TITLE: Policy on Co-Locations for District School Facilities’ Use Pursuant to Education Code Section 47614 (Proposition 39)

NUMBER: BUL-5532.1

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DATE: December 4, 2017

ROUTING
Local District Superintendents
Administrators of Operations
Directors
Operations Coordinators
School Principals and Assistant Principals
Facilities Services Division
Charter Schools Division

MAJOR CHANGES: This Bulletin replaces BUL-5532.0, dated July 7, 2011, issued by School Operations. It reflects current District organization, procedures, and practices for charter school co-locations at District sites via Education Code Section 47614. The content has been updated to reflect additional guidelines for those activities concerned with keeping the physical plant open, comfortable, and safe for use and keeping the grounds, buildings, and equipment in working condition and a satisfactory state of repair. These include the activities of maintaining safety in buildings, on the grounds, and in the vicinity of schools. Also included is a non-exhaustive index of District policies and procedures relevant to the operations and safety of District sites.

PURPOSE: This bulletin addresses the expectations and requirements of charter schools co-located on District properties within the context of Education Code Section 47614 and its accompanying implementing regulations issued by the State Board of Education, which require the District to maintain the condition of the facility as a safe learning environment. This bulletin establishes the expectations that: (1) each co-located charter school is responsible for an excellent standard of use, management and care of the District’s facilities and property (including furniture and equipment); (2) both the District and the co-located principals will work together to establish and maintain a safe environment that supports student learning; and (3) the District school principal is the designated responsible party for site maintenance, operations and safety.
POLICY: This Bulletin replaces Bulletin Number 5532, dated July 7, 2011. The content has been updated to reflect current District organization, procedures and practices.

This bulletin provides guidelines for the shared use of District school sites by co-located District and charter schools pursuant to Education Code section 47614 and its Implementing Regulations (“Proposition 39”). All procedures are taken from and are consistent with current LAUSD Board of Education policies, as referenced at the end of each section heading. A list of cited and related District bulletins, memoranda and reference guides is included in the resource section of this document. This document lists applicable policies and should not be construed as a document related to identifying applicable laws. Although this compilation is intended to be as comprehensive as possible, it is not and cannot be considered exhaustive. Charter schools shall comply with all District policies regarding the operations and maintenance of the school facilities, furnishings and equipment.

The District is committed to ensuring that the safety and educational needs of all public school students, both District and charter, are considered when its facilities are shared as prescribed by California law.

BACKGROUND: In 2000, Proposition 39 was approved by California’s voters and amended Education Code section 47614. Until that time, a charter school was entitled to use facilities not currently being used by a school district for instructional or administrative purposes, or that have not been historically used for rental purposes, i.e., school facilities that districts were not using. However, the current law mandates that “public school facilities should be shared fairly among all public school pupils, including those in charter schools.” The law states that the District shall make available facilities sufficient to accommodate all of an eligible charter school’s “in-district students” (i.e., students entitled to attend district schools, except for those eligible to attend district schools solely based on inter-district attendance or parental employment) in conditions “reasonably equivalent” to those in which the students would be accommodated if they were attending other public schools of the district.

The District’s intent is to ensure that each in-district student has a seat in a reasonably equivalent, safe and conducive learning environment. However, to achieve this goal, District staff is tasked to work through and overcome diverse, and frequently competing, legal and practical challenges regarding the allocation of limited District facilities to eligible charter schools pursuant to Proposition 39.

For instance, challenges include considerations of the operational feasibility to fulfill the District’s duty to accommodate all new and special needs students each year within an entire framework of statutory, regulatory and contractual duties that guide and bind the District’s effort to meet its core mission to educate the children.
of Los Angeles. The District must also use its facilities for preschool, adult education, other charter schools, and other K-12 educational needs. In addition, when administering Proposition 39 facilities requests, the District is faced with competing laws, regulations and mandates that compel the District to reduce its inventory of classroom seats by removing portable bungalows as well as eliminating involuntary busing and year-round multi-track academic calendars. The District has more charter schools operating within its boundaries than any other school district in the nation, and while it has undertaken a massive building program to relieve critical overcrowding, it remains burdened with a scarcity of available facilities.

The difficulties of facing all of these mandates and limitations are greatly exacerbated by the limited Proposition 39 regulatory timeframe within which the District must annually allocate facilities to eligible charter schools. The District is afforded only ninety (90) calendar days (of which only fifty-seven (57) are business days) to: (1) review all charter schools’ facilities requests; (2) identify all space for potential allocation; and (3) issue all preliminary proposals. Most facilities will require renovations, reconfigurations, technology, furniture and equipment, and communications/safety systems purchases and upgrades to accommodate charter schools on-site. These efforts require several months of planning, formal approval for expenditures of limited public funds, and physical execution of the work by a reduced workforce.

In order to fairly share the District’s limited space, the District strives to continually improve the processes it follows to allocate facilities to charter schools that submit legally sufficient Proposition 39 facilities requests by streamlining the process to meet the annual needs of applicant charter schools while not unfairly burdening District schools. Charter schools’ facilities offers are not made in a vacuum, and the process does not simply involve making a charter school match based solely on a statistical fit for numerical availability. Rather, the District seeks to maximize the overall quality of offers to all eligible charter school applicants while also minimizing the significant resulting disruption to District schools.

**TIMELINE**

The following annual statutory deadlines are prescribed by the current Proposition 39 Implementing Regulations. The District’s comprehensive matching process, including collaboration with Local District Leadership, respective principals and others, will start as early as October and continue through April.

**November 1:** To receive facilities during a particular fiscal year, a charter school must submit a written facilities request to the District on or before November 1 of the preceding fiscal year.
** Please note, November 1 is also the internal deadline for District schools to identify all anticipated uses of classrooms for the subsequent school year to ensure that the inventory assessment performed by School Management Services is complete, accurate, and confirmed at the start of the matching process.

**December 1:** The District shall review the charter school’s projections of in-district and total classroom ADA (“average daily attendance”) on or before December 1, express any objections in writing, and state the projections the District considers reasonable.

**January 2:** On or before January 2, the charter school shall respond to any objections expressed by the District. The charter school shall reaffirm or modify its previous projections as necessary to respond to the information received from the District.

**February 1:** On or before February 1, the District shall prepare in writing a preliminary proposal regarding the space to be allocated to the charter school and/or to which the charter school is to be provided access. At a minimum, the preliminary proposal shall include:

1) the projections of in-district classroom ADA on which the proposal is based,
2) the specific location or locations of the space,
3) all conditions pertaining to the space, including a draft of any proposed agreement pertaining to the charter school's use of the space, and
4) the projected pro rata share amount and a description of the methodology used to determine that amount.

The District shall also provide the charter school a list and description of the comparison group schools (schools that the charter student would have otherwise attended had they elected to remain in the District) used in developing its preliminary proposal, and a description of the differences between the preliminary proposal and the charter school’s facilities.

**March 1:** On or before March 1, the charter school shall respond in writing to the District’s preliminary proposal, expressing any concerns, addressing differences between the preliminary proposal and the charter school’s facilities request and/or making counter proposals.

**April 1:** On or before April 1, having reviewed any concerns and/or counter proposals made by the charter school, the District shall submit in writing a final notification of the space offered to the charter school. The notification shall
include a response to the charter school’s concerns and/or counter proposals (if any). The notification shall specifically identify:

1) the teaching station, specialized classroom space, and non-teaching station space offered for the exclusive use of the charter school and the teaching station, specialized classroom space, and non-teaching station space to which the charter is to be provided access on a shared basis with District-operated programs,

2) for shared space, the arrangements for sharing,

3) the in-district classroom ADA assumptions for the charter school upon which the allocation is based and, if the assumptions are different than those submitted by the charter school pursuant to 5CCR Section 11969.9 (e), a written explanation of the reasons for the differences,

4) the specific location or locations of the space,

5) all conditions pertaining to the space,

6) the pro rata share amount, and

7) the payment schedule for the pro rata share amount, which shall take into account the timing of revenues from the state and from local property taxes.

May 1: The charter school must notify the District in writing whether or not it intends to occupy the offered space. This notification must occur by May 1 or 30 days after the District notification, whichever is later. The charter school’s notification can be withdrawn or modified before this deadline.

If the charter school does not notify the District by this deadline that it intends to occupy the offered space, then the space shall remain available for District programs and the charter school shall not be entitled to use District facilities in the following fiscal year.

Ten (10) Business Days Prior to First Day of Charter School Instruction The space allocated to the charter school by the District (or to which the District provides the charter school access) must be furnished, equipped and available for occupancy by the charter school at least ten (10) working days prior to the first day of instruction of the charter school.

PROCEDURES: The following procedures set forth the operational guidelines for the District school principal and the charter school principal co-located on a District facility as defined in the agreement reached between the District and the charter school in the “formal use agreement”. The District school principal is the responsible party for site maintenance, operations, and safety.
**Facilities Utilization**

Each charter school shall comply with all District policies regarding the operations and maintenance of the school facilities, furnishings and equipment.

Facilities, furnishings and equipment provided to a charter school by the District shall remain the property of the District. All District property should be labeled in order to maintain accurate inventory. It is the responsibility of the charter school to maintain all furniture and equipment not provided by the District, and to provide any and all supplies for the equipment provided by the District (e.g., toner, paper, etc.).

Per District Policy BUL-953.1, at the end of each fiscal year, schools and offices must complete an inventory for applicable equipment purchased with Unrestricted General Fund resources. However, it is preferred that the inventory be updated throughout the year as necessary. Pre-numbered identification labels will be placed on all equipment. Both the charter and District schools are responsible for the inventory associated with their own space.

- Equipment may not be loaned to any District or charter school employee, group or other persons for personal use. Equipment which is temporarily taken away from the site to perform District functions must be strictly controlled and accounted for. Refer to District Bulletin No. DB-15, “Written Authorization for Possession of Equipment Offsite”, dated July 25, 2001 from the Accounting & Disbursements Division. The time period that equipment is temporarily away from the site should be kept at a minimum and should not exceed six months. All such equipment must be returned to the site prior to taking the annual equipment inventory.

- Highly desirable and portable equipment, such as computers, media players and televisions, must be anchored with security devices and housed in rooms that can be secured. When these items are not in use, they should be stored in secured rooms or locked closets. Equipment shall not be taken home to be stored. In addition, all highly desirable and portable equipment items must be permanently marked “Los Angeles Unified School District” in a prominent area on the equipment. Assistance in securing equipment and rooms can be obtained from your Maintenance Area. See the District Store’s Warehouse Supplies and Equipment Catalog for appropriate security devices.

- No later than June 30 of each fiscal year, the charter school principal shall submit to the Charter Schools Operations Coordinator for the respective Local District, a written statement indicating the completion of the annual equipment inventory.
➢ By July 31, each Charter Schools Operations Coordinator for the respective Local District will provide a written assurance that his/her co-located schools have complied with the equipment inventory requirements to the Accounting Controls & Oversight Branch.

➢ The District is not obligated to pay for the modification of an existing school site to accommodate the charter school’s grade level configuration.

➢ The District shall allocate and/or provide access to non-teaching station space commensurate with the in-district classroom ADA of the charter school and the per-student amount of non-teaching station space in the District school.

➢ Non-teaching station space is all of the space that is not identified as teaching station space or specialized classroom space and includes, but is not limited to, administrative space, kitchen, multipurpose room, and play area space. The District shall negotiate in good faith with the charter school to establish time allocations and schedules so that educational programs of the charter school and District School are least disrupted. The charter school and District school allocations of space will be clearly articulated in a facility use agreement signed by both the District and the charter school principal prior to the charter school taking occupancy.

The District school principal is responsible to the respective Local District Superintendent, and ultimately to the Superintendent, for all educational program(s) operating on the school site. Both the District principal and the charter principal are mutually responsible for the supervision, operation, security, safety and care of the school plant.

The District principal is the authority responsible during times of crisis and will direct all activities consistent with the District’s Integrated Safe School Plan (ISSP) Only the District school principal can provide the final approval and submit the ISSP: “Co-located schools, including Prop 39 charter schools, will submit only one ISSP. That ISSP includes comprehensive goals, activities, teams, and dates to ensure that everyone on the campus will work together for the well-being of all. Schools that submit plans under the umbrella of a co-located site may be required to produce or create their own specific school’s Attendance and Dropout Prevention plan, goals, and/or strategies and activities.” (REF-5511.7-Instructions: 2.B.) *(REF-5511.7 COMPLETING AND UPDATING THE INTEGRATED SAFE SCHOOL PLAN [ISSP] 2017-18).*

[https://issp.lausd.net](https://issp.lausd.net)
Annual Calendar Dates of Co-located Facilities Planning Meetings: Operations, Security, Safety, and Site Management

To address issues relating to the shared use of District facilities, the co-located District and charter school principals are encouraged to meet in May/June, in August before school begins, and thereafter every two weeks for the duration of the school year. (See Proposition 39 Co-Located Principal’s Handbook for resources to schedule and conduct meetings.) To ensure effective communication and coordination between the two schools, the District school principal (or empowered designee) should attend these meetings. Regular meetings should be documented with agendas, sign-in records, and summary minutes with an action plan.

Specific topics to be addressed during these regularly scheduled meetings shall include, but are not limited to, the following:

- School Services
- Staff & Volunteer Rosters
- Student Rosters
- Site Access & Availability
- Site Access – School Visitors to Campus
- Key Control
- Student Meals Program
- Classroom / Facility Usage
- Facility Modification(s)
- Resolving Facilities Usage Issues
- Scheduling
- Safety & Security
- ISTAR Procedures (Incident System Tracking Accountability Report)
- LAUSD Learning Zone (LZ) Courses
- My Professional Learning Network (MyPLN)

School Services

Each charter school shall pay the District a per-square-foot facilities cost for, among other things, the maintenance and operations costs of the provided facilities in a manner set forth in a formal use agreement between the charter school and the District. This contribution shall be on a pro rata share basis, generally for the following costs:

1. Debt Service - interest and principal on COPS
2. Maintenance and Operations
3. Safe and Comfortable
4. Deferred Maintenance
5. Insurance
6. Grounds Costs

All District staff assigned to provide the services above must do so for the entire site regardless of charter or District occupied space.

The District school principal is the responsible party for site maintenance & operations. The co-located charter school principal must contact the District school principal and make a formal written request for additional service, repair, or to register a complaint. The District school principal, as the single point of contact, will then complete the work order request for services to/at the site. A copy of the work order will be forwarded to the co-located charter school principal and the Charter Schools Operations Coordinator in the respective Local District.

No services other than those listed above are provided to a charter school as part of a Proposition 39 co-location. Any additional services requested by the charter school (e.g. nursing, after school programs, special education, etc.) should be directed by the charter school to the Charter Schools Division. The charter school will pay separately for any and all such services provided.

**Staff & Volunteer Rosters** (REF-5450.1, School Emergency Response Boxes)
At the first District Co-Location Training in May/June, the co-located charter school principal shall provide the District school principal with a charter school staff and volunteer list that includes:
- Employee Names & Titles
- Employee Numbers
- Employee Room Assignments
- Volunteer Names & Titles
- Emergency Contact Information (phone, cell phone / text, email and name of person to contact in an emergency)

The co-located charter school principal will be responsible for keeping this staff and volunteer roster up-to-date and provided to the District school principal.

The District school principal will keep a copy of the charter staff / volunteer roster on file in the front office and in the School Emergency Response Box. The District school principal will forward a copy of this roster to the Los Angeles School Police Department (“LASPD”).
LASPD must have employee information on file that corresponds with any request to access sites during non-school hours and holiday breaks. “The District principal must pre-approve a written authorization for employees to enter the facility during non-business hours.” (BUL-5460.0, Accessing and Securing Sites During School Hours, Non-School Hours, and Holiday Breaks.)

**Student Rosters** (BUL-6303.0, Student Emergency Information Form)
By the first day of instruction, the co-located charter school principal shall provide the District school principal with the student list of emergency contact information as described for the School Emergency Response Boxes. This list must be kept in a secure location and be readily available in an emergency. This list shall be continuously updated and maintained by the co-located charter school principal. Each updated copy shall be provided to the District school principal.

**Site Access and Availability**

**Site Access & Availability during Non-School Hours:** (BUL-5460.0, Accessing and Securing Sites during School Hours, Non-School Hours, and Holiday Breaks: April 22, 2011)

Any non-District organization, school or group wishing to use the school campus at any time when either the District school or the charter school is operating shall obtain the signatures of both the District and the charter schools’ principals for approval of specific rooms.

When any organization wants to lease the campus via the Civic Center or Filming permit process, the District school principal will consult with the charter school principal to ensure that there is not a scheduling conflict with academic or extra-curricular programs before approving the date and time requested.

**Non-School District Organizations:** Any non-school District organization, school, or group wishing to use any part of the school campus during operating hours for either the District and/or the co-located charter shall request and obtain the pre-approval signatures of both the District and co-located charter school principals. Such requests/approvals must include sufficient lead time for both principals to consult, discuss, and agree to such usage. This agreement must then be annotated in writing on the master calendar for both schools.

**Civic Center Permit/License or Lease Agreement/Joint Use Agreement Permits:** Any organization seeking to lease any or part of the campus via the Civic Center Permit/License or Lease Agreement/Joint Use Agreement process must meet all of the requirements in BUL-6894.0, Procedures for Third-Party Use of Facilities. Specific Requirements for Charter Schools co-located with a District school are referenced on page 2, Guidelines: II-A, 4. The District principal is
responsible for this process and will consult with the charter school principal to ensure that there is not a scheduling conflict with academic or student activities programs before approving the usage.

**Visitors to Campus**

(BUL-6492.2, Visitor’s to School Campuses and Locked Campuses During Class Hours at All Schools)

Parental and community involvement in school programs and activities should be encouraged as stated in the California Education Code (e.g., sections 44810 (a), 44811(a), 51101(a) (1), (2) and (12), and LAUSD Board Rule 1265). As visitors are welcomed to District and co-located charter schools, they must be informed of the policies and procedures guiding admission and conduct onto the campus. Schools must develop and post a visitor’s policy that explains the requirements to obtain the consent of the co-located District / charter school principal and receive and wear a visitor’s identification badge.

**Key Control**

The District school principal as the responsible party for site maintenance, operations, and safety, will distribute keys to the co-located charter school principal. Both principals shall comply with the requirements set forth in BUL-2374.2, School Site Key Control. Notable highlights of this bulletin include the following:

- All keys are to be numbered and stamped with the school location code and the words: “DO NOT DUPLICATE”.
- The issuance and receipt of all keys shall be acknowledged in writing and only with the written approval of the site key administrator. An up-to-date record of such information shall be on file in the Local District office.
- All keys, including custodial keys, are to be kept in a locked key safe or vault when not physically in the possession of authorized school staff.

**Student Meals**

The co-located charter school will have access to a designated eating area of the District campus. Per the Shared Use Agreement and in coordination with the District principal, a schedule for daily use and exceptions for occasional use should be developed at the May/June and/or August planning meeting. This schedule must take into account the time required to prepare and clean the area for multiple users.

**Classroom / Facilities Usage**

In accordance with LAUSD Board Rules 2351 - 2370, school administrators are responsible for compliance with federal, state and local safety regulations.
Accordingly, the District school principal shall participate in the establishment of room assignments for both co-located programs.

Room assignments are to be made in a way to minimize, to the largest degree possible, the adverse and disruptive effects to both the co-located District and charter school.

**Facility Alterations**
The charter school principal will make a formal request in writing to the District principal for any and all repairs and/or modifications needed. The District principal will then notify the Complex Plant Manager to facilitate an assessment of required action.

**Resolving Facilities Usage Issues**
In addition to the prescribed meetings, the co-located District and charter school principals shall meet to resolve facilities usage and resolve scheduling conflicts, which may arise.

The co-located principals shall also be responsible for notifying certificated and clerical staffs of protocol, procedures and resolution of concerns regarding joint usage of facilities.

Conflicts between the co-located schools over the use of the facility which cannot be mutually resolved between the respective principals shall be escalated as needed in the following manner:

- **First level** – referral to the Local District Administrator of Operations and the Director of Charter School Division for resolution. The District principal should contact the Local District Administrator of Operations and the co-located charter principal should contact the Director of Charter Schools. Each principal should copy the other on the correspondence to ensure accurate and transparent escalation of the issue.
- **Second level** – engagement of the Local District Superintendent and the Chief Academic Officer of the Innovation and Charter Schools Division for resolution.
- **Final level** – Intervention and final decision by the Superintendent.

**Scheduling**
To address issues related to the shared use of District facilities, the District and charter school principals are encouraged to meet before school starts to plan for the following:
Joint development of a master calendar of activities such as: shared (joint) use of the auditorium, annual school functions, e.g. back to school event, parent conferencing, student assemblies, school-wide emergency drills, and the spring testing dates

- Joint preparation of the schedule for the Plant Manager and custodial staff
- Joint preparation of the schedule for shared P.E. fields and locker rooms.

**Safety and Security**

The co-located charter school shall adopt the District’s safe school plan as occupant at the District school site and shall participate in all required school safety events and activities as scheduled and directed by the District school principal. Examples include, but are not limited to, on-going/regular activities such as fire drills and administrative searches, emergency preparedness, and critical incident management activities such as campus lockdowns and relocations.

District schools maintain a cache of emergency supplies of its students and staff on campus as well as lockdown supplies in classrooms. (See REF-5451.2, School Site Emergency/Disaster Supplies) Charter schools are expected to provide supplies for their own students and staff, including specific supplies for students and staff with special needs. Emergency supplies may be stored in the District school site’s emergency supply container/bin, and lockdown supplies in the charter school’s exclusive use classrooms.

The District co-location training meetings in May/June and again in August will also include discussions of the methods of communication during emergencies, (e.g., radios, cell phones, PA systems and land lines) to ensure the appropriate and consistent practices are followed by both co-located schools to communicate with students, parents and staff during an emergency. For this reason, all co-located programs on a campus will share a common radio frequency. Both co-located schools will participate in the Districtwide radio test and annual Great Shakeout Drill in October of each school year. The District principal will serve as the Incident Commander for these drills.

It is District practice that all co-located schools on a campus follow a single plan and employ the Incident Command System (ICS), the international standard structure for emergency response, with the District school principal as the single School Incident Commander.

**ISTAR Procedures**

Beginning in the 2017-18 School Year, the ISTAR tool will be available to co-located charter schools.
Per BUL-5269.2, “The Los Angeles Unified School District (District) is committed to supporting schools and offices as they work to create and maintain safe and caring learning and working environments for all students and staff. The District’s Incident System Tracking Accountability Report (ISTAR) is the District-wide electronic tool to report and document incidents involving students, employees, or the school community, which occur on or near District, schools and sites. Accurate reporting enables the Local District (LD), Central Office, and other responders to mobilize efficiently and effectively and allocate appropriate resources to address incidents and provide support to schools, offices, and those affected. The system is also intended to reduce potential miscommunication. ISTAR will capture more specific incident information and produce more accurate and meaningful data to find similarities in incidents so that divisions can develop solutions and strategies to address these incidents and improve the response process(es)”.

**LAUSD Learning Zone (LZ) Courses**
Courses on the LAUSD.NET website are available to all staff members with an LAUSD Single Sign On (SSO) email account. All co-located charter school staff are required to apply for and maintain an active SSO account.

**DEFINITIONS/GLOSSARY:**

**Facilities Use Agreement** – Refers to the agreement between the District and a charter school regarding the terms of the charter school’s use of the District’s facilities.

**Shared Use Agreement** – Refers to Exhibit A of the Facilities Use Agreement, which articulates the co-located schools’ points of contact, academic calendars, a charter school’s exclusive use spaces, and the types and schedules of shared use space, such as auxiliary areas, restrooms, and classrooms, to which a charter school has access among other relevant site-specific details. The shared use space schedule must be kept locally at the District school site.

**Exclusive Use** – Refers to all rooms not shared between the District and charter schools. Exclusive use space is occupied by the same program and not shared.

**Co-location training** – Refers to annual trainings, in which both the co-located District and charter school principals review District policies and procedures relevant to the co-location, among other things.

**ISTAR** – Incident System Tracking Accountability Report.
ATTACHMENTS: Listing of applicable bulletins
- Campus Access Control
- Daily Safety Routines & Reports – Office Of Environmental Health & Safety (OEHS)
- Facility Use and Equipment Management
- Incidents On or Near Campus
- Integrated Safe School Plan and Emergency Drill Procedures
- Management / Reporting / Documentation Tools
- Student / Staff / Community Safety

ASSISTANCE: For assistance or further information regarding this policy, please contact your Local District Director or Local District Operations Coordinator.
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**INCIDENTS ON OR NEAR CAMPUS**

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**INTEGRATED SAFE SCHOOL PLAN and EMERGENCY DRILL PROCEDURES**

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<td>Safe School Inspection Guidebook</td>
<td>Safe School Inspection Guidebook</td>
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