



HUMAN RESOURCE SERVICES
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To: All Employees

From: Ruth Perez Ashley
Assistant Superintendent

Subject: Required Notices and Board Policies
Child Abuse Reporting Requirements
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Nondiscrimination/Harassment-Students
Nondiscrimination in District Programs and Activities
Bullying
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Child Abuse Reporting Requirements

Effective January 1, 1985, all school employees must acknowledge that they are aware of the provisions of Section 11166 of the California Penal Code. This section requires:

Any child care custodian, medical practitioner, non-medical practitioner, or employee of a child protective agency who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

"Child care custodian" includes teachers, administrative officers, supervisors of child welfare and attendance, or certificated pupil personnel employees of any public or private school; administrators of a public or private day camp; licensed day care workers; administrators of community care facilities licensed to care for children; head start teachers; licensed workers or licensing evaluators; public assistance workers; employees of a child care institution including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities; and social workers or probation officers.

"Medical practitioner" includes physicians and surgeons, psychiatrists, psychologists, dentists, residents, interns, podiatrists, chiropractors, licensed nurses, dental hygienists or any other person who is licensed under Division 2 (commencing with section 500) of the Business and Professions Code.

"Non-medical practitioner" includes state or county public health employees who treat minors for venereal disease or any other conditions; coroners; paramedics; marriage, family or child counselors; and religious practitioners who diagnose, examine or treat children.

Section 11172 (b) of the California Penal Code requires:

Any person who fails to report an instance of child abuse which he or she knows exist or reasonably should know to exist, as required by this article, is guilty of a misdemeanor and is punishable by confinement in the county jail for a term not to exceed six months or by a fine of not more than one thousand dollars (\$1000) or by both.

It is the responsibility of the employee to report suspected or actual child abuse in accordance with district procedures designed to facilitate the reporting process developed in the Long Beach Unified School District. These procedures are outlined in the Deputy Superintendent's bulletin "Reporting Suspected Child Abuse" dated September 1997. Employees should contact their immediate supervisor for further information.

Reporting Suspected Child Abuse

Under California law, all school employees are responsible for reporting suspected child abuse to proper authorities immediately by telephone and with an on-line or written follow-up report. The duty to report child abuse is an individual one; however, a single report may be made if two or more school employees have knowledge of the same suspected abuse (PC 11166[g]). School administrators may neither impede nor inhibit the reporting process in any way (PC 11166[h]).

The following are procedures for reporting suspected child abuse by all schools and employees in the school district. Current legislation permits employees to withhold their identity from the school district when reporting suspected child abuse. However, employees should understand that the law does not permit completely anonymous reports. Employees are still required to disclose their identity to investigative agencies when reporting suspected child abuse and will be contacted by agency personnel during the resulting investigation.

Site administrators should take appropriate steps to apprise all school staff of their legal responsibility to report suspected child abuse and of these reporting procedures.

A. Reporting Procedure

1. All cases of suspected child abuse should be reported immediately upon discovery to the L.A. County Child Abuse Hot Line at (800) 540-4000 and to one of the following law enforcement agencies dependent upon the location where the suspected child abuse occurred.

If the child is in imminent danger, call 911 immediately.

Long Beach Police Department	(562) 570-7321
Lakewood Sheriff's Station	(562) 623-3500
Avalon Sheriff's Station	(310) 510-0174
CSU Dominguez Hills	(310) 243-3639
Orange County Sheriff's Office	(714) 647-7000
Signal Hill Police Department	(562) 989-7200

2. School District mandated reporters may file the Department of Justice form, **"Suspected Child Abuse Report"** (PC11166, rev. 1/93), on-line or by mail.
 - a. **To report on-line:** Access the DCFS website at <http://dcfs.co.la.ca.us/index.html>. Click on **"For Mandated Reporters Only"** and follow the instructions on the website. Prior to using the on-line system, reporters must call the hotline at **(800)**

540-4000 to obtain a 19-digit referral number to complete the "Suspected Child Abuse Report" form.

- b. **To send by mail:** Complete form and send to L.A. County Department of Children and Family Services within 36 hours of the telephone report. Complete as much of the form as possible from knowledge of the incident and school records. **To request blank forms, call (800) 540-4000.**

Section B of the form, Reporting Party, should include the name, title and work location (school name) of the school employee submitting the report. The address (including zip code) and telephone number should be those of the school, NOT the home address and telephone number of the reporting party.

Section C of the form, Report Sent To, should contain the information obtained from the Intake Worker at the Child Abuse Hotline or law enforcement contact.

Section D of the form, Parents, should include the full name of both parents. DCFS files child abuse cases under the mother's name or the father's name if no mother is in the home. Also, indicate the language spoken in the home if other than English. This notation should be written above the line provided for the names of the parents.

Section E of the form, Incident Information, Item 4 should be the child's version of what happened.

3. When you submit the Suspected Child Abuse Report to L.A. County Department of Children and Family Services (DCFS) or law enforcement contact, the yellow copy should be removed and kept by the reporting person. Although there is no obligation to do so, the reporting party should retain the copy of the Child Abuse Report in a personal file for at least twelve (12) months in case the reporting party is subpoenaed to testify in a subsequent court action concerning the incident. The copy of the report would be useful in recalling specific details of the incident.
4. Send a photocopy of the completed child abuse report to the Chief of School Safety and Emergency Preparedness with your name and other identifying information in Part B of the form blocked out or otherwise obliterated.
5. At the top of the photocopy you are sending to the Chief of School Safety and Emergency Preparedness, indicate HIGH SCHOOL, MIDDLE SCHOOL, ELEMENTARY, HEAD START, CDC, etc.

B. Interview of Child Abuse Victims at School

1. California law permits representatives of child protective agencies (Police, Sheriffs, and Children's Services) to interview victims of child abuse during school hours on school premises. Legislation enacted in 1987 now authorizes a child who is to be interviewed at school to select an adult who is a member of the school staff to be present at the interview. However, the staff member may not participate in the interview nor may the staff member discuss the facts or circumstances of the case with the child or anyone else. The sole purpose of the staff person's presence at the interview is to lend support to the child and enable him or her to be as comfortable as possible.
2. The law further provides that all such interviews involving a school staff member shall be held at a time during school hours when it does not involve an expense to the school. Therefore, requests for the presence of staff members at child abuse interviews that would disrupt classroom instruction and necessitate special arrangement to cover classes or other school activities may be refused by the principal.

3. When a request is made for the presence of a staff member at a child abuse interview, the principal or designee shall inform the staff member so selected of the purpose of his/her presence in the interview and of the confidentiality requirements. The principal shall also inform the staff member that he/she has the legal right to decline to be present at the interview.
4. When the child is to be removed from school and taken into custody by the Child Protective Service representative, the principal or designee must be informed. The representative must leave his/her name and phone number where he/she may be reached and where the child is being taken. The school official shall provide the representative with the name, address, and phone number of the pupil's parents or guardian. Parent notification is the responsibility of the CPS representative.

C. Obtaining Assistance from School Safety Division

School Safety personnel (562) 997-8205 or ext. 8205, are available to advise and assist with any questions or concerns the reporting party may have before or after filing the report with the L.A. County Department of Children and Family Services (DCFS). Questions may also be directed to the Child Abuse Hot Line by calling (800) 540-4000.

D. General Information About Child Abuse and Mandated Reporting

1. Any mandated reporter who fails to report an instance of child abuse which he or she knows to exist or reasonably should know to exist is guilty of a misdemeanor and is punishable by confinement in the county jail for a term not to exceed six months or by a fine of not more than one thousand dollars or both. Failure to report may also result in civil liability if there is subsequent injury to the child. (PC 11172[e])
2. School personnel are not liable either in civil damages or for criminal prosecution for reporting suspected child abuse as required by law. (PC 11166)
3. Investigation of suspected child abuse is not the responsibility of school personnel. The responsibilities of school personnel are: (1) to identify incidents of suspected child abuse, and (2) to report the suspected abuse to proper authorities. (PC 11166)
4. The law provides that the identity of persons who report suspected child abuse shall be confidential and disclosed only by court order. Violations of this provision of the law by investigating agencies should be reported to the School Safety Division for immediate follow up. (PC 11167.5)
5. Not every school report of suspected child abuse will result in a face-to-face investigation by a child protective agency. All such reports are assessed on the basis of endangerment to the child. If the risk of further harm to the child is considered to be low, it is likely that the investigative agency may not intervene. Non-intervention by the agency, however, does not relieve school personnel of the responsibility to submit both telephone and written reports of the suspected abuse.
6. Current legislation requires school employees to report known or suspected instances of physical or sexual abuse of young adults, ages 18-22, enrolled in special education programs. The law is permissive as far as reporting other types of abuse inflicted upon dependent adults.
7. Information revealed by a pupil during a counseling session that leads a counselor to suspect child abuse must be reported to the proper authorities. Such information does not qualify for the pupil/counselor confidentiality privilege under Education Code Section 49602.

8. Not only are staff permitted, but they are required to maintain a safe environment for students. Reasonably restraining a child in order to protect oneself, the child, other children, and staff or property is not child abuse. Recent legislation indicates that child abuse does not include an amount of force that is reasonable and necessary for a person employed by or engaged in a public school to quell a disturbance threatening physical injury to person or damage to property, for purposes of self defense, or to obtain possession of weapons or other dangerous objects within the control of the pupil. (PC 11165.4)
9. Child abuse is defined by law as any act of omission or commission that endangers or impairs a child's physical or emotional health and development. This includes the following:
 - a. Physical injury which is inflicted by another means on a child by another person. (A child is defined as a person under 18 years of age.) (PC 11165.6)
 - b. Sexual assault committed on a child by any person. This includes rape, incest, sodomy, lewd or lascivious acts upon a child under 14 years of age, oral copulation, penetration of a genital or anal opening by a foreign object and child molestation. (PC 11165.1)

A state court of appeal has ruled that minors under the age of 14 who engage in voluntary sexual activity together are not child abuse victims and should not be reported as such. However, school employees would be well advised to share with parents information that may come to them concerning the sexual activities of children under the age of 14.

- c. Severe neglect which is negligent failure of any child care custodian to protect the child from severe malnutrition or medically diagnosed failure to thrive. (PC 11165.2[a])
- d. General neglect which is negligent failure of any childcare custodian to provide adequate food, clothing, shelter, supervision or medical care. (PC 11165.2[b])
- e. Unlawful corporal punishment, a situation where any person willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition. (PC 11165.4)
- f. Willful cruelty, a situation where any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering or permits the health of a child to be endangered. (PC 11165.3)

Sexual Harassment

The Governing Board prohibits sexual harassment of district employees and job applicants. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify or otherwise participate in the complaint process, established pursuant to this policy and the administrative regulation.

The Long Beach Unified School District will not tolerate or condone any type of harassment. It is the policy of the District to provide a workplace and working environment in which harassment based on sex, race, color, national origin, disability, religion, age, sexual orientation, marital status, or any other legally protected characteristic, is not permitted. It shall be the responsibility of each administrator, line manager or office supervisor to ensure the work environment is free of harassment and that all employees are aware of the Board Policy and Administrative Regulations regarding harassment. Violations of this harassment policy may result in disciplinary action up to and including termination.

According to Equal Employment Opportunity Commission guidelines, sexual harassment is an act of discrimination on the basis of sex within the meaning of Title VII of the Civil Rights Act of 1964, as amended. Sexual harassment is similarly construed within the meaning of Title IX of the Education Amendments pertaining to academic life. In accordance with Title VII and Title IX, the District defines sexual harassment including same-sex harassment as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status, (2) submission to, or rejection of, such conduct by an individual is used as the basis for an employment decision or academic decision affecting that person, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or learning environment.

Employees who permit or engage in such harassment may be subject to disciplinary action up to and including dismissal.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation and correction of sexual harassment, including but not limited to:

1. Providing training to all staff regarding the district's sexual harassment policy in accordance with law and administrative regulation, particularly the procedures for filing complaints and employees' duty to use the district's complaint procedures.
2. Publicizing and disseminating the district's sexual harassment policy to staff.
3. Ensuring the prompt, thorough and fair investigation of complaints.
4. Taking timely and appropriate corrective/remedial actions. This may require interim separation of the complainant and the alleged harasser, and subsequent monitoring of developments.

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or take subsequent necessary action. (5 CCR 4964)

Any district employee or job applicant who feels that he/she has been sexually harassed, or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately report the incident to his/her supervisor, the principal, district administrator or Superintendent.

A supervisor, principal or other district administrator who receives a harassment complaint shall promptly notify the Superintendent or designee.

Complaints of sexual harassment shall be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

Any district employee who engages or participates in sexual harassment, or who aids, abets, incites, compels or coerces another to commit sexual harassment against a district employee, job applicant or student, is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

Legal References:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

7287.8 Retaliation

7288.0 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964 as amended

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Juarez v. Ameritech Mobile Systems, (N.D. Ill.) 746 F.Supp. 798

Dornhecker v. Malibu Grand Prix Corp., (5th Cir. 1987) 828 F.2d. 307

Meritor Savings Bank, FSB v. Vinson et. al., (1986) 447 U.S. 57

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL
Protecting Students from Harassment and Hate Crimes, January 1999

WEBSITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Equal Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office of Civil Rights: <http://www.ed.gov/offices/OCR>

Adopted: April 18, 1998

Revised: February 22, 1993

May 6, 1997

October 7, 1997

June 5, 2001

January 3, 2006

May 19, 2009

PERSONNEL

Sexual Harassment

Prohibited sexual harassment includes, but is not limited to, unwelcome advances, unwanted requests for sexual favors or other unwanted verbal, visual or physical conduct of a sexual nature made against another person of the same or opposite sex, in the work or educational setting, when: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a individual's employment
2. Submission to or rejection of the conduct by the individual is used as the basis for an employment decision affecting him/her
3. The conduct has the purpose or effect of unreasonably interfering with the other individual's work performance; creating an intimidating, hostile or offensive work environment; or adversely affecting the other individual's evaluation, advancement, assigned duties, or any other condition of employment or career development
4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits and services, honors, programs, or activities available at or through the District

Types of conduct which are prohibited in the District and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations or propositions
2. Sexual slurs, epithets, threats, innuendos, verbal abuse, derogatory comments, sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversation or pressure for sexual activity
4. Sexual jokes, notes, stories, drawings, pictures, graffiti, gestures or sexually explicit emails
5. Spreading sexual rumors
6. Massaging, grabbing, fondling, stroking or brushing the body
7. Touching an individual's body or clothes in a sexual way
8. Purposefully cornering, blocking, leaning over or impeding normal movements
9. Displaying sexually suggestive objects

Training

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All newly hired or promoted supervisory employees shall receive training within six months of their assumption of the supervisory position. (Government Code 12950.1)

The district's training and education program for supervisory employees shall include information and practical guidance regarding the federal and state laws on the prohibition against and the prevention and correction of sexual harassment, and the remedies available to the victims of sexual harassment in employment. The training shall include all of the content specified in 2CCR 7288.0 and practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1; 2 CCR 7288.0)

In addition, the Superintendent or designee shall ensure that all employees receive periodic training regarding the district's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the district's complaint process.

Notifications

A copy of the District's sexual harassment policy and regulation shall:

1. Be displayed in a prominent location in the main administration building or other area of the school where notices of district rules, regulations, procedures and standards of conduct are posted
2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired
3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of district information sheets that contain, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC
7. The protection against retaliation provided by 2 CCR 7287.8 for opposing harassment prohibited by law or filing a complaint with, or otherwise participating in an investigation, proceeding or hearing conducted by DFEH and the EEOC

In addition, the district shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment. (Government Code 12950)

Effective: April 18, 1988
 Revised: February 22, 1993
 May 6, 1997
 October 7, 1997
 June 5, 2001
 January 3, 2006
 May 19, 2009

LONG BEACH UNIFIED SCHOOL DISTRICT

Sexual Harassment

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students, at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against any person who files a complaint, testifies, or otherwise participates in district complaint processes.

(cf. 0410 – Nondiscrimination in District Programs and Activities)

(cf. 1312.3 – Uniform Complaint Procedures)

(cf. 4119.11/4219.11/4319/11 – Sexual Harassment)

(cf. 5131 – Conduct)

(cf. 5131.2 – Bullying)

(cf. 5137 – Positive School Climate)

(cf. 5145.3 – Nondiscrimination/Harassment)

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate instruction and information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitutes sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence.
2. A clear message that students do not have to endure sexual harassment.
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained.
4. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made.
5. Information about the rights of students and parents/guardian to file a criminal complaint, as applicable.

Complaint Process

Any student who feels that he/she is being or has been sexually harassed by a school employee, another student, or a non-employee on school grounds or at a school-sponsored or school-related activity shall immediately contact his/her teacher or any other employee. An employee who receives such a complaint shall report it in accordance with administrative regulation.

(cf. 1312.1 – Complaints Concerning District Employees)

(cf. 5141.4 – Child Abuse Prevention and Reporting)

The Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative regulation. When the Superintendent or

designee has determined that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim.

Disciplinary Actions

Any student who engages in sexual harassment or sexual violence at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 51441. – Suspension and Expulsion/Due Process)

(cf. 5144.2 – Suspension and Expulsion/Due Process-Students with Disabilities)

Confidentiality and Record-Keeping

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5CCR 4964)

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behaviors in the schools.

Legal References:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional groups for suspension and expulsion; sexual harassment

48904 Liability of parents/guardians for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedure

4900-4965 Nondiscrimination in elementary and secondary education programs

4900-4966 UNITED STATES CODE, TITLE 20

4900-4967 1681-1688 Title IX, discrimination

UNITED STATE CODE, TITLE 42

1983 Civil action for deprivation of rights

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.71 Nondiscrimination on the basis of sex in education programs

Adopted: February 22, 1993

Revised: May 6, 1997

October 7, 1997

June 5, 2001

January 3, 2006

April 20, 2010

September 4, 2012

LONG BEACH UNIFIED SCHOOL DISTRICT

STUDENTS

Sexual Harassment

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, when made on the basis of sex and under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

10. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects

School-Level Complaint Process/Grievance Procedure

1. Notice and Receipt of Complaint: Any student who believes he/she has been subjected to sexual harassment or who has witnessed sexual harassment may file a complaint with any school employee. Within 24 hours of receiving a complaint, the school employee shall report it to the district Coordinator for Nondiscrimination/Principal. In addition, any school employee who observes any incident of sexual harassment involving a student shall, within 24 hours, report this observation to the Coordinator/Principal, whether or not the victim files a complaint.

In any case of sexual harassment involving the Coordinator/Principal to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall instead report to the Superintendent or designee.

2. Initiation of Investigation: The Coordinator/Principal shall initiate an impartial investigation of an allegation of sexual harassment within five school days of receiving notice of the harassing behavior, regardless of whether a formal complaint has been filed. The district shall be considered to have "notice" of the need for an investigation upon receipt of information from a student who believes he/she has been subjected to harassment, the student's parent/guardian, an employee who received a complaint from a student, or any employee or student who witnessed the behavior.

If the Coordinator/Principal receives an anonymous complaint or media report about alleged sexual harassment, he/she shall consider the specificity and reliability of the information, the seriousness of the alleged incident, and whether any individuals can be identified who were subjected to the alleged harassment in determining whether it is reasonable to pursue an investigation.

3. Initial Interview with Student: When a student or parent/guardian has complained or provided information about sexual harassment, the Coordinator/Principal shall describe the district's grievance procedure and discuss what actions are being sought by the student in response to the complaint. The student who is complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put his/her complaint in writing. If the student requests confidentiality, he/she shall be informed that such a request may limit the district's ability to investigate.

4. Investigation Process: The Coordinator/Principal shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

The Coordinator/Principal shall interview individuals who are relevant to the investigation, including, but not limited to, the student who is complaining, the person accused of harassment, anyone who witnessed the reported harassment, and anyone mentioned as having relevant information. The Coordinator/Principal may take other steps such as reviewing any records, notes, or statements related to the harassment or visiting the location where the harassment is alleged to have taken place. When necessary to carry out his/her investigation or to protect student safety, the Coordinator/Principal also may discuss the complaint with the Superintendent or designee, the parent/guardian of the student who complained, the parent/guardian of the alleged harasser if the alleged harasser is a student, a teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth, law enforcement and/or child protective services, and district legal counsel or the district's risk manager.

5. Interim Measures: The Coordinator/Principal shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher.

6. Optional Mediation: In cases of student-to-student harassment, when the student who complained and the alleged harasser so agree, the Coordinator/Principal may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator, or trained mediator.

The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree, and he/she shall be advised of the right to end the informal process at any time.

7. Factors in Reaching a Determination: In reaching a decision about the complaint, the Coordinator/Principal may take into account:

- a. Statements made by the persons identified above
- b. The details and consistency of each person's account
- c. Evidence of how the complaining student reacted to the incident
- d. Evidence of any past instances of harassment by the alleged harasser
- e. Evidence of any past harassment complaints that were found to be untrue

To judge the severity of the harassment, the Coordinator/Principal may take into consideration:

- a. How the misconduct affected one or more students' education
- b. The type, frequency, and duration of the misconduct
- c. The identity, age, and sex of the harasser and the student who complained, and the relationship between them
- d. The number of persons engaged in the harassing conduct and at whom the harassment was directed
- e. The size of the school, location of the incidents, and context in which they occurred
- f. Other incidents at the school involving different students

8. Written Report on Findings and Follow-Up: No more than 30 days after receiving the complaint, the Coordinator/Principal shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the Coordinator/Principal shall notify the student who complained and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If sexual harassment occurred, the report shall also include any corrective actions that have or will be taken to address the harassment and prevent any retaliation or further harassment. This report shall be presented to the student who complained, the person accused, the parents/guardians of the student who complained and the student who was accused, and the Superintendent or designee.

In addition, the Coordinator/Principal shall ensure that the harassed student and his/her parent/guardian are informed of the procedures for reporting any subsequent problems. The Coordinator/Principal shall also make follow-up inquiries to see if there have been any new incidents or retaliation and shall keep a record of this information.

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti.

2. Providing training to students, staff, and parents/guardians about how to recognize harassment and how to respond
3. Disseminating and/or summarizing the district's policy and regulation regarding sexual harassment
4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to parents/guardians and the community

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

(cf. 5125 - Student Records)

5. Taking appropriate disciplinary action.

In addition, disciplinary measures may be taken against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

Notifications

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
5. Be included in the student handbook
6. Be provided to employees and employee organizations

Effective: January 3, 2006

Revised: April 20, 2010

LONG BEACH UNIFIED SCHOOL DISTRICT

PERSONNEL

Nondiscrimination in Employment

The Governing Board desires to provide a positive work environment where employees and job applicants are free from harassment and are assured of equal access and opportunities in accordance with law. The Board prohibits any district employee from discriminating against or harassing any other district employee or job applicant on the basis of the person's actual or perceived race, color, national origin, ancestry, religion, age, marital status, pregnancy, physical or mental disability, medical condition, veteran status, genetic information, gender, gender identity, gender expression, sex or sexual orientation.

Prohibited discrimination consists of any adverse employment action, including termination or denial of promotion, job assignment, or training, based on any of the prohibited categories of discrimination listed above. Harassment consists of any unwelcome verbal, physical, or visual conduct that is based on any of the prohibited categories listed above and that is so severe and pervasive that it adversely affects an individual's employment opportunities, has the purpose or effect of unreasonably interfering with the individual's work performance, or creates an intimidating, hostile, or offensive work environment.

The Board also prohibits retaliation against any district employee or job applicant who complains, testifies, assists, or in any way participates in the district's complaint procedures instituted pursuant to this policy.

Any district employee who engages in prohibited discrimination, harassment, or who aids, abets, incites, compels or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

The following position is designated as Coordinator for Nondiscrimination in Employment:

Assistant Superintendent, Human Resource Services
1515 Hughes Way, Long Beach, CA 90810
562.997.8000

Any employee or job applicant who believes that he/she has been or is being discriminated against or harassed in violation of district policy should, as appropriate, immediately contact his/her supervisor, the Coordinator, or the Superintendent who shall advise the employee or applicant about the district's procedures for filing, investigating, and resolving any such complaint.

Complaints regarding employment discrimination or harassment shall immediately be investigated in accordance with AR 4031-Complaints Concerning Discrimination in Employment.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the Coordinator or Superintendent as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately.

The Superintendent or designee shall provide training to employees about how to recognize harassment and discrimination, how to respond appropriately, and components of the district's policies and regulations regarding discrimination.

The Superintendent or designee shall regularly publicize, within the district and in the community, the district's nondiscrimination policy and the availability of complaint procedures. Such publication shall be included in each announcement, bulletin or application form that is used in employee recruitment. (34 CRF 100.6, 106.9)

The district's policy shall be posted in all schools and offices including staff lounges and student government meeting rooms. (5 CCR 4960)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7.1 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

12900-12006 Fair Employment and Housing Act

PENAL CODE

422.56.1 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

72.86.6 Terms, conditions and privileges or employment

CODE OF REGULATIONS, TITLE 5

4900-4965.1 Nondiscrimination in elementary and secondary education programs receiving financial assistance

UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000d-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

6101-6107 Age discrimination in federally assisted programs

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance Information

104.7 Designation of responsible employee for Section 504

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

110.1-110.39 Nondiscrimination on the basis of age

COURT DECISIONS

Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863

Shepard v. Loyola Marymount (2002) 102 CalApp.4th 837

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Questions and Answers: Religious Discrimination in the Workplace, 2008

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002

U.S. DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTS PUBLICATIONS

Notice of Non-Discrimination, August 2010

WEBSITES

EEOC: <http://www.eeoc.gov>

OCR: <http://www.ed.gov/offices/OCR>

DFEH: <http://www.dfeh.ca.gov>

Adopted: June 12, 1989

Revised: January 17, 2006

September 4, 2012

LONG BEACH UNIFIED SCHOOL DISTRICT

STUDENTS

Nondiscrimination/Harassment

The Governing Board desires to provide a safe school environment that allows equal access and opportunities in the district's academic and educational support programs, services and other activities. The Board prohibits, at any district school or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

Prohibited discrimination, harassment, intimidation, or bullying includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe and pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

The Superintendent or designee shall provide age-appropriate training and information to students, parents/guardians, and employees regarding discrimination, harassment, intimidation, and bullying, including, but not limited to, the district's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made.

In providing instruction, guidance, supervision, or other services to district students, employees and volunteers shall carefully guard against segregating or stereotyping students.

The principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

Students who engage in discrimination, harassment, intimidation, bullying, or retaliation in violation of law, Board policy, or administrative regulations shall be subject to appropriate discipline, up to and including counseling, suspension and/or expulsion. Any employee who permits or engages in prohibited discrimination, harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action, up to and including dismissal.

The Board hereby designates the following position as Coordinator for Nondiscrimination to handle complaints regarding discrimination, harassment, intimidation, or bullying, and inquiries regarding the district's nondiscrimination policies:

Assistant Superintendent, Human Resource Services
1515 Hughes Way
Long Beach, California 90810
(562) 997-8000

Any student who feels that he/she has been subjected to discrimination, harassment, intimidation, or bullying should immediately contact the Coordinator, the principal, or any other staff member. In addition, any student who observes any such incident should report the incident to the Coordinator or principal, whether or not the victim files a complaint.

Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying shall report the incident to the Coordinator of Nondiscrimination or principal, whether or not the victim files a complaint.

In addition, the employee shall immediately intervene when safe to do so.

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Coordinator shall immediately investigate the complaint in accordance with site-level grievance procedures specified in AR 5147.7 – Sexual Harassment.

Within 30 days of receiving the district’s report, the complainant may appeal to the Board if he/she disagrees with the resolution of the complaint. The Board shall make a decision at its next regular meeting and its decision shall be final.

The Superintendent or designee shall ensure that the student handbook clearly describes the district’s nondiscrimination policy, procedures for filing a complaint regarding discrimination, harassment, intimidation, or bullying, and the resources that are available to students who feel that have been the victim of any such behavior. The district’s policy shall also be posted on the district web site or any other location that is easily accessible to students.

When required pursuant to Education Code 48985, the complaint forms shall be translated into the student’s primary language.

Legal Reference:

EDUCATION CODE

200-262.4	Prohibition of discrimination on the basis of sex, especially:
48900.3	Suspension or expulsion for act of hate or violence
48900.4	Suspension or expulsion for threats or harassment
48904	Liability of parent/guardian for willful student misconduct
48907	Student exercise of free expression
48950	Freedom of Speech
48985	Translation of Notices
49020-49023	Athletic programs
51500	Prohibited instruction or activity
51501	Prohibited means of instruction
60044	Prohibited instructional materials

CIVIL CODE

1714.1	Liability of parents/guardians for willful misconduct of minor
CODE OF REGULATIONS, TITLE 5	
4600-4687	Uniform Complaint Procedures
4900-4956	Nondiscrimination in elementary and secondary education programs

PENAL CODE

422.55	Definition of hate crime
422.6	Crimes, harassment
UNITED STATES CODE, TITLE 20	
1681-1688	Title IX of the Education Amendments of 1972
UNITED STATES CODE, TITLE 42	
2000d-2000e-17	Title VII, Civil Rights Act of 1964 as amended

2000h-2-2000h-6 Title IX, of the Civil Rights Act of 1964
CODE OF FEDERAL REGULATIONS, TITLE 34
100.3.1 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal. App.4th 567
Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

MANAGEMENT RESOURCES:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

California Student Safety and Violence Prevention-Laws and Regulations, April 2004

FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground,
2006

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

U. S. DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, January, 1999

WEBSITES

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

U.S. Department of Education, Office of Civil Rights: <http://www2.ed.gov/about/offices/list/ocr>

CDE: <http://www.cde.ca.gov>

California Safe Schools Coalition: <http://www.casafeschools.org>

First Amendment Center: <http://www.firstamendment.org>

National School Boards Association: <http://www.nsba.org>

Adopted: September 23, 1991

Revised: January 17, 2006

September 4, 2012

LONG BEACH UNIFIED SCHOOL DISTRICT

PHILOSOPHY, GOALS, OBJECTIVES AND COMPREHENSIVE PLANS

Nondiscrimination in District Programs and Activities

The Governing Board is committed to equal opportunity for all individuals in education. District programs, activities, and practices shall be free from discrimination based on race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

(cf. 4030 – Nondiscrimination in Employment)

(cf. 5131.2 – Bullying)

(cf. 5145.3) – Nondiscrimination/Harassment)

(cf. 5145.7) – Sexual Harassment)

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations and applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination, and related complaint procedures. Such notification shall be included in each announcement, bulletin, catalog, application form, or other recruitment materials distributed to these groups. The Superintendent or designee shall also provide information about related complaint procedures.

(cf. 1312.3 – Uniform Complaint Procedures)

The following position is designated as Coordinator for Nondiscrimination in District Programs and Activities:

Assistant Superintendent, Human Resource Services
1515 Hughes Way, Long Beach, CA 90810
562.997.8000

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand and, when required by law, in a language other than English.

When 15 percent or more of the student population at the school site speak a single primary language other than English, all notices, reports, statements or records sent to the parent or guardian of any such student by the school or school district shall be, in addition to being written in English, written in the primary language(s). A parent may request the oral interpretation of any such document. The percentage of the student population at a school site which speaks a single primary language is determined by the Home Language Survey of the students attending the school as noted on the annual Language Census. (Education Code 48985) For languages representing less than 15 percent of the school population at the school site, the policy will be published in the primary language to the extent practicable.

Access for Individuals with Disabilities

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act and any implementing standards and/or regulations.

The Superintendent or designee shall ensure that the district provides auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program or activity. These aids and services may include, but are not limited to,

qualified interpreters or readers, assistive listening devices, notetakers, written materials, taped text, and Braille or large print materials.

(6020 – Parent Involvement)

Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school-sponsored function, program or meeting.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

51007 Legislative intent: state policy

GOVERNMENT CODE

11000 Definitions

11135 Nondiscrimination in programs or activities funded by state

11138 Rules and regulations

12900-12996 Fair Employment and Housing Act

54953.2 Brown Act compliance with Americans with Disabilities Act

PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

2301-2415 Carl D. Perkins Vocational and Applied Technology Act

6311 State plans

6312 Local education agency plans

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

Management Resources:

CSBA PUBLICATIONS

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

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Notice of Non-Discrimination, January 1999

Protecting Students from Harassment and Hate Crime, January 1999

Nondiscrimination in Employment Practices in Education, August 1991

Adopted: January 17, 2006

Revised: September 4, 2012

January 8, 2013

LONG BEACH UNIFIED SCHOOL DISTRICT



“No person...shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance...”

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

STUDENT GRIEVANCE PROCEDURE

A federal law called Title IX prohibits anyone at your school from discriminating against you on the basis of your gender. Boys and girls must be treated the same in all areas, including:

- the classes they can take
- the way they are treated in the classroom
- the honors, special awards, scholarships, and graduation activities in which they can participate
- the extracurricular activities in which they can participate
- the kind of counseling they are given

In addition, the law protects you from sexual harassment. This means that no student, teacher, administrator or other school employee can make unwelcome sexual advances to you or request sexual favors from you. They cannot touch you or speak to you in a sexual manner at school or at a school-sponsored event.

If you find that any of your rights under Title IX are being violated, you can do something about it.

Informal Resolution Process

If your rights have been violated, you can try the following informal steps to try to correct the situation that is causing your concern:

Make notes...keep a record...of the persons, dates, and examples of the kinds of things said or done to which you object.

Seek support and advice from your counselor, teacher, nurse, or someone in authority with whom you feel comfortable enough to tell your concerns.

Consider your options in dealing with the situation. For example, you may want to talk to the person who is making you feel uncomfortable. You may want to write a letter to the person telling him/her what you would like him/her to stop doing or saying. You may want to ask someone you trust to help you with the situation.

Don't forget your family. You may think you can resolve the problem on your own, but remember your mother or father or guardian may be able to help.

If you find that your situation cannot be resolved by using any of the above informal methods, you may want to use the Formal Resolution Process as your next step. This process is designed to help you. No one is permitted to intimidate you or harass you for asking to use this procedure.

Formal Resolution Process

The Long Beach Unified School District has a formal complaint procedure under Title IX that involves these steps:

You have six months from the time the incident of your complaint occurred to submit a written complaint to your school principal. The principal will try to resolve your complaint by conducting an impartial investigation. The principal will provide you with a written decision regarding your complaint. If there is evidence that you have a valid complaint, the principal will need to correct the situation. If the action taken resolves your complaint, the matter will be considered closed.

If you are dissatisfied with the principal's decision, you may appeal by writing to the District Title IX Coordinator. This written appeal must be sent to the address below within 15 days of receiving the principal's decision.

The District Title IX Coordinator will review the matter and, if necessary, arrange to meet with you and with any other persons who might help resolve your complaint. After that, the District Title IX Coordinator will provide you with a written decision and the reasons for coming to that decision. This decision will be final.

Whether you try to resolve your grievance informally or formally, everything will be confidential. You do not have to be afraid of filing a complaint or trying to correct a situation.

Any person with a Title IX complaint also has the option of contacting and requesting assistance from the Office for Civil Rights, U.S. Department of Education, Old Federal Building, 50 United Nations Plaza, San Francisco, CA 94102. (415) 437-7700.

District Title IX Coordinator:
Assistant Superintendent, Human Resource Services
1515 Hughes Way, Long Beach, CA 90810
(562) 997-8257

Bullying

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

Definition

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

(A) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.

(B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.

(C) Causing a reasonable pupil to experience substantial interference with his or her academic performance

(D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school. "A person is bullied when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more other persons, and he or she has difficulty defending him or herself."(Olweus)

This definition includes three important components:

1. Bullying is aggressive behavior that involves unwanted, negative actions
2. Bullying involves a pattern of behavior repeated over time
3. Bullying involves an imbalance of power or strength. Such behavior includes: direct physical contact, such as hitting or shoving; verbal assaults, such as teasing or name-calling; and social isolation or manipulation.

Cyberbullying includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

Bullying Prevention

Strategies for bullying prevention and intervention shall be developed with involvement of key stakeholders in accordance with law, Board policy, and administrative regulation governing the development of comprehensive safety plans and shall be incorporated into such plans.

To the extent possible, district and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.

The district shall provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior. Such instruction shall include:

1. Acts and behavior that constitute bullying
2. A clear message that bullying behavior is not tolerated
3. A clear message that students do not have to endure bullying
4. Encouragement to report observed instances of bullying, even where the bullied individual has not complained
5. Information about the person(s) to whom a report of bullying should be made

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

Intervention

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously

School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

As appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. He/she also may involve school counselors, mental health counselors, and/or law enforcement.

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

Discipline

Any student who engages in bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with district policies and regulations.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

PENAL CODE

647 Use of camera or other instrument to invade person's privacy; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

COURT DECISIONS

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

Lavine v. Blaine School District, (2002) 279 F.3d 719

Management Resources:

CSBA PUBLICATIONS

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

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools: Kindergarten Through Grade

Twelve, 2008

Bullying at School, 2003

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

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

California Cyber safety for Children: <http://www.cybersafety.ca.gov/>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lr/ss>

Center for Safe and Responsible Internet Use: <http://cyberbully.org/>

National School Boards Association: <http://www.nsba.org/>

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

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr> 3/12

Adopted: July 3, 2012

LONG BEACH UNIFIED SCHOOL DISTRICT

Drug And Alcohol-Free Workplace

The Governing Board believes that the maintenance of drug- and alcohol-free workplaces is essential to staff and student safety and to help ensure a productive and safe work and learning environment.

An employee shall not unlawfully manufacture, distribute, dispense, possess, or use any controlled substance in the workplace. (Government Code 8355; 41 USC 701)

Employees are prohibited from being under the influence of controlled substances or alcohol while on duty. For purposes of this policy, on duty means while an employee is on duty during both instructional and noninstructional time in the classroom or workplace, at extracurricular or cocurricular activities, or while transporting students or otherwise supervising them. Under the influence means that the employee's capabilities are adversely or negatively affected, impaired, or diminished to an extent that impacts the employee's ability to safely and effectively perform his/her job.

The Superintendent or designee shall notify employees of the district's prohibition against drug use and the actions that will be taken for violation of such prohibition. (Government Code 8355; 41 USC 701)

An employee shall abide by the terms of this policy and shall notify the district, within five days, of his/her conviction for violation in the workplace of any criminal drug statute. (Government Code 8355; 41 USC 701)

The Superintendent or designee shall notify the appropriate federal granting or contracting agency within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace. (41 USC 701)

In accordance with law and the district's collective bargaining agreements, the Superintendent or designee shall take appropriate disciplinary action, up to and including termination, against an employee for violating the terms of this policy and/or shall require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state, or local public health or law enforcement agency or other appropriate agency.

The Superintendent or designee shall establish a drug-free awareness program to inform employees about: (Government Code 8355; 41 USC 701)

1. The dangers of drug and alcohol abuse in the workplace
2. The district policy of maintaining drug-free workplaces
3. Available drug counseling, rehabilitation, and employee assistance programs
4. The penalties that may be imposed on employees for drug abuse violations occurring in the workplace

Legal Reference:

EDUCATION CODE

44011 Controlled substance offense

44425 Conviction of controlled substance offenses as grounds for revocation of credential

44836 Employment of certificated persons convicted of controlled substance offenses

44940 Compulsory leave of absence for certificated persons

44940.5 Procedures when employees are placed on compulsory leave of absence

45123 Employment after conviction of controlled substance offense

45304 Compulsory leave of absence for classified persons

GOVERNMENT CODE

8350-8357 Drug-free workplace

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug Free Schools and Communities Act

UNITED STATES CODE, TITLE 21

812 Schedule of controlled substances

UNITED STATES CODE, TITLE 41

701-707 Drug-Free Workplace Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1308.01-1308.49 Schedule of controlled substances

COURT DECISIONS

Cahoon v. Governing Board of Ventura USD, (2009) 171 Cal.App.4th 381

Ross v. RagingWire Telecommunications, Inc., (2008) 42 Cal.4th 920

Management Resources:

WEB SITES

California Department of Alcohol and Drug Programs: <http://www.adp.ca.gov>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Labor: <http://www.dol.gov>

Adopted: May 8, 1989

Revised: February 21, 2006

January 4, 2011

LONG BEACH UNIFIED SCHOOL DISTRICT

PERSONNEL

Employee Use of Technology

The Governing Board recognizes that technological resources can enhance employee performance by offering effective tools to assist in providing a quality instructional program, facilitating communications with parents/guardians, students, and the community, supporting district and school operations, and improving access to and exchange of information. The Board expects all employees to learn to use the available technological resources that will assist them in the performance of their job responsibilities. As needed, employees shall receive professional development in the appropriate use of these resources.

(cf. 0440 - District Technology Plan)

(cf. 1113 - District and School Web Sites)

(cf. 4131 - Staff Development)

(cf. 6163.4 - Student Use of Technology)

Employees shall be responsible for the appropriate use of technology and shall use the district's technological resources primarily for purposes related to their employment.

Employees shall be notified that computer files and electronic communications, including email and voice mail, are not private. Technological resources shall not be used to transmit confidential information about students, employees, or district operations without authority.

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

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

Online/Internet Services

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that prevents access to visual depictions that are obscene or child pornography and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. (20 USC 6777; 47 USC 254)

To ensure proper use, the Superintendent or designee may monitor employee usage of technological resources, including the accessing of email and stored files. Monitoring may occur at any time without advance notice or consent. When passwords are used, they must be known to the Superintendent or designee so that he/she may have system access.

The Superintendent or designee shall establish administrative regulations and an Acceptable Use Agreement which outline employee obligations and responsibilities related to the use of district technology. He/she also may establish guidelines and limits on the use of technological resources. Inappropriate use may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee shall provide copies of related policies, regulations, and guidelines to all employees who use the district's technological resources. Employees shall be required to acknowledge in writing that they have read and understood the district's Acceptable Use Agreement.

Use of Cellular Phone or Mobile Communications Device

An employee shall not use a cellular phone or other mobile communications device for personal business while on duty, except in emergency situations and/or during scheduled work breaks.

Any employee that uses a cell phone or mobile communications device in violation of law, Board policy, or administrative regulation shall be subject to discipline and may be referred to law enforcement officials as appropriate.

Legal Reference:

EDUCATION CODE

51870-51874 Education technology

52270-52272 Education technology and professional development grants

52295.10-52295.55 Implementation of Enhancing Education Through Technology grant program

GOVERNMENT CODE

3543.1 Rights of employee organizations

PENAL CODE

502 Computer crimes, remedies

632 Eavesdropping on or recording confidential communications

VEHICLE CODE

23123 Wireless telephones in vehicles

23123.5 Mobile communication devices; text messaging while driving

23125 Wireless telephones in school buses

UNITED STATES CODE, TITLE 20

6751-6777 Enhancing Education Through Technology Act, Title II, Part D, especially:

6777 Internet safety

UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 Internet safety policy and technology protection measures, E-rate discounts

Management Resources:

WEB SITES

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

American Library Association: <http://www.ala.org>

California Department of Education: <http://www.cde.ca.gov>

Federal Communications Commission: <http://www.fcc.gov>

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

Adopted: November 1, 2005

Revised: May 5, 2009

July 12, 2010

LONG BEACH UNIFIED SCHOOL DISTRICT

PERSONNEL

Employee Use of Technology

Online/Internet Services: User Obligations and Responsibilities

Employees are authorized to use district equipment to access the Internet or other online services in accordance with Board policy, the district's Acceptable Use Agreement, and the user obligations and responsibilities specified below.

1. The employee in whose name an online services account is issued is responsible for its proper use at all times. Employees shall keep account information, home addresses, and telephone numbers private. They shall use the system only under the account number to which they have been assigned.
2. Employees shall use the system safely, responsibly, and primarily for work-related purposes.
3. Employees shall not access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race, ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs.

(cf. [4030](#) - Nondiscrimination in Employment)

(cf. [4119.11](#) - Sexual Harassment)

4. Employees shall not use the system to promote unethical practices or any activity prohibited by law, Board policy, or administrative regulations.
5. Employees shall not use the system to engage in commercial or other for-profit activities without permission of the Superintendent or designee.
6. Copyrighted material shall be posted online only in accordance with applicable copyright laws.
7. Employees shall not attempt to interfere with other users' ability to send or receive email, nor shall they attempt to read, delete, copy, modify, or forge other users' email.
8. Employees shall not develop any classroom or work-related web sites, blogs, forums, or similar online communications representing the district or using district equipment or resources without permission of the Superintendent or designee. Such sites shall be subject to rules and guidelines established for district online publishing activities including, but not limited to, copyright laws, privacy rights, and prohibitions against obscene, libelous, and slanderous content. Because of the unfiltered nature of blogs, any such site shall include a disclaimer that the district is not responsible for the content of the messages. The district retains the right to delete material on any such online communications.

(cf. [1113](#) - District and School Web Sites)

9. Users shall report any security problem or misuse of the services to the Superintendent or designee.

Adopted: July 12, 2010

LONG BEACH UNIFIED SCHOOL DISTRICT

District Internet/Electronic Mail Guidelines/Procedures for Represented Certificated Staff

All access to Internet sites is routed through a “technology protection measure” designed to filter out material that is in violation of the District’s Internet policies. This filter will block most objectionable material. Users should be aware that some objectionable material may be missed by the filter and users, upon discovering the presence of such material, shall report offending sites to the Technology and Information Services Branch at extension 8411. Review processes are available to block sites with objectionable material and to request the removal of blocks to sites that users believe contain material that has educational benefit. Finally, an adult filter is available if the user submits a request and receives approval from the appropriate Assistant Superintendent and the Executive Director of Information Services.

Represented certificated employees are responsible for following generally accepted social standards for use of a publicly owned and operated communication tool. Represented certificated staff will maintain high standards of ethical conduct while using the system. Examples of unethical, unacceptable use of District technology equipment include the following:

- Sending, displaying, or accessing pornographic, abusive, obscene, or other objectionable language, graphics, or other media
- Unauthorized disclosure, use, and dissemination of personal information about students or employees
- “Hacking” or otherwise engaging in unlawful activities while online
- Using obscene language
- Harassing, insulting, or attacking others
- Intentionally damaging computers, computer systems, data, files, information or computer networks
- Violating copyright laws
- Using or distributing another’s password
- Trespassing in another’s folders, work, or files
- Intentionally wasting limited resources
- Employing the network for outside business or commercial purposes
- Sending or receiving of unethical, illegal, immoral, inappropriate, or unacceptable information of any type
- Engaging in activities that cause disruption to the network or its systems
- Attempting to bypass the system security measures
- Reposting or forwarding without the permission of the sender a message sent to you privately which is of a confidential nature or one clearly designed to be read by a limited number of selected recipients
- Posting chain letters or engaging in “spamming” – i.e., sending an annoying or otherwise unnecessary message to a large number of people

The network is provided for represented certificated staff to conduct research, to communicate with others on academic topics, and to engage in legitimate District business. Individual users of the District computer networks are responsible for their behavior and communications on those networks. Users shall comply with District standards and will abide by the policies specified herein. Violations of the District policy described may result in access privileges being suspended or revoked, as well as other disciplinary action as warranted. Any commercial, political, or unauthorized use of those materials or services, in any form, is forbidden. All copyright laws must be observed.

Members of the certificated teachers bargaining unit may engage in teacher association business on the District computer networks. Such teacher association business shall be conducted during non-duty hours which are defined in Article IV, Section C of this Agreement. Association use of District e-mails shall be limited to the following: authorized Association representatives may use District e-mails to provide notice of meetings, agendas for meetings, minutes of meetings, confirmation of a meeting with a District representative, or a limited distribution communique between an authorized Chapter officer and a

District representative; the Association will not use e-mail to denigrate the District or its personnel and will observe the prohibitions of Education Code, Section 7054.

The Long Beach Unified School District respects the privacy of all certificated teacher users. System administrators and their staff may not log on to a user's account or view a user's files without explicit permission from the user (for example, by setting file access privileges). Exceptions arise when the user's account is suspected either of disrupting or endangering the security or integrity of any network systems or services or of violations of applicable school district policies, federal or state law. Even then, the system administrator must normally obtain prior approval of the Director of Information Services unless grave danger to the continued operation of the systems requires emergency action.

This does not preclude system administrators from maintaining and monitoring system logs of user activity from within the District firewall on school district property. Moreover, automated searches for files that endanger system security or integrity are performed regularly to protect all users. System administrators may take appropriate action in response to detection of such files (typically removal of those files and possibly suspension of the user's accounts until the matter can be resolved).

Use of the computer network may be revoked at any time for inappropriate use. The Technology and Information Services Branch, in collaboration with school administration, will be the sole determiners of what constitutes inappropriate behavior according to local, state, and federal law. The violation of any item contained in this policy may result in the loss of computer access and/or other disciplinary action, as well as possible punitive action as provided for by local, state, and federal law.

Security on any computer system is a high priority, especially any system that has many users and/or Internet access. Represented certificated staff members shall not let others use his or her account or password as he or she has a reasonable responsibility for all actions related to his or her account. Certificated staff must notify school administrators immediately if their password is lost or stolen or if they think someone has access to their account. Represented certificated employees are to use only the network directories and resources that have been assigned for their use. Unauthorized access to any other level of the system, or other system resource, is strictly prohibited. Users will make no attempt to bypass the District anti-virus software, firewall, filtering and safeguards. When finished with a computer represented certificated employees are expected to logout where appropriate.

Represented certificated employees are not allowed to install software onto the computers or the computer network without a valid purchase order or other proof of District or personal ownership. Legal software and/or data stored on local hard drives of District computers are subject to removal with prior notification and consent of the represented certificated staff member. Long Beach Unified School District shall take reasonable precautions to ensure the security, integrity, or longevity of data and/or programs stored on staff computers.

Represented certificated staff acknowledges that they share responsibility for any and all use of the District's computer network and that misuse could lead to liability and/or consequences that extend beyond the District's authority. The Long Beach Unified School District and its represented certificated staff members shall be held harmless from any use or misuse of the computer network by students. Long Beach Unified School District makes no warranty of any kind, whether expressed or implied, for the service that it is providing. Long Beach Unified School District will not be responsible for any damage users may suffer including, but not limited to, loss of data or interruptions of service as a consequence of equipment failure, either on or off District property. Long Beach Unified School District and its represented certificated employees are not responsible for the accuracy or quality of the information obtained through or stored on the system.

Reference: TALB
Appendix G

Ratified: February 4, 2003

LONG BEACH UNIFIED SCHOOL DISTRICT

HUMAN RESOURCE

Unauthorized Release of Confidential/Privileged Information

The Board, administration and staff recognizes the importance of keeping confidential information confidential. Administration and staff shall maintain the confidentiality of information acquired in the course of their employment. Confidential/privileged information shall be released only to the extent authorized by law.

Information and records pertaining to closed sessions, negotiations, personnel, medical and student records are not subject to public disclosure under Government Code 6252-6260.

Disclosure of Closed Session Information

An employee shall not disclose confidential information acquired by attending a closed session to any person(s) not entitled to receive such information, unless the Board authorizes disclosure of that information. (Government Code 54963)

This includes information relating to the Board's employer-employee strategies on matters in or to be placed in negotiations.

Confidential information means a communication made in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session. (Government Code 54963)

Any employee who willfully discloses confidential information acquired during a closed session may be subject to disciplinary action if he/she received training or notice as to the requirements of this policy. (Government Code 54963)

The District shall not take disciplinary action against any employee for disclosing confidential information acquired in a closed session, nor shall the disclosure be considered a violation of the law or Board Policy, when the employee is: (Government Code 54963)

1. Making a confidential inquiry or complaint to a District attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a Board action that has been the subject of deliberation during a closed session (cf. 4119.1/4219.1/4319.1 – Civil and Legal Rights)
2. Expressing an opinion concerning the propriety or legality of Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action
3. Disclosing information that is not confidential

Other Disclosures

Any employee who willfully releases confidential or privileged information about the District, students or staff members shall be subject to disciplinary action up to and including dismissal from the service of the District.

No employee shall disclose confidential information acquired in the course of his/her official duties. Confidential information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the employee.

(cf. 4112.6/4212.6/4312.6 – Personnel Files)

(cf. 4112.62/4212.62/4312.62 – Maintenance of Criminal Offender Records)

(cf. 4143/4243 – Negotiations/Consultation)

(cf. 5125 – Student Records)

(cf. 5125.1 – Release of Directory Information)
 (cf. 5141.4 – Child Abuse Prevention and Reporting)
 (cf. 6164.2 – Guidance/Counseling Services)

Any action by an employee which inadvertently or carelessly results in release of confidential or privileged information shall be recorded, and the record shall be placed in the employee's personnel file. Depending on the circumstances of such release of information, the Superintendent or designee may deny the employee further access to any privileged information and shall take any steps necessary to prevent any further unauthorized release of such information.

Reference:

California Education Code
 35010 Control of district; prescription and enforcement of rules
 35146 Closed sessions
 35160 Authority of governing boards
 44031 Personnel file contents and inspection
 44932 Grounds for dismissal of permanent employees
 44933 Other grounds for dismissal
 45113 Rules and regulations for classified service
 49060-49079 Pupil Records
 California Government Code
 1098 Public officials and employees: confidential information
 6250 – 6270 Inspection of public records
 United States Code, Title 20
 1232g Family Education Rights and Privacy Act

Effective: April 18, 1998

Revised: July 7, 2009

LONG BEACH UNIFIED SCHOOL DISTRICT