reasonable cause. According to Education Code section 48260, *any student tardy in excess of 30 minutes will be considered absent. If this occurs on each of more than three days in one school year the student may be considered a truant.* A student can accumulate up to six truant periods in one day. The number for truanancies listed below is for total period truanancies.

Consequences will be assigned as follows:

5 Truancies = Saturday School  
10 Truancies = 2<sup>nd</sup> Saturday School  
13 Truancies = In-School-Suspension

At any time an AP could assign Detentions for truancies as needed  
In cases of excessive truancies, the school Deputy can assign a truancy ticket  
If an absence is unexcused, the teacher has the right not to allow make-up work  
Any no show to Saturday School can result in an In-School Suspension

10 Truancies in a quarter = Loss of Off-Campus Pass for the following quarter  
15 Truancies in a semester = No dances (Homecoming and Winter Formal based on Fall Semester; Prom based on Spring Semester)  
20 Truancies in a semester = No Parking pass for the next semester

Parent / Student Responsibility

**Parents are to call the school between the hours of 7:00 a.m. and 3:30 p.m. on EACH DAY OF ABSENCE.** The student's name will appear on the daily cleared absence list.

**When a daily phone call is not made, the student must bring a note or the parent must make a call WITHIN TEN DAYS OF THE DATE OF ABSENCE.**

Permission to leave school after arriving on campus must be obtained by the student through the Attendance Office by a verified phone call or a signed note. The student must pick up an off campus pass in order to leave campus. All 11<sup>th</sup> and 12<sup>th</sup> grade students must have their ID card to leave campus at lunch. Ninth and tenth grade students who are leaving campus between 12:00 and 1:00 p.m. must be signed out by a parent / guardian in the Attendance Office. A student who leaves campus ill must be cleared through the Health Office or Attendance Office. **STUDENTS WHO LEAVE CAMPUS WITHOUT PERMISSION ARE TRUANT.** Off-campus passes are required for ANY departure on a minimum day.

Teacher Responsibilities

Teachers must take roll every class period. A student service or class aide may not take roll for the teachers.

Teachers need to check attendance on a daily basis to make sure that absences and tardies have been marked correctly in the computer. On a weekly basis teachers need to submit printed Attendance Reports to the Attendance office.

All errors need to be reported to the Attendance Office as soon as possible for correction.

## Definition of Absences

### A. Excused/Warranted Absences

Illness or injury

Quarantine

Medical, dental, optometric, chiropractic services

Funeral services for a member of the immediate family

Jury Duty

Exclusion for failure to be immunized

Approved school activity

Appearance in court

Holiday or ceremony of student's own religion

Employment interview or conference

Essential family travel (3 day maximum)

Verified family emergency

Community disaster/emergency

Funeral services for other than a member of the immediate family (3 day maximum)

Short Term Independent Study (with an absence of five or more school days) is an option in some cases. Call the Attendance Office for details.

### B. Unexcused Absences

A student's absence is unexcused whenever the absence has been verified as having been avoidable (i.e., oversleeping, missed bus, or running out of gas, etc.).

### Make-Up Work

**Students shall be allowed to complete, with full credit, all work missed during excused absences. Make-up work shall be reasonable equivalent to work missed. The teacher(s) shall determine the make-up work and time allowed. Make-up work for unexcused absences shall be provided at the discretion of the teacher. No make-up of assignments or tests shall be permitted in cases of truancy. In case of suspension, make-up work is left to the discretion of the teacher.**

## **Student Discipline**

At Hart High School, we are committed to nurturing our students to grow intellectually, socially, physically, and emotionally. Our students have the right to learn in a safe, secure, and peaceful environment. We expect our students to conform to classroom standards and school regulations, to be diligent in study, and to be respectful to teachers, peers, and other adults on campus.

When inappropriate or disruptive student behaviors arise and continue despite reasonable teacher intervention, a student is referred to a counselor or school administrator. Discipline violations of a more serious nature, such as vulgarity, profanity, vandalism, major disruptive or unsafe behavior, and/or disrespect towards a student or staff member, will result in an immediate referral to an administrator for appropriate disciplinary action. Extreme problems, such as an incident involving physical aggression, threats of violence, drugs, and/or alcohol, are handled immediately and often times, concurrently with support from law enforcement.

There are many options available when assigning consequences to a student who has violated a school rule or policy. Other means of correction are often given as a first response for disciplinary infractions, when appropriate. School consequences can range from a reprimand through expulsion from the schools of the William S. Hart Union High School District. Determination of consequences is based on the violation committed, the severity of the violation, and a student's prior discipline history. Please reference the discipline matrix for more specific information.

EDUCATION CODE	DESCRIPTION OF VIOLATION	First Offense OMC	First Offense Suspension	First Offense Expulsion
48915(c)(1)	Firearm: Possess, sell or furnish	No	Yes Mandatory	Yes Mandatory
48915(c)(2)	Brandishing Knife (in a threatening manner)	No	Yes Mandatory	Yes Mandatory
48915(c)(3)	Selling Drugs	No	Yes Mandatory	Yes Mandatory
48915(c)(4)	Sexual Assault/Battery: specifically attempted rape, oral copulation, sodomize, touching other while restraining	No	Yes Mandatory	Yes Mandatory
48915(c)(5)	Explosive (Dynamite, etc... not firecrackers)	No	Yes Mandatory	Yes Mandatory
48900 (a)(1)	Physical injury to another: caused, attempted to cause, or threatened	Optional	Yes Optional	No
48900 (a)(2)	Use of violence against another person– willful, exclude self defense	Optional	Yes Optional	No
48900(b)	Weapon: Possessed, sold, or furnished firearm, knife, explosive, or other dangerous object	Optional	Yes Optional	No
48900 (c)	Controlled Substance: possessed used, sold, furnished, or under the influence	Optional	Yes Optional	No
48900(d)	Imitation controlled substance: arranged, offered, or sold substance represented as a controlled substance i.e. oregano for	Optional	Yes Optional	No
48900 (e)	Robbery or extortion: committed or attempted to commit	Optional	Yes Optional	No
48900(f)	Property damage: caused or attempted to cause damage to school or private property	Yes Mandatory	No	No
48900(g)	Stolen or attempted to steal school property or private property	Yes Mandatory	No	No
48900 (h)	Tobacco: possessed or used tobacco product or nicotine product	Yes Mandatory	No	No
48900 (i)	Obscene act, habitual profanity, or vulgarity	Yes Mandatory	No	No
48900 (j)	Drug Paraphernalia: Possessed, unlawfully offered, arranged, or negotiated to sell	Yes Mandatory	No	No
48900(k)	Disrupted school activities or willfully defiant	Yes Mandatory	No	No
48900 (l)	Received stolen property (knowingly)	Yes Mandatory	No	No
48900 (m)	Imitation firearm: replica of firearm substantially similar	Yes Mandatory	No	No
48900(n)	Sexual assault or sexual battery: Committed or attempted to commit rape, sodomy, or touching while restraining	No	Yes Mandatory	Yes Mandatory
48900(o)	Intimidated a witness in a school disciplinary proceeding	Yes Mandatory	No	No
48900(p)	Soma: Offered, arranged to sell, negotiated to sell, or sold.	Yes Mandatory	No	No
48900 (q)	Hazing: Engaged in or attempted to engage in hazing	Yes Mandatory	No	No

48900 (r)	Bullying: Engaged in an act of bullying that is severe, pervasive, physical, verbal, or electronic	Yes Mandatory	No	No
48900 (t)	Aided or abetted in the attempt to inflict physical injury to another person	Yes Mandatory	No	No
48900.2	Sexual harassment act: severe and pervasive	Dependent on severity	Dependent on severity	Dependent on severity
48900.3	Hate violence: caused, attempted to cause, or threatened to cause	Dependent on severity	Dependent on severity	Dependent on severity
48900.4	Harassment, threats, or intimidation pervasive and severe enough to create a hostile education environment	Dependent on severity	Dependent on severity	Dependent on severity
48900.7	Terroristic threats against school officials for great bodily injury or death (specific intent)	Dependent on severity	Dependent on severity	Dependent on severity
48915a1A	Causing serious physical injury to another: broken bones, permanent disfigurement (excluding self-defense)	Dependent on severity	Dependent on severity	Dependent on severity
48915a 1B	Possession of knife or dangerous object such as brass knuckles, stun gun, or pepper spray	Dependent on severity	Dependent on severity	Dependent on severity
48915a 1C	Marijuana (2 <sup>nd</sup> offense) Possession of other controlled substance	Dependent on severity	Dependent on severity	Dependent on severity
48915a1D	Robbery or extortion (threats or force used in theft)	Dependent on severity	Dependent on severity	Dependent on severity
48915a 1E	Assault or battery of a school employee	Dependent on severity	Dependent on severity	Dependent on severity
Trespassing	Unauthorized presence on campus	Escort off campus/Restraining order	No	No
Electronic Device	Disruptive or inappropriate use of an electronic device	2 <sup>nd</sup> offense following IS <sup>1</sup> instance: confiscate device	No	No
Dress Code	Gang attire prohibited. Dress code must specify articles of clothing	Loaner clothes Parent notification 2 <sup>nd</sup> offense OMC	No	No
Attendance	Left class or campus without permission, excessive tardies, truant from school	Truancy Letters, SART, SARB, Mediation	CANNOT suspend	CANNOT expel

# Bullying Prevention Policy

## ONEHART

The most important part of this policy is that you let someone know about the situation as soon as possible. Do not wait to talk about the situation involving bullying especially if you are involved as just an observer. Let someone know so immediate action can be taken.

### **How to Report Any Type of Harassment, Name Calling and General Bullying...**

#### **...for STUDENTS**

1. Text or email your information to [harttip@hartdistrict.org](mailto:harttip@hartdistrict.org).
2. Drop by the Assistant Principal's office and complete an incident report.
3. Talk to an adult about your situation. Let school personnel know!

#### **...for PARENTS**

1. Text or email your information to [harttip@hartdistrict.org](mailto:harttip@hartdistrict.org)
2. Call Assistant Principal's office and explain what you know about the situation.
3. Set an appointment to talk with an administrator to discuss the situation.

#### **...for STAFF**

1. Email an administrator if you observe a situation needing further attention.
2. Complete a referral when necessary.
3. Call administrator or make an immediate call for campus supervisor when necessary.

### **Consequences**

Hart High School enforces a thorough policy to address and resolve bullying. Consequences for bullying include, but are not limited to:

1. Mediation and conflict resolution, including parent partnership. A Peer Conflict or Bullying Resolution Agreement Contract may be established.
2. Possibility of suspension depending on the severity of the situation per California Educational Code 48900, section r.
3. Intradistrict Discipline Transfer (IDT) to another school.

Only when school officials know can they act. Let someone know right away to prevent further harassment. You can help others on your campus by speaking up and doing so anonymously if need be.

## William S. Hart UHSD Bullying Prevention Policy

Wm. S. Hart Union High School District believes that all students and staff have a right to a safe and healthy school environment. Wm. S. Hart UHSD considers bullying or any behavior that infringes on the safety of any other person as a serious matter that will be investigated and be subject to subsequent disciplinary action.

A student shall not intimidate or harass another person through words or actions for any reason including race, religion, or sexual orientation such that the actions substantially interfere with a student's educational experience, create an intimidating or threatening educational environment, or disrupt the orderly operation of the school and/or the overall educational environment.

Young people are continuously developing their social skills and often experience conflicts with one another. Every conflict between students is not an incident of bullying. Bullying is defined as aggressive behavior that involves the following factors:

1. The behavior must be intended to cause harm.
2. There must be a real or perceived imbalance of physical or psychological power between those involved.
3. The behavior must be repeated over time and include the use of hurtful words and/or acts.

Bullying behaviors may include, but are not necessarily limited to, the following:

- Verbal - Hurtful name-calling, teasing, gossiping, making threats, making rude noises or spreading hurtful rumors.
- Nonverbal - Posturing, making gang signs, leering, staring, stalking, destroying property, using graffiti or graphic images, or exhibiting inappropriate and/or threatening gestures or actions.
- Physical - Hitting, punching, pushing, shoving, poking, kicking, tripping, strangling, hair pulling, fighting, beating, biting, spitting or destroying property.
- Emotional/Psychological - Rejecting, terrorizing, extorting, defaming, intimidating, humiliating, blackmailing, manipulating friendships, isolating, ostracizing, using peer pressure or rating or ranking personal characteristics.
- Cyber Bullying - Any bullying, harassment or intimidation when such is accomplished utilizing electronic communication media or electronic signaling devices. Such media includes, but shall not be limited to, e-mail messages, text messages, instant messages, social networking sites, and internet based video sites and postings of blogs.

If any such activity as described above is engaged in on campus; during school sponsored activities including any sports, extra-curricular, or school related activities; or utilizing school provided technology, the individual(s) shall be subject to discipline pursuant to the school's disciplinary policy.

Wm. S. Hart UHSD reserves the right to regulate, review, investigate and discipline students for bullying harassment, intimidation and/or cyber-bullying or any other disciplinary violations when such activities threaten violence against another student, are related to school activities, or otherwise disrupt the learning environment or orderly conduct of the school, school business or school activities.

William S. Hart UHSD expects students and staff to immediately report incidents of bullying to the Principal, Assistant Principal or other campus authority. Students may also request that their name be kept in confidence to the extent allowed by law. Staff members are expected to immediately intervene when they see a bullying incident occur. Each complaint of bullying will be promptly investigated and resolved in accordance with school policy.

To prevent bullying on campus, William S. Hart UHSD will provide training in bullying prevention and intervention strategies to staff and students. William S. Hart UHSD may provide students with instruction in the classroom or other school settings that promotes communication, social skills and assertiveness skills.

## Hart High School

### **BP 5131.2(a)**

#### **BULLYING**

The County Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. The County Superintendent will establish student safety as a high priority and will not tolerate bullying of any student.

No student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

*Cyberbullying* is an act of bullying committed through the transmission of a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer or pager. *Cyberbullying* includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

Strategies for bullying prevention and intervention shall be developed with involvement of key stakeholders in accordance with law, County Board policy, and administrative regulation governing the development of comprehensive safety plans and shall be incorporated into such plans.

#### **Bullying Prevention**

To the extent possible, Hart High School and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of Hart High School and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.

Hart High School will provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

School staff will receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

Based on an assessment of bullying incidents at school, the County Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, cafeterias.

### **Intervention**

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the County Superintendent or designee will develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

As appropriate, the County Superintendent or designee will notify the parents/guardians of victims and perpetrators. The County Superintendent or designee also may involve school counselors, mental health counselors, and/or law enforcement.

### **Complaints and Investigation**

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 – Sexual Harassment.

When a student is reported to be engaging in bullying off campus, the County Superintendent or designee will investigate and document the activity and will identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the County Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

Any student who engages in bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or involuntary transfer back to the district of residence, in accordance with Hart High School policies and regulations.

When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff, or to threaten Hart High School property, the investigation shall include documentation of the activity, identification of the source, and specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

Students shall be encouraged to save and print any messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

Any student who engages in cyberbullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline in accordance with Hart High School policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the County Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.



## Hate Crime Policies and Procedures

The William S. Hart Board Policy on Hate Crimes is as follows:

BP 5145.9

### **Students**

\*\*\*Note: The following optional policy is for use by districts in the implementation of a prevention strategy for hate-motivated incidents and should be modified to reflect district practice. Elements of this policy will also likely be integrated into existing school plans, such as school safety and staff development plans, as well as any policies developed by the district regarding school climate (see BP 5137 - Positive School Climate) and nondiscrimination (see BP 0410 - Nondiscrimination in District Programs and Activities and BP 5145.3 - Nondiscrimination/Harassment).\*\*\*

\*\*\*Note: In its publication entitled Hate-Motivated Behavior in Schools, the California Department of Education defines "hate-motivated behavior" as an act, or attempted act, motivated by hostility towards a victim's real or perceived ethnicity, national origin, immigrant status, sex, gender, sexual orientation, religious belief, age, disability, or any other physical or cultural characteristic. Some "hate-motivated behavior," including an assault, bomb threat, destruction of property, graffiti, and certain types of vandalism, may also be crimes under state or federal law.\*\*\*

In order to create a safe learning environment for all students, the Governing Board desires to protect the right of every student to be free from hate-motivated behavior and will promote harmonious relationships among students so as to enable them to gain a true understanding of the civil rights and social responsibilities of people in society. The district prohibits discriminatory behavior or statements that degrade an individual on the basis of his/her actual or perceived race, ethnicity, culture, heritage, gender, sex, sexual orientation, physical/mental attributes, or religious beliefs or practices.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 5131.5 - Vandalism and Graffiti)

(cf. 5136 - Gangs)

(cf. 5137 - Positive School Climate)

(cf. 5141.52 - Suicide Prevention)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5147 - Dropout Prevention)

(cf. 5149 - At-Risk Students)

\*\*\*Note: Local law enforcement agencies and human rights commissions have established countywide hate crimes networks aimed at responding to and preventing hate crimes. The California Association of Human Relations Organizations conducts activities designed to protect human and civil rights through networks of collaborations that reduce community tension and build intergroup relationships.\*\*\*

The following optional paragraph should be revised to reflect district practice.

The Superintendent or designee shall collaborate with regional programs and community organizations to promote safe environments for youth. These efforts shall be focused on providing an efficient use of district and community resources.

(cf. 1020 - Youth Services)

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

(cf. 1700 - Relations Between Private Industry and the Schools)

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6020 - Parent Involvement)

The district shall provide age-appropriate instruction to help promote an understanding of and respect for human rights, diversity, and tolerance in a multicultural society and to provide strategies to manage conflicts constructively.

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6142.3 - Civic Education)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6141.94 - History-Social Science Instruction)

The Superintendent or designee shall ensure that staff receive training on recognizing hate-motivated behavior and on strategies to help respond appropriately to such behavior.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

#### Grievance Procedures

\*\*\*Note: School-level grievance procedures for investigation of sexual harassment complaints are detailed in AR 5145.7 - Sexual Harassment. The following paragraph provides for the application of those procedures to the investigation of complaints regarding hate-motivated behavior. Districts that wish to use other procedures should modify the following paragraph accordingly.\*\*\*

Any student who believes he/she is a victim of hate-motivated behavior shall immediately contact the Coordinator for Nondiscrimination/Principal. Upon receiving such a complaint, the Coordinator/Principal shall immediately investigate the complaint in accordance with school-level complaint process/grievance procedures as described in AR 5145.7 - Sexual Harassment. A student who has been found to have demonstrated hate-motivated behavior shall be subject to discipline in accordance with law, Board policy, and administrative regulation.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5131- Conduct)

(cf. 5144 - Discipline)

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

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))  
(cf. 5145.7 - Sexual Harassment)

Staff who receive notice of hate-motivated behavior or personally observe such behavior shall notify the Coordinator/Principal, Superintendent or designee, and/or law enforcement, as appropriate.

(cf. 3515.3 - District Police/Security Department)  
(cf. 4158/4258/4358 - Employee Security)

As necessary, the district shall provide counseling, guidance, and support to students who are victims of hate-motivated behavior and to students who exhibit such behavior.

(cf. 6164.2 - Guidance/Counseling Services)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 School safety plans

48900.3 Suspension for hate violence

48900.4 Suspension or expulsion for threats or harassment

PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

California Student Safety and Violence Prevention - Laws and Regulations, April 2004

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS & NATIONAL

ASSOCIATION OF ATTORNEYS GENERAL PUBLICATIONS

Protecting Students from Harassment and Hate Crime: A Guide for Schools, 1999

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Preventing Youth Hate Crimes: A Guide for Schools and Communities, 1997

WEB SITES

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

California Association of Human Relations Organizations: <http://www.cahro.org>

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

National Youth Violence Prevention Resource Center: <http://www.safeyouth.org>

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

U.S. Department of Justice, Community Relations Service: <http://www.usdoj.gov/crs>

Hart High School

**BP 5145.3(a)**

## **NONDISCRIMINATION/HARASSMENT**

\*\*\*Note: The following mandated policy reflects various provisions of state and federal law which prohibit discrimination against students in educational programs and activities based on certain actual or perceived characteristics of an individual, including Education Code 220, which prohibits discrimination based on race, nationality, ethnicity, gender, gender identity, gender expression, sex, sexual orientation, religion, or any other characteristic contained in the definition of hate crimes in Penal Code 422.55; Title VI (42 USC 2000d-2000e-17), which prohibits discrimination based on race, color, or national origin; Title IX (20 USC 1681-1688), which prohibits discrimination based on sex, gender, and gender identity; the Age Discrimination Act of 1975 (42 USC 6101-6107), which prohibits discrimination based on age; and Title II (20 USC 12101-12213) and Section 504 (29 USC 794), which prohibit discrimination based on disability. Education Code 260 gives the Governing Board primary responsibility for ensuring that district programs and activities are free from discrimination based on age or any of these characteristics. See also BP 0410 - Nondiscrimination in District Programs and Activities. \*\*\*

\*\*\*Note: Moreover, the right of a transgender student to participate in sex-segregated educational programs and use facilities consistent with his/her gender identity is specified in Education Code 221.5, as amended by AB 1266 (Ch. 85, Statutes of 2013). The guidelines included in this Board policy and the accompanying administrative regulation to accommodate the needs of transgender and gender-nonconforming students reflect best practices based on existing state and federal law. Districts with questions about the rights of transgender and gender-nonconforming students should consult legal counsel as appropriate. For more information on the rights of transgender students, see CSBA's policy brief Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students and its Final Guidance Regarding Transgender Students, Privacy, and Facilities. \*\*\*

\*\*\*Note: Education Code 234.1 mandates that districts adopt policy prohibiting, at school or in any school activity related to school attendance or under the authority of the district, discrimination, including discriminatory harassment, intimidation, and bullying, based on the foregoing characteristics. The California Department of Education (CDE), through its Federal Program Monitoring process, reviews districts' uniform complaint procedures (UCP) and other policies and practices to ensure compliance with these requirements. In addition, the U.S. Department of Education's Office for Civil Rights (OCR) is responsible for the administrative enforcement of federal laws and regulations prohibiting discrimination on the basis of race, color, national origin, sex, disability, and age in programs and activities that receive federal financial assistance from the department, and requires the adoption of nondiscrimination policies and complaint procedures. \*\*\*

\*\*\*Note: CSBA staff met with representatives from CDE and OCR to discuss this policy and the accompanying regulation as they relate to the UCP requirements. As a result, the sample policy and regulation have been drafted to go beyond the minimal requirements under California's UCP laws and regulations in an attempt to address issues and concerns raised by CDE and OCR. While CDE and OCR have not approved or signed off on them, CSBA believes that the additional details provided herein may help school districts and county offices of education during any compliance check by CDE or in the event that a CDE or OCR investigation occurs. \*\*\*

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination,

including discriminatory harassment, intimidation, and bullying of any student based on the student's actual or perceived race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression or association with a person or group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school. (Education Code 234.1)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6164.6 - Identification and Education Under Section 504)

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, includes physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also shall include the creation of a hostile environment when the prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

\*\*\*Note: In addition to the types of prohibited student conduct described below, prohibited conduct also includes different treatment of students with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services. See BP 0410 - Nondiscrimination In District Programs And Activities. \*\*\*

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who files or otherwise participates in the filing or investigation of a complaint or report regarding an incident of discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

\*\*\*Note: Pursuant to Education Code 234.1 and 34 CFR 106.8, a district is required to adopt and publicize its nondiscrimination policies to the school community. The following paragraph may be modified to reflect district practice. \*\*\*

\*\*\*Note: In addition, in its October 2010 Dear Colleague Letter: Harassment and Bullying, OCR identifies training of the school community as one of the key measures for minimizing discriminatory and harassing behavior in school. See the accompanying administrative regulation for specific measures to prevent discrimination and facilitate students' access to the educational program. \*\*\*

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the educational program. He/she shall report his/her findings and recommendations to the Board after each review.

- (cf. 1312.3 - Uniform Complaint Procedures)
- (cf. 1330 - Use of Facilities)
- (cf. 4131 - Staff Development)
- (cf. 4231 - Staff Development)
- (cf. 4331 - Staff Development)
- (cf. 6145 - Extracurricular and Cocurricular Activities)
- (cf. 6145.2 - Athletic Competition)
- (cf. 6164.2 - Guidance/Counseling Services)

\*\*\*Note: Policies related to discrimination must be consistent with the First Amendment right to free speech. Education Code 48950 prohibits a district from subjecting a high school student to disciplinary sanctions solely on the basis of speech or other communication that would be constitutionally protected if engaged in outside of campus. However, Education Code 48950 also specifies that the law does not prohibit discipline for harassment, threats, or intimidation unless constitutionally protected. Whether such speech might be entitled to constitutional protection would be determined on a case-by-case basis, with consideration for the specific words used and the circumstances involved. The district should consult legal counsel as necessary. \*\*\*

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion for behavior that is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

- (cf. 4118 - Suspension/Disciplinary Action)
- (cf. 4119.21/4219.21/4319.21 - Professional Standards)
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
- (cf. 5144 - Discipline)
- (cf. 5144.1 - Suspension and Expulsion/Due Process)
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
- (cf. 5145.2 - Freedom of Speech/Expression)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment  
48904 Liability of parent/guardian for willful student misconduct  
48907 Student exercise of free expression  
48950 Freedom of speech  
48985 Translation of notices  
49020-49023 Athletic programs  
51500 Prohibited instruction or activity  
51501 Prohibited means of instruction  
60044 Prohibited instructional materials

#### CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

#### PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

#### CODE OF REGULATIONS, TITLE 5

432 Student record

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

#### UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

12101-12213 Title II equal opportunity for individuals with disabilities

#### UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

#### UNITED STATES CODE, TITLE 42

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

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age Discrimination Act of 1975

#### CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

#### CODE OF FEDERAL REGULATIONS, TITLE 34

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

#### COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

#### Management Resources:

##### CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

##### FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

## NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, January 1999

## WEB SITES

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

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

California Safe Schools Coalition: <http://www.casafeschools.org>

First Amendment Center: <http://www.firstamendmentcenter.org>

National School Boards Association: <http://www.nsba.org>

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

The County Board desires to ensure equal opportunities for all students in admission and access to Hart High School's educational programs, guidance and counseling programs, athletic programs, testing procedures, and other activities. Hart High School programs and activities shall be free from discrimination, including harassment, with respect to a student's race, color, ancestry, national origin, ethnic group identification, citizenship and immigration status, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. These terms are defined by state or federal statute.

The County Board prohibits discrimination, intimidation, or harassment of any student by any employee, student, or other person in Hart High School. Prohibited harassment includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe and pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the purpose or effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects the student's educational opportunities.

School staff and volunteers shall carefully guard against segregation, bias, and stereotyping in the delivery of services, including, but not limited to, instruction, guidance, and supervision. In Juvenile Court Schools, the County Office shall work with County Probation Department on practices and procedures for incarcerated students.

The Principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

Students who engage in discrimination or harassment in violation of law, County Board policy, or administrative regulation shall be subject to appropriate discipline, up to and including counseling, suspension, and/or involuntary release to student's district of residence.

## **Grievance Procedures**

Any student who feels that he/she has been subjected to discrimination or harassment should immediately contact the Principal, administrators or designee. Any student or school employee who observes an incident of discrimination or harassment should report the incident to the Principal, administrator or designee whether or not the victim files a complaint.

Upon receiving a complaint of discrimination or harassment, the Principal or other administrator or designee shall immediately investigate the complaint in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

The County Superintendent or designee will ensure that the student handbook clearly describes Hart High School's nondiscrimination policy, procedures for filing a complaint regarding discrimination or harassment, and the resources that are available to students who feel that they have been the victim of discrimination or harassment. Hart High School's policy may also be posted on the Hart High School or school website or any other location that is easily accessible to students.

### **AR5145.3**

#### **General Provisions**

##### **1. Definitions**

- a. Hart High School participant: any individual involved in Hart High School programs or activities. This includes employees, students, contractors, vendors, guests and volunteers.
- b. Hart High School staff member: any Hart High School employee.
- c. Principal or designee: supervisor or site administrator, or the person designated to investigate or coordinate the investigation of concerns or complaints in an objective, consistent and thorough manner.
- d. Complaint: a statement regarding how a Hart High School program or activity is run or how a Hart High School participant was treated while involved in a Hart High School program or activity. A complaint alleges a violation of state or federal laws or regulations. Complaints point to specific misconduct, or behavior or practices that violate law.

##### **(1) Examples of complaints based on discriminatory behavior:**

- (a) Sexual harassment, assault, battery
- (b) Harassment: includes unwelcome verbal, visual or physical contact that, when directed at any person, would be considered inherently likely to provoke an extremely negative or intimidating reaction. Such contact includes, but is not limited to; those terms or actions widely recognized as negative or derogatory references to race, ethnicity, religion, gender, sexual orientation, disability and other characteristics uniquely a part of the individual or group. "Harassment" occurs when these words or conduct create a hostile or intimidating environment that prevents the target of harassment from being able to pursue educational goals or to participate fully in Hart High School programs or activities.
- (c) Denial of educational opportunities

(d) Abuse or neglect

(e) Inaccurate student records

(2) In accordance with the Uniform Complaint Procedure, Hart High School will assist in referring certain complaints to specified agencies.

e. Concern: a statement regarding how a Hart High School program or activity is run or how a Hart High School participant was treated while involved in a Hart High School program or activity. A concern is a constructive suggestion for a problem that is not necessarily a violation of state or federal laws or regulations. If a participant is unclear whether s/he has a concern or a complaint, the participant should make a statement. Concerns may be resolved informally.

f. Target: Hart High School participant who is the target of discriminatory behavior.

g. PCQ: Person whose conduct is in question; person whose behavior is allegedly discriminatory.

### **Notice of Hart High School Policy**

1. Each Hart High School site shall provide notice of this Nondiscrimination Policy along with the name, title, address and phone number of the person in charge of handling complaints and investigations.

2. This notice shall also include a statement of policy, definitions and the potential disciplinary consequences of substantiated complaints. See below.

3. Notice of the Nondiscrimination Policy, will also be included in the Annual Notification provided upon enrollment to all students and parents.

4. Notice may also be provided by:

a. Publication in local newspapers, newsletters or magazines operated by Hart High School or the site.

b. Distribution with other written communications to Hart High School participants and their parents.

c. Incorporation in mandatory Health Education classes.

d. Workshops conducted by sites to inform participants, including parents where feasible, of the Nondiscrimination Policy grounds and procedures.

### **Procedure for Filing a Concern or Complaint**

1. Hart High School encourages any student who has a concern or complaint about alleged discrimination in how a Hart High School program or activity is run to report the concern/complaint to a Hart High School Principal or administrator.

2. The Hart High School staff member will then contact the Principal or administrator regarding the reported incident immediately or as soon as practically possible, but no later than forty-eight (48) hours after the student's report. The Hart High School staff member will make a written note that the report was forwarded to the Principal or administrator.

3. A student who wishes to resolve a concern or complaint with Hart High School should make this report to a Hart High School staff member as soon as possible but no later than one hundred eighty (180) calendar days of the incident causing the concern or complaint.

a. Complainants are encouraged to keep a written log of incidents. This log should include, where possible, the items listed below, in subsection 5 of this Part.

b. Any witness of misconduct is encouraged to report the misconduct and to support the complainant in reporting the misconduct.

(1) A witness who personally observed the incident should tell the complainant that the witness will report the misconduct.

(2) If a complainant confides in another Hart High School participant that s/he believes s/he has complaint or concern, the Hart High School participant is encouraged to support the complainant in reporting the misconduct to the school.

c. The complainant or witness may, if s/he chooses, request that a friend, adult advisor from the school or parent be present when the complainant or witness reports the complaint.

d. The complainant or witness should write down and provide the principal or administrator with the following information regarding the incident:

(1) When the misconduct occurred

(2) Who was involved (as a complainant, as a PCQ, as a witness)

(3) Where the incident occurred

(4) What happened

(5) How the complainants responded to the incident

(6) Any related incidents (for example, similar conduct or similar people involved)

(7) Any other information regarding the incident that may help the investigation.

e. If the complainant feels safe, s/he is encouraged to communicate to the PCQ, in person or by letter, that the conduct is both unwelcome and must stop immediately. This often helps PCQs recognize that their conduct is unacceptable and causes them to stop.

(1) The complainant is not required to take this step.

(2) If the complainant prefers, a friend or counselor may assist the complainant in addressing the PCQ. The complainant should keep a written record of his/her conversation(s) with the PCQ.

(3) If the complainant chooses to write a letter, s/he should keep a copy of the letter, signed, and make a copy for the principal.

#### 4. Confidentiality

a. Confidentiality regarding the complaint and investigation will be maintained to the extent possible.

(1) If child abuse or abuse of a dependent adult is reported, teachers and school administrators are mandatory reporters and must report the incident to child protective services or law enforcement.

(2) If the misconduct is physical, the conduct may be assault, battery, or sexual assault or battery. Assault and battery, including sexual assault and battery, are crimes and must be immediately reported to law enforcement.

(3) The parent/guardian of the complainant should also be notified.

b. If a student specifically requests confidentiality of his/her name from the PCQ, the school should grant this request to the extent possible.

(1) If the PCQ faces potential criminal charges or cannot otherwise identify the incident in question, the school will disclose the complainant's name to the PCQ to protect the PCQ's due process rights and to enable the investigation to move forward.

(2) If the school will disclose the complainant's name to the PCQ, the school shall notify the complainant of the disclosure.

c. Retaliation for complaints of misconduct by complainants or witnesses is prohibited.

(1) If any retaliation for reporting the incident occurs, such as increased misconduct or additional denials of educational benefits, the complainant or witness should report these incidents to the principal

(2) If retaliation is substantiated or proven, the retaliator is subject to involuntary release to student's district of residence

(2) If retaliation is substantiated, or proven, and if the retaliator is Hart High School staff, the retaliator is subject to disciplinary measures under Personnel Policies.

#### **Investigations of Complaints**

1. Hart High School treats student complaints seriously.

- a. The principal or other administrator will initiate an investigation into the incident within forty-eight (48) hours of a complaint.
- b. The principal or other administrator will conduct a thorough investigation into the facts of the incident to be completed within thirty (30) calendar days of a complaint.
- c. The principal will notify the parents of the complainant and the PCQ, if the PCQ is a student, of the reported incident, the school's intent to investigate, and the potential consequences if the complaint is substantiated.
- d. Fact-finding for the investigation will be objective and will focus on the following factors:
  - (1) The age of the complainant(s).
  - (2) The age of the person(s) whose misconduct is in the complaint (Note: children from kindergarten through grade 3 are not subject to discipline for sexual harassment, hate violence or harassment/threats/ intimidation but other age-appropriate measures may be taken).
  - (3) The nature of the misconduct (for example, questionable restriction from programs, unwelcome physical contact, property damage, threats, repeated comments, pictures or writings that are racially explicit and/or degrading).
  - (4) The number of related incidents.
  - (5) The location of the incidents.
  - (6) The identity, number and relationships of the individuals involved (for example, misconduct by a teacher who is "off duty" may have greater impact on a complainant than similar behavior by another student; a group of students' misconduct toward one complainant might be more severe than one student's misconduct toward one complainant).
  - (7) Statements of any witnesses to the incident, in writing, signed and dated by the witness(es)
  - (8) Any prior substantiated complaints
  - (9) Any other facts the investigator finds relevant (for example, a history of negative behaviors, such as teasing by the PCQ or repeated inappropriate comments by a teacher, leading up to the misconduct)
- e. The investigator will also conduct a private, confidential interview with the PCQ to get the PCQ's response to the allegations.
- f. The principal or other administrator will notify the complainant and his/her parent/guardian of the investigation's progress.

(1) Unless a crime or potential criminal act is involved, the complainant may request the investigation to stop at any time. Where Hart High School is required by law to continue, or where sufficient information has been gathered to show a problem, Hart High School shall move forward with appropriate corrective action without the complainant's participation.

(2) If the complainant is a minor, the complainant's parent/guardian must be consulted if the complainant requests the investigation to stop. A conference between the complainant, parent/guardian, and school administrator, point person and/or investigator should be held to discuss the decision.

g. The investigator has up to thirty (30) calendar days to investigate a complaint. The investigator will write a report for each complaint, to be completed and given to the site principal within three (3) school days of the completion of the investigation. This report will include:

(1) A description of the incident

(2) The complainant's claims

(3) The PCQ's response

(4) The results of the investigation's fact-finding:

(a) The results should include all investigated facts and evidence from the factors listed above.

(b) The investigator should include all documents relevant to the complaint and investigation.

(c) These facts and evidence will be summarized objectively.

(5) Conclusions based on the factual findings

(a) The facts will be reviewed impartially.

(b) The investigator will prepare a conclusion for each of the complainant's claims.

(c) Conclusions will be directly tied to the underlying facts supporting them.

(d) Conclusions will clearly state whether or not misconduct occurred.

(6) Recommendations for disciplinary action, see Part V below, or other reasonable, age-appropriate, specific corrective actions to end the discrimination or harassment, eliminate the hostile environment, or eliminate future discrimination or harassment.

2. Hart High School will maintain records of all investigations into misconduct claims.

- a. These records will be confidential.
- b. These records may be used for tracking of complaints in order to improve procedures. If used as part of a study or database, all names of parties will be removed to protect the privacy of the parties.
- c. These records may be used to substantiate claims of repeated misconduct or retaliation for reporting misconduct.

## **Consequences**

1. The site administrator will notify the complainant, the PCQ, and their parents or legal guardians of the determination of the complaint, including consequences, within two school days of the investigator's report to the site administrator.

2. Counseling services should be offered to both the complainant and the PCQ.

3. In less severe cases, with notice to the complainant and his/her parent or guardian, the principal or County Superintendent may determine that other consequences are more appropriate. These include:

- a. A written warning
- b. A formal written apology from the PCQ to the complainant
- c. Transfer of the PCQ to another school class or program from a class s/he shares with the complainant, which may require an IEP review if the PCQ is a Special Education student
- d. Detention
- e. Community service

4. Appeal of determination of misconduct

a. If the complaint of misconduct is substantiated and the principal or County Superintendent determines that an involuntary release to student's district of residence is appropriate, the student charged with misconduct has the opportunity to appeal this decision.

b. For lesser disciplinary actions, the student charged with misconduct may request a conference between the student, his/her parent or guardian and the site principal.

(1) The charged student has five (5) school days from the day s/he learns of disciplinary action to request this conference.

(2) The school will hold this conference within five (5) calendar days of the request. The complainant and his/her parent or guardian will be notified of this conference. They may also attend or provide a written statement of their concerns.

## 5. Unsubstantiated complaints

a. If an investigation does not support the complaint, the complainant and the PCQ will be notified. No disciplinary action may be taken but counseling may be offered to both parties.

b. If an investigation determines that the misconduct claim was false and the complainant made the claim knowing it was false, the complainant is subject to discipline including suspension or involuntary release to student's district of residence.

c. In the event that the complainant is dissatisfied with the determination of an unsubstantiated complaint, the Target may invoke the appeal process from the complaint policy, County Board policy 7380, at whichever step the complainant feels appropriate.

d. In addition, for complaints of discrimination, the complainant may file a complaint at any time with the Office for Civil Rights. Hart High School staff shall assist the Target by providing contact information.

6. If the PCQ is a Hart High School staff member, refer to Personnel policies regarding employee discipline.

7. If the PCQ is a contractor or vendor, refer to Business policies regarding any available corrective measures.