

**Regulation 4158: Employee Security**

Status: ADOPTED

Original Adopted Date: 11/01/2000 | Last Revised Date: 06/01/2021 | Last Reviewed Date: 06/01/2021

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

An employee shall promptly report to the principal or other immediate supervisor any attack, assault, or physical threat made against the employee by a student or by any other individual in relation to the performance of the employee's duties, and any action the employee took in response. Reports of an attack, assault, or threat shall be forwarded immediately to the Superintendent or designee.

CSBA NOTE: Pursuant to Education Code 44014, it is the duty of an employee and the employee's immediate supervisor to report to law enforcement any attack, assault, or physical threat made against the employee by a student. Compliance with district procedures related to reporting incidents, as specified in the paragraph above, does not exempt an employee or supervisor from the duty to make a report to law enforcement. Failure to report such an attack, assault, or physical threat is an infraction punishable by a fine. It is also an infraction for a Governing Board member or employee to prevent the filing of the report or to impose any sanction against an employee for doing so.

Although the law only requires employees to report attacks, assaults, or threats made by students, the district may revise the following paragraph to require employees to report any attack, assault, or threat made against them by any other individual on school grounds.

In addition, the employee and the principal or other immediate supervisor shall promptly report to local law enforcement authorities an attack, assault, or physical threat made against the employee by a student. (Education Code 44014)

**Notice Regarding Student Offenses**

When a student commits certain offenses that may endanger staff or others, the following procedures shall be implemented to notify staff members as appropriate:

1. Acts That Are Grounds for Suspension or Expulsion

CSBA NOTE: Education Code 49079 requires the district to inform teachers of students who have committed specified acts that constitute grounds for suspension or expulsion. School district officers or employees who knowingly fail to provide this information are guilty of a misdemeanor punishable by a fine and/or imprisonment.

- a. The Superintendent or designee shall inform the teacher(s) of each student who, during the previous three school years, has engaged in or is reasonably suspected to have engaged in any act, except the possession or use of tobacco products, that would constitute a ground for suspension or expulsion as specified in AR 5144.1 - Suspension and Expulsion/Due Process. 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)

CSBA NOTE: Education Code 48201 requires districts to request records of a transferring student regarding acts that resulted in the student's suspension or expulsion from the previous school, as specified below; see AR 5125 - Student Records. Once the record is received, the Superintendent or designee must inform the student's teacher(s) of the acts as specified below.

- b. Upon receiving a transfer student's record regarding acts committed by the student that resulted in suspension or expulsion, the Superintendent or designee shall inform the student's teacher(s) that the student was suspended from school or expelled from the former district and of the act that resulted in the suspension or expulsion. (Education Code 48201)
- c. 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 48201, 49079)

2. Offenses Reported to the District by a Court

CSBA NOTE: Welfare and Institutions Code 827 requires a court, within seven days, to provide written notification to the Superintendent when a minor student has been found by the court to have committed a felony or misdemeanor involving specified offenses. Upon receiving such notification, the Superintendent must notify certain counselors, teachers, and administrators, as described in item #2.

In addition, Welfare and Institutions Code 828.1 specifies that a school district police or security department may provide written notification to the Superintendent when a minor student has been found by a court to have illegally used, sold, or possessed a controlled substance or committed specified crimes involving serious acts of violence. In such cases, the information may be transmitted to a teacher, counselor, or administrator with direct supervisory or disciplinary responsibility over the student, and such information must be received in confidence for the limited purpose for which it was provided. Districts that maintain their own police or security department may expand the following item to authorize the department to notify the Superintendent of such offenses.

- a. When informed by a court that a minor student has been found by the 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 expeditiously notify the school principal. (Welfare and Institutions Code 827)
- b. The principal shall expeditiously disseminate this information to any counselor who directly supervises or reports on the student's behavior or progress and to any teacher or administrator directly supervising or reporting on the student's behavior or progress whom the principal thinks may need the information in order to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code 827)
- c. 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)
- d. When a student is removed from school as a result of an 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)
- e. Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first, and shall then be destroyed. (Welfare and Institutions Code 827)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Intentional violation of the confidentiality provisions of Welfare and Institutions Code 827 is a misdemeanor punishable by a fine.

In order to maintain confidentiality when providing information about student offenses to a counselor or teacher, the principal or designee shall send the staff member a written notification that a student has committed an offense that requires review of a student's file in the school office. This notice shall not name or otherwise identify the student. The staff member shall initial the notification and shall also initial the student's file when reviewing it in the school office.

#### **Accommodations for Victims of Domestic Violence, Sexual Assault, or Stalking**

CSBA NOTE: Pursuant to Labor Code 230, the district is required to provide reasonable accommodations at work, upon request, to an employee who is a victim of domestic violence, sexual assault, or stalking. The district is not required to provide reasonable accommodations to an employee who has not disclosed the employee's status as a victim of domestic violence, sexual assault, or stalking nor to undertake an action that constitutes an undue hardship, as defined by Government Code 12926.

In addition, Labor Code 230 and 230.1 allow employees who are victims of domestic violence, sexual assault, or stalking to use available leave for the purposes of (1) obtaining relief (e.g., a temporary restraining order, restraining order, or injunctive relief) to protect the health, safety, or welfare of the employee or the employee's child; (2) seeking medical attention for injuries caused by the crime or abuse; (3) obtaining services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency; (4) obtaining psychological counseling or mental health services related to an experience of crime or abuse; and/or (5) participating in safety planning and taking other actions to increase safety from future crime or abuse, including temporary or permanent relocation. As amended by AB 2992 (Ch. 224, Statutes of 2020), Labor Code 230 and 230.1 expand these provisions to include employees who are victims of a crime that caused physical injury, or mental injury with a threat of physical injury,

and employees whose immediate family member is deceased as the direct result of a crime. See AR 4161.2/4261.2/4361.2 - Personal Leaves.

When requested by an employee who is a victim of domestic violence, sexual assault, or stalking, the district shall provide the employee reasonable accommodations which may include the implementation of safety measures, including: (Labor Code 230)

1. A transfer, reassignment, or modified schedule
2. A changed work telephone or work station
3. An installed lock
4. Assistance in documenting domestic violence, sexual assault, stalking, or other crime that occurs in the workplace
5. Referral to a victim assistance organization
6. Another safety procedure or adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other crime

The Superintendent or designee shall engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations that do not pose an undue hardship on the district. In determining whether an accommodation is reasonable, the Superintendent or designee shall consider any exigent circumstance or danger facing the employee. (Labor Code 230)

Upon the request of the Superintendent or designee, an employee requesting a reasonable accommodation shall provide a written statement, signed by the employee or an individual acting on the employee's behalf, certifying that the accommodation is for an authorized purpose. The Superintendent or designee may also request that the employee provide certification of the employee's status as a victim of domestic violence, sexual assault, or stalking. Such certification may include: (Labor Code 230)

1. A police report indicating that the employee was a victim
2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a licensed medical professional or health care provider, domestic violence or sexual assault counselor, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse
4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf

Any verbal or written statement, police or court record, or other documentation identifying an employee as a victim shall be confidential and shall not be disclosed by the district except as required by federal or state law or as necessary to protect the employee's safety in the workplace. The employee shall be notified before any authorized disclosure. (Labor Code 230)

Every six months after the date of the certification, the Superintendent or designee may request recertification of the employee's status as a victim of domestic violence, sexual assault, or stalking or ongoing circumstances related to the crime or abuse. The employee shall notify the Superintendent or designee if, due to changing circumstances, the employee needs a new accommodation or no longer needs an accommodation. (Labor Code 230)

The district shall not retaliate against an employee because of the employee's status as a victim of crime or abuse or for requesting a reasonable accommodation, regardless of whether the request was granted. (Labor Code 230)

#### **Use of Pepper Spray**

CSBA NOTE: The following optional section may be revised to reflect district practice. See the accompanying Board policy for further information and the Board's determination to allow or disallow, with certain exceptions, the possession of pepper spray on school property or at school activities.

The Superintendent or designee shall notify employees of the district's policy prohibiting the possession of pepper spray on school property or at school-related activities without prior approval of the Superintendent or designee.

Employees wishing to carry pepper spray shall submit to the Superintendent or designee a written request setting forth the need for the pepper spray. The Superintendent or designee shall notify the employee in writing as to whether the request was approved or denied.

When approving an employee's request, the Superintendent or designee shall inform the employee of the following conditions:

1. The pepper spray shall be used only in self-defense pursuant to Penal Code 22810.
2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the district and, in accordance with law, a fine and/or imprisonment.
3. The pepper spray must be stored in a secure place and not be accessible to students or other individuals. Negligent storage of the pepper spray may subject the employee to disciplinary action.

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State References**

**Description**

CCP. 527.8	Workplace violence safety - <a href="https://simbli.eboardsolutions.com/SU/zzBhO3hWGUr7IplusYiDNCP8A==">https://simbli.eboardsolutions.com/SU/zzBhO3hWGUr7IplusYiDNCP8A==</a>
Civ. Code 51.7	Freedom from violence or intimidation - <a href="https://simbli.eboardsolutions.com/SU/biK5w5xHjasIshApluscWXhrJ7ZQ==">https://simbli.eboardsolutions.com/SU/biK5w5xHjasIshApluscWXhrJ7ZQ==</a>
Ed. Code 32210-32212	Willful disturbance, public schools or meetings
Ed. Code 32225-32226	Communications devices in classrooms
Ed. Code 35208	Liability insurance
Ed. Code 35213	Reimbursement for loss or damage of personal property
Ed. Code 44014	Report of assault by pupil against school employee
Ed. Code 44807	Duty concerning conduct of students
Ed. Code 48201	Student records for transfer students who have been suspended/expelled
Ed. Code 48900-48926	Suspension and expulsion
Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion
Ed. Code 49330-49335	Injurious objects
Gov. Code 995-996.4	Defense of public employees
Pen. Code 22810	Purchase, possession, and use of tear gas
Pen. Code 240-246.3	Assault and battery
Pen. Code 241.3	Assault against school bus drivers
Pen. Code 241.6	Assault on school employee including board member
Pen. Code 243.3	Battery against school bus drivers
Pen. Code 243.6	Battery against school employee including board members
Pen. Code 245.5	Assault with deadly weapon against school employee including board member
Pen. Code 290	Registration of sex offenders
Pen. Code 601	Trespass by person making credible threat
Pen. Code 626-626.11	Crimes on school grounds
Pen. Code 646.9	Stalking
Pen. Code 71	Threatening public officers and employees and school officials

W&I Code 827 Juvenile court proceedings; reports; confidentiality  
 W&I Code 828.1 Disclosure of criminal records; protection of vulnerable staff & students

**Federal References**

Gov. Code 3543.2

**Description**

Scope of bargaining

**Management Resources References**

Court Decision

**Description**

A.M. v. Albertsons, LLC, (2009) Cal.App.4th 455

Website

AASA The School Superintendents Association -  
<https://simbli.eboardsolutions.com/SU/MOaF8AQ8cslshSlfGc13QQoEQ==>

**Cross References**

0450

Comprehensive Safety Plan -  
<https://simbli.eboardsolutions.com/SU/r4vTslshoYLVujplusGaGRffa0mA==>

0450

Comprehensive Safety Plan -  
<https://simbli.eboardsolutions.com/SU/H5ZxOaslsH0eexslshGjrvQ4J5Q==>

3320

Claims And Actions Against The District -  
<https://simbli.eboardsolutions.com/SU/BuZpluscslsheklGTKYTC1X8Tc6w==>

3320

Claims And Actions Against The District -  
<https://simbli.eboardsolutions.com/SU/rsrwDbO5fHXETOkTG2HnoQ==>

3515

Campus Security -  
<https://simbli.eboardsolutions.com/SU/f6i6slshR6cGolXslshmolU69iw==>

3515

Campus Security -  
<https://simbli.eboardsolutions.com/SU/WKgaiEXXQzkZR3wljM36Q==>

3515.2

Disruptions -  
<https://simbli.eboardsolutions.com/SU/GkkjXAonslshVHxVm2tMziANg==>

3515.2

Disruptions -  
<https://simbli.eboardsolutions.com/SU/slshsK2Yslshuv8NyZVNoTRjruiQ==>

3515.3

District Police/Security Department -  
<https://simbli.eboardsolutions.com/SU/OplusT25bscsqRaR2b2YrRt9Q==>

3515.3

District Police/Security Department -  
<https://simbli.eboardsolutions.com/SU/plus0c74vF8Nf22j6JrQypnmA==>

3515.4

Recovery For Property Loss Or Damage -  
<https://simbli.eboardsolutions.com/SU/qcF37ZQOFyQ2yRplusBCEaBQw==>

3515.4

Recovery For Property Loss Or Damage -  
<https://simbli.eboardsolutions.com/SU/u9hAN62zZCbJMCUuQrJX1Q==>

3515.7

Firearms On School Grounds -  
<https://simbli.eboardsolutions.com/SU/AslshL99psqb9FahtgonK1oTg==>

3530

Risk Management/Insurance -  
<https://simbli.eboardsolutions.com/SU/iUslshDYKQy5slzYHL2I74W8Q==>

3530

Risk Management/Insurance -  
<https://simbli.eboardsolutions.com/SU/qBRGHFJBCZYTaxyFzvOqxA==>

4118

Dismissal/Suspension/Disciplinary Action -  
<https://simbli.eboardsolutions.com/SU/1YrgGuTkMplus0UaxAvWCplusJw==>

4118

Dismissal/Suspension/Disciplinary Action -  
<https://simbli.eboardsolutions.com/SU/yDCJeRpwI0FjrK2At7UfwQ==>

4119.21

Professional Standards -  
<https://simbli.eboardsolutions.com/SU/ZeWK7tnMakbZUuFaaDBDWw==>

4119.21-E(1)

Professional Standards -  
<https://simbli.eboardsolutions.com/SU/iG6AVBF4BgdzHyZFjuvhbw==>

- 4131 Staff Development -  
<https://simbli.eboardsolutions.com/SU/mplusfJtQCJn0ArH43NKz32QQ==>
- 4156.3 Employee Property Reimbursement -  
<https://simbli.eboardsolutions.com/SU/w15qPslshTtjYf9ErG51fh7A==>
- 4157 Employee Safety -  
<https://simbli.eboardsolutions.com/SU/l8CBHjVv218jGslshB4jb1C3w==>
- 4157 Employee Safety -  
<https://simbli.eboardsolutions.com/SU/J1osoQ3kRasQMkpLwHnCpg==>
- 4218 Dismissal/Suspension/Disciplinary Action -  
<https://simbli.eboardsolutions.com/SU/czG8fDwRf064KBrmx9JpoA==>
- 4218 Dismissal/Suspension/Disciplinary Action -  
<https://simbli.eboardsolutions.com/SU/fkQ8KXXilmL8nSZKln3ujA==>
- 4219.21 Professional Standards -  
<https://simbli.eboardsolutions.com/SU/m8U4AdO31qCHGQjYPO4NBg==>
- 4219.21-E(1) Professional Standards -  
<https://simbli.eboardsolutions.com/SU/dqLF5qfWnPonZplusdlnqIZDw==>
- 4231 Staff Development -  
<https://simbli.eboardsolutions.com/SU/YX9IZdvUEZNtp9AuLVbcSw==>
- 4256.3 Employee Property Reimbursement -  
<https://simbli.eboardsolutions.com/SU/Diqqp2LnnuKSBslsh56hDhkRw==>
- 4257 Employee Safety -  
<https://simbli.eboardsolutions.com/SU/wOOy9YKHGI0rDq9FRs4hgQ==>
- 4257 Employee Safety -  
<https://simbli.eboardsolutions.com/SU/sDZFAElpxa0B12uEgvHypA==>
- 4319.21 Professional Standards -  
<https://simbli.eboardsolutions.com/SU/115qDfPPbZS8TcMjIdkzzQ==>
- 4319.21-E(1) Professional Standards -  
<https://simbli.eboardsolutions.com/SU/ijbjz3ryK1wpluscdDjXaV78w==>
- 4331 Staff Development -  
<https://simbli.eboardsolutions.com/SU/OkW8aN8YElq60duEw4slHw==>
- 4356.3 Employee Property Reimbursement -  
<https://simbli.eboardsolutions.com/SU/L9slshPxris8LUJl1KXNoLslsh2w==>
- 4357 Employee Safety -  
<https://simbli.eboardsolutions.com/SU/fplusBlieWDAQXrPw5ajinPIA==>
- 4357 Employee Safety -  
<https://simbli.eboardsolutions.com/SU/X7hpPCEP8KB5a4cplusoapKw==>
- 5125 Student Records -  
<https://simbli.eboardsolutions.com/SU/3plusp31Lkmh0LChplusQ18aDY6w==>
- 5125 Student Records -  
<https://simbli.eboardsolutions.com/SU/ZvxF6XkQA2GslshUjbMslshh0H0Q==>
- 5125.2 Withholding Grades, Diploma Or Transcripts -  
<https://simbli.eboardsolutions.com/SU/7plussswV2BFevCoZyqVmY8lg==>
- 5131.4 Student Disturbances -  
<https://simbli.eboardsolutions.com/SU/cX4dRACJTakk9OxZTmx09A==>
- 5131.4 Student Disturbances -  
<https://simbli.eboardsolutions.com/SU/l4HboWjx1plusoWmrniKqSslshMQ==>
- 5131.7 Weapons And Dangerous Instruments -  
<https://simbli.eboardsolutions.com/SU/AYOe7jfXGXVLjfs6dco1Mg==>
- 5131.7 Weapons And Dangerous Instruments -  
<https://simbli.eboardsolutions.com/SU/SoEBAkXslshnzqYslsheiTbjsNdw==>

- 5141 Health Care And Emergencies -  
<https://simbli.eboardsolutions.com/SU/3kRQYo1qgPRDQdnVRVeBlw==>
- 5141 Health Care And Emergencies -  
<https://simbli.eboardsolutions.com/SU/jBuNCsiUisIsh2HEvakqQPHvA==>
- 5144 Discipline -  
<https://simbli.eboardsolutions.com/SU/NeIGsSBfK38zfyEdNCJZQg==>
- 5144 Discipline -  
<https://simbli.eboardsolutions.com/SU/8MDWVGUMN3YISslshWRlad7akA==>
- 5144.1 Suspension And Expulsion/Due Process -  
<https://simbli.eboardsolutions.com/SU/nPOB06HwRVeUUjBjQKyzyw==>
- 5144.1 Suspension And Expulsion/Due Process -  
<https://simbli.eboardsolutions.com/SU/nR9v7aowO1IDycR9XplfA==>
- 5144.2 Suspension And Expulsion/Due Process (Students With Disabilities) -  
<https://simbli.eboardsolutions.com/SU/NfoAtpIw0a11TCslblcBg==>