

## **All Personnel**

AR 4158 (a)

4258

## **EMPLOYEE SECURITY**

4358

An employee may use reasonable force when necessary to protect himself/herself from attack, to protect another person or property, to quell a disturbance threatening physical injury to others, or to obtain possession of weapons or other dangerous objects on or within the control of a student. (Education Code 44807, 49331)

Employees shall promptly report any student attack, assault or threat against them to their principal or other supervisor. The employee and the principal or other supervisor both shall immediately report such instances to the appropriate local law enforcement agency. (Education Code 44014)

The report also shall be forwarded immediately to the Superintendent or designee, who may act as liaison between the employee, the police, and the courts.

An employee whose person or property is injured or damaged by willful misconduct of a student may ask the district to pursue legal action against the student or the student's parent/guardian. (Education Code 48905)

If criminal or civil proceedings are brought against a Management Team member alleging that an assault was committed in connection with employment, such member may request the Board to furnish legal defense counsel in such proceedings. If the Board does not provide such counsel and the member prevails in the proceeding, then the Board may reimburse the member for defense counsel fees incurred and for any loss of salary.

The Board will provide, at no cost to the Management Team member, liability insurance coverage in an amount sufficient to protect members from personal loss arising from any civil suits brought against them in connection with their employment.

### **Required Notice Regarding Violent Students**

The Superintendent or designee shall inform the teacher of every student who has caused or tried to cause another person serious bodily injury or any physical injury that requires professional medical treatment. This information shall be based upon written district records or records received from a law enforcement agency. (Education Code 49079)

Teachers shall receive the above information in confidence and disseminate it no further. (Education Code 49079) Teachers may be subject to discipline for divulging such information to persons who are not entitled to it.

The Superintendent or designee shall maintain the above information in a separate confidential file for each student. This file shall be kept at the school which the student attends. The principal or designee shall notify the teacher in writing when such a student is assigned to his/her class/program and ask the teacher to review the student's file in the school office. This notification shall not name or otherwise identify the student.

**EMPLOYEE SECURITY (continued)**

The principal or designee shall keep a record of the above notification. Teachers who will be notified are those who are likely to come into contact with the student, including the student's homeroom or classroom teachers, special education teachers, coaches and counselors.

The teacher shall initial the student's file when reviewing it in the school office. A teacher's failure to review the file may be construed as a waiver of the district's liability, the district having made a good faith effort to comply with the notification requirement of Education Code 49079.

(cf. 3514 - Safety)  
(cf. 5125 - Student Records; Confidentiality)  
(cf. 5131.7 - Weapons and Dangerous Instruments)

**Permissive Notice Regarding Student Crimes**

When informed that a student has been found by a court of competent jurisdiction to have illegally used, sold or possessed a controlled substance or committed a crime specified in Welfare and Institutions

Code 828.1, the Superintendent or designee may so inform any teacher, counselor or administrator whom he/she believes needs this information in order to work with the student appropriately, avoid being needlessly vulnerable, or protect others from needless vulnerability. The Superintendent or designee shall consult with the principal of the school which the student attends in order to identify staff that should be so informed. (Welfare and Institutions Code 828.1)

(cf. 3515.3 - Police Department)

The Superintendent or designee shall ensure that staff members understand that they are receiving such information in confidence and must disseminate it no further.

Legal Reference: See next page

**EMPLOYEE SECURITY (continued)**

Legal Reference:

EDUCATION CODE

- 32210-32212 Willful disturbance, public schools or meetings
- 35203 Duty of district attorney to defend in certain cases
- 35204 Contract with attorney in private practice or use of administrative advisor
- 35205 Contract for legal services
- 35206 Additional legal services by county counsel or district attorney
- 35208 Liability insurance
- 35213 Reimbursement for loss, destruction or damage of school property
- 44014 Report of assault by pupil against school employee
- 44807 Duty concerning conduct of pupils
- 48902 Notification of law enforcement authorities if student violates assault or controlled substance provision
- 48904 Parental liability
- 49079 Notification to teacher; student who has caused or attempted to cause serious bodily injury
- 48905 Injury or damage to person or property of school district employee; request for legal action
- 49331 Removal of injurious object from possession of pupil by designated employee

GOVERNMENT CODE

- 995-996.4 Defense of public employees

PENAL CODE

- 71 Threatening public officers and employees and school officials
- 241.2 Assault on school or park property against any person
- 241.3 Assault against school bus drivers
- 241.6 Assault on school employee
- 243 Battery; punishment
- 243.2 Battery on school or park property against any person
- 243.3 Battery against school bus drivers
- 243.6 Battery against school employee

CIVIL CODE

- 51.7 Freedom from violence or intimidation

WELFARE AND INSTITUTIONS CODE

- 828 Disclosure of information re minors
- 828.1 Dissemination of information for specific purposes