

Tahoe Truckee USD

Board Policy

Employee Security

AR 4158/4258/4358

Personnel

An employee may use reasonable and necessary force for self-defense or defense of another person, to quell a disturbance threatening physical injury to others or damage to property, or to obtain possession of weapons or other dangerous objects within the control of a student. (Education Code- 44807,- 49001)

~~(cf. 5131.7 – Weapons and Dangerous Instruments)~~

~~(cf. 5144 – Discipline)~~

An employee shall promptly report to the principal or other immediate supervisor any attack, assault, or physical threat made against ~~him/her~~ **the employee** by a student or by any other individual in relation to the ~~employee's performance of his/her~~ **the employee's** duties, and any action the employee took in response. ~~When appropriate, the employee and the principal or other immediate supervisor shall report the incident to law enforcement.~~ ~~(cf. 3515.2 – Disruptions)~~ Reports of **an** attack, assault, or threat shall be forwarded immediately to the Superintendent Chief Learning Officer or designee.

In addition, the employee and the principal or other immediate supervisor shall promptly report to local law enforcement authorities an attack, assault, or physical threat made against the employee by a student. (Education Code 44014)

Notice Regarding Student Offenses

When a student commits certain offenses that may endanger staff or others, the following procedures shall be implemented to notify staff members as appropriate:

~~(cf. 3320 – Claims and Actions Against the District)~~

1. ~~(cf. 3515.4 – Recovery)~~ **Acts That Are Grounds for Property Loss Suspension or Damage) Expulsion**

~~(cf. 3530 – Risk Management/Insurance)~~

~~Notice Regarding Student Offenses Committed While Under School Jurisdiction~~

- a. The Superintendent Chief Learning Officer or designee shall inform the teacher(s) of each student who, during the previous three school years, has engaged in or is reasonably suspected to have engaged in any act, except the possession or use of tobacco products, that would constitute a ground for suspension or expulsion as specified in AR 5144.1 - Suspension and Expulsion/Due Process. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code- 49079)

~~(cf. 5125—Student Records)~~

~~(cf. 5144.1—Suspension and Expulsion/Due Process)~~

- b. Upon receiving a transfer student's record regarding acts committed by the student that resulted in ~~his/her~~ suspension or expulsion, the Superintendent Chief Learning Officer or designee shall inform the student's teacher(s) that the student was suspended from school or expelled from ~~his/her~~ **the** former district and of the act that resulted in the suspension or expulsion. (Education Code- 48201)
- c. Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code- **48201**, 49079)

~~Notice Regarding Student Offenses Committed While Outside School Jurisdiction~~

~~When a minor student has been found by a court of competent jurisdiction~~ **Reported** to have illegally used, sold, or possessed a controlled substance or committed specified crimes involving serious acts of violence, the district police or security department may provide written notification to the Superintendent Chief Learning Officer. (Welfare and Institutions Code 828.1)

2. ~~(cf. 3515.3—District Police/Security Department)~~ **by a Court**

- a. When informed by ~~the~~ **a** court that a minor student has been found by ~~the~~ **a** court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code- 290, assault or battery, larceny, vandalism, or graffiti, the Superintendent Chief Learning Officer or designee shall ~~so~~ **expeditiously notify** the school principal. (Welfare and Institutions Code- 827)

- b. The principal shall **expeditiously** disseminate this information to any counselor who directly supervises or reports on the student's behavior or progress. ~~The principal shall also inform~~ **and to** any teacher or administrator directly supervising or reporting on the student's behavior or progress whom ~~he/she~~**the principal** thinks may need the information ~~so as~~ **in order** to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code- 827)
- c. Any court-initiated information that a teacher, counselor, or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff, and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code- 827)
- d. When a student is removed from school as a result of ~~his/her~~**an** offense, the Superintendent Chief Learning Officer shall hold the court's information in a separate confidential file until the student is returned to the district. If the student is returned to a different district, the Superintendent Chief Learning Officer shall transmit the information provided by the student's parole or probation officer to the ~~Superintendent Chief Learning Officer~~**superintendent** of the new district of attendance. (Welfare and Institutions Code- 827)
- e. Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first, and shall then be destroyed. (Welfare and Institutions Code- 827)

~~Procedures to Maintain Confidentiality of Student Offenses~~

In order to maintain confidentiality when providing information about student offenses to ~~counselors and teachers of classes/programs to which a student is assigned~~ **a counselor or teacher**, the principal or designee shall send the staff member a written notification that ~~one of his/her students~~ **a student** has committed an offense that requires ~~his/her~~ review of a student's file in the school office. This notice shall not name or otherwise identify the student. The staff member shall ~~be asked to~~ initial the notification and ~~return it to the principal or designee~~. ~~He/she~~ shall also initial the student's file when reviewing it in the school office.

Accommodations for Victims of Domestic Violence, Sexual Assault, or Stalking When requested by an employee who is a victim of domestic violence, sexual assault,

or stalking, the district shall provide the employee reasonable accommodations which may include the implementation of safety measures, including: (Labor Code 230)

~~Use of Pepper Spray~~

~~The Superintendent Chief Learning Officer or designee shall notify employees of the district's policy prohibiting the possession of pepper spray on school property or at school-related activities.~~

~~(cf. 4118 – Dismissal/Suspension/Disciplinary Action)~~

~~(cf. 4218 – Dismissal/Suspension/Disciplinary Action)~~

- 1. A transfer, reassignment, or modified schedule**
- 2. A changed work telephone or work station**
- 3. An installed lock**
- 4. Assistance in documenting domestic violence, sexual assault, stalking, or other crime that occurs in the workplace**
- 5. Referral to a victim assistance organization**
- 6. Another safety procedure or adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other crime**

The Superintendent Chief Learning Officer or designee shall engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations that do not pose an undue hardship on the district. In determining whether an accommodation is reasonable, the Superintendent Chief Learning Officer or designee shall consider any exigent circumstance or danger facing the employee. (Labor Code 230)

Upon the request of the Superintendent Chief Learning Officer or designee, an employee requesting a reasonable accommodation shall provide a written statement, signed by the employee or an individual acting on the employee's behalf, certifying that the accommodation is for an authorized purpose. The Superintendent Chief Learning Officer or designee may also request that the employee provide certification of the employee's status as a victim of domestic violence, sexual assault, or stalking. Such certification may include: (Labor Code 230)

- 1. A police report indicating that the employee was a victim**
- 2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court**
- 3. Documentation from a licensed medical professional or health care provider, domestic violence or sexual assault counselor, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse**
- 4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf**

Any verbal or written statement, police or court record, or other documentation identifying an employee as a victim shall be confidential and shall not be disclosed by the district except as required by federal or state law or as necessary to protect the employee's safety in the workplace. The employee shall be notified before any authorized disclosure. (Labor Code 230)

Every six months after the date of the certification, the Superintendent Chief Learning Officer or designee may request recertification of the employee's status as a victim of domestic violence, sexual assault, or stalking or ongoing circumstances related to the crime or abuse. The employee shall notify the Superintendent Chief Learning Officer or designee if, due to changing circumstances, the employee needs a new accommodation or no longer needs an accommodation. (Labor Code 230)

The district shall not retaliate against an employee because of the employee's status as a victim of crime or abuse or for requesting a reasonable accommodation, regardless of whether the request was granted. (Labor Code 230)

Use of Pepper Spray

The Superintendent Chief Learning Officer or designee shall notify employees of the district's policy prohibiting the possession of pepper spray on school property or at school-related activities without prior approval of the Superintendent Chief Learning Officer or designee. Employees wishing to carry pepper spray shall submit to the Superintendent Chief Learning Officer or designee a written request setting forth the need for the pepper spray. The Superintendent Chief Learning Officer or designee shall notify the employee in writing as to whether the request was approved or denied.

When approving an employee's request, the Superintendent Chief Learning Officer or designee shall inform the employee of the following conditions:

- 1. The pepper spray shall be used only in self-defense pursuant to Penal Code 22810.**
- 2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the district and, in accordance with law, a fine and/or imprisonment.**
- 3. The pepper spray must be stored in a secure place and not be accessible to students or other individuals. Negligent storage of the pepper spray may subject the employee to disciplinary action.**