

Policy 4158: Employee Security

Status: ADOPTED

Original Adopted Date: 07/01/2001 | Last Revised Date: 06/01/2021 | Last Reviewed Date: 06/01/2021

CSBA NOTE: Pursuant to Government Code 3543.2, safety conditions in employment are a mandatory subject of collective bargaining. The following Board policy and accompanying administrative regulation may be revised to reflect district practice and the terms of the district's collective bargaining agreements.

The Governing Board 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 necessary assistance and support when emergency situations occur.

Any person who threatens the safety of others at any district facility may be removed by the Superintendent or designee in accordance with AR 3515.2 - Disruptions.

CSBA NOTE: Code of Civil Procedure 527.8 allows the district to seek a temporary restraining order and injunction on behalf of an employee against any other individual who has subjected the employee to unlawful violence or a credible threat of violence in the workplace. In *City of San Jose v. William Garbett*, a California Court of Appeal held that a court's issuance of a temporary restraining order and injunction against a person who had verbally threatened a city official was not a violation of that person's right to free speech and right of access to a public place.

Pursuant to Penal Code 18150 and 18170, a gun violence restraining order prohibiting a person from owning, having custody or control of, purchasing, possessing, or receiving a firearm or ammunition may be petitioned by that person's employer, a coworker who has had substantial and regular interactions with the person for at least one year and has the employer's approval, or an employee or teacher of a secondary school that the person has attended in the past six months if the employee or teacher has obtained the approval of a school administrator or designee.

Any employee against whom violence or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. As appropriate, the Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace. Such measures may include seeking a temporary restraining order on behalf of the employee pursuant to Code of Civil Procedure 527.8 and/or a gun violence restraining order pursuant to Penal Code 18150 and 18170.

Upon request by an employee who is a victim of domestic violence, sexual assault, or stalking, the Superintendent or designee shall provide reasonable accommodations in accordance with Labor Code 230-230.1 and the accompanying administrative regulation to protect the employee's safety while at work.

CSBA NOTE: Pursuant to Education Code 48904 and 48905, an employee who is injured or whose property is damaged by willful misconduct of a district student under the conditions described below may request that the district pursue legal action against the student or the student's parent/guardian. See BP 3515.4 - Recovery for Property Loss or Damage and AR 5125.2 - Withholding Grades, Diploma or Transcripts. The district should consult legal counsel when considering whether to pursue legal action.

The Superintendent or designee may pursue legal action on behalf of an employee against a student or the student's parent/guardian to recover damages for injury to the employee's person or property caused by the student's willful misconduct that occurred on district property, at a school or district activity, or in retaliation for lawful acts of the employee in the performance of the employee's duties. (Education Code 48904, 48905)

The Superintendent or designee shall provide staff development in crisis prevention and intervention techniques, which may include training in classroom management, effective communication techniques, procedures for responding to an active shooter situation, and crisis resolution.

In accordance with law, the Superintendent or designee shall inform teachers, administrators, and/or counselors of crimes and offenses committed by students who may pose a danger in the classroom. (Education Code 48201, 49079; Welfare and Institutions Code 827)

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.

Use of Pepper Spray

CSBA NOTE: The following section is optional and may be revised to reflect district practice. Penal Code 22810

authorizes adults, with certain exceptions, to carry an approved tear gas weapon such as pepper spray for purposes of self-defense. Penal Code 626.9 and 626.10, which prohibit the possession of weapons on school grounds, do not prohibit the possession of pepper spray on school grounds. Thus, the Governing Board may determine whether to allow or disallow, with certain exceptions, the possession of pepper spray on school property or at school activities. See the accompanying administrative regulation for related procedures.

Employees shall not carry or possess pepper spray on school property or at school activities except when authorized by the Superintendent or designee for self-defense purposes. When allowed, an employee may only possess pepper spray in accordance with administrative regulations and Penal Code 22810. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.

Reporting of Injurious Objects

CSBA NOTE: The following optional section specifies actions to be taken in the event an employee becomes aware of any person who is in possession of an injurious object, and is consistent with the actions described in AR 5131.7 - Weapons and Dangerous Instruments related to student possession.

Pursuant to Education Code 49334, a school employee who initially notifies law enforcement regarding a student or adult who is in possession of an injurious object while on school grounds or under the authority of school personnel cannot be subject to any civil or administrative proceeding, including disciplinary action, for violation of any district policy or procedure related to the notification of a law enforcement agency. Education Code 49334 requires such an employee to conform with district procedures after exercising the option to notify a law enforcement agency.

Employees shall take immediate action upon being made aware that any person is in possession of a weapon or unauthorized injurious object on school grounds or at a school-related or school-sponsored activity. Employees shall exercise their best judgment as to the potential danger involved and shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately call 911 and the principal

When informing the principal about the possession or seizure of a weapon or dangerous device, an employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

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 - https://simbli.eboardsolutions.com/SU/zzBhO3hWGUr7lplusYiDNCP8A==
Civ. Code 51.7	Freedom from violence or intimidation - https://simbli.eboardsolutions.com/SU/biK5w5xHjaslshApluscWXhrJ7ZQ==
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/MOaF8AO8cslshSifGc13QQoEQ==>

Cross References

0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/r4vTslshoYLVujplusGaGRffa0mA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/H5ZxOasIshHOeexslshGjrvQ4J5Q==
3320	Claims And Actions Against The District - https://simbli.eboardsolutions.com/SU/BuZpluscsIshelGTYTC1X8Tc6w==
3320	Claims And Actions Against The District - https://simbli.eboardsolutions.com/SU/rsrwDbO5fHXETOkTG2HnoQ==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/f6i6slshR6cGolXslshmolDU69iw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/WKgcaiEXXQzkZR3wljM36Q==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/GkkjXAonsIshVHxVm2tMziANg==
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==

Mesa Union School District

Somis, Ca

Board Approved: September 21, 2021

- 3515.7 Firearms On School Grounds -
<https://simbli.eboardsolutions.com/SU/AslshL99psqb9FahtgonK1oTg==>
- 3530 Risk Management/Insurance -
<https://simbli.eboardsolutions.com/SU/iUslshDYKQy5slzYHL2l74W8Q==>
- 3530 Risk Management/Insurance -
<https://simbli.eboardsolutions.com/SU/qBRGHFJBCZYTaxyFzvOqxA==>
- 4118 Dismissal/Suspension/Disciplinary Action -
<https://simbli.eboardsolutions.com/SU/1YrgGuTkMbplus0UaxAvWCplusJw==>
- 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/iG6AVBF4BgdzHyZFjuvhw==>
- 4131 Staff Development -
<https://simbli.eboardsolutions.com/SU/mplusfJtQCJn0ArH43NKz32QQ==>
- 4156.3 Employee Property Reimbursement -
<https://simbli.eboardsolutions.com/SU/w15qPslshTtjYft9ErG51fh7A==>
- 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/dqLF5qfWnPonZplusdlNqlZDw==>
- 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/0kW8aN8YElq60duEw4slHw==>
- 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/X7hpPCEP8KB5a4cpsplusoapKw==>

- 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/jBuNCsiUislsh2HEvakqQPHvA==>
- 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/nP0B06HwRVeUUjBjqKyzyw==>
- 5144.1 Suspension And Expulsion/Due Process -
<https://simbli.eboardsolutions.com/SU/nR9v7aowO1lIDycR9XplfA==>
- 5144.2 Suspension And Expulsion/Due Process (Students With Disabilities) -
<https://simbli.eboardsolutions.com/SU/NfoAtpfW0a11TCslblcBg==>