

El Dorado County Grand Jury 2011-2012

Placerville Union School District Policies and Procedures Case Number GJ-11-002

Reason for Report

The Grand Jury received a complaint that Louisiana Schnell School, a division of the Placerville Union School District (PUSD), did not follow policies regarding documentation and handling of complaints. The complaint also addressed student and employee rights to be safe and free from harassment.

Background

Children have a right to be safe at school. The California Constitution (Article 1) states in part, “the public safety is protected and encouraged as a goal of highest importance and such public safety extends to public primary, junior high and senior high school campuses, where students and staff have the right to be safe and secure in their persons. All students and staff of public schools have the inalienable right to attend campuses which are safe, secure and peaceful.”

An employee was observed allegedly bullying children on several occasions.

PUSD Administration Regulation 4158 (AR4158) ([Attachment 1](#)) states in part, “... employees shall promptly report to their principal or supervisor, and may report to law enforcement, any attack, assault or threat made against them on school grounds by any other individual.”, in addition, “Reports of attack, assault or threat also shall be forwarded immediately to the Superintendent or designee.”

Within the PUSD, children are required to sign a bully pledge ([Attachment 2](#)), which directs them to tell someone if they are bullied or see someone bullied.

Methodology

Documents:

2007-2008 Grand Jury Report on Safe Schools GJ-07-013
2011-2012 Placerville Union School District Annual Notification to Employees
California Constitution, Article 1
California Education Code §35294.2 ([Attachment 3](#))
[El Dorado County Office of Education](#)
Employee and Student Handbooks from all schools within El Dorado County
[Placerville Union School District](#)
Placerville Union School District Bully Pledge ([Attachment 2](#))

Placerville Union School District Board of Education Administrative Regulation
4158 ([Attachment 1](#))

Placerville Union School District Policy for Prevention of Bullying ([Attachment 4](#))

Williams Uniform Complaint Form ([Attachment 5](#))

Interviews:

El Dorado County Office of Education Superintendent
Placerville Union School District Administrators
Placerville Union School District Classified Staff
Placerville Union School District Parents
Placerville Union School District Teachers

Facts/Findings

1. Procedures on how to file a complaint are the same county-wide. ([Attachment 5](#))
2. California Education Code §35294.2 requires schools to have a bully policy in place. ([Attachment 3](#))
3. Schools within the PUSD do not have a complaint form in their handbooks; however, it is available on the district website.
4. PUSD uses the Williams Uniform Complaint Form to address all complaints; however, this form does not address bullying or harassment.
5. PUSD Administrative Regulation 4158 requires district employees to report anyone treating a child inappropriately.
6. Employees receive training every two years on sexual harassment in the workplace. They do not currently receive ongoing training in bully prevention. The students sign an anti-bully pledge every year. ([Attachment 1](#))
7. The bully policy only covers student to student bullying. It does not cover adult to student, adult to adult, or student to adult bullying or harassment. ([Attachment 4](#))
8. The Policy for Prevention of Bullying does not include a definition of bullying.

Recommendations

1. The Grand Jury recommends that PUSD develop a complaint form to specifically address bullying and harassment. This form should be available in both the Student Handbook and on the district website.
2. The Grand Jury recommends that PUSD implement yearly employee training on bully prevention and conflict resolution.
3. The Grand Jury recommends that PUSD employees be properly trained on when and how to report inappropriate conduct, bullying or harassment, as directed in AR4158.
4. The Grand Jury recommends adding a definition of bullying to the Policy for Prevention of Bullying.

Responses

Responses to both the findings and recommendations in this report are required by law in accordance with California Penal Code §933 and §933.05. Address responses to:
The Honorable Suzanne N. Kingsbury, Presiding Judge of the El Dorado County Superior Court,
1354 Johnson Blvd., South Lake Tahoe, CA 96150.

This report has been provided to:

El Dorado County Board of Supervisors
El Dorado County Office of Education
Placerville Union School District

(Attachment 1)

Placerville Union SD | 4000 | AR 4158, 4258, 4358 Personnel

Employee Security

An employee may use reasonable and necessary force for his/her self-defense, defense of another person, or protection of property; to quell a disturbance threatening physical injury to others; or to obtain possession of weapons or other dangerous objects within the control of a student. (Education Code 44807, 49001)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

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

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

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

(cf. 3515.2 - Disruptions)

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

(cf. 3320 - Claims and Actions Against the District)

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 3530 - Risk Management/Insurance)

Notice Regarding Student Offenses Committed While Under School Jurisdiction

The Superintendent or designee shall inform the teacher(s) of each student who has engaged in, or is reasonably suspected of, any act during the previous three school years which could constitute grounds for suspension or expulsion under Education Code 48900, with the exception of the possession or use of tobacco products, or Education Code 48900.2, 48900.3, 48900.4, or 48900.7. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

(cf. 5125 - Student Records)

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

Upon receiving a transfer student's record regarding acts committed by the student that resulted in his/her suspension or expulsion, the Superintendent or designee shall inform the student's teacher(s) that the student was suspended or expelled from his/her former district and of the act that resulted in the suspension or expulsion. (Education Code 48201)

Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 49079)

Notice Regarding Student Offenses Committed While Outside School Jurisdiction

When informed by the court that a minor student has been found by a court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism, or graffiti, the Superintendent or designee shall so inform the school principal. (Welfare and Institutions Code 827)

The principal shall disseminate this information to any counselor who directly supervises or reports on the student's behavior or progress. The principal also may inform any teacher or administrator he/she thinks may need the information so as to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code 827)

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

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

Any confidential file of court-initiated information shall be kept until the student becomes 15, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first, and shall then be destroyed. (Welfare and Institutions Code 827)

Procedures to Maintain Confidentiality of Student Offenses

In order to maintain confidentiality when providing information about student offenses to counselors and teachers of classes/programs to which a student is assigned, the principal or designee shall send the staff member a written notification that one of his/her students has committed an offense that requires his/her review of a student's file in the school office. This notice shall not name or otherwise identify the student. The staff member shall be asked to initial the notification and return it to the principal or designee.

The staff member shall also initial the student's file when reviewing it in the school office. Once the district has made a good faith effort to comply with the notification requirement of Education Code 49079 and Welfare and Institutions Code 827, an employee's failure to review the file constitutes district compliance with the requirement to provide notice to the teacher.

Regulation PLACERVILLE UNION SCHOOL DISTRICT

approved: October 19, 2011 Placerville, California



**Placerville Union School District Schools
Anti-Bullying Pledge
2011-2012**

We the students of the Placerville Union School District agree to join together with our community to stop bullying.

BY SIGNING THIS PLEDGE, I AGREE TO:

- ✓ Treat others respectfully
- ✓ Try to include those who are left out
- ✓ Refuse to watch, laugh or join in when someone is being bullied
- ✓ Refuse to engage in cyber bullying
- ✓ Help those who are being bullied
- ✓ Tell an adult
- ✓ "Do the Right Thing"

I promise to uphold my pledge to myself to be Bully-Free!

Student signature _____
 Parent signature _____
 Teacher signature _____
 Principal signature _____



My community partners are:

David Machado, Placerville Mayor David Machado
 Judge James R. Wagoner, El Dorado Superior Court James R. Wagoner
 Chief Bruce Lacher, El Dorado County Fire District Bruce Lacher
 John D'Agostini, El Dorado County Sheriff's Department John D'Agostini
 Chief George Nielsen, Placerville Police Department George Nielsen
 Misty diVittorio, PUSD Board President Misty diVittorio
 Debbie Akin, PUSD Board Member Debbie Akin
 Robin Lyons, PUSD Board Member Robin Lyons
 Sean Martin, PUSD Board Member Sean Martin
 Karen Parker, PUSD Board Member Karen Parker
 Nancy Lynch, Ed.D., PUSD Superintendent Nancy Lynch



Together we make a difference!



(Attachment 3)

Sample Policies

Model policies on the prevention of bullying and on conflict resolution that were developed by the California Department of Education as resources to help California schools address these vital school safety concerns.

To assure that California schools act promptly to resolve disputes, taunting, harassment, or bullying that could result in violence, the Legislature and the Governor enacted Assembly Bill 79 (Chapter 646, Statutes of 2001). This bill amends *Education Code* Section 35294.2 to include subdivision (g):

"The State Department of Education shall develop model policies on the prevention of bullying and on conflict resolution and make the model policies available to school districts. A school district may adopt one or both of these policies for incorporation into its school safety plan."

The California Department of Education developed the following policies as resources to help California schools address these vital school safety concerns. School districts may adapt these policies to local needs and are encouraged to include:

Examples of strategies used in their schools for promoting positive behavior being practiced by its school community,

Training conducted for teachers and staff about how to appropriately intervene in a dispute, including expectations from adults who observe a dispute or act of taunting, harassment, or bullying,

Conflict resolution or peer mediation training provided to students and expectations of students who observe disputes that could lead to violence, including identifying the person(s) to be contacted if needed.

Sample Policy for Bullying Prevention

The _____ School District believes that all students have a right to a safe and healthy school environment. The district, schools, and community have an obligation to promote mutual respect, tolerance, and acceptance.

The _____ School District will not tolerate behavior that infringes on the safety of any student. A student shall not intimidate or harass another student through words or actions. Such behavior includes: direct physical contact, such as hitting or shoving; verbal assaults, such as teasing or name-calling; and social isolation or manipulation.

The _____ School District expects students and/or staff to immediately report incidents of bullying to the principal or designee. Staff are expected to immediately intervene when they see a bullying incident occur. Each complaint of bullying should be promptly investigated. This policy applies to students on school grounds, while traveling to and from school or a school-sponsored activity, during the lunch period, whether on or off campus, and during a school-sponsored activity.

To ensure bullying does not occur on school campuses, the _____ School District will provide staff development training in bullying prevention and cultivate acceptance and understanding in all students and staff to build each school's capacity to maintain a safe and healthy learning environment

Teachers should discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of bullying. Students who bully are in violation of this policy and are subject to disciplinary action up to and including expulsion.

Each school will adopt a Student Code of Conduct to be followed by every student while on school grounds, or when traveling to and from school or a school-sponsored activity, and during lunch period, whether on or off campus.

The Student Code of Conduct includes, but is not limited to:

Any student who engages in bullying may be subject to disciplinary action up to and including expulsion.

Students are expected to immediately report incidents of bullying to the principal or designee.

Students can rely on staff to promptly investigate each complaint of bullying in a thorough and confidential manner.

If the complainant student or the parent of the student feels that appropriate resolution of the investigation or complaint has not been reached, the student or the parent of the student should contact the principal or the Office of Student Services. The school system prohibits retaliatory behavior against any complainant or any participant in the complaint process.

The procedures for intervening in bullying behavior include, but are not limited, to the following:

All staff, students and their parents will receive a summary of this policy prohibiting bullying: at the beginning of the school year, as part of the student handbook and/or information packet, as part of new student orientation, and as part of the school system's notification to parents.

The school will make reasonable efforts to keep a report of bullying and the results of investigation confidential.

Staff are expected to immediately intervene when they see a bullying incident occur.

People witnessing or experiencing bullying are encouraged to report the incident; such reporting will not reflect on the victim or witnesses in any way.

Sample Policy for Conflict Resolution

The _____ School District believes that all students have a right to a safe and healthy school environment. Part of a healthy environment is the freedom to openly disagree. With this freedom comes the responsibility to discuss and resolve disagreements with respect for the rights and opinions of others.

To prevent conflict, each school within the _____ School District will incorporate conflict resolution education and problem solving techniques into the curriculum and campus programs. This is an important step in promoting respect and acceptance, developing new ways of communicating, understanding, and accepting differing values and cultures within the school community and helps ensure a safe and healthy learning environment

The _____ School District will provide training to develop the knowledge, attitudes, and skills students need to choose alternatives to self-destructive, violent behavior and dissolve interpersonal and intergroup conflict. Each school will adopt a Student Code of Conduct to be followed by every student while on school grounds, when traveling to and from school or a school-sponsored activity, and during lunch period, whether on or off campus.

The Student Code of Conduct includes, but is not limited to, the following:

Students are to resolve their disputes without resorting to violence.

Students, especially those trained in conflict resolution and peer mediation, are encouraged to help fellow students resolve problems peaceably.

Students can rely on staff trained in conflict resolution and peer mediation strategies to intervene in any dispute likely to result in violence.

Students needing help in resolving a disagreement, or students observing conflict may contact an adult or peer mediators (*give location where listing of designated staff and students is posted*).

Students involved in a dispute will be referred to a conflict resolution or peer mediation session with trained adult or peer mediators. Staff and mediators will keep the discussions confidential.

Conflict resolution procedures shall not supplant the authority of staff to act to prevent violence, ensure campus safety, maintain order, and discipline students.

PLACERVILLE UNION SCHOOL DISTRICT POLICY FOR PREVENTION OF BULLYING

The Placerville Union School District believes that all students have a right to a safe and healthy school environment. The district, schools, and community have an obligation to promote mutual respect, tolerance and acceptance.

The Placerville Union School District will not tolerate behavior that infringes on the safety of any student. A student shall not intimidate or harass another student through words or actions. Such behavior includes direct physical contact, such as hitting or shoving; verbal assaults, such as teasing or name-calling; and social isolation or manipulation.

The Placerville Union School District expects students and/ or staff to immediately report incidents of bullying to the principal or designee. Staff members are expected to immediately intervene when they see a bullying incident. Each complaint of bullying should be promptly investigated. This policy applies to students on school grounds, while they are traveling to and from school or a school-sponsored activity off-site, during the lunch period whether on or off campus, and during a school-sponsored activity.

To ensure bullying does not occur on school campuses, the Placerville Union School District will provide staff development training in prevention of bullying and cultivate acceptance and understanding in all students and staff to develop each school's ability to maintain a safe and healthy learning environment.

Teachers should discuss this policy with students in ways appropriate to their ages and should assure them that they need not endure any form of bullying. Students who bully are in violation of this policy and are subject to disciplinary action up to and including expulsion.

Each school will adopt a Student Code of Conduct to be followed by every student while he or she is on school grounds, when traveling to and from school or a school-sponsored activity, and during lunch period, whether on or off campus.

The Student Code of Conduct includes, but is not limited to, the following actions and consequences:

- Any student who engages in bullying shall be subject to disciplinary action up to and including expulsion.
- Students are expected to immediately report incidents of bullying to the principal or designee.
- Students can rely on staff to promptly investigate each complaint of bullying in a thorough and confidential manner.

If the complainant student or the parent of the student believes that the investigation or complaint was not resolved appropriately, the student or the parent of the student should contact the principal or the school office. The school system prohibits retaliatory behavior against any complainant or any participant in the complaint process.

The procedures for intervening in bullying behavior include, but are not limited to, the following:

- All staff, students, and parents will receive a summary of the policy prohibiting bullying at the beginning of the school year, as part of the student handbook and/or information packet, as part of new student orientation, and as part of the school system's notification to parents.
- The school will make reasonable efforts to keep confidential a report of bullying and the results of the investigation.
- Staff members are expected to immediately intervene when they see a bullying incident occur.
- People witnessing or experiencing bullying are encouraged to report the incident; such reporting will not reflect on the victim or witnesses in any way.

Placerville Union SD

Exhibit 1312.4

WILLIAMS UNIFORM COMPLAINT PROCEDURES

COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURES

Education Code 35186 creates a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, teacher vacancy or misassignment. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? Yes No

Contact Information:

Name: _____

Address: _____

Phone Number: Day: _____ Evening: _____

E-mail address, if any: _____

Location of the problem that is the subject of this complaint:

School: _____

Course title/grade level and teacher name: _____

Room number/name of room/location of facility: _____

Date problem was observed: _____

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please use the appropriate district complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)

A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.

A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.

Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment: (Education Code 35186; 5 CCR 4681)

A semester begins and a teacher vacancy exists. A teacher vacancy is a position to

which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

___ A teacher lacking credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.

___ A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

3. Facility conditions: (Education Code 35186, 35292.5; 5 CCR 4683)

___ A condition exists that poses an emergency or urgent threat to the health or safety of pupils or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff; or structural damage creating a hazardous or uninhabitable condition.

___ A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.

___ The school has not kept all restrooms open during school hours when pupils are not in classes and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when closing of the restroom is necessary for pupil safety or to make repairs.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of pupils or staff.

Please file this complaint at the following location:

Nancy Lynch, Ed.D., Superintendent
1032 Thompson Way
Placerville, CA 95667

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

(signature)

(date)