

CVUSD Board Policy

BP 5142

Students

Safety

Note: The California Tort Claims Act (Government Code 810-996.6) provides that a district may be held liable for personal injuries caused by dangerous conditions on school property and could be liable for its employees' failure to use reasonable care to prevent foreseeable injuries resulting from school activities. Within the scope of their employment, school staff must exercise the degree of care "which a person of ordinary prudence, charged with (comparable) duties, would exercise under the same circumstances." (Dailey v. Los Angeles Unified School District) In Wiener v. Southcoast Childcare Centers, the California Supreme Court found that a childcare center was not liable for the failure to install a sturdier fence against a criminal act that was not foreseeable. With regards to sports activities, schools have no legal duty to eliminate risks inherent in the sport itself because students assume those risks by participating in the activity, but schools do have a duty to use due care not to increase the risks over and above those inherent in the sport. (Kahn v. East Side Union High School District)

***Note: The following optional policy should be modified to reflect district practice. ***

The Governing Board recognizes the importance of providing a safe school environment that is conducive to learning and helps ensure student safety and the prevention of student injury. The Superintendent or designee shall implement appropriate practices to minimize the risk of harm to students, including, but not limited to, practices relative to school facilities and equipment, the outdoor environment, educational programs, and school-sponsored activities.

- (cf. 0450 - Comprehensive Safety Plan)
- (cf. 3320 - Claims and Actions Against the District)
- (cf. 3514 - Environmental Safety)
- (cf. 3514.1 - Hazardous Substances)
- (cf. 3514.2 - Integrated Pest Management)
- (cf. 3516 - Emergencies and Disaster Preparedness Plan)
- (cf. 3530 - Risk Management/Insurance)
- (cf. 3542 - School Bus Drivers)
- (cf. 3543 - Transportation Safety and Emergencies)
- (cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
- (cf. 4119.43/4219.43/4319.43 - Universal Precautions)
- (cf. 5131 - Conduct)
- (cf. 5131.1 - Bus Conduct)
- (cf. 5141 - Health Care and Emergencies)
- (cf. 5141.22 - Infectious Diseases)
- (cf. 5142.1 - Identification and Reporting of Missing Children)
- (cf. 5143 - Insurance)

- (cf. 5144 - Discipline)
- (cf. 5144.1 - Suspension and Expulsion/Due Process)
- (cf. 6145.2 - Athletic Competition)
- (cf. 6161.3 - Toxic Art Supplies)
- (cf. 6163.2 - Animals at School)
- (cf. 7111- Evaluating Existing Buildings)

Staff shall be responsible for the proper supervision of students during school hours, during school-sponsored activities, and while students are using district transportation to and from school.

The Superintendent or designee shall ensure that students receive appropriate instruction on topics related to safety, as well as injury and disease prevention.

- (cf. 5141.7 - Sun Safety)
- (cf. 6142.8 - Comprehensive Health Education)

Legal Reference:

EDUCATION CODE

- 8482-8484.6 After School Education and Safety Program
 - 17280-17317 Building approvals (Field Act)
 - 17365-17374 Fitness of school facilities for occupancy
 - 32001 Fire alarms and drills
 - 32020 School gates; entrances for emergency vehicles
 - 32030-32034 Eye safety
 - 32040 First aid equipment
 - 32225-32226 Two-way communication devices in classrooms
 - 32240-32245 Lead-free schools
 - 32250-32254 CDE school safety and security resources unit
 - 32280-32289 Safety plans
 - 44807 Duty of teachers concerning conduct of students
 - 44808 Exemption from liability when students are not on school property
 - 44808.5 Permission for students to leave school grounds; notice (high school)
 - 45450-45451 Crossing guards
 - 48900 Hazing
 - 49300-49307 School safety patrol
 - 49330-49335 Injurious objects
 - 49341 Hazardous materials in school science laboratories
 - 51202 Instruction in personal and public health and safety
- GOVERNMENT CODE
- 810-996.6 California Tort Claims Act
- HEALTH AND SAFETY CODE
- 115725-115735 Playground safety
 - 115775-115800 Wooden playground equipment
 - 115810-115816 Playground safety and recycling grants

PENAL CODE

245.6 Hazing

PUBLIC RESOURCES CODE

5411 Purchase of equipment usable by physically disabled persons

VEHICLE CODE

21100 Rules and regulations; crossing guards

21212 Use of helmets

42200 Fines and forfeitures, disposition by cities

42201 Fines and forfeitures, disposition by counties

CODE OF REGULATIONS, TITLE 5

202 Exclusion of students with a contagious disease

570-576 School safety patrols

5531 Supervision of social activities

5552 Playground supervision

5570 When school shall be open and teachers present

14103 Bus driver; authority over pupils

COURT DECISIONS

Wiener v. Southcoast Childcare Centers, (2004) 32 Cal.4th 1138

Kahn v. East Side Union High School District, (2003) 31 Cal.4th 990

Hoyem v. Manhattan Beach City School District, (1978) 22 Cal. 3d 508

Dailey v. Los Angeles Unified School District, (1970) 2 Cal 3d 741

Management Resources:

AMERICAN SOCIETY FOR TESTING AND MATERIALS

F 1487-05, Standard Consumer Safety Performance Specification for Playground Equipment for Public Use, 2005

U.S. CONSUMER PRODUCT SAFETY COMMISSION PUBLICATIONS

Handbook for Public Playground Safety, Pub. No. 325, 1994, rev. 1997

WEB SITES

American Society for Testing and Materials: <http://www.astm.org>

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

California Department of Health Services: <http://www.dhs.ca.gov>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Environmental Protection Agency: <http://www.epa.gov>

U.S. Consumer Product Safety Commission: <http://www.cpsc.gov>

U.S. Department of Education, Safe Schools:

<http://www.ed.gov/about/offices/list/osers/osep/gtss.html>

CSBA: (7/00 11/02) 7/06

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