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THE CHARTER LAW FIRM



Preventing Acts of Violence on Campus


Practical Safe School Solutions

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School Safety Plans



- Establish a School Safety Plan
 - Education Code §§ 32280-32289 require that ALL California public schools K-12 MUST develop a comprehensive school safety plan
- Safety Plan Components
 - Current status of school crime committed on campus and school-related functions;
 - Appropriate strategies and programs that will maintain a high level of school safety; and
 - Address school's procedures for complying with school safety laws and required procedures

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School Safety Plans



- Develop an Action Plan Policy Utilizing:
 - Deter
 - Delay
 - Deny
 - Defend
- Compliance With the Law
 - Self-monitor your school's safety plan
 - Compare your plan with the comprehensive plan compliance checklist


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Visitor Policy




- Publish & Maintain a Visitor Policy
 - Check-in procedure and process
 - Visitor passes (Nametags/lanyards)
 - Time limits
 - Prior approval for entry
 - Define your school's "campus" and behavioral expectations
 - Statutory provisions governing penalties for disruptive behavior & ouster

Keep a Log of ALL visitors, their time of entry, purpose of visit, and issues with any visitors




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Responses to Violence/Disruptions




- Definition of Disruptive Conduct
 - Any type of unacceptable conduct or behavior by a person at a school or school sponsored activity that disrupts classwork or school-related activity
 - Ex: Parent yelling, cussing, swearing at school faculty and/or staff
- Penalty for Disruptive Conduct
 - Education Code § 44811 provides that any parent, guardian, or other person whose conduct that materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor




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Responses to Violence/Disruptions




Option No. 1

- Tell Disruptive Individuals to LEAVE or Else
 - Use anytime a person is causing a minor, temporary disruption
 - California Penal Code § 626.7 – Failure to Leave: Punishes individuals who fail to leave after being asked or if they return without following the proper procedures, the individual may be found guilty of a crime which is punishable by a fine of up to \$500.00 or imprisonment in the County jail for a period of up to six (6) months or both



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Responses to Violence/Disruptions



Option No. 2


- Notice to Leave Immediately
 - Use when a person is causing a significant disruption
 - California Penal Code § 626.8 - Applies when the person's presence or acts interfere with the peaceful conduct of the activities of the school or disrupt the school or its pupils or school activities and remains in effect for seven (7) days

Option No. 3

- Withdrawal of Consent for Fourteen Days
 - Use when a person is intentionally causing a significant disruption
 - California Penal Code § 626.4 - Applies when whenever there is reasonable cause to believe that such person has willfully disrupted the orderly operation of such campus or facility

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Responses to Violence/Disruptions




Option No. 4

- Workplace Violence Injunction
 - Use against ANY individual when there is
 - (A) Unlawful Violence; or
 - (B) Credible Threat of Violence
 - » Verbal harassment, threats, swearing, intimidation, etc.
 - California Penal Code § 527.8 - Allows a school, as an employer, to seek a temporary restraining order ("TRO") followed by an injunction for a longer-term on behalf of any employee(s) who is or are threatened.
- School files petition with the court for an order to prohibit workplace violence that protects:
 - The employee, any other employees, volunteers, or even board members
 - May also protect family or household members of the employee(s)

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Responses to Violence/Disruptions



- Types of Protective Orders for Workplace Violence Injunctions
 - Personal Conduct Orders
 - Court orders perpetrator NOT to:
 - Commit acts of unlawful violence on or make threats of violence to the person
 - Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, etc.
 - Stay-Away Orders
 - Court orders perpetrator to stay [number] yards away from the employee(s) and various locations the employee(s) frequent (i.e. workplace, home, school, children's school)
- Enforcement of Workplace Violence Injunctions
 - Protected individuals can contact law enforcement if the perpetrator violates an order

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Tips to Limit Exposure to Liability



- Establish parent/guardian behavior expectations while at school campus or school activities
- Do Not ignore "low level" situations – Act quickly to prevent escalation
- Work with an employee who feels harassed
- Maintain up to date policies and procedures
- Document all disruptive situations – sign in sheets, phone records, e-mails, and letters to parents. These will be helpful in subsequent court proceedings.
- Investigate all complaints. Often those that seem trivial at first are some of the most serious.
- Contact law enforcement when necessary; even to deter unacceptable/bad behavior
- Be vigilant about your school's visitor policy
- Monitor parking lot and common area activity

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Why It Matters



- Public Schools' Mandatory Duty of Care = **Liability**
 - Negligence
 - Failure to comply with applicable statutory and regulatory standards is **NEGLIGENCE**
 - Public Schools must exercise reasonable diligence in an effort to comply with such standards
 - **Negligent Failure to Plan**
 - New and emerging legal theory to assert negligence claims
 - Organizations may be found negligent if the organization **FAILED** to take **reasonable & adequate steps to prepare** for possible threats
 - Tort Claims Act – Doesn't limit ability to sue charter schools.
- Safety First
 - Take Reasonable & Adequate Steps to Prepare for Possible Threats
 - Establish Policies that Protect Your Students & Faculty
 - Investigate and Regulate
 - Make Your School a "Hard Target"
 - Educate and Train Faculty & Staff
 - Bridge the 3-minute gap for law enforcement response.

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Non-Legal Steps to Take



- Have Professional evaluation done at campus
 - Safety film on windows
 - Limit access points
 - Lock down drills as often as fire drills – which is more likely to occur?
 - Training for staff in self-defense techniques to protect themselves and children

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Trust Your Instincts




- If your gut tells you to call the police and/or seek court intervention, do so without delay.
- Better to be safe than sorry.

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Protecting Employees Increases Moral



- When an employee feels harassed or threatened, protect them from such threats.
- Employees perform best when they are not under duress.


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QUESTIONS AND RESPONSES

**THANKS FOR
ATTENDING TODAY!**

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