

Personnel

EMPLOYEE SECURITY

SR 4158.01

Purpose:

Timeline:

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

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

Both the employee and the immediate supervisor shall promptly report such instances to the appropriate local law enforcement agency. (Education Code 44014)

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

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

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

Notice Regarding Student Offenses Committed While Under School Jurisdiction

The County Superintendent or designee shall inform the teacher of any student in his/her class who has engaged in, or is reasonably suspected of, any act during the previous three (3) years that could constitute grounds for suspension or expulsion under Education Code 48900, with the exception of the possession or use of tobacco products. This information shall be based upon written district records or records received from a law enforcement agency. Teachers shall keep the information confidential. (Education Code 49079)

Notice Regarding Student Offenses Committed While Outside School Jurisdiction

When informed by the court that a minor student has committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism or graffiti, the County Superintendent or designee shall so inform the school principal. The principal shall keep this information in a separate confidential file and give it to the counselors who directly supervise or report on the students behavior or progress. The principal also may inform any teacher or administrator he/she thinks may

need the information so as to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code 827)

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

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

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

Procedures to Maintain Confidentiality of Student Offenses

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

The staff member shall also initial the students file when reviewing it in the school office. Once the County Office has made a good faith effort to comply with the notification requirement of Education Code 49079 and Welfare and Institutions Code 827, an employees failure to review the file may be construed as a waiver of the County Offices liability.

Use of Pepper Spray

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

1. the pepper spray shall be used only in self-defense;
2. an employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the district and, in accordance with law, a fine and/or

- imprisonment; and
3. the employee shall ensure that the pepper spray is stored in a secure place and not accessible to students or other individuals. An employee who is negligent in the storage of pepper spray may be subject to disciplinary action.

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

MENDOCINO COUNTY OFFICE OF EDUCATION

Date Adopted: 06/23/1998

Date Revised: