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OAKLAND UNIFIED SCHOOL DISTRICT
Community Schools, Thriving Students

Memo

To Board of Education

From Marion McWilliams, General Counsel

Board Meeting Date August 9, 2017

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

Action Requested Approval 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 In order to ensure that our policies are current, it is important for us to review and update our policies. The proposed changes are based upon the California Association of Schools Board’s recommended model. The modifications have been reviewed and vetted by the General Counsel.

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.

Recommendation Approval of modification to the Oakland Unified School District Board Policy BP 0450 Comprehensive Safety Plan

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. 5131.7 - 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 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 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)

(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.

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
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
CALIFORNIA CONSTITUTION
Article 1, 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

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/ls/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 (if adopted)

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 ~~teaches~~includes strategies for violence prevention and ~~emphasizes~~ 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)~~

~~OPTION~~ ~~(cf. 5131.2 - Bullying)~~

~~(cf. 5131.4 - Student Disturbances)~~

~~(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 - (Districts - Suspension and Expulsion/Due Process)~~

~~(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with 2,501 ADA or more) Disabilities))~~

~~Each principal or designee shall ensure the development of~~ ~~(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 ~~site level~~school safety plan, ~~in accordance with law, tailored~~ relevant to the ~~specific concerns of each school. The plan shall take into account the school's staff, available~~ needs and resources ~~and building design, as well as other factors unique to the site.~~

~~(cf. 0420 - School Plans/Site Councils)~~

~~(cf. 1220 - Citizen Advisory Committees)~~

~~Each school shall review and update its safety plan by March 1 of each year~~ 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

~~(cf. 0510 - School Accountability Report Card)~~

Each school shall forward the 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 approve the plan at a regularly scheduled meeting of the Board and the adoption of the plan shall not be a consent item. At a minimum, the Board shall discuss both of the following: -(Education Code 32288, 35294.21, 35294.22)~~

~~1. — How the safety plan addresses the needs of the school and students within that school~~

~~2. — How the school site council or safety planning committee considered the "three essential components" when writing the plan, including assuring each student a safe physical environment; assuring each student a safe, respectful, accepting and emotionally nurturing environment; and providing each student resiliency skills~~

~~(cf. 9322 - Agenda/Meeting Materials)~~

The Board shall review the comprehensive ~~school~~ 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 ~~Deputy Superintendent of Business Services~~ 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)

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Legal Reference:

EDUCATION CODE

200-262.4 -Prohibition of ~~sex~~-discrimination

32260-32262 -Interagency School Safety Demonstration Act of 1985

32270 -School safety cadre

32280-~~32288~~ 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

~~35294.20 35294.25 Double Your Cash Program~~

48900-~~48926~~ 48927 Suspension and expulsion

48950 -Speech and other communication

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

67381 Violent crime, ~~definition~~

PENAL CODE

~~628 628.6 Reporting~~422.55 Definition of school ~~hate~~ crime

626.8 Disruptions

11164-11174.3 -Child Abuse and Neglect Reporting Act

CALIFORNIA -CONSTITUTION

Article 1, -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

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

Safe Schools: ~~Governing Board~~ Strategies for Governing Boards to ~~Combat~~ 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 ~~Violence, 1999~~ Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

CDE CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

WEB SITES

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

California Department of Education, Safe Schools ~~Office~~:- <http://www.cde.ca.gov/spbranch/safety/ls/ss>

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

National Alliance for Safe Schools: California Governor's Office of Emergency Services:

<http://www.safeschoolscaloes.ca.gov>

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

School/Law Enforcement Partnership: Centers for Disease Control and Prevention:

<http://www.cde.ca/cdc.gov/spbranch/safety/slep/partnership.asp> ViolencePrevention

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

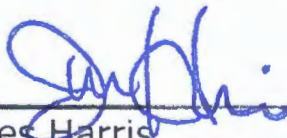
National Center for Crisis Management: <http://www.schoolcrisisresponse.com>

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

U.S. Department of Education, ~~Safe Schools~~:- <http://www.ed.gov/about/offices/list/osep/gtss.html>

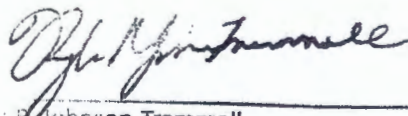
U.S. Secret Service, National Threat Assessment Center: <http://www.secretservice.gov/protection/ntac>

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James Harris
President, Board of Education

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By:



R. Johnson-Trammell
Secretary, Board of Education