



*Pathway to the Future*

## **Berryessa Union School District**

**Toyon Elementary**  
995 Bard Street  
San Jose, CA 95127  
(408) 923-1965

### **Comprehensive School Safety Plan 2023-2024 School Year**

*This Comprehensive School Safety Plan was developed collaboratively with members of the Toyon Elementary School Safety Planning Committee and adopted by the Board of the Berryessa Union School District on November 8, 2023.*

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***BUSD Board Approval Confirmed by:***

| Name               | Title          | Signature                                                                            | Date    |
|--------------------|----------------|--------------------------------------------------------------------------------------|---------|
| Khoa Nguyen        | President      |  | 11/8/23 |
| Dr. Roxane Fuentes | Superintendent |  | 11/8/23 |

*This document is to be maintained for public inspection in the Toyon Elementary Administration office during regular business hours.*

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## Comprehensive Safety Plan Purpose & Compliance

The California Education Code (sections 32280-32288) outlines the requirements of all schools operating any kindergarten and any grades 1 to 12, inclusive, to write and develop a school safety plan relevant to the needs and resources of that particular school.

In 2004, the Legislature and Governor recast and renumbered the Comprehensive School Safety Plan provisions in SB 719 and AB 115. It is the intent of the Legislature in enacting the provisions to support California public schools as they develop their mandated comprehensive safety plans that are the result of a systematic planning process, that include strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on school campuses.

The historical requirement of the Comprehensive School Safety Plan was presented in Senate Bill 187, which was approved by the Governor and chaptered in 1997. This legislation contained a sunset clause that stated that this legislation would remain in effect only until January 1, 2000. Senate Bill 334 was approved and chaptered in 1999 and perpetuated this legislation under the requirement of the initial legislation.

Comprehensive School Safety Plans must include the following elements:

- Assessment of school crime committed on school campuses and at school-related functions
- Child abuse reporting procedures
- Disaster procedures
- Suspension and expulsion policies
- Procedures to notify teachers of dangerous pupils
- Discrimination and harassment policies
- School wide dress code policies
- Procedures for safe ingress and egress
- Policies enacted to maintain a safe and orderly environment
- Rules and procedures on school discipline
- Hate crime reporting procedures

The Comprehensive School Safety Plan will be reviewed and updated by March of each year. In July of every year, the school will report on the status of its school safety plan including a description of its key elements in the annual school accountability report card.

Small school districts (with an enrollment of 2,500 students or less) may develop a comprehensive district safety plan to encompass all schools within the district, which would fulfill each individual school's comprehensive safety plan requirement. It is not required that small school districts have their safety plans developed or approved by site councils or designated safety committees; the plans must only be approved by the district board of trustees. However, a district plan should be developed in cooperation with local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, and others who may be interested in the prevention of campus crime and violence.

As defined in **BUSD Board Policy 0450**, BUSD 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 Board shall review the comprehensive district wide and/or school safety plan(s) in order to ensure compliance with state law, Board policy and administrative regulation. Approval of the plan shall occur at a regularly scheduled meeting.

A copy of the comprehensive school safety plan shall be available for review at the Toyon Elementary administration offices and online at <https://toyon.berryessa.k12.ca.us/>.

***Declaration regarding BUSD board policy and administrative regulation references:***

*Except when specifically quoted, the BUSD Board Policies and Administrative Regulations included in this safety plan are for reference only and may include only a summarized version of the official policy language. To review these policies and regulations in their entirety, please visit the BUSD District Office during regular business hours or view them online at [www.berryessa.k12.ca.us](http://www.berryessa.k12.ca.us).*

# Berryessa Union School District Mission, Vision and Philosophy

## Mission Statement

Berryessa Union School District provides all students the skills to become lifelong learners and successful 21<sup>st</sup> century global citizens.

## Vision Statement

Berryessa Union School District will be recognized for educational excellence in a safe, innovative, and inclusive student-centered learning environment, inspiring students, staff and the community.

## Philosophy

It is the philosophy of the district that:

1. All students can learn and succeed.
2. Every student should have an opportunity to receive a quality education regardless of his/her social, cultural, or economic background.
3. Every student in the district has a right to be free from discrimination, harassment, intimidation, and bullying, as prohibited by law or district policy.
4. The future of our nation and community depends on students possessing the skills to be lifelong learners, collaborative and creative problem solvers, and effective, contributing members of a global and technologically advanced society.
5. Highly skilled and dedicated teachers and educational support staff have the capacity to guide students toward individual achievement and growth, and have a direct and powerful influence on student learning and life experiences.
6. A safe, nurturing environment and positive school climate are necessary for learning, academic achievement, and student development.
7. Parents/guardians have a right and an obligation to be engaged in their child's education and to be involved in the intellectual, physical, emotional, and social development and well-being of their child.
8. The needs of the whole child must be addressed, as the ability of children to learn is affected by social, health, and economic conditions and other factors outside the classroom.
9. Early identification of learning and behavioral difficulties and timely and appropriate support and intervention contribute to student success.
10. Students and staff are encouraged and motivated by high expectations and recognition for their accomplishments.
11. School improvement is a dynamic process requiring flexibility and innovation to meet the needs of students in a changing world.
12. Professional development for the Board and district staff is essential for the growth and success of the district and its students.
13. The diversity of the student body and school staff enriches the learning experience, promotes cultural awareness and acceptance, and serves as a model for citizenship in a global society.
14. A common set of norms and protocols is crucial to effective governance.
15. Communication, trust, respect, collaboration, and teamwork strengthen the relationship among Board members and between the Board and Superintendent, and contribute to the effectiveness of the governance team.

16. The community and district are inextricably connected partners, wherein the community's engagement in issues that impact the schools enhances the district's programs and student learning.
17. Two-way communication with all stakeholders is essential for establishing continuity, support, and shared goals both within the district and with the surrounding community.
18. The Board has a responsibility to advocate on behalf of all students, keep current on legislative issues affecting education, and build positive relationships with local, state, and federal representatives.
19. A fiscally sound budget which is reflective of the district's vision is imperative to the financial stability of the district and to the attainment of its goals.
20. Responsibility for district programs and operations is shared by the entire educational community, with ultimate accountability resting with the Board as the basic embodiment of representative government.
21. Student equity will be prioritized in meeting the needs of all students.
22. Cultural proficiency will be celebrated and promoted into all instructional practices.

## Components of the Comprehensive School Safety Plan

*Site-specific procedures to implement the components of this plan will be included within the body or appendices of this document.*

### School Safety Planning Committee

The school site council is responsible for developing the school site safety plan or for delegating the responsibility to a school safety planning committee. (Ed. Code 35294.1)

The school site safety committee shall be composed of the following members: the principal or designee, one teacher who is a representative of the recognized certificated employee organization; one parent/guardian whose child attends the school; one classified employee who is a representative of the recognized classified employee organization; other members if desired. (Ed Code 35294.1)

Local law enforcement has been consulted (Ed. Code 39294.1) Other local agencies, such as health care and emergency services, may be consulted if desired. (Ed Code 39294.2)

Other members of the school or community may provide valuable insights as members of the School Safety Planning Committee. Additional members may include:

- A representative from the local law enforcement agency
- School Resource Officers
- Guidance counselor
- Special Education Department Chairperson
- One or more key community service providers
- Student representative(s)
- Disciplinary team member
- Staff leaders
- Additional parent representatives

## Toyon Elementary Safety Plan Signature Page 2023/2024

The undersigned members of the Toyon Elementary Safety Planning Committee certify that the requirements of the SB 187 Safety Plan have been met.

*Krista Castillou*

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Toyon Principal- Krista Castillou

*Mary Cho*

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School Site Council- Mary Cho

*Vicky Nguyen*

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Teachers Association Representative- Vicky Nguyen

*Doreen Cook*

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Classified Association Representative- Doreen Cook

*Maricela Krickovic*

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Parent Representative- Maricela Krickovic

*Officer Matias Cervantes*

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Law Enforcement Representative- Officer Matias Cervantes # 3688

*# 587*

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Fire Department Representative-

*Dan Norris*

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District Safety Committee Chair- Dan Norris

## Assessment of School Safety

*Education Code, Section 32282 (a) 1*

An assessment of School Safety among Toyon Elementary was conducted and included a review of survey data from the Panorama Student Survey and rates of disciplinary actions and truancy as collected through the California Department of Education Uniform Management Information Reporting System (UMIRS). Additional input was received from school administrators and law enforcement partners during the workshops conducted as part of the process to develop this safety plan. Reports from previously conducted physical site safety assessments were also reviewed.

- Students' social emotional health, specifically growth mindset and self efficacy, will be addressed using the District adopted Studies Weekly: Well Being Curriculum.
- Traffic at student drop off and pick up continue to be an issue, and staff will recruit volunteers to monitor a safe drop off and pick up.
- Fencing around the school on Gridley St. is low and the school is easily accessible to the public from that street.

## District/Campus Safety Strategies and Programs

*Education Code 32282 (a) 2 (A)-(J)*

As written in **BUSD Board Policy 5142**, BUSD recognizes the importance of providing a safe school environment that is conducive to learning and helps ensure student safety and the prevention of student injury. The Superintendent or designee shall implement appropriate practices to minimize the risk of harm to students, including, but not limited to, practices relative to school facilities and equipment, the outdoor environment, educational programs, and school-sponsored activities.

### (A) Child Abuse Prevention and Reporting

*Additional code references: Education Code 35294.2 (a) (2); Penal Code 11166*

According to **BUSD Board Policy 5141.4**, The Board of Trustees is committed to supporting the safety and well-being of district students and desires to facilitate the prevention of and response to child abuse and neglect.

The Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect. The Superintendent or designee may provide a student who is a victim of abuse with school based mental health services or other support services and/or may refer the student to resources available within the community as needed.

### Child Abuse Prevention

The district's instructional program shall include age-appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain students' right to live free of abuse, include instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, inform students of available support resources, and teach students how to obtain help and disclose incidents of abuse.

The district's program also may include age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention. Upon written request of a student's parent/guardian, the student shall be excused from taking such instruction. (Education Code 51900.6) The Superintendent or designee shall, to the extent feasible, seek to incorporate community resources into the district's child abuse prevention programs and may use these resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

## **Child Abuse Reporting**

The Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

Procedures for reporting child abuse shall be included in the district and/or school comprehensive safety plan. District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect. The Superintendent or designee shall provide training regarding the duties of mandated reporters.

**BUSD Administrative Regulation 5141.4** provides additional detail including definitions of child abuse and procedures for reporting suspected incidents of child abuse.

A mandated reporter shall make a report using the procedures described below (with reference to the full text of AR 5141.4) whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The reporting duties of mandated reporters are individual and cannot be delegated to another person.

When reporting a witnessed or suspected case of child abuse, the following steps shall be taken by the appropriate personnel.

**Step 1 – Initial Telephone Report:** Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11165.9, 11166) Child Protective Services (CPS) 408-299-2070 When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

**Step 2 – Written Report:** Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572). (Penal Code 11166, 11168)

The Department of Justice form may be obtained from the district office or other appropriate agencies, such as the county probation or welfare department or the police or sheriff's department.

Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location, and, where applicable, school, grade, and class
- c. The names, addresses, and telephone numbers of the child's parents/guardians
- d. The name, address, telephone number, and other relevant personal information about the person who might have abused or neglected the child
- e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her. (Penal Code 11167) The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05. (Penal Code 11167)

**Step 3 – Internal Reporting:** The mandated reporter shall not be required to disclose his/her identity to his/her supervisor, the principal, or the Superintendent or designee. (Penal Code 11166)

However, employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the principal as soon as possible after the initial telephone report to the appropriate agency. When so notified, the principal shall inform the Superintendent or designee.

The principal so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy, and administrative regulation. At the mandated reporter's request, the principal may assist in completing and filing the necessary forms.

Reporting the information to an employer, supervisor, principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

#### **(B) Emergency and Disaster Preparedness Plan**

*Additional code references: Educational Code 35295-35297; Government Code 8607 and 3100*

In **BUSD Board Policy 3516**, The Board of Trustees recognizes that all district staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and threats of disaster. The Superintendent or designee shall develop and maintain a disaster preparedness plan which details provisions for handling emergencies and disasters and which shall be included in the district's comprehensive school safety plan. (Education Code 32282) (cf. 0450 - Comprehensive Safety Plan) (cf. 3516.3 - Earthquake Emergency Procedure System)

The Superintendent or designee shall also develop and maintain emergency plans for each school site. In developing the district and school emergency plans, the Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators.

The Superintendent or designee shall use state-approved Standardized Emergency Management System guidelines and the National Incident Command System when updating district and site-level emergency and disaster preparedness plans.

The Board shall grant the use of school buildings, grounds, and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Board shall cooperate with such agencies in furnishing and maintaining whatever services they deem necessary to meet the community's needs. (Education Code 32282) (cf. 1330 - Use of School Facilities)

School employees are considered disaster service workers and are subject to disaster service activities assigned to them. (Government Code 3100)

The Berryessa Union School District emergency preparedness and crisis response plans are included in the appendices, and accomplishes the following:

- Appendix C: BUSD Emergency Operations and Response, incorporates strategies of the Incident Command System (ICS), SEMS, and NIMS and provides emergency contact information for district staff.

- Appendix C.1: BUSD Incident Command System (ICS) Team - Confidential
- Appendix C.2: District Staff Emergency Contacts - Confidential
- Appendix C.3: Toyon Incident Command System (ICS) Team - Confidential
- Appendix C.4: Campus Staff Emergency Contacts - Confidential
- Appendix C.5: Crisis Response/Community Emergency Contacts - Confidential
- Appendix C.6: Campus Emergency Shutoff Locations - Confidential
- Appendix C.7: Campus Emergency Evacuations Plans - Confidential
- Appendix C.8: Campus Daily Ingress/Egress Routes - Confidential

#### **(i) Earthquake and Multi-hazard Emergency Response Procedure System**

BUSD has defined emergency response procedures for earthquakes and other hazards in the Crisis Response Plans described in the appendices of this plan. This district follows the recommended “drop, cover and hold on” procedures for earthquake response. The plans also align with standards established by NIMS and SEMS and call for response actions to be coordinated using ICS.

Additional details on the implementation of these plans, including roles and responsibilities for school personnel, are included as part of the District Emergency Operations Plan and School Emergency Response Procedures flipcharts. These additional supporting plans are provided to school personnel as references and are not included as part of this public document.

#### **(ii) Use of School Buildings for Emergency Shelters**

The Board shall grant the use of school buildings, grounds, and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Board shall cooperate with such agencies in furnishing and maintaining whatever services they deem necessary to meet the community’s needs.

### **(C) School Suspension, Expulsion and Mandatory Expulsion Guidelines**

*Additional code reference: Education Code 48900, 48915 (d) and (c)*

As stated in **BUSD Board Policy 5144** the Board of Trustees is committed to providing a safe, supportive, and positive school environment which is conducive to student learning and to preparing students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, provision of appropriate intervention and support, and parent involvement can minimize the need for disciplinary measures that exclude students from instruction as a means for correcting student misbehavior.

Through **BUSD Board Policy 5144.1 and 5144.2** the Board of Education has established policies and standards of behavior in order to promote learning and protect the safety and well being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction. Except where suspension for a first offense is warranted in accordance with law, suspension shall be imposed only when other means of correction fail to bring about proper conduct.

The policy also describes the guidelines, in accordance with state and federal law, Student Due Process, On-Campus Suspension Program, Required Parental Attendance and the Decision to Not Enforce Expulsion Order available to the school board.

*For campus-specific guidelines for suspension and expulsion of students, including behavior that may result in suspension or expulsion on the first offense, please refer to the student and parent*

*handbook distributed to all students at the start of each school year. Current versions will be available for review alongside this comprehensive school safety plan in the District Office.*

#### **(D) Procedures to Notify Teachers of Dangerous Pupils**

*Additional code reference: Education Code 49079*

As described in **BUSD Board Policy 4158, 4258, and 4358**: The Superintendent or designee also shall ensure that employees are informed, in accordance with law, of crimes and offenses committed by students who may pose a danger in the classroom.

The Superintendent or designee may make available at appropriate locations, including, but not limited to, district and school offices, gyms, and classrooms, communication devices that would enable two-way communication with law enforcement and others when emergencies occur.

The Board of Trustees desires to provide a safe and orderly work environment for all employees. As part of the district's comprehensive safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for providing them with necessary assistance and support when emergency situations occur.

Any employee against whom violence or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. The Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace. In addition, the Superintendent or designee may initiate legal proceedings against any individual to recover damages for injury caused by the willful misconduct of that individual to the person or property of an employee or another person on district premises.

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

#### **(E) Discrimination and Harassment Policies**

*Additional code reference: Education Code 200-262.4*

A comprehensive prohibition of discrimination and harassment across all district programs and activities is identified in **BUSD Board Policy 0410**, which states that The Board of Trustees Board of Trustees is committed to providing equal opportunity for all individuals in education. District programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital, pregnancy, or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; a 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.

Among the policies included in this comprehensive set of anti-discrimination and harassment policies are two that clearly define the expectations and procedures regarding occurrences of discrimination and sexual harassment:

**BUSD Board Policy 5145.3** states that The Board of Trustees 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, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual

orientation, gender, gender identity, or gender expression or association with a person or group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school, 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.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also includes the creation of a hostile environment through prohibited conduct 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, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

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

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or 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 nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. He/she shall report his/her findings and recommendations to the Board after each review.

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

As written in **BUSD Board Policy 5145.7**, The Board of Trustees is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports,

files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

The district strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult who has experienced off-campus sexual harassment that has a continuing effect on campus to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer. Once notified, the principal or compliance officer shall take the steps to investigate and address the allegation, as specified in the accompanying administrative regulation.

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

### **Instruction/Information**

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained BP 5145.7
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, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues
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**

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

Upon investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-8, 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.

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.

### **Record-Keeping**

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

*For campus-specific bullying and cyber-bullying policies, please refer to the student and parent handbook distributed to all students at the start of each school year. Current versions will be available for review alongside this comprehensive safety plan in the BUSD- District Office.*

### **(F) School-wide Dress Code**

*Additional code reference: Education Code 35183*

As described in **BUSD Board Policy 5132**, The Board of Trustees believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction which would interfere with the educational process.

Students and parents/guardians shall be informed about dress and grooming standards at the beginning of the school year and whenever these standards are revised. A student who violates these standards shall be subject to appropriate disciplinary action.

### **Gang-Related Apparel**

The principal, staff and parents/guardians at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

*For campus-specific dress code policies, please refer to the student and parent handbook distributed to all students at the start of each school year. Current versions will be available for review alongside this comprehensive safety plan in the BUSD District Office.*

### **(G) Procedure for Safe Ingress and Egress to and from School**

Through a collection of Board Policies, The Berryessa Union School District has established procedures to ensure the Safe Ingress and Egress of students, parents, and school employees to and

from school. The list below shows applicable board policies and administrative regulations and how they contribute to this safety component:

- BP 5142: “To assist students in safely crossing streets adjacent to or near school sites, the Board may employ crossing guards and/or establish a safety patrol at any district school. The Superintendent or designee shall periodically examine traffic patterns within school attendance areas in order to identify locations where crossing assistance may be needed.”
- AR 3543: provides a framework for school bus transportation safety plans and procedures including, student and parent education, bus evacuation exercises, limitations on school bus operation in limited visibility conditions and exceptions to school bus capacity limits in emergency situations where students must be moved immediately to ensure safety.
- BP 5131: holds students accountable for conduct not only on campus but also on their way to and from school.
- BP 5131.7: prohibits the possession of weapons, imitation firearms or dangerous instruments of any kind with specific reference to times where students are on their way to or from school.

Each school site will also identify emergency evacuation routes identifying locations where students may assemble in response to fire, earthquake, bomb threats or other similar hazards. A map showing emergency evacuation procedures for each campus is included in Appendix C.7: Campus Emergency Evacuations Plans.

In addition to the safety measures defined above, student safety will also be ensured through the control of the ingress and egress of campus visitors as defined in **BUSD Board Policy 1250**:

To ensure the safety of students and staff and avoid potential disruptions, all visitors shall report to the school office when first entering school grounds and shall follow school procedures for checking in and out of the school and for visiting classrooms and grounds.

For purposes of school safety and security, the principal or designee will develop and ensure use of a visible means of identification for visitors while on school premises.

*Additional code references: Education Code 32210-32211, Penal Code 627*

#### **(H) A Safe and Orderly School Environment Conducive to Learning**

As intended by Educational Code 32282 (b) the action plans shown in the tables on the following pages were developed using strategies presented in the handbook developed and distributed by the School/Law Enforcement Partnership Program entitled “Safe Schools: A Planning Guide for Action”.

| <b>Safe Physical Climate Goal:</b>                                                                                            | <b>Our schools are a source of pride in our community with safe, clean and healthy facilities where our students can learn, achieve and succeed.</b> |                                                       |                                  |                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| <b>Objectives</b>                                                                                                             | <b>Action Steps</b>                                                                                                                                  | <b>Resources</b>                                      | <b>Project Lead(s)</b>           | <b>Outcomes</b>                                                                                                                  |
| Recruit community volunteers to guide traffic during student drop off and pick up at the beginning and end of the school day. | Train volunteers to monitor safe student drop off and pick up to and from school.                                                                    | City of San Jose Traffic Control, Walk n' Roll, AAA   | Krista Castellou                 | Students are able to enter and exit school safely.                                                                               |
| Recruit volunteers to lead fun lunch activities                                                                               | Provide volunteers with supplies to support activities during lunch                                                                                  | Legos, art supplies, cooking supplies                 | Krista Castellou                 | Students have a variety of activities to engage in at lunch.                                                                     |
| Create and practice drills with Division Teams for Disaster Drills                                                            | Create division teams with division team leaders to check-in with staff during drills                                                                | Walkie talkie, Division Team assignments with leaders | Krista                           | Division Team leaders will check in with operations chief to alleviate the need for Incident Commander to check all students in. |
| Explore creating murals at the end of each set of classroom halls.                                                            | Research steps that need to be taken to create a mural at school.                                                                                    | Staff, paint and supplies                             | Krista Castellou/<br>Doreen Cook | School site is a source of pride with the addition of external artwork.                                                          |

| <b>Safe Social Climate Goal:</b>                                                                    | <b>Our students and staff thrive in an environment of mutual respect, self discipline and a commitment to excellence.</b> |                   |                                     |                                                                                                     |
|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------------------------|-----------------------------------------------------------------------------------------------------|
| <b>Objectives</b>                                                                                   | <b>Action Steps</b>                                                                                                       | <b>Resources</b>  | <b>Project Lead</b>                 | <b>Outcomes</b>                                                                                     |
| Teachers will us Studies Weekly: Well Being to support the social emotional growth of the students. | TY will establish monthly growth mindset goals and teach students how to achieve those goals.                             | Mindsetworks .com | Krista Castillou/<br>Galib Haswarey | Students will increase their growth mindset and self efficacy.                                      |
|                                                                                                     | Each student and staff will create personal goals and monitor their progress towards those goals.                         | Panorama          | Students and Teachers               | Students will better understand how their mindset can affect their personal growth and achievement. |
| Teachers will us Studies Weekly: Well Being to support the social emotional growth of the students. | TY will establish monthly growth mindset goals and teach students how to achieve those goals.                             | Mindsetworks .com | Krista Castillou/<br>Galib Haswarey | Students will increase their growth mindset and self efficacy.                                      |
|                                                                                                     | PBIS Team will recognize students who are showing a growth mindset and PBIS expectations at monthly assemblies.           | PBIS ticket data  | Teachers                            | Students will be recognized for their effort in meeting PBIS expectations.                          |

## (I) School Discipline Rules and Consequences

*Additional code references: Education Code 35291 and 35291.5*

**BUSD Board Policy 5131** identifies district-wide standards for student discipline and Code of Conduct:

The Board of Trustees believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, going to or coming from school, at school activities, or using district transportation.

The Superintendent or designee shall ensure that each school develops standards of conduct and discipline consistent with Board policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats
2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption
3. Conduct that disrupts the orderly classroom or school environment
4. Willful defiance of staff's authority
5. Damage to or theft of property belonging to students, staff, or the district

The district shall not be responsible for students' personal belongings which are brought on campus or to a school activity and are lost, stolen, or damaged. BP 5131(b)

6. Obscene acts or use of profane, vulgar, or abusive language
7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs
8. Possession or use of a laser pointer, unless for a valid instructional or other school related purpose (Penal Code 417.27)

Prior to bringing a laser pointer on school premises for a valid instructional or school related purpose, a student shall obtain permission from the principal or designee.

9. Use of a cellular/digital telephone, pager, or other mobile communications device during instructional time Such devices shall be turned off in class, except when being used for a valid instructional or other school-related purpose as determined by the teacher or other district employee, and at any other time directed by a district employee. Any device with camera, video, or voice recording function shall not be used in any manner which infringes on the privacy rights of any other person. No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to purposes related to the student's health. (Education Code 48901.5)

10. Plagiarism or dishonesty on school work or tests

11. Inappropriate attire

12. Tardiness or unexcused absence from school

13. Failure to remain on school premises in accordance with school rules

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or an administrator for further investigation.

When a school official suspects that a search of a student or his/her belongings will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

When a student uses any prohibited device, or uses a permitted device in any unethical or illegal activity, a district employee may confiscate the device. The employee shall store the item in a secure manner until an appropriate time.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, referral to a student success team or counseling services, or denial of participation in extracurricular or co-curricular activities or other privileges in accordance with Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

Students also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.

*For campus-specific rules and comprehensive description of conduct and student behavior expectations, please refer to the student and parent handbook distributed to all students at the start of each school year. Current versions will be available for review alongside this comprehensive safety plan in the Berryessa Union School District- District Office.*

**BUSD Board Policy 5144** describes standards for discipline and provides administrative guidance for the consequences of misconduct:

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

When misconduct occurs, staff shall implement appropriate discipline and attempt to identify and address the causes of the student's behavior. Continually disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy and Administrative Regulations. At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline.

**Additional Board Policies** are listed below, which describe overarching discipline standards for specific areas of concern. Violation of these items will result in student referral to campus administration at the minimum and may lead to suspension or expulsion. These include:

- The Board of Trustees recognizes that students and staff have the right to a safe and secure campus free from physical and psychological harm and desires to protect them from the dangers presented by firearms and other weapons. The Board prohibits any student from possessing weapons, imitation firearms, or other dangerous instruments, as defined in law and administrative regulation, in school buildings, on school grounds or buses, at school-related or school-sponsored activities away from school, or while going to or coming from school. **BUSD Board Policy 5131.7**
- The Board of Trustees desires to keep district schools free from the threats or harmful influence of any groups or gangs which exhibit drug use, violence or disruptive behavior. The Superintendent or designee shall take steps to deter gang intimidation of students and staff and confrontations between members of different gangs. He/she shall exchange information and establish mutually supportive efforts with local law enforcement authorities. The Superintendent or designee shall provide inservice training which helps staff to identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately to gang behavior. Staff shall be informed about conflict management techniques and alerted to intervention measures and community resources. The Board realizes that students become involved in gangs for many reasons, such as peer pressure, the need for a sense of belonging, and lack of refusal skills. Age-appropriate gang violence prevention education shall start with students in the early elementary grades and may start in kindergarten. To further discourage the influence of gangs, the Superintendent or designee shall ensure that school rules of conduct and any school dress code prohibiting gang-related apparel are enforced consistently. If a student exhibits signs of gang affiliation, staff shall so inform the parent/guardian. **BUSD Board Policy 5136**
- The Board of Trustees desires to enhance student learning by striving to provide an environment where students and staff can feel safe and secure and can take pride in their school. To that end, the Superintendent or designee shall develop strategies for preventing graffiti and vandalism on school grounds, including collaborating with local law enforcement and city and county officials, as appropriate, to help develop a coordinated response to graffiti and vandalism in the community. Students and staff are encouraged to report any graffiti or vandalism to the principal or designee for investigation. The principal or designee shall determine whether the incident necessitates an investigation pursuant to the district's sexual harassment, hate-motivated behavior, or non-discrimination grievance procedure. As appropriate, the principal or designee may contact local law enforcement in instances when the graffiti is repetitive, identifies particular targets or groups, identifies the perpetrator, and/or contains incitements to violence, threats, or intimidation. Photographs or other evidence of the vandalism or graffiti shall be preserved as necessary for investigation by the district or law enforcement and as evidence in any district disciplinary proceedings. The principal or designee shall ensure that graffiti on school grounds is removed and covered as soon as possible, and if practicable before the beginning of the school day. A student who commits an act of vandalism or graffiti on school grounds shall be subject to disciplinary action, including, but not limited to, suspension or expulsion in accordance with Board policy and administrative regulation. If reparation for damages is not made, the district

also may withhold the student's grades, diploma, and/or transcripts in accordance with law. **BUSD Board Policy 5131.5**

#### **(J) Hate Crime Reporting Procedures and Policies**

*Additional code references: Penal Code 628*

As stated in **BUSD Board Policy 5145.3**, District programs and activities shall be free from discrimination, including harassment, with respect to the actual or perceived ethnic group, religion, gender, color, race, ancestry, national origin, and physical or mental disability, age or sexual orientation.

The Board of Trustees shall ensure equal opportunities for all students in admission and access to the educational program, guidance and counseling programs, athletic programs, testing procedures, and other activities. Eligibility for choral groups shall be determined solely on the basis of objective competencies. School staff and volunteers shall carefully guard against segregation, bias and stereotyping in instruction, guidance and supervision.

The schools shall provide male and female students with separate shower rooms and sex education classes in order to protect student modesty. In physical education, when objective standards have an adverse effect on students because of their gender, race, ethnic group or disability, other standards shall be used to measure achievement and create comparable educational opportunities.

The Board prohibits intimidation or harassment of any student by any employee, student or other person in the district. Staff shall be alert and immediately responsive to student conduct which may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

Students who harass other students shall be subject to appropriate discipline, up to and including counseling, suspension and/or expulsion. An employee who permits or engages in harassment may be subject to disciplinary action, up to and including dismissal.

The Board hereby designates the following position(s) as Coordinator(s) for Nondiscrimination:

Director of Special Education and Student Services  
Berryessa Union School District  
981 Ridder Park Dr.  
San Jose, CA 95131  
(408) 923-1841

Any student who feels that he/she is being harassed should immediately contact either the nondiscrimination coordinator or the principal or designee. If a situation involving harassment is not promptly remedied by the nondiscrimination coordinator, principal or designee, a complaint may be filed with the superintendent or designee who shall determine which complaint procedure is appropriate.

### **Safety Plan Review, Evaluation and Amendment Procedures**

All Berryessa Union School District Comprehensive School Safety Plans will be reviewed, evaluated and amended (if necessary) in November of each school year.

Pursuant to Education Code Section 35294.6(a), the Berryessa Union School District adopted this annual comprehensive school safety plan at the regular meeting of the Board of Education as noted on the cover page. An opportunity for public comment was provided during this meeting, prior to the plan's adoption. Documentation of this meeting, which may include the meeting agenda, minutes and copies of materials provided for the plan presentation, will be filed alongside the plan and recorded in Appendix A: Documented Safety Planning Process.

An updated file containing all appropriate or required safety related plans and materials are available for public inspection in the Berryessa Union School District Office.

## Safety Plan Appendices

### Protected Information

The preceding Comprehensive School Safety Plan is a public document to be available for review in the school site administrative offices at any time during regular business hours, as mandated by Education Code 32282 (e). However, some appendices within this section may include proprietary information that shall not be released to the general public including personal contact information for staff members, detailed security procedures for campus crisis response and campus vulnerability assessment information.

As protected under the California Public Records Act (Government Code 6254 parts *c* and *aa*) and prescribed by BUSD Administrative Regulation 1340, the following items will be identified as “**Confidential**”, reviewed only in a closed session of the BUSD Board of Education and withheld from public release of the Comprehensive District Safety Plan:

- Any appendices containing personnel information that the disclosure of which would constitute an unwarranted invasion of personal privacy.  
*(Further detail on protected information is also defined in GC 6254.3.)*
- Any appendices prepared to assess District Office and/or school site vulnerabilities to terrorist or other criminal acts intended to disrupt County Office operations.

According to the procedures developed by the Department of Homeland Security and defined in DHS Management Directive 11042.1, the following items will be designated “**For Official Use Only (FOUO)**”, reviewed only in a closed session of the BUSD Board of Education and released only for official safety assurance or crisis response use:

- Any appendices containing detailed crisis response information that, if disclosed, would undermine plans or procedures designed to protect students from harm by revealing safety strategies such as but not limited to critical communications systems, crisis response facilities (i.e. command post, staging areas, etc), and supplies storage.

## Appendix A: Documented Safety Planning Process

| <b>Activity Description</b><br><i>(i.e. review steps, meetings conducted, approvals, etc)</i>                                                                                                                                                                                                       | <b>Date, Time</b> | <b>Attached Document</b><br><i>(description and location)</i>     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------------------------------------------------------|
| Dan Norris, Director of MOT shared the initial draft of the Toyon School Site Safety Plan for the 23/24 School year with Toyon Principal Krista Castillou. The initial draft shared included annual updates, timelines, and areas of focus.                                                         | 9/12/2023         | <i>Via Google Doc Link</i>                                        |
| Toyon Principal Krista Castillou discussed the School Safety Plan for the 23/24 School Year with the Toyon Safety Committee to get approval of updates.                                                                                                                                             | 10/16/23          | <i>Via Google Doc Link</i>                                        |
| Toyon Principal Krista Castillou discussed the School Safety Plan for the 23/24 School Year with the School Site Council to get approval of updates.                                                                                                                                                | 10/18/23          | <i>Agenda and Minutes</i>                                         |
| On behalf of the SJFD, Fire Inspector Louis Fong reviewed and certified the Comprehensive School Site Safety Plan for Toyon Elementary for the 23/24 school year.                                                                                                                                   | 10/23/23          | <i>Met in BUSD Corporation Yard for review and certification.</i> |
| On behalf of the SJPD, School Liaison Unit Officer Matias Cervantes reviewed and certified the Comprehensive School Site Safety Plan for Toyon Elementary for the 23/24 school year.                                                                                                                | 10/23/23          | <i>Met in BUSD Corporation Yard for review and certification.</i> |
| As part of the November 13, 2023 BUSD Safety Committee meeting agenda a motion was passed to approve the Toyon Elementary Comprehensive School Site Safety Plan for the 23/24 school year. BUSD Safety Committee Chair Dan Norris signed on behalf of the committee.                                | 11/13/23          | <i>Agenda and Minutes posted on BUSD Website</i>                  |
| As part of the November 8, 2023 BUSD Board Meeting a motion was passed to approve the Toyon Elementary Comprehensive School Site Safety Plan for the 23/24 school year. Upon approval BUSD Board President <i>Khoa Nguyen</i> and Superintendent Dr. Roxane Fuentes signed for final certification. | 11/8/23           | <i>Agenda and Minutes posted on BUSD Website</i>                  |

## Appendix B: Legal Notice for Pupils and Parents/Guardians

The following sections provide key information for crisis response for BUSD. While this information represents the basic tools needed for an effective crisis response, BUSD will continue to assess, revise and expand on the plan for continuous improvement in student safety. Additional documentation, including a stand-alone crisis response plan will be referenced in Comprehensive District Safety Plan as it is developed.

### **Berryessa Union Elementary School District Legal Notice for Pupils and Parents/Guardians Bullying and Harassment**

The Berryessa Union Elementary School District prohibits discrimination, harassment, intimidation and bullying based on the actual or perceived characteristics of a person's disability, gender, gender identity, gender expression, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. This policy applies to all acts related to school activity or school attendance occurring within a district school.

Bullying is defined as 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 directed toward one or more pupils that has or can be reasonable predicted to have the effect of causing a reasonable pupil to experience a substantially detrimental effect on the pupil's physical or mental health, academic performance, or ability to participate in school activities.

**Board Policy 5131.2**

#### **REPORT IT**

Students, parents, guardians or any person who has been a victim of, or witnessed bullying on school grounds, during school activities, or going to and coming from school is highly encouraged to report the incident immediately to a counselor, administrator, or other adult personnel on campus. Individuals have an option of reporting the incident through the *Bullying/Harassment Complaint Form* located in the school office or online on the District's webpage. Forms can be turned in and or mailed to the school or Student Services Department at the District Office. The district address is 1376 Piedmont Rd., San Jose, CA 95132.

#### **INVESTIGATION**

The principal or designee shall promptly investigate all complaints of bullying or sexual harassment. The student who filed the complaint shall have the opportunity to describe the incident, present witnesses and other evidence of the bullying or harassment, and put his/her complaint in writing. Within 10 school days of the reported incident, the principal or designee shall present a written response to the student who filed the complaint. The report shall include his/her findings, decision and reason for the decision. If the student is in disagreement with the outcome of the response/investigation, an appeal can be filed at the Student Services Department located at 1376 Piedmont Rd., San Jose, CA 95132.

#### **TRANSFER REQUEST**

A child that has been reported as the victim of a violent offense or bullying as defined by state law is entitled to transfer to another school within or outside the District, under California Education Code 46600§ (b). Placement at a requested school is contingent upon space availability. Transfer requests can be obtained at the Student Services Department located at 1376 Piedmont Rd., San Jose, CA 95132.

## Appendix B1: BUSD Bullying/Harassment Complaint Form

### BERRYESSA UNION ELEMENTARY SCHOOL DISTRICT **BULLYING/HARASSMENT COMPLAINT FORM**

Date Filed: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Home Phone #: \_\_\_\_\_

Zip Code: \_\_\_\_\_

School: \_\_\_\_\_

Please identify yourself as a:

Student \_\_\_\_\_ Parent/Guardian \_\_\_\_\_ Employee \_\_\_\_\_ Volunteer \_\_\_\_\_ Other \_\_\_\_\_

**Please check the type of bullying that has occurred (more than one can be checked):**

☐ **Verbal Abuse**

(name calling, racial remarks, belittling,  
Can be done over the phone, in writing,  
in person, text, email)

☐ **Physical**

(hitting, kicking, shoving, twisting  
limbs, spitting, or destroying personal  
belongings)

☐ **Extortion**

(verbal or physical bullying for money  
or personal items)  
are a victim of a group)

☐ **Hazing**

(having to participate in an act of physical or  
emotional harm to be part of a group, or

☐ **Indirect Bullying**

(rejection, exclusion, ignoring,  
alienating or isolating to purposely cause  
emotional distress)

☐ **Cyber Bullying**

(using technology to harass, threaten, or  
target another person-text, instant message,  
email, Facebook, videos, Instagram, etc.)

Date(s) of alleged bullying or harassment: \_\_\_\_\_

Person(s) alleged to have committed the bullying or harassment: \_\_\_\_\_

Name of victims (optional): \_\_\_\_\_

Description of the incident: Use specific dates, times, locations, names, etc. if possible. Use the  
backside of this form if necessary.

Name of Witness(es): \_\_\_\_\_

Have you reported this to anyone else: Yes \_\_\_\_\_ No \_\_\_\_\_ If so, who? \_\_\_\_\_

Signature of reporting person (optional): \_\_\_\_\_ Date: \_\_\_\_\_

Note: Completion of this form will initiate an investigation of the alleged incident of bullying or harassment outlined in this form. Please provide sufficient information to permit a meaningful investigation. All information will be confidential except for that which must be shared as part of the investigation. Submission of a good faith or complaint or report of bullying or harassment will not affect the complainant or reporter's future employment, grades, learning, or working environment or work assignment. By signing above, you are verifying that your statements are true and exact to the best of your knowledge.  
Ed. Code 234-234.5.

Bullying means any severe or pervasive physical or verbal act of conduct, including communications made in writing or by means of an electronic act directed towards 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 in fear of harm to that pupil's person or property
- b. Causing a reasonable pupil to experience a substantially detrimental effect on their mental health.
- c. Causing a reasonable pupil to experience substantial interference with their academic performance.
- d. Causing a reasonable pupil to experience substantial interference with their ability to participate in or benefit from the services, activities or privileges provided by a school.