



## HUMAN RESOURCE SERVICES

1515 HUGHES WAY, LONG BEACH, CA 90810  
(562) 997-8258 ❖ FAX (562) 997-8300

January 2020

To: All Schools and Offices

From: David Zaid, Assistant Superintendent  
Human Resource Services

Subject: Required Notices and Board Policies

- Child Abuse Reporting Requirements
- Student-Employee Interaction
- Prohibition of Sexual Harassment
- Protection from Sexual Harassment and Discrimination Based on Gender
- Nondiscrimination in Employment
- Nondiscrimination/Harassment-Students
- Nondiscrimination in District Programs and Activities
- Suicide Prevention Students
- Bullying
- Hate-Motivated Behavior
- Uniform Complaint Procedure
- Drug and Alcohol-Free Workplace
- Positive School Climate
- Comprehensive Safety Plan
- Employee Use of Technology
- Internet and Electronic Mail Guidelines
- Unauthorized Release of Confidential/Privileged Information
- Mission Statement of Ethics

Under California law, and as amended by California Assembly Bill 1432, all school district employees are considered “Mandated Reporters” (*PC 11165.7*) and are responsible for reporting suspected child abuse, neglect, and exploitation to the proper authorities immediately by telephone and with an online follow-up report. As a mandated reporter, the duty to report child abuse is an individual responsibility; however, a single report may be made if two or more school employees have knowledge of the same suspected abuse [*PC 11166(h)*]. School administrators may neither impede nor inhibit the reporting process in any way [*PC 11166(i)(1)*].

The following procedures for reporting suspected child abuse shall be followed by all schools and employees in the school district. Site administrators will take the appropriate steps to inform school staff of their legal responsibility to report suspected child abuse and of these reporting procedures (*Assembly Bill 1432, Chapter 797, Education Code §44691*).

Current legislation permits employees to withhold their identity from the school district when reporting suspected child abuse. However, employees should understand that the law does not permit completely anonymous reports. Employees are required to disclose their identity to investigative agencies when reporting suspected child abuse and will be contacted by agency personnel during the resulting investigation.

## **Annual Training Mandate – All District Employees**

According to AB 1432, annual training consisting of the state Department of Social Services online training program (link), or other comparable training, is required for all mandated reporters. All persons required to receive training will complete this training during the first (6) weeks of each school year, and provide proof of completion. All new employees will complete the training within the first (6) weeks of employment with the district, and provide proof of completion.

The School Safety and Emergency Preparedness division schedules an annual training session for school administrators and program administrators on suspected child abuse and mandated reporter procedures. This session meets the training requirement.

## **Reporting Procedure**

**If the child is in *imminent* danger, call 911 immediately.**

All alleged cases of child abuse, neglect, or exploitation that are reported to you, regardless of the source, are immediately reported upon discovery by calling the Los Angeles County Child Protection Hotline at (800) 540-4000 (24 hours a day, 7 days a week). For TDD access (hearing impaired) call (800) 272-6699.

1. **Online Report:** The Suspected Child Abuse Reporting System enables mandated reporters to complete an online Suspected Child Abuse Report (SCAR) [Refer to attachment]. Prior to using the online system, call the **Child Protection Hotline at (800) 540-4000 and obtain a Referral Number.**
  - a. In order to create the SCAR using the website, you will need the Referral Number that was issued to you by the Child Protection Hotline. Once issued, allow up to two hours for your Referral Number to become activated.
  - b. The “Reporting Party” will access the website at <http://dcfs.co.la.ca.us/index.html>. In the left-hand column, **click on “For Mandated Reporters Only”** and follow the instructions to complete your online report (SCAR).
  - c. Your login is valid for four hours. Complete the SCAR within the specified login period to avoid the loss of data.
  - d. **Print out a copy of the SCAR.** Although there is no obligation to do so, the reporting party should retain a copy of the Child Abuse Report in a personal file for at least 12 months in case the reporting party is subpoenaed to testify in a subsequent court action concerning the incident. The copy of the report would be useful in recalling specific details of the incident.

- e. **Send a photocopy of the SCAR to the Chief of School Safety and Emergency Preparedness** with your name and other identifying information in Part A Reporting Party blacked out (redacted). At the top of the photocopy you are sending to the Chief of School Safety, indicate HIGH SCHOOL, MIDDLE SCHOOL, ELEMENTARY, HEAD START, CDC, etc. *[Refer to page 6 of 6 of this memorandum.]*

## **B. Interview of Child Abuse Victims at School**

1. California law permits representatives of child protective agencies (Police, Sheriffs, and Department of Children and Family Services) to interview victims of child abuse during school hours on school premises. Legislation enacted in 1987 authorizes a child who is to be interviewed at school to select an adult who is a member of the school staff to be present at the interview. The sole purpose of the staff person's presence at the interview is to lend support and enable the child to be as comfortable as possible. The staff member may not participate in the interview, nor may the staff member discuss the facts or circumstances of the case with the child or anyone else.
2. The law further provides that all such interviews involving a school staff member shall be held at a time during school hours when it does not involve an expense to the school. Therefore, requests for the presence of staff members at child abuse interviews that would disrupt classroom instruction and necessitate special arrangements to cover classes or other school activities may be refused by the principal.
3. When a request is made for the presence of a staff member at a child abuse interview, the principal or designee shall inform the staff member of the purpose of his/her presence in the interview and of the confidentiality requirements. The principal shall also inform the staff member of the legal right to decline to be present at the interview.
4. When the child is to be removed from school and taken into custody by a child protective agency representative, the principal or designee must be informed. The representative must leave his/her name and phone contact information and the location of where the child is being taken. The school official shall provide the representative with the name, address, and phone number of the pupil's parents or guardian. Parent notification is the responsibility of the child protective agency representative; however, after the child is released to the child protective agency representative, the school official shall make or attempt to make a parent notification.

## **C. Obtaining Assistance from School Safety and Emergency Preparedness Division**

School Safety personnel are available to advise and assist the reporting party or other school personnel with questions before filing the SCAR. For School Safety assistance, contact the School Safety Communications Center at (562) 997-8101. For questions or to speak with the Chief of School Safety and Emergency Preparedness, call (562) 997-8006 or extension 8006. Questions also may be directed to the Child Protection Hotline by calling (800) 540-4000.

## **D. General Information About Child Abuse and Mandated Reporting**

Any mandated reporter who fails to report an instance of child abuse, which he or she knows to exist or reasonably should know to exist, is guilty of a misdemeanor and is punishable by confinement in the county jail for a term not to exceed six months or by a fine of not more

than \$1,000.00 or both. Failure to report may also result in civil liability if there is subsequent injury to the child. [(PC11166(5)(c)]

School personnel are not liable either in civil damages or for criminal prosecution for reporting suspected child abuse as required by law. (PC 11166)

Investigation of suspected child abuse is not the responsibility of school personnel. The responsibilities of school personnel are: (1) to identify incidents of suspected child abuse, and (2) to report the alleged abuse to proper authorities. (PC 11166)

Because school personnel are not tasked with investigating allegations of child abuse and neglect, in making a determination of whether to report an allegation of abuse or neglect, school personnel may consider the reliability of the source or the likelihood of the truth. If the facts alleged would constitute abuse or neglect, school personnel must report it to law enforcement regardless of whether school personnel believe the report or believe that there is a likelihood that the report is true. The determination as to the truthfulness of the report is the responsibility of law enforcement, not school personnel. If school personnel have any doubt about whether or not to report, they must either immediately discuss the facts with their principal or manager, or they may contact DCFS or School Safety and Emergency Preparedness Division.

The law provides that the identity of persons who report suspected child abuse shall be confidential and disclosed only by court order. Violations of this provision of the law by investigating agencies should be reported to the School Safety and Emergency Preparedness Division for immediate follow up. (PC 11167.5)

Not every school report of suspected child abuse will result in a face-to-face investigation by a child protective agency. All such reports are assessed on the basis of endangerment to the child. If the risk of further harm to the child is considered to be low, it is likely that the investigative agency may not intervene. Non-intervention by the agency, however, does not relieve school personnel of the responsibility to submit a report of the suspected abuse.

Current legislation requires school employees to report known or suspected instances of physical or sexual abuse of young adults, ages 18-22, enrolled in special education programs. The law is permissive as far as reporting other types of abuse inflicted upon dependent adults.

Information revealed by a pupil during a counseling session that leads a counselor to suspect child abuse must be reported to the proper authorities. Such information does not qualify for the pupil/counselor confidentiality privilege under Education Code Section 49602.

Not only are personnel permitted, they are required to maintain a safe environment for students. Reasonably restraining a child in order to protect oneself, the child, other children, and staff or property is not child abuse. Recent legislation indicates that child abuse does not include an amount of force that is reasonable and necessary for a person employed by or engaged in a public school to quell a disturbance threatening physical injury to person or damage to property, for purposes of self-defense, or to obtain possession of weapons or other dangerous objects within the control of the pupil. (PC 11165.4)

Child abuse is defined by law as any act of omission or commission that endangers or impairs a child's physical or emotional health and development. This includes the following:

*Physical injury* which is inflicted by another means on a child by another person. (A child is defined as a person under 18 years of age.) (PC 11165.6)

*Sexual assault* committed on a child by any person. This includes rape, incest, sodomy, lewd or lascivious acts upon a child under 14 years of age, oral copulation, penetration of a genital or anal opening by a foreign object and child molestation. (PC 11165.1)

A state court of appeal has ruled that minors under the age of 14 who engage in voluntary sexual activity together are not child abuse victims and should not be reported as such. However, school employees would be well advised to share with parents information that may come to them concerning the sexual activities of children under the age of 14.

*Severe neglect* is negligent failure of any child care custodian to protect the child from severe malnutrition or medically diagnosed failure to thrive. (PC 11165.2[a])

*General neglect* is negligent failure of any childcare custodian to provide adequate food, clothing, shelter, supervision or medical care. (PC 11165.2[b])

*Unlawful corporal punishment* is a situation where any person willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition. (PC 11165.4)

*Willful cruelty* is a situation where any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering or permits the health of a child to be endangered. (PC 11165.3)

- c: Superintendent
- Deputy Superintendent
- Chief Business and Financial Officer
- Assistant Superintendent High Schools
- Assistant Superintendent Middle & K-8 Schools
- Assistant Superintendent Early Learning & Elementary Schools
- Assistant Superintendent Curriculum, Instruction & Professional Development
- Assistant Superintendent Research & School Improvement Office
- Assistant Superintendent Office of School Support Services

Publication authorized:

Christopher J. Steinhauser  
Superintendent of Schools

**Send a copy of the SCAR form to the Chief of School Safety and Emergency Preparedness**

Redact (black out) identifying information prior to forwarding the copy to the Chief of School Safety and Emergency Preparedness

Print
SUSPECTED CHILD ABUSE REPORT
Reset Form

To Be Completed by **Mandated Child Abuse Reporters**  
Pursuant to Penal Code Section 11166  
*PLEASE PRINT OR TYPE*

CASE NAME: \_\_\_\_\_  
CASE NUMBER: \_\_\_\_\_

<b>A. REPORTING PARTY</b>	NAME OF MANDATED REPORTER		TITLE		MANDATED REPORTER CATEGORY	
	REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS Street City Zip				DID MANDATED REPORTER WITNESS THE INCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO	
	REPORTER'S TELEPHONE (DAYTIME) ( )		SIGNATURE		TODAY'S DATE	
<b>B. REPORT NOTIFICATION</b>	<input type="checkbox"/> LAW ENFORCEMENT <input type="checkbox"/> COUNTY PROBATION <input type="checkbox"/> COUNTY WELFARE / CPS (Child Protective Services)		AGENCY			
	ADDRESS Street City Zip			DATE/TIME OF PHONE CALL		
	OFFICIAL CONTACTED - TITLE				TELEPHONE ( )	
<b>C. VICTIM</b> <small>One report per victim</small>	NAME (LAST, FIRST, MIDDLE)			BIRTHDATE OR APPROX. AGE		SEX
	ADDRESS Street City Zip			TELEPHONE ( )		
	PRESENT LOCATION OF VICTIM			SCHOOL		CLASS
						GRADE
	PHYSICALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO	DEVELOPMENTALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO	OTHER DISABILITY (SPECIFY)		PRIMARY LANGUAGE SPOKEN IN HOME	
	IN FOSTER CARE? <input type="checkbox"/> YES <input type="checkbox"/> NO	IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE: <input type="checkbox"/> DAY CARE <input type="checkbox"/> CHILD CARE CENTER <input type="checkbox"/> FOSTER FAMILY HOME <input type="checkbox"/> FAMILY FRIEND <input type="checkbox"/> GROUP HOME OR INSTITUTION <input type="checkbox"/> RELATIVE'S HOME			TYPE OF ABUSE (CHECK ONE OR MORE) <input type="checkbox"/> PHYSICAL <input type="checkbox"/> EMOTIONAL <input type="checkbox"/> SEXUAL <input type="checkbox"/> NEGLECT <input type="checkbox"/> OTHER (SPECIFY)	
RELATIONSHIP TO SUSPECT			PHOTOS TAKEN <input type="checkbox"/> YES <input type="checkbox"/> NO		DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> LINK	
<b>D. INVOLVED PARTIES</b>	<b>VICTIMS</b>					
	1. NAME		BIRTHDATE		SEX ETHNICITY	
	2. _____		3. _____		4. _____	
	NAME (LAST, FIRST, MIDDLE) BIRTHDATE OR APPROX. AGE SEX ETHNICITY					
<b>VICTIMS GUARDIANS</b>						
ADDRESS Street City Zip		HOME PHONE ( )		BUSINESS PHONE ( )		
NAME (LAST, FIRST, MIDDLE) BIRTHDATE OR APPROX. AGE SEX ETHNICITY						
ADDRESS Street City Zip		HOME PHONE ( )		BUSINESS PHONE ( )		
<b>SUSPECT</b>						
SUSPECT'S NAME (LAST, FIRST, MIDDLE)			BIRTHDATE OR APPROX. AGE		SEX ETHNICITY	
ADDRESS Street City Zip			TELEPHONE ( )			
OTHER RELEVANT INFORMATION						
<b>E. INCIDENT INFORMATION</b>	IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX <input type="checkbox"/> IF MULTIPLE VICTIMS, INDICATE NUMBER: _____					
	DATE / TIME OF INCIDENT			PLACE OF INCIDENT		
	NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/did/heard or past incidents involving the victim(s) or suspect)					

SS 8572 (Rev. 1/02) **DEFINITIONS AND INSTRUCTIONS ON REVERSE**

DO NOT submit a copy of this form to the Department of Justice (DOJ). The investigating agency is required under Penal Code Section 11166 to submit to DOJ a Child Abuse Investigation Report Form SS 8583 if (1) an active investigation was conducted and (2) the incident was determined not to be unfounded.  
WHITE COPY-Police or Sheriff's Department; BLUE COPY-County Welfare or Probation Department; GREEN COPY-District Attorney's Office; YELLOW COPY-Reporting Party

## STUDENTS

BP 5149

### Student-Employee Interaction

Article I, Section 28(c) of the California Constitution requires that all students are provided a safe and secure learning environment.

The District requires all of its employees to act in a manner that reflects professional, moral, and ethical practices within established boundaries. The Board prohibits interactions that compromise student safety 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, testifies, or otherwise participates in district complaint processes. Violations of this policy may include disciplinary action up to and including termination.

Additionally, this policy endeavors to:

- Protect employees from engaging in student-employee interactions which may result in false allegations;
- Maintain the integrity of the teaching profession and of public education; and
- Maintain public trust and confidence in the safety of our schools. Therefore,

it is the policy of the District that all employees:

1. Communicate and interact with students through appropriate methods and in a manner that respects the student's right to a safe and secure environment per the California Constitution.
2. Conduct themselves at all times in a manner that adheres to District governing policies.
  - BP 4119.11 Sexual Harassment
  - BP 4119.21 Code of Ethics
  - BP 5137 Positive School Climate
  - BP 5145.13 Non Discrimination/Harassment
  - BP 5145.7 Sexual Harassment-Students
3. Maintain appropriate boundaries with students that are consistent with their role, duties, responsibilities, and within accepted norms of behavior for educators.
4. Recognize their individual responsibilities to take immediate action and immediately report to a direct supervisor or the Title IX Coordinator in Human Resources when they witness, overhear, recognize, or otherwise become aware of prohibited or unauthorized student-employee interactions.
5. Recognize their individual responsibilities as mandated reporters apply to school, home, and other environments where a student may be exposed to emotional, physical, and sexual abuse including neglect.

Legal Reference: CALIFORNIA  
CONSTITUTION  
Article 1, Section 28(c)  
CALIFORNIA CODE OF REGULATIONS TITLE 5 SECTION  
4621  
SECTION 4622  
SECTION 4900  
SECTION 4950 EDUCATION  
CODE  
200-262.4 Prohibition of discrimination PENAL  
CODE  
11164-11174.4 Child Abuse and Neglect Reporting Act

Adopted: July 15, 2019

LONG BEACH UNIFIED SCHOOL DISTRICT

Sexual Harassment

The Governing Board prohibits sexual harassment, as a form of sexual discrimination, of district employees and job applicants and provides notification of available remedies to anyone who is knowledgeable of alleged violations of sexual harassment. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify, or otherwise participate in the complaint process established pursuant to this policy and accompanying administrative regulation. This policy shall apply to all district employees and, when applicable, to interns and volunteers.

The Long Beach Unified School District will not tolerate or condone any type of harassment. It is the policy of the District to provide a workplace and working environment in which harassment based on sex, sexual orientation, actual or potential marital, family, or parenting status, gender, gender identity, gender expression, or any other legally protected characteristic, is not permitted. It shall be the responsibility of each administrator, line manager or office supervisor to ensure the work environment is free of harassment and that all employees are aware of the Board Policy and Administrative Regulations regarding harassment. Violations of this harassment policy may result in disciplinary action up to and including termination.

According to Equal Employment Opportunity Commission guidelines, sexual harassment is an act of discrimination on the basis of sex within the meaning of Title VII of the Civil Rights Act of 1964, as amended. Sexual harassment is similarly construed within the meaning of Title IX of the Education Amendments pertaining to academic life. In accordance with Title VII and Title IX, the District defines sexual harassment including same-sex harassment as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status, (2) submission to, or rejection of, such conduct by an individual is used as the basis for an employment decision or academic decision affecting that person, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or learning environment.

Employees who permit or engage in such harassment may be subject to disciplinary action up to and including dismissal.

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

1. Providing training to employees in accordance with law and administrative regulation, particularly the procedures for filing complaints and employees' duty to use the district's complaint procedures
2. Publicizing and disseminating the district's sexual harassment policy to staff
3. Ensuring prompt, thorough, and fair investigation of complaints

4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (2 CCR 11023)

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

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

Complaints of sexual harassment shall be filed in accordance with AR 4030 Nondiscrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

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

Legal Reference:

EDUCATION CODE

200--262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900--12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2 11009

Employment discrimination 11021

Retaliation

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 Terms, conditions, and privileges of employment CODE

OF REGULATIONS, TITLE 5

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

UNITED STATES CODE, TITLE 42

2000d--2000d--7 Title VI, Civil Rights Act of 1964

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

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

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

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

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

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

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

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL  
Protecting Students from Harassment and Hate Crime, January 1999 WEB  
SITES

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

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

Adopted: April 18, 1998

Revised: February 22, 1993

May 6, 1997

October 7, 1997

June 5, 2001

January 3, 2006

May 19, 2009

September 19, 2017

LONG BEACH UNIFIED SCHOOL DISTRICT

Sexual Harassment

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 by anyone, 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, testifies, or otherwise participates in district complaint processes.

The district strongly encourages any current or former 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 that has a continuing effect on campus to immediately report the activity to a teacher, counselor, or administrator. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or the Title IX district compliance officer. Once notified, the principal or compliance officer shall take the steps to investigate and address the allegation, as specified in the administrative regulation (AR 1312.3 Uniform Complaint Procedures).

(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)

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 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 and could involve sexual violence
2. A clear message that students do not have to endure sexual 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. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effect on students
6. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable
8. A clear message that, when needed, the district will take interim measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment

#### Complaint Process and Disciplinary Actions

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--sponsored or school--related activity shall contact his/her teacher, counselor, administrator, or other employee. An employee who receives such a complaint shall report it in accordance with the district's uniform complaint procedures specified in AR 1312.3-- Uniform Complaint Procedures. The district encourages students to report incidents of sexual harassment, including sexual assault, as quickly as possible, but recognizes that because of the particularly sensitive nature of such incidents, it may take time for a student to report it to school or district officials.

School administrators 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)

The following position is designated as the Coordinator for Sexual Harassment involving students:

Director, Office of the Deputy Superintendent of Education Services 1515 Hughes  
Way, Long Beach, CA 90810

562--997--8108

The Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative regulation. When the 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 Action

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))

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall have his/her employment terminated in accordance with law and the applicable collective bargaining agreement.

(cf. 4117.7 -- Employment Status Report)

(cf. 4118 -- Dismissal/Suspension/Disciplinary Action) (cf. 4218 -- Dismissal/Suspension/Disciplinary Action) (cf. 4119.11/4219.11/4319.11 -- Sexual Harassment)

## Confidentiality and Record--Keeping

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.

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)

### Legal Reference:

#### EDUCATION CODE

200--262.4 Prohibition of discrimination on the basis of sex 48900

Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion;; sexual harassment 48904

Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term CIVIL

#### CODE

51.9 Liability for sexual harassment;; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

#### GOVERNMENT CODE

12950.1 Sexual harassment training

#### CODE OF REGULATIONS, TITLE 5 4600-

-4687 Uniform complaint procedures

4900--4965 Nondiscrimination in elementary and secondary education programs

#### UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681--1688 Title IX, discrimination

#### UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

2000d--2000d--7 Title VI, Civil Rights Act of 1964

2000e--2000e--17 Title VII, Civil Rights Act of 1964 as amended CODE OF FEDERAL REGULATIONS, TITLE 34

99.1--99.67 Family Educational Rights and Privacy

106.1--106.71 Nondiscrimination on the basis of sex in education programs COURT DECISIONS

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

Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130 Reese v.

Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629 Gebser v.

Lago Vista Independent School District, (1998) 524 U.S. 274 Oona by Kate S.

v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

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

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016 Dear Colleague

Letter: Title IX Coordinators, April 2015

Questions and Answers on Title IX and Sexual Violence, April 2014 Dear

Colleague Letter: Sexual Violence, April 4, 2011

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

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>

Adopted: February 22, 1993

Revised: May 6, 1997

October 7, 1997

June 5, 2001

January 3, 2006

April 20, 2010

September 4, 2012

September 3, 2013

September 19, 2017

LONG BEACH UNIFIED SCHOOL DISTRICT

Nondiscrimination in Employment

The Governing Board prohibits unlawful discrimination against and/or harassment of district employees, interns, volunteers, and job applicants on the basis of actual or perceived race, color, ethnicity, nationality, ancestry, religion, age, actual or potential marital, parental or family status, physical or mental disability, medical condition, genetic information, gender, gender identity, gender expression, sex, sexual orientation, or veteran status or his/her association with a person or group with one or more of these actual or perceived characteristics. The Board is committed to providing a safe, positive environment to all where they are assured of full and equal employment access and opportunities, protection from harassment or intimidation by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. This policy shall apply to all district employees and, to the extent required by law, to interns, volunteers, and job applicants.

Any district employee who engages in unlawful discrimination, harassment, or retaliation, or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior is in violation of this policy and shall be ~~is~~ subject to disciplinary action, up to and including dismissal.

Any district employee who observes or has knowledge of an incident of unlawful discrimination or harassment shall report the incident to the principal, district administrator or Superintendent as soon as practical after the incident. Failure of a district employee to report discrimination or harassment may result in disciplinary action. The district shall protect any employee who reports such incidents from retaliation.

Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment--related practices, including the following:

1. Discrimination in hiring, compensation, terms, conditions, and other privileges of employment.
2. Taking of an adverse employment action, such as termination or the denial of employment, promotion, job assignment, or training.
3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities, or that has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.
4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006--11086, such as, but not limited to:
  - a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status

- b. Religious creed discrimination based on an employee's religious belief or observance, including his/her religious dress or grooming practices, or based on the district's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement
- c. Disability discrimination based on a district requirement for a medical or psychological examination of a job applicant, or an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job--related need or business necessity
- d. Disability discrimination based on the district's failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee, to determine effective reasonable accommodations for the employee, when he/she has requested reasonable accommodation for a known physical or mental disability or medical condition

The Superintendent or designee shall regularly publicize, within the district and in the community, the district's nondiscrimination policy and the availability of complaint procedures. Such publication shall be included in each announcement, bulletin or application form that is used in employee recruitment.

The District's policy and administrative regulation shall be posted in all schools and offices including staff lounges and student government meeting rooms.

The Board also prohibits retaliation against any district employee who opposes any discriminatory employment practice by the district or its employees, agents, or representatives or who complains, testifies, assists, or in any way participates in the district's complaint process pursuant to this policy. No employee who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted.

The Board designates the following position as Coordinator for Nondiscrimination in Employment:

Deputy Superintendent of Education Services 1515  
Hughes Way  
Long Beach, California 90810 (562)  
997--8000

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation.

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy. He/she shall provide training and information to managerial and/or supervisory personnel about how to recognize harassment, discrimination, or other related conduct, how to respond appropriately, and components of the district's policies and regulations regarding discrimination.

The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

In addition, the Superintendent or designee shall post, in a conspicuous place on district premises, the California Department of Fair Employment and Housing publication on workplace discrimination and harassment issued pursuant to 2 CCR 11013.

Other remedies

An employee may, in addition to filing a discrimination complaint with the district, file a complaint with either the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. To file a valid complaint with DFEH, the employee must file his/her complaint within one year of the alleged discrimination act(s), unless an exception exists pursuant to Government Code 12960.
2. To file a valid complaint directly with EEOC, the employee must file his/her complaint within 180 days of the alleged discriminatory act(s). To file a valid complaint with EEOC after filing a complaint with DFEH, the employee must file the complaint within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier.

Employees wishing to file complaints with the DFEH and EEOC should contact the Nondiscrimination Coordinator for more information.

Legal Reference:

EDUCATION CODE

200--262.4 Prohibition of discrimination CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

11138 Rules and regulations

12900--12996 Fair Employment and Housing Act

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

11006--11086 Discrimination in employment 11013

Recordkeeping

11019 Terms, conditions and privileges of employment

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

4900--4965 Nondiscrimination in elementary and secondary education programs UNITED

STATES CODE, TITLE 20

1681--1688 Title IX of the Education Amendments of 1972 UNITED

STATES CODE, TITLE 29

621--634 Age Discrimination in Employment Act

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d--2000d--7 Title VI, Civil Rights Act of 1964, as amended 2000e-

-2000e--17 Title VII, Civil Rights Act of 1964, as amended 2000ff-

-2000ff--11 Genetic Information Nondiscrimination Act of 2008 2000h-

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

6101--6107 Age discrimination in federally assisted programs

12101--12213 Americans with Disabilities Act CODE OF  
FEDERAL REGULATIONS, TITLE 28

35.101--35.190 Americans with Disabilities Act CODE  
OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.7 Designation of responsible employee for Section 504

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

110.1--110.39 Nondiscrimination on the basis of age COURT  
DECISIONS

Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863 Shephard v.

Loyola Marymount, (2002) 102 Cal.App.4th 837 Management Resources:

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS

California Law Prohibits Workplace Discrimination and Harassment, December 2014

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS Notice of  
Non--Discrimination, August 2010

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Questions and Answers: Religious Discrimination in the Workplace, 2008 New

Compliance Manual Section 15: Race and Color Discrimination, April 2006

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999 WEB  
SITES

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

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

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

Adopted: June 12, 1989

Revised: January 17, 2006

September 19, 2017

LONG BEACH UNIFIED SCHOOL DISTRICT

## STUDENTS

BP 5145.3

### Nondiscrimination/Harassment

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any district school, or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual or perceived race, color, ancestry, national origin, nationality, ethnic group identification, ethnicity, age, religion, actual or potential marital, parental or family 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 school under the jurisdiction of the Superintendent of the school district, and to acts which occur off campus or outside of school--related or school--sponsored activities but which may have an impact or create a hostile environment at 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, harassment, intimidation, or bullying includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that 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, or 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 academic performance or educational opportunities.

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

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 nondiscriminatory 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. 6145.2 – Athletic Competition)

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

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

(cf. 5144 – Discipline)

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

The following position is designated Coordinator for Nondiscrimination to handle complaints regarding discrimination, harassment, intimidation, or bullying, and to answer inquiries regarding the district's nondiscrimination policies:

Director, Office of the Deputy Superintendent of Education Services 1515 Hughes  
Way

Long Beach, California 90810 (562)997-  
-8000

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

(cf. 1312.1 – Complaints Concerning District Employees) (cf. 1312.3  
– Uniform Complaint Procedures)

(cf. 1113 – District and School Web Sites) (cf.  
6163.4 – Student Use of Technology)

Legal References: EDUCATION  
CODE  
200--262.4 Prohibition of discrimination  
    Suspension or expulsion for act of hate violence  
    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  
1741.1 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

1691.1688 Title IX of the Education Amendments of 1972 UNITED

STATES CODE, TITLE 42

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

-2--20006--6 Title IX of the Civil Rights Act of 1964

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.App4th 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

Interim Guidance Regarding Transgender Students, Privacy, and Facilities, September 27, 2013 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

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 of Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Adopted: September 23, 1991

Revised: January 17, 2006

September 4, 2012

August 20, 2013

March 18, 2014

September 19, 2017

LONG BEACH UNIFIED SCHOOL DISTRICT

Nondiscrimination in District Programs and Activities

The Governing Board is committed to equal opportunity for all individuals in education. District programs, activities, and practices shall be free from discrimination based on race, color, ancestry, nationality, national origin, ethnicity, ethnic group identification, age, religion, marital, family, or parental status, 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.

(cf. 4030 – Nondiscrimination in Employment) (cf.

5131.2 – Bullying)

(cf. 5145.3 – Nondiscrimination/Harassment) (cf.

5145.7 – Sexual Harassment)

Annually the Superintendent or designee shall review district programs and activities to ensure the removal of any barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities, including use of facilities. He/she shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report his/her findings and recommendations to the Board after each review.

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, agents of the governing board, the general public, and sources of referral for applicants about the district's policy on nondiscrimination, and related complaint procedures.

Such notification shall be included in each announcement, bulletin, catalog, handbook, application form, or other recruitment materials distributed to these groups.

The following position is designated Coordinator for Nondiscrimination in District Programs and Activities:

Kim Dalton

Director, Office of the Deputy Superintendent of Education Services/ Human Resource Services

1515 Hughes Way, Long Beach, CA 90810 (562) 997--  
8108

[kdalton@lbschools.net](mailto:kdalton@lbschools.net)

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language.

## Access for Individuals with Disabilities

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act and any implementing standards and/or regulations.

The Superintendent or designee shall ensure that the district provides auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, notetakers, written materials, taped text, and Braille or large print materials.

## (6020 – Parent Involvement)

Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school--sponsored function, program or meeting.

## Legal Reference:

## EDUCATION CODE

200--262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

51007 Legislative intent: state policy

## GOVERNMENT CODE

11000 Definitions

11135 Nondiscrimination in programs or activities funded by state 11138

Rules and regulations

12900--12996 Fair Employment and Housing Act

54953.2 Brown Act compliance with Americans with Disabilities Act

## PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

## CODE OF REGULATIONS, TITLE 5

4600--4687 Uniform complaint procedures

4900--4965 Nondiscrimination in elementary and secondary education programs UNITED

## STATES CODE, TITLE 20

1400--1482 Individuals with Disabilities in Education Act 1681-

-1688 Discrimination based on sex or blindness, Title IX

2301--2415 Carl D. Perkins Vocational and Applied Technology Act 6311

State plans

6312 Local education agency plans

## UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973 UNITED

## STATES CODE, TITLE 42

2000d--2000d--7 Title VI, Civil Rights Act of 1964

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

2000h--2000h--6 Title IX

12101--12213 Americans with Disabilities Act CODE

## OF FEDERAL REGULATIONS, TITLE 28

35.101--35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

## CODE OF FEDERAL REGULATIONS, TITLE 34

100.1--100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1--104.39 Section 504 of the Rehabilitation Act of 1973

106.1--106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

Management Resources:

CSBA PUBLICATIONS

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

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

Interim Guidance Regarding Transgender Students, Privacy, and Facilities, September 27, 2013

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

Notice of Non-Discrimination, January 1999

Protecting Students from Harassment and Hate Crime, January 1999

Nondiscrimination in Employment Practices in Education, August 1991

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

2010 ADA Standards for Accessible Design, September 2010

WEB SITES

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

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

Pacific ADA Center: <http://www.adapacific.org>

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

U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act: <http://www.ada.gov>

Adopted: January 17, 2006  
Revised: September 4, 2012  
January 8, 2013  
August 20, 2013  
March 18, 2014  
October 2, 2017  
DISTRICT

LONG BEACH UNIFIED SCHOOL

## STUDENTS

BP 5141.52

### Suicide Prevention

The Governing Board recognizes that suicide is a leading cause of death among youth and that school personnel who regularly interact with students are often in a position to recognize the warning signs of suicide and to offer appropriate referral and/or assistance. To attempt to reduce suicidal behavior and its impact on students and families, the Superintendent or designee shall develop measures and strategies for suicide prevention, intervention, and postvention.

In developing measures and strategies for use by the district, the Superintendent or designee may consult with school health professionals, school counselors, school psychologists, school social workers, administrators, other staff, parents/guardians, students, local health agencies, mental health professionals, and community organizations.

(cf. 1020 – Youth Services)

(cf. 1220 – Citizen Advisory Committees)

(cf. 1400 – Relations Between Other Governmental Agencies and the Schools) Such measures and strategies shall include, but are not limited to:

1. Staff development on suicide awareness and prevention for teachers, school counselors, and other district employees who interact with students in the secondary grades

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

2. Instruction to students in problem--solving and coping skills to promote students' mental and emotional, and social health and well--being, as well as instruction in recognizing and appropriately responding to warning signs of suicidal intent in others.

(cf. 6142.8 – Comprehensive Health Education)

3. Methods for promoting a positive school climate that enhances students' feelings of connectedness with the school and that is characterized by caring staff and harmonious interrelationships among students.

(cf. 5131 – Conduct) (cf. 5131.2 – Bullying)

(cf. 5137 – Positive School Climate)

(cf. 5145.3 – Nondiscrimination/Harassment) (cf. 5145.7 – Sexual Harassment)

(cf. 5145.9 – Hate--Motivated Behavior)

4. The provision of information to parents/guardians regarding risk factors and warning signs of suicide, the severity of the youth suicide program, the district's suicide prevention curriculum, basic steps for helping suicidal youth, and/or school and community resources that can help youth in crisis
5. Encouragement for students to notify appropriate school personnel or other adults when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions
6. Crisis intervention procedures for addressing suicide threats or attempts
7. Counseling and other postvention strategies for helping students, staff, and others cope in the aftermath of a student's suicide

As appropriate, these measures and strategies shall specifically address the needs of students who are at high risk of suicide, including, but not limited to, students who are bereaved by suicide;; students with disabilities, mental illness, or substance abuse disorders;; students who are experiencing homelessness or who are in out-of-home settings such as foster care;; and students who are lesbian, gay, bisexual, transgender, or questioning youth. (Education Code 215)

Legal References:

EDUCATION CODE

215 Student suicide prevention policies

32280--32289 Comprehensive safety plan

49060--49079 Student records

49602 Confidentiality of student information

49604 Suicide prevention training for school counselors

GOVERNMENT CODE

810--996.6 Government Claims Act

PENAL CODE

11164--11174.3 Child Abuse and Neglect Reporting Act WELFARE

AND INSTITUTIONS CODE

5698 Emotionally disturbed youth;; legislative intent

5850--5883 Mental Health Services Act

COURT DECISIONS

Corales v. Bennett (Ontario--Montclair School District), (2009) 567 F.3d 554 Management

Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve, 2008 Health

Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009 NATIONAL

ASSOCIATION OF SCHOOL PSYCHOLOGISTS PUBLICATIONS

Preventing Suicide, Guidelines for Administrators and Crisis Teams, 2015

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS Preventing

Suicide: A Toolkit for High Schools, 2012

National Strategy for Suicide Prevention Goals and Objectives for Action, rev. 2012 WEB

SITES

American Association of Suicidology: <http://www.suicidology.org>

American Foundation for Suicide Prevention: <http://afsp.org>

American Psychological Association: <http://www.apa.org>

American School Counselor Association: <http://schoolcounselor.org>  
California Department of Education, Mental Health: <http://www.cde.ca.gov/ls/cg/mh> California  
Department of Health Care Services, Suicide Prevention Program:  
[http://www.dhcs.ca.gov/services/MH/Pages/Suicide Prevention.aspx](http://www.dhcs.ca.gov/services/MH/Pages/Suicide_Prevention.aspx)  
Centers for Disease Control and Prevention, Mental Health: <http://www.cdc.gov/mentalhealth> National  
Association of School Psychologists: <http://www.nasponline.org>  
National Institute for Mental Health: <http://www.nimh.nih.gov> Trevor  
Project: <http://thetrevorproject.org>  
U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration:  
<http://www.samhsa.gov>

Adopted: August 16, 2017

LONG BEACH UNIFIED SCHOOL DISTRICT

Bullying

The Governing 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. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

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 bullying 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, color, ancestry, nationality, national origin, age, marital, family, or parental status, disability, ethnicity, ethnic group identification, culture, heritage, gender, gender identity or expression, genetic information, sex, sexual orientation, physical/mental attributes or religious beliefs or practices, or association with a person or group with one or more of these actual or perceived characteristics.

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.

(cf. 0410 – Nondiscrimination in District Programs and Activities) (cf. 5145.9-

---Hate--Motivated Behavior)

## Definition

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3 or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

- (a) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
- (b) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
- (c) Causing a reasonable pupil to experience substantial interference with his or her academic performance.
- (d) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

“A person is bullied when he or she is exposed, repeatedly over time, to negative actions on the part of one or more persons, and he or she has difficulty defending him or herself.” (Olweus)

The definition includes three important components:

1. Bullying is aggressive behavior that involves unwanted, negative actions
2. Bullying involves a pattern of behavior repeated over time
3. Bullying involves an imbalance of power or strength. Such behavior includes: direct physical contact, such as hitting or shoving;; verbal assaults, such as teasing or name-- calling;; and social isolation or manipulation.

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, 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, district 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 district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.

The district shall 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. Such instruction shall include:

1. Acts and behavior that constitute bullying
2. A clear message that bullying behavior is not tolerated
3. A clear message that students do not have to endure bullying
4. Encouragement to report observed instances of bullying, even when the bullied individual has not complained
5. Information about the person(s) to whom a report of bullying should be made

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

#### Intervention

Students are encouraged to notify school staff when they are bullied or suspected that another student is being victimized. In addition, the Superintendent or designee shall 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)

When appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. He/she also may involve school counselors, mental health counselors, and/or law enforcement.

#### Complaints and Investigations

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 the district's uniform complaint procedures specified in AR 1312.3 – Uniform Complaint Procedures.

When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall 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 that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

When a student is using a social networking site or service to bully or harass another student, the Superintendent or designee shall file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

#### Discipline

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 expulsion, in accordance with district policies and regulations.

Legal Reference: EDUCATION

CODE

200--262.4 Prohibition of discrimination 32282

Comprehensive safety plan

35181 Governing board policy on responsibilities of students

35291--35291.5 Rules

48900--48925 Suspension or expulsion 48985

Translation of notices

PENAL CODE

647 Use of camera or other instrument to invade person's privacy;; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy;; punishment

653.2 Electronic communication devices, threats to safety

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e--rate)

COURT DECISIONS

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094 Lavine

v. Blaine School District, (2002) 279 F.3d 719

Management Resources:

CSBA PUBLICATIONS

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

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010 Cyberbullying: Policy

Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008 Bullying at School, 2003

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

Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

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

California Cyber safety for Children: <http://www.cybersafety.ca.gov/>

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

for Safe and Responsible Internet Use: <http://cyberbully.org/>

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

National School Safety Center: <http://www.schoolsafety.us/>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr> 3/12

**Adopted: July 3, 2012**

Revised: August 20, 2013

October 2, 2017

LONG BEACH UNIFIED SCHOOL DISTRICT

Hate--Motivated Behavior

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, color, ancestry, nationality, national origin, age, marital, family, or parental status, disability, ethnicity, ethnic group identification, culture, heritage, gender, gender identity or expression, genetic information, sex, sexual orientation, physical/mental attributes or religious beliefs or practices, or association with a person or group with one or more of these actual or perceived characteristics.

(cf. 0410 – Nondiscrimination in District Programs and Activities) (cf. 0450 –

Comprehensive Safety Plan)

(cf. 5137 – Positive School Climate)

(cf. 5145.3 – Nondiscrimination/Harassment)

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.

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.

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.

#### Grievance Procedures

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 the district's uniform complaint procedures specified in AR 1312.3 – Uniform Complaint Procedures. 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 regulations.

(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.

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 Suspension for hate violence

Suspension or expulsion for threats or harassment

PENAL CODE

422.44 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

Adopted: September 23, 1991

Revised: March 7, 2006

August 20, 2013

October 2, 2017

LONG BEACH UNIFIED SCHOOL DISTRICT

### Uniform Complaint Procedures (UCP)

This document contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by Long Beach Unified School District of federal or state laws or regulations governing educational programs, including non-compliance with laws relating to pupil fees and our Local Control and Accountability Plan (LCAP).

This document presents information about how the District processes UCP complaints concerning particular programs or activities that are subject to the UCP.

A UCP complaint is a written and signed statement by a complainant alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, bullying or charging pupil fees for participation in an educational activity or non-compliance with the requirements of our LCAP. A complainant is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation, bullying and non-compliance with laws relating to pupil fees or non-compliance with the requirements of our LCAP. If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, we shall assist the complainant in the filing of the complaint.

### The responsibilities of the District

Long Beach Unified School District shall have the primary responsibility to ensure compliance with applicable state and federal laws and regulations.

The District shall investigate and seek to resolve, in accordance with our UCP process, any complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of discrimination, harassment, intimidation, or bullying or noncompliance with laws relating to all programs and activities implemented by the District that are subject to the UCP.

The Long Beach Unified School District developed the Uniform Complaint Procedures (UCP) process with policies and procedures adopted by our governing board.

**Programs and activities subject to the UCP are:**

Accommodations for Pregnant and Parenting Pupils	Local Control and Accountability Plans (LCAP)
Adult Education	Migrant Education
After School Education and Safety	Physical Education Instructional Minutes (for grades one through six)
Agricultural Career Technical Education	Pupil Fees
Career Technical and Technical Education; Career Technical; Technical Training (State)	Reasonable Accommodations to a Lactating Pupil
Career Technical Education (Federal)	Regional Occupational Centers and Programs
Child Care and Development	School Plans for Student Achievement
Compensatory Education	School Safety Plans
Course Periods without Educational Content (for grades nine through twelve)	Schoolsite Councils (SSC)
Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district, and Pupils of Military Families	State Preschool
Every Student Succeeds Act	State Preschool Health and Safety Issues Exempt from Licensing

\*In order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the Health and Safety Code [HSC section 1596.7925], a notice shall be posted in each California state preschool program classroom in each school in the local educational agency notifying parents, guardians, pupils and teachers of both of the following:

- The health and safety requirements under Title 5 of the California Code of Regulations apply to California state preschool programs pursuant to HSC section 1596.7925.
- The location at which to obtain a form to file a complaint. Posting a notice downloadable from the CDE website shall satisfy this requirement.

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to the UCP process set forth in this document unless these procedures are made applicable by separate interagency agreements:

1. Allegations of child abuse shall be referred to County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.
2. Health and safety complaints regarding a Child Development Program shall be referred to Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.
3. Employment discrimination, harassment, intimidation or bullying complaints shall be sent to the State Department of Fair Employment and Housing (DFEH).
4. Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in the California Department of Education (CDE).

#### Pupil Fees

A pupil fee is a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of state codes and constitutional provisions which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers. Educational activities are those offered by a school, school district, charter school, or county office of education that constitute a fundamental part of education, including, but not limited to, curricular and extracurricular activities.

A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

#### Local Control Accountability Plan (LCAP)

The LCAP is an important component of the Local Control Funding Formula (LCFF), the revised school finance system that overhauled how California funds its K-12 schools.

Under the LCFF we are required to prepare an LCAP, which describes how we intend to meet annual goals for our pupils, with specific activities to address state and local priorities identified pursuant to California *Education Code (EC)* § 52060(d).

#### The UCP Annual Notice

The District ensures annual dissemination of a written notice of complaint procedures to all students, employees, parents or guardians of its students, school and district advisory committee members, appropriate private school officials or representatives, and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying.

The Long Beach Unified School District UCP Annual Notice shall also include information regarding the requirements of *EC* §§ 49010 through 49013 relating to pupil fees and information regarding the requirements of *EC* § 52075 relating to the LCAP.

The UCP Annual Notice shall be in English and in the primary language, pursuant to section 48985 of the Education Code, or mode of communication of the recipient of the notice.

#### Filing UCP Complaints

##### When Filing Pupil Fees UCP Complaints

A pupil fees complaint may be filed with the principal of a school or our superintendent or his or her designee.

A pupil fees complaint and/or an LCAP complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

A pupil fees complaint shall be filed no later than one year from the date the alleged violation occurred.

When Filing State Preschool Health and Safety Issues UCP Complaints regarding state preschool health and safety issues pursuant to *HSC* section 1596.7925 shall include the following statements:

- File with the preschool program administrator or his or her designee.
- The preschool program administrator or the designee of the district superintendent shall
  - (1) make all reasonable efforts to investigate any problem within his or her authority. Investigations shall begin within 10 days of the receipt of the complaint and
  - (2) remedy a valid complaint within a reasonable time period, but not to exceed 30 working days from the date the complaint was received and report to the complainant the resolution of the complaint within 45 days of the initial filing. If the preschool program administrator makes this report, he or she shall also report the same information in the same timeframe to the designee of the district superintendent.

- A state preschool health and safety issues complaint pursuant to *HSC* section 1596.7925 about problems beyond the authority of the preschool program administrator shall be forwarded in a timely manner, but not to exceed 10 working days to the appropriate local educational agency official for resolution.
- A state preschool health and safety issues complaint pursuant to *HSC* section 1596.7925 may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If Section 48985 of the *Education Code* is otherwise applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed.
- A complaint form for a state preschool health and safety issue pursuant to *HSC* section 1596.7925 shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as he or she wishes.

#### When Filing All UCP Complaints

We will provide an opportunity for complainants and/or representatives to present evidence or information.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations. Refusal by the District to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

The complaint will be investigated and a written report with a Decision will be issued to the complainant by us within 60 days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

This report will contain the following elements:

- i. The findings of fact based on the evidence gathered.
- ii. Conclusion of law.
- iii. Disposition of the complaint.
- iv. The rationale for such a disposition.
- v. Corrective actions, if any are warranted.
- vi. Notice of the complainant's right to appeal the Decision to the CDE.
- vii. Procedures to be followed for initiating an appeal to CDE.

## UCP Complaint Investigation

The following position in the Long Beach Unified School District is responsible for receiving and investigating complaints and ensuring our compliance:

Director, Office of the Deputy Superintendent of Education Services 1515 Hughes  
Way, Long Beach, CA 90810

(562) 997-8108

The person or office responsible for compliance and investigation of UCP complaints is knowledgeable about the laws and programs assigned to investigate.

The Long Beach Unified School District will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in *EC* §§ 200 and 220 and *Government Code (GC)* § section 11135, including any actual or perceived characteristics as set forth in *Penal Code (PC)* § 422.55 or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity we conduct, which is funded directly by, or that receives or benefits from any state financial assistance.

Unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

All complainants are protected from retaliation.

We advise complainants of the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws.

## UCP Complaint Resolution

If the Long Beach Unified School District finds merit in a complaint regarding Pupil Fees, Local Control and Accountability Plans (LCAP), and Physical Education Instructional Minutes (grades one through eight), the District shall provide a remedy to all affected pupils and parents/ guardians.

In the case of complaints regarding Course Periods without Educational Content, Reasonable Accommodations to a Lactating Pupil; and/or Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in our school district, pupils in military families, the remedy shall go to the affected pupil.

The District ensures an attempt shall be made in good faith to engage in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint.

We shall report summarized data on the nature and resolution of all state preschool health and safety issues complaints on a quarterly basis to the county superintendent of schools and our board. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of our board. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. The District is aware that all complaints and responses are public records.

#### UCP Complaint Appeal Process

An appeal is a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision.

A complainant may appeal our Decision of a UCP complaint to the State Superintendent of Public Instruction (SSPI) or their Designee at the CDE regarding all specified federal and state educational programs subject to the UCP.

To appeal all UCP complaint Decisions except State Preschool Health and Safety Issues the complainant must file a written appeal within 15 days of receiving the Decision to the SSPI.

To appeal a UCP complaint Decision regarding State Preschool Health and Safety Issues the complainant must file a written appeal within 30 days of receiving the Decision to the SSPI.

A complainant shall comply with the appeal requirements of 5 *CCR* section 4632.

This appeal to the CDE must fully explain the basis for the appeal, stating how the facts of our Decision are incorrect and/or the law is misapplied.

In addition the appeal shall be sent to CDE with: (1) a copy of the original locally filed complaint; and (2) a copy of the Decision of this original locally filed complaint.

A complainant not satisfied with the resolution of the preschool program administrator or the designee of the District superintendent has the right to describe the complaint to the Governing Board at a regularly scheduled hearing.

The SSPI shall comply with the requirements of 5 *CCR* section 4633 and shall provide an Investigation Report to the State Board of Education describing the basis for the complaint, the District response to the state preschool health and safety issues complaint and its remedy or proposed remedy.

#### Legal Reference:

20 *United States Code (U.S.C.)* section 6301 et seq.

34 *Code of Federal Regulations (CFR)* sections 299.11

*California Education Code (EC)* sections 200, 220, 222, 234.1-234.5, 262.3, 8235.5, 8200-8493; 8500-8538, 32280-32289, 33315, 35186, 46015, 47606-47606.5, 47607.3, 48645.5, 48645.7, 48853, 48853.5, 48985, 49010-49013, 49069.5, 51210, 51223, 51225.1, 51225.2, 51228.1-51228.3, 52060-52075, 52300-52462, 52500-52616.4, 54440-54445, 64001, 65000.

California *Government Code (GC)* sections 11135, 17581.6(f).  
California *Penal Code (PC)* section 422.55.  
California *Welfare and Institutions Code (WIC)* section 300

Adopted: September 9, 1992  
Revised: May 6, 1997  
April 16, 2002  
August 2003  
November 2004  
January 3, 2006  
December 6, 2011  
June 18, 2012  
January 8, 2013  
March 5, 2013  
August 20, 2013  
March 15, 2016  
September 19, 2017  
November 6, 2019  
February 5, 2020

Drug And Alcohol-Free Workplace

The Governing Board believes that the maintenance of drug- and alcohol-free workplaces is essential to staff and student safety and to help ensure a productive and safe work and learning environment.

An employee shall not unlawfully manufacture, distribute, dispense, possess, or use any controlled substance in the workplace. (Government Code 8355; 41 USC 701)

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

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

An employee shall abide by the terms of this policy and shall notify the district, within five days, of his/her conviction for violation in the workplace of any criminal drug statute. (Government Code 8355; 41 USC 701)

The Superintendent or designee shall notify the appropriate federal granting or contracting agency within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace. (41 USC 701)

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

The Superintendent or designee shall establish a drug-free awareness program to inform employees about: (Government Code 8355; 41 USC 701)

1. The dangers of drug and alcohol abuse in the workplace
2. The district policy of maintaining drug-free workplaces
3. Available drug counseling, rehabilitation, and employee assistance programs
4. The penalties that may be imposed on employees for drug abuse violations occurring in the workplace

Legal Reference:

EDUCATION CODE

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

GOVERNMENT CODE

8350-8357 Drug-free workplace  
UNITED STATES CODE, TITLE 20  
7111-7117 Safe and Drug Free Schools and Communities Act UNITED STATES CODE, TITLE 21

812 Schedule of controlled substances  
UNITED STATES CODE, TITLE 41  
701-707 Drug-Free Workplace Act  
CODE OF FEDERAL REGULATIONS, TITLE 21  
1308.01-1308.49 Schedule of controlled substances

COURT DECISIONS

Cahoon v. Governing Board of Ventura USD, (2009) 171 Cal.App.4th 381 Ross  
v. RagingWire Telecommunications, Inc., (2008) 42 Cal.4th 920

Management Resources:

WEB SITES

California Department of Alcohol and Drug Programs: <http://www.adp.ca.gov> California  
Department of Education: <http://www.cde.ca.gov>  
U.S. Department of Labor: <http://www.dol.gov>

Adopted: May 8, 1989  
Revised: February 21, 2006  
January 4, 2011

Positive School Climate

The Governing Board desires to enhance student learning by providing an orderly, caring and nurturing educational and social environment in which all students can feel safe and take pride in their school and their achievements. The school environment should be characterized by positive interpersonal relationships among students and between students and staff.

All staff are expected to serve as role models for students by demonstrating positive, professional attitudes and respect toward each student and other staff members. Teachers shall use effective classroom management techniques based on clear expectations for student behavior.

Staff shall consistently enforce Board policies and regulations which establish rules for appropriate student conduct, including prohibitions against bullying, cyberbullying, harassment of students, hazing, other violence or threats of violence against students and staff, and drug, alcohol, and tobacco use.

The district's curriculum shall include age-appropriate character education which includes, but is not limited to, the principles of equality, human dignity, mutual respect, fairness, honesty, and citizenship. Teachers are encouraged to employ cooperative learning strategies that foster positive interactions in the classroom among students from diverse backgrounds.

The Superintendent or designee may develop other strategies to enhance students' feelings of connectedness with the schools, such as campus beautification projects, graffiti removal, development of extracurricular activities and after-school programs, pairing of adult mentors with individual students, recognition of student achievement, and encouragement of strong family and community involvement in the schools.

Students shall have opportunities to voice their concerns about school policies and practices and to share responsibility for solving problems that affect their school.

The schools shall promote nonviolent conflict resolution techniques in order to encourage attitudes and behaviors that foster harmonious relations. As part of this effort, students shall be taught the skills necessary to reduce violence, including communication skills, anger management, bias reduction and mediation skills.

Staff shall receive professional development designed to improve classroom management, conflict resolution techniques, and communications with students and parents/guardians including persons of diverse backgrounds.

Legal Reference: EDUCATION  
CODE

233-233.8 Hate violence prevention 32280-  
32289 School safety plans

32295.5 Teen court programs

35181 Governing board policy on responsibilities of students 35291-  
35291.5 Rules

44807 Teachers' duty concerning conduct of students 48900-48925  
Suspension and expulsion

Management Resources: CSBA  
PUBLICATIONS

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

Protecting Our Schools: Governing Board Strategies to Combat School Violence, rev. 1999

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

Creating Safe and Drug-Free Schools: An Action Guide, 1996

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS Preventing Bullying: A  
Manual for Schools and Communities, 1998 WEB SITES

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

California Department of Education, Learning Support: <http://www.cde.ca.gov/ls> National School Safety  
Center: <http://www.schoolsafety.us>

U.S. Department of Education, Office of Safe and Drug-Free Schools:  
<http://www.ed.gov/offices/OESE/SDFS>

Adopted: September 23, 1991

Revised: March 7, 2006

March 25, 2010

LONG BEACH UNIFIED SCHOOL DISTRICT

Comprehensive Safety Plan

The Governing Board recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that includes strategies for violence prevention and high expectations for student conduct, responsible behavior and respect for others.

The school site council at each district school shall develop a comprehensive school safety plan relevant to the needs and resources of that particular school. New school campuses shall develop a safety plan within one year of initiating operations. (Education Code 32281, 32286)

The school safety plan shall take into account the school's staffing, available resources, and building design, as well as other factors unique to the site.

Each school shall forward its comprehensive safety plan to the School Safety and Emergency Preparedness Division where staff will review and forward to the Board for approval. (Education Code 32288)

The comprehensive safety plans shall be reviewed and updated by March 1 of each year. (Education Code 32286)

The Board shall review the comprehensive school safety plans in order to ensure compliance with state law, Board policy, and administrative regulations and shall approve the plans at a regularly scheduled meeting.

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education of any schools that have not complied with the requirements of Education Code 32281. (Education Code 32288)

Tactical Response Plan

Notwithstanding the process described above, any portion of a comprehensive safety plan that includes tactical responses to criminal incidents that may result in death or serious bodily injury at a school site, including steps taken to safeguard students and staff, secure the affected school premise, and apprehend the criminal perpetrator(s), shall be developed by district administration in accordance with Education Code 32281. In developing such strategies, district administration shall consult with law enforcement officials and with a representative of an employee bargaining unit, if he/she chooses to participate.

When reviewing the tactical response plan, the Board may meet in closed session to confer with law enforcement officials, provided that any vote to approve the tactical response plan is announced in open session following the closed session. (Education Code 32281)

## Public Access to Safety Plans

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public in two locations, at the school site and at the School Safety and Emergency Preparedness Division. (Education Code 32282) However, those portions of the comprehensive safety plan that include tactical responses to criminal incidents shall not be publicly disclosed.

### Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination

32260-32262 Interagency School Safety Demonstration Act of 1985 32270

School safety cadre

32280-32289 School safety plans 32290

Safety devices

35147 School site councils and advisory committees 35183

School dress code; uniforms

35291 Rules

35291.5 School-adopted discipline rules

35294.10-35294.15 School Safety Consolidated Competitive Grant Program

48900-48927 Suspension and expulsion

48950 Speech and other communication

49079 Notification to teacher; student act constituting grounds for suspension or expulsion 67381

Violent crime

#### PENAL CODE

422.55 Definition of hate crime

626.8 Disruptions

11164-11174.3 Child Abuse and Neglect Reporting Act

Adopted: August 3, 1981 as Civil Defense and Disaster Preparedness Plan

Revised: March 21, 2006

May 20, 2008

August 20, 2013

LONG BEACH UNIFIED SCHOOL DISTRICT

Employee Use of Technology

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

(cf. 0440 - District Technology Plan)

(cf. 1113 - District and School Web Sites) (cf. 4131 - Staff Development)

(cf. 6163.4 - Student Use of Technology)

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

Employees shall be notified that computer files and electronic communications, including email and voice mail, are not private. Technological resources shall not be used to transmit confidential information about students, employees, or district operations without authority.

(cf. 4119.23 - Unauthorized Release of Confidential/Privileged Information) (cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information) Online/Internet Services

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

To ensure proper use, the Superintendent or designee may monitor employee usage of technological resources, including the accessing of email and stored files. Monitoring may occur at any time without advance notice or consent. When passwords are used, they must be known to the Superintendent or designee so that he/she may have system access.

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The Superintendent or designee shall establish administrative regulations and an Acceptable Use Agreement which outline employee obligations and responsibilities related to the use of district technology. He/she also may establish guidelines and limits on the use of technological resources. Inappropriate use may result in a cancellation of the employee's user

privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee shall provide copies of related policies, regulations, and guidelines to all employees who use the district's technological resources. Employees shall be required to acknowledge in writing that they have read and understood the district's Acceptable Use Agreement.

#### Use of Cellular Phone or Mobile Communications Device

An employee shall not use a cellular phone or other mobile communications device for personal business while on duty, except in emergency situations and/or during scheduled work breaks.

Any employee that uses a cell phone or mobile communications device in violation of law, Board policy, or administrative regulation shall be subject to discipline and may be referred to law enforcement officials as appropriate.

#### Legal Reference:

##### EDUCATION CODE

51870-51874 Education technology

52270-52272 Education technology and professional development grants

52295.10-52295.55 Implementation of Enhancing Education Through Technology grant program

##### GOVERNMENT CODE

3543.1 Rights of employee organizations PENAL CODE

502 Computer crimes, remedies

632 Eavesdropping on or recording confidential communications VEHICLE CODE

23123 Wireless telephones in vehicles

23123.5 Mobile communication devices; text messaging while driving 23125 Wireless telephones in school buses

##### UNITED STATES CODE, TITLE 20

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

##### UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

##### CODE OF FEDERAL REGULATIONS, TITLE 47

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

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#### Management Resources: WEB SITES

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

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

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

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

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

Adopted: November 1, 2005

Revised: May 5, 2009

July 12, 2010

LONG BEACH UNIFIED SCHOOL DISTRICT

## District Internet/Electronic Mail Guidelines/Procedures for Represented Certificated Staff

All access to Internet sites is routed through a “technology protection measure” designed to filter out material that is in violation of the District’s Internet policies. This filter will block most objectionable material. Users should be aware that some objectionable material may be missed by the filter and users, upon discovering the presence of such material, shall report offending sites to the Technology and Information Services Branch at extension 8411. Review processes are available to block sites with objectionable material and to request the removal of blocks to sites that users believe contain material that has educational benefit. Finally, an adult filter is available if the user submits a request and receives approval from the appropriate Assistant Superintendent and the Executive Director of Information Services.

Represented certificated employees are responsible for following generally accepted social standards for use of a publicly owned and operated communication tool. Represented certificated staff will maintain high standards of ethical conduct while using the system. Examples of unethical, unacceptable use of District technology equipment include the following:

- Sending, displaying, or accessing pornographic, abusive, obscene, or other objectionable language, graphics, or other media
- Unauthorized disclosure, use, and dissemination of personal information about students or employees
- “Hacking” or otherwise engaging in unlawful activities while online
- Using obscene language
- Harassing, insulting, or attacking others
- Intentionally damaging computers, computer systems, data, files, information or computer networks
- Violating copyright laws
- Using or distributing another’s password
- Trespassing in another’s folders, work, or files
- Intentionally wasting limited resources
- Employing the network for outside business or commercial purposes
- Sending or receiving of unethical, illegal, immoral, inappropriate, or unacceptable information of any type
- Engaging in activities that cause disruption to the network or its systems
- Attempting to bypass the system security measures
- Reposting or forwarding without the permission of the sender a message sent to you privately which is of a confidential nature or one clearly designed to be read by a limited number of selected recipients
- Posting chain letters or engaging in “spamming” – i.e., sending an annoying or otherwise unnecessary message to a large number of people

The network is provided for represented certificated staff to conduct research, to communicate with others on academic topics, and to engage in legitimate District business. Individual users of the District computer networks are responsible for their behavior and communications on those networks. Users shall comply with District standards and will abide by the policies specified herein. Violations of the

District policy described may result in access privileges being suspended or revoked, as well as other disciplinary action as warranted. Any commercial, political, or unauthorized use of those materials or services, in any form, is forbidden. All copyright laws must be observed.

Members of the certificated teachers bargaining unit may engage in teacher association business on the District computer networks. Such teacher association business shall be conducted during non-duty hours which are defined in Article IV, Section C of this Agreement. Association use of District e-mails shall be limited to the following: authorized Association representatives may use District e-mails to provide notice of meetings, agendas for meetings, minutes of meetings, confirmation of a meeting with a District representative, or a limited distribution communiqué between an authorized Chapter officer and a District representative; the Association will not use e-mail to denigrate the District or its personnel and will observe the prohibitions of Education Code, Section 7054.

The Long Beach Unified School District respects the privacy of all certificated teacher users. System administrators and their staff may not log on to a user's account or view a user's files without explicit permission from the user (for example, by setting file access privileges). Exceptions arise when the user's account is suspected either of disrupting or endangering the security or integrity of any network systems or services or of violations of applicable school district policies, federal or state law. Even then, the system administrator must normally obtain prior approval of the Director of Information Services unless grave danger to the continued operation of the systems requires emergency action.

This does not preclude system administrators from maintaining and monitoring system logs of user activity from within the District firewall on school district property. Moreover, automated searches for files that endanger system security or integrity are performed regularly to protect all users. System administrators may take appropriate action in response to detection of such files (typically removal of those files and possibly suspension of the user's accounts until the matter can be resolved).

Use of the computer network may be revoked at any time for inappropriate use. The Technology and Information Services Branch, in collaboration with school administration, will be the sole determiners of what constitutes inappropriate behavior according to local, state, and federal law. The violation of any item contained in this policy may result in the loss of computer access and/or other disciplinary action, as well as possible punitive action as provided for by local, state, and federal law.

Security on any computer system is a high priority, especially any system that has many users and/or Internet access. Represented certificated staff members shall not let others use his or her account or password as he or she has a reasonable responsibility for all actions related to his or her account. Certificated staff must notify school administrators immediately if their password is lost or stolen or if they think someone has access to their account. Represented certificated employees are to use only the network directories and resources that have been assigned for their use. Unauthorized access to any other level of the system, or other system resource, is strictly prohibited. Users will make no attempt to bypass the District anti-virus software, firewall, filtering and safeguards. When finished with a computer represented certificated employees are expected to logout where appropriate.

Represented certificated employees are not allowed to install software onto the computers or the computer network without a valid purchase order or other proof of District or personal ownership. Legal software and/or data stored on local hard drives of District computers are subject to removal with prior notification and consent of the represented certificated staff member. Long Beach Unified School District shall take reasonable precautions to ensure the security, integrity, or longevity of data and/or programs stored on staff computers.

Represented certificated staff acknowledges that they share responsibility for any and all use of the District's computer network and that misuse could lead to liability and/or consequences that extend beyond the District's authority. The Long Beach Unified School District and its represented certificated staff members shall be held harmless from any use or misuse of the computer network by students. Long Beach Unified School District makes no warranty of any kind, whether expressed or implied, for the service that it is providing. Long Beach Unified School District will not be responsible for any damage users may suffer including, but not limited to, loss of data or interruptions of service as a consequence of equipment failure, either on or off District property. Long Beach Unified School District and its represented certificated employees are not responsible for the accuracy or quality of the information obtained through or stored on the system.

Reference: TALB  
Appendix G

Ratified: February 4, 2003

Unauthorized Release of Confidential/Privileged Information

The Board, administration and staff recognizes the importance of keeping confidential information confidential. Administration and staff shall maintain the confidentiality of information acquired in the course of their employment. Confidential/privileged information shall be released only to the extent authorized by law.

Information and records pertaining to closed sessions, negotiations, personnel, medical and student records are not subject to public disclosure under Government Code 6252-6260.

## Disclosure of Closed Session Information

An employee shall not disclose confidential information acquired by attending a closed session to any person(s) not entitled to receive such information, unless the Board authorizes disclosure of that information. (Government Code 54963)

This includes information relating to the Board's employer-employee strategies on matters in or to be placed in negotiations.

Confidential information means a communication made in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session. (Government Code 54963)

Any employee who willfully discloses confidential information acquired during a closed session may be subject to disciplinary action if he/she received training or notice as to the requirements of this policy. (Government Code 54963)

The District shall not take disciplinary action against any employee for disclosing confidential information acquired in a closed session, nor shall the disclosure be considered a violation of the law or Board Policy, when the employee is: (Government Code 54963)

1. Making a confidential inquiry or complaint to a District attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a Board action that has been the subject of deliberation during a closed session

(cf. 4119.1/4219.1/4319.1 – Civil and Legal Rights)

2. Expressing an opinion concerning the propriety or legality of Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action
3. Disclosing information that is not confidential

## Other Disclosures

Any employee who willfully releases confidential or privileged information about the District, students or staff members shall be subject to disciplinary action up to and including dismissal from the service of the District.

No employee shall disclose confidential information acquired in the course of his/her official duties. Confidential information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the employee.

(cf. 4112.6/4212.6/4312.6 – Personnel Files)

(cf. 4112.62/4212.62/4312.62 – Maintenance of Criminal Offender Records) (cf. 4143/4243 – Negotiations/Consultation)

(cf. 5125 – Student Records)

(cf. 5125.1 – Release of Directory Information)

(cf. 5141.4 – Child Abuse Prevention and Reporting) (cf. 6164.2 – Guidance/Counseling Services)

Any action by an employee which inadvertently or carelessly results in release of confidential or privileged information shall be recorded, and the record shall be placed in the employee's personnel file. Depending on the circumstances of such release of information, the Superintendent or designee may deny the employee further access to any privileged information and shall take any steps necessary to prevent any further unauthorized release of such information.

Reference:

California Education Code  
35010 Control of district; prescription and enforcement of rules  
35146 Closed sessions  
35160 Authority of governing boards  
44031 Personnel file contents and inspection  
44932 Grounds for dismissal of permanent employees 44933  
Other grounds for dismissal  
45113 Rules and regulations for classified service  
49060-49079 Pupil Records  
California Government Code  
1098 Public officials and employees: confidential information 6250  
– 6270 Inspection of public records  
United States Code, Title 20  
1232g Family Education Rights and Privacy Act

Effective: April 18, 1998

Revised: July 7, 2009