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Memo

To Board of Education

From Marion McWilliams, General Counsel

Board Meeting Date February 13, 2019

Subject Amendment to Board Policy – Philosophy, Goals, Objectives and Comprehensive Plans – BP 0450 Comprehensive Safety Plan

Action Requested and Recommendation Approval by the Board of Education of updates to the Oakland Unified School District Board Policy BP 0450 Comprehensive Safety Plan

Background Periodically modifications to board policies are recommended to align with changes in law or recommended best practices. The proposed modifications to the board policies reflect the District’s standards.

Discussion Policy updated to reflect new law (AB 1747) which requires the California Department of Education (CDE) to post a compliance checklist for developing the comprehensive safety plan and best practices related to reviewing and approving the plan, and requires districts to share their approved comprehensive safety plans with local law enforcement, the fire department, and other first responder entities.

The changes to the policy are shown on the attachment. The proposed deletions are indicated with **blue strikeouts**. The recommended additions are shown in **red**.

Fiscal Impact No direct funding implications

Attachments Amendment to Board Policy BP 0450 Comprehensive Safety Plan

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

Philosophy, Goals, Objectives and Comprehensive Plans

BP 0450

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.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 3515 - Campus Security)
(cf. 3515.2 - Disruptions)
(cf. 3515.3 - District Police/Security Department)
(cf. 3515.7 - Firearms on School Grounds)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5131.4 - Student Disturbances)
(cf. 5131.41 - Use of Seclusion and Restraint)
(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5136 - Gangs)
(cf. 5137 - Positive School Climate)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

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)

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)

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.

The comprehensive safety plan(s) shall be reviewed and updated by March 1 of each year and forwarded to the Board for approval. (Education Code 32286, 32288)

The Board shall review the comprehensive safety plan(s) in order to ensure compliance with

state law, Board policy, and administrative regulation and shall approve the plan(s) at a regularly scheduled meeting.

(cf. 0500 - Accountability)

(cf. 9320 - Meetings and Notices)

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~~addresses tactical responses to criminal incidents that may result in death or serious bodily injury at the school site, including steps to be taken to safeguard students and staff, secure the affected school premises, and apprehend the criminal perpetrator(s), shall be developed by district administrators in accordance with Education Code 32281. In developing such strategies, district administrators shall consult with law enforcement officials and with ~~a~~a representative(s) of ~~an~~an employee bargaining unit, ~~if he/she chooses~~they choose 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)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

~~Public~~ Access to Safety Plan(s)

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. (Education Code 32282)

(cf. 1340 - Access to District Records)

However, those portions of the comprehensive safety plan that include tactical responses to criminal incidents shall not be publicly disclosed.

The Superintendent or designee shall share the comprehensive safety plans and any updates to the plans with local law enforcement, the local fire department, and other first responder entities. (Education Code 32281)

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 and Violence Prevention Act*~~
41020 *Annual audits*
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*

GOVERNMENT CODE

54957 *Closed session meetings for threats to security*

PENAL CODE

422.55 *Definition of hate crime*

626.8 *Disruptions*

11164-11174.3 *Child Abuse and Neglect Reporting Act*

CALIFORNIA CONSTITUTION

Article I, Section 28(c) *Right to Safe Schools*

CODE OF REGULATIONS, TITLE 5

11987-11987.7 *School Community Violence Prevention Program requirements*

11992-11993 *Definition, persistently dangerous schools*

UNITED STATES CODE, TITLE 20

7111-7122 *Student Support and Academic Enrichment Grants*

7912 *Transfers from persistently dangerous schools*

UNITED STATES CODE, TITLE 42

12101-12213 *Americans with Disabilities Act*

Management Resources:

CSBA PUBLICATIONS

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, July 2016

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

~~*Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief, October 2010*~~

~~*Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2010*~~

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, rev. 2011

Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief, October 2010

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CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Safe Schools: A Planning Guide for Action, 2002

FEDERAL BUREAU OF INVESTIGATION PUBLICATIONS

Uniform Crime Reporting Handbook, 2004

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007

U.S. SECRET SERVICE AND U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates, 2004

WEB SITES

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

California Department of Education, *Safe Schools*: <http://www.cde.ca.gov/l/s/ss>

California Governor's Office of Emergency Services: <http://www.caloes.ca.gov>

California Healthy Kids Survey: <http://chks.wested.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov/ViolencePrevention>

Federal Bureau of Investigation: <http://www.fbi.gov>

National Center for Crisis Management: <http://www.schoolcrisisresponse.com>

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

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

U.S. Secret Service, National Threat Assessment Center: <http://www.secretservice.gov/protection/ntac>

| 8/25/04; 8/9/17A; 2/13/19A (if adopted)

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

Philosophy, Goals, Objectives and Comprehensive Plans

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Aimee Eng
President, Board of Education



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Kyla Johnson Trammell
Secretary, Board of Education