

West Park School District

Board Policy Manual

Board Policy Manual

4000. Personnel

Policy 4000: Concepts And Roles	8
Policy 4020: Drug And Alcohol-Free Workplace	9
Policy 4030: Nondiscrimination In Employment	11
Regulation 4030: Nondiscrimination In Employment	15
Regulation 4032: Reasonable Accommodation	20
Policy 4033: Lactation Accommodation	24
Policy 4040: Employee Use Of Technology	27
Exhibit 4040-E(1): Employee Use Of Technology	29
Policy 4100: Certificated Personnel	37
Policy 4111: Recruitment And Selection	38
Policy 4111.2: Legal Status Requirement	41
Regulation 4111.2: Legal Status Requirement	42
Regulation 4112: Appointment And Conditions Of Employment	43
Regulation 4112.1: Contracts	45
Policy 4112.2: Certification	46
Regulation 4112.2: Certification	50
Policy 4112.21: Interns	57
Regulation 4112.21: Interns	60
Regulation 4112.22: Staff Teaching English Learners	63
Regulation 4112.23: Special Education Staff	65
Regulation 4112.3: Oath Or Affirmation	69
Exhibit 4112.3-E(1): Oath Or Affirmation	70
Regulation 4112.4: Health Examinations	71
Policy 4112.41: Employee Drug Testing	74
Policy 4112.42: Drug And Alcohol Testing For School Bus Drivers	76
Regulation 4112.42: Drug And Alcohol Testing For School Bus Drivers	79
Regulation 4112.5: Criminal Record Check	84
Exhibit 4112.5-E(1): Criminal Record Check	88
Regulation 4112.61: Employment References	91
Policy 4112.8: Employment Of Relatives	92
Policy 4112.9: Employee Notifications	93
Policy 4113: Assignment	97
Regulation 4113: Assignment	100
Policy 4113.4: Temporary Modified/Light-Duty Assignment	103
Policy 4113.5: Working Remotely	104
Policy 4115: Evaluation/Supervision	106
Regulation 4115: Evaluation/Supervision	108
Regulation 4116: Probationary/Permanent Status	110
Policy 4117.13: Early Retirement Option	112

Regulation 4117.14: Postretirement Employment	113
Policy 4117.2: Resignation	116
Policy 4117.3: Personnel Reduction	117
Regulation 4117.5: Termination Agreements	120
Regulation 4117.7: Employment Status Reports	121
Policy 4118: Dismissal/Suspension/Disciplinary Action	124
Policy 4119.1: Civil And Legal Rights	128
Policy 4119.11: Sexual Harassment	131
Regulation 4119.11: Sexual Harassment	134
Regulation 4119.12: Title IX Sexual Harassment Complaint Procedures	139
Exhibit 4119.12-E(1): Title IX Sexual Harassment Complaint Procedures	145
Policy 4119.21: Professional Standards	147
Exhibit 4119.21-E(1): Professional Standards	150
Policy 4119.22: Dress And Grooming	153
Policy 4119.23: Unauthorized Release Of Confidential/Privileged Information	155
Policy 4119.24: Maintaining Appropriate Adult-Student Interactions	157
Policy 4119.25: Political Activities Of Employees	159
Regulation 4119.25: Political Activities Of Employees	161
Policy 4119.41: Employees With Infectious Disease	163
Policy 4119.42: Exposure Control Plan For Bloodborne Pathogens	165
Regulation 4119.42: Exposure Control Plan For Bloodborne Pathogens	167
Exhibit 4119.42-E(1): Exposure Control Plan For Bloodborne Pathogens	173
Policy 4119.43: Universal Precautions	175
Regulation 4119.43: Universal Precautions	177
Policy 4121: Temporary/Substitute Personnel	179
Regulation 4121: Temporary/Substitute Personnel	184
Policy 4127: Temporary Athletic Team Coaches	187
Regulation 4127: Temporary Athletic Team Coaches	189
Policy 4131: Staff Development	193
Policy 4131.1: Teacher Support And Guidance	196
Regulation 4131.1: Teacher Support And Guidance	198
Policy 4132: Publication Or Creation Of Materials	200
Policy 4135: Soliciting And Selling	202
Policy 4136: Nonschool Employment	203
Policy 4140: Bargaining Units	205
Policy 4141: Collective Bargaining Agreement	210
Policy 4141.6: Concerted Action/Work Stoppage	212
Regulation 4141.6: Concerted Action/Work Stoppage	214
Policy 4143: Negotiations/Consultation	217
Policy 4143.1: Public Notice - Personnel Negotiations	219
Regulation 4143.1: Public Notice - Personnel Negotiations	221

Policy 4144: Complaints	223
Regulation 4144: Complaints	224
Policy 4156.2: Awards And Recognition	226
Policy 4156.3: Employee Property Reimbursement	227
Policy 4157: Employee Safety	228
Regulation 4157: Employee Safety	230
Regulation 4157.1: Work-Related Injuries	236
Regulation 4157.2: Ergonomics	238
Policy 4158: Employee Security	240
Regulation 4158: Employee Security	243
Policy 4159: Employee Assistance Programs	248
Regulation 4161: Leaves	249
Regulation 4161.1: Personal Illness/Injury Leave	251
Regulation 4161.11: Industrial Accident/Illness Leave	256
Regulation 4161.2: Personal Leaves	258
Regulation 4161.5: Military Leave	265
Regulation 4161.8: Family Care And Medical Leave	269
Policy 4200: Classified Personnel	279
Regulation 4200: Classified Personnel	281
Policy 4211: Recruitment And Selection	283
Policy 4211.2: Legal Status Requirement	286
Regulation 4211.2: Legal Status Requirement	287
Regulation 4212: Appointment And Conditions Of Employment	288
Regulation 4212.3: Oath Or Affirmation	290
Exhibit 4212.3-E(1): Oath Or Affirmation	291
Regulation 4212.4: Health Examinations	292
Policy 4212.41: Employee Drug Testing	295
Policy 4212.42: Drug And Alcohol Testing For School Bus Drivers	297
Regulation 4212.42: Drug And Alcohol Testing For School Bus Drivers	300
Regulation 4212.5: Criminal Record Check	305
Exhibit 4212.5-E(1): Criminal Record Check	309
Regulation 4212.61: Employment References	312
Policy 4212.8: Employment Of Relatives	313
Policy 4212.9: Employee Notifications	314
Policy 4213.4: Temporary Modified/Light-Duty Assignment	318
Policy 4213.5: Working Remotely	319
Policy 4215: Evaluation/Supervision	321
Policy 4216: Probationary/Permanent Status	322
Policy 4217.2: Resignation	323
Regulation 4217.5: Termination Agreements	324
Policy 4219.1: Civil And Legal Rights	325

Policy 4219.11: Sexual Harassment	328
Regulation 4219.11: Sexual Harassment	331
Regulation 4219.12: Title IX Sexual Harassment Complaint Procedures	336
Exhibit 4219.12-E(1): Title IX Sexual Harassment Complaint Procedures	342
Policy 4219.21: Professional Standards	344
Exhibit 4219.21-E(1): Professional Standards	347
Policy 4219.22: Dress And Grooming	349
Policy 4219.23: Unauthorized Release Of Confidential/Privileged Information	351
Policy 4219.24: Maintaining Appropriate Adult-Student Interactions	353
Policy 4219.25: Political Activities Of Employees	355
Regulation 4219.25: Political Activities Of Employees	357
Policy 4219.41: Employees With Infectious Disease	359
Policy 4219.42: Exposure Control Plan For Bloodborne Pathogens	361
Regulation 4219.42: Exposure Control Plan For Bloodborne Pathogens	363
Exhibit 4219.42-E(1): Exposure Control Plan For Bloodborne Pathogens	369
Policy 4219.43: Universal Precautions	371
Regulation 4219.43: Universal Precautions	373
Policy 4222: Teacher Aides/Paraprofessionals	375
Regulation 4222: Teacher Aides/Paraprofessionals	377
Policy 4227: Temporary Athletic Team Coaches	379
Regulation 4227: Temporary Athletic Team Coaches	381
Policy 4231: Staff Development	385
Policy 4232: Publication Or Creation Of Materials	387
Policy 4235: Soliciting And Selling	389
Policy 4236: Nonschool Employment	390
Policy 4240: Bargaining Units	392
Policy 4241: Collective Bargaining Agreement	397
Policy 4241.6: Concerted Action/Work Stoppage	399
Regulation 4241.6: Concerted Action/Work Stoppage	401
Policy 4243: Negotiations/Consultation	404
Policy 4243.1: Public Notice - Personnel Negotiations	406
Regulation 4243.1: Public Notice - Personnel Negotiations	408
Policy 4244: Complaints	410
Regulation 4244: Complaints	411
Policy 4256.2: Awards And Recognition	413
Policy 4256.3: Employee Property Reimbursement	414
Policy 4257: Employee Safety	415
Regulation 4257: Employee Safety	417
Regulation 4257.1: Work-Related Injuries	423
Regulation 4257.2: Ergonomics	425
Policy 4258: Employee Security	427

Regulation 4258: Employee Security	430
Policy 4259: Employee Assistance Programs	435
Regulation 4261: Leaves	436
Regulation 4261.1: Personal Illness/Injury Leave	438
Regulation 4261.11: Industrial Accident/Illness Leave	443
Regulation 4261.2: Personal Leaves	445
Regulation 4261.5: Military Leave	452
Regulation 4261.8: Family Care And Medical Leave	456
Policy 4300: Administrative And Supervisory Personnel	466
Regulation 4300: Administrative And Supervisory Personnel	467
Policy 4301: Administrative Staff Organization	468
Policy 4311: Recruitment And Selection	469
Policy 4311.2: Legal Status Requirement	472
Regulation 4311.2: Legal Status Requirement	473
Policy 4312.1: Contracts	474
Regulation 4312.3: Oath Or Affirmation	476
Exhibit 4312.3-E(1): Oath Or Affirmation	477
Regulation 4312.4: Health Examinations	478
Policy 4312.41: Employee Drug Testing	481
Policy 4312.42: Drug And Alcohol Testing For School Bus Drivers	483
Regulation 4312.42: Drug And Alcohol Testing For School Bus Drivers	486
Regulation 4312.5: Criminal Record Check	491
Exhibit 4312.5-E(1): Criminal Record Check	495
Regulation 4312.61: Employment References	498
Policy 4312.8: Employment Of Relatives	499
Policy 4312.9: Employee Notifications	500
Policy 4313.2: Demotion/Reassignment	504
Regulation 4313.2: Demotion/Reassignment	505
Policy 4313.4: Temporary Modified/Light-Duty Assignment	507
Policy 4313.5: Working Remotely	508
Policy 4314: Transfers	510
Regulation 4314: Transfers	511
Policy 4315: Evaluation/Supervision	512
Policy 4317.13: Early Retirement Option	514
Regulation 4317.14: Postretirement Employment	515
Policy 4317.2: Resignation	518
Regulation 4317.5: Termination Agreements	519
Regulation 4317.7: Employment Status Reports	520
Policy 4319.1: Civil And Legal Rights	523
Policy 4319.11: Sexual Harassment	526
Regulation 4319.11: Sexual Harassment	529

Regulation 4319.12: Title IX Sexual Harassment Complaint Procedures	534
Exhibit 4319.12-E(1): Title IX Sexual Harassment Complaint Procedures	540
Policy 4319.21: Professional Standards	542
Exhibit 4319.21-E(1): Professional Standards	545
Policy 4319.22: Dress And Grooming	548
Policy 4319.23: Unauthorized Release Of Confidential/Privileged Information	550
Policy 4319.24: Maintaining Appropriate Adult-Student Interactions	552
Policy 4319.25: Political Activities Of Employees	554
Regulation 4319.25: Political Activities Of Employees	556
Policy 4319.41: Employees With Infectious Disease	558
Policy 4319.42: Exposure Control Plan For Bloodborne Pathogens	560
Regulation 4319.42: Exposure Control Plan For Bloodborne Pathogens	562
Exhibit 4319.42-E(1): Exposure Control Plan For Bloodborne Pathogens	568
Policy 4319.43: Universal Precautions	570
Regulation 4319.43: Universal Precautions	572
Policy 4327: Temporary Athletic Team Coaches	574
Regulation 4327: Temporary Athletic Team Coaches	576
Policy 4331: Staff Development	580
Policy 4332: Publication Or Creation Of Materials	582
Policy 4335: Soliciting And Selling	584
Policy 4336: Nonschool Employment	585
Policy 4340: Bargaining Units	587
Policy 4344: Complaints	592
Regulation 4344: Complaints	593
Policy 4356.2: Awards And Recognition	595
Policy 4356.3: Employee Property Reimbursement	596
Policy 4357: Employee Safety	597
Regulation 4357: Employee Safety	599
Regulation 4357.1: Work-Related Injuries	605
Regulation 4357.2: Ergonomics	607
Policy 4358: Employee Security	609
Regulation 4358: Employee Security	612
Policy 4359: Employee Assistance Programs	617
Regulation 4361: Leaves	618
Regulation 4361.1: Personal Illness/Injury Leave	620
Regulation 4361.11: Industrial Accident/Illness Leave	625
Regulation 4361.2: Personal Leaves	627
Regulation 4361.5: Military Leave	634
Regulation 4361.8: Family Care And Medical Leave	638

Policy 4000: Concepts And Roles

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes that the success of district students and programs hinges on effective personnel. The Board desires to establish safe and supportive working conditions that will attract and retain staff members who are highly qualified and dedicated to the education and welfare of students. The district's personnel policies and related regulations shall be designed to ensure a supportive, positive climate and shall be consistent with collective bargaining agreements and in conformance with state and federal law and regulations.

As the legal representative of the district in negotiations with employee representatives, the Board shall set goals and guidelines for collective bargaining, select the bargaining team, maintain communications during the bargaining process, and adopt the negotiated contract. Terms and conditions of employment which have been negotiated and stated in employee contracts shall have the force of policy. The Board shall hear employee complaints and appeals when such hearings are in accordance with Board policy or negotiated agreements. The Board shall also adopt wage and salary schedules and shall commit budget funds for staff development so that staff members may continue developing their skills.

The Superintendent has primary responsibility for overseeing the district's personnel system. To support this effort, the Board shall approve a framework for sound hiring practices. The Superintendent shall nominate all personnel for employment, and the Board shall approve only those persons so recommended. Individuals who approach Board members regarding prospective employment shall be referred to the Superintendent or designee.

The Superintendent or designee shall assign and supervise the work of all employees and shall evaluate their work in accordance with effective accountability systems approved by the Board. The Superintendent or designee also shall recommend disciplinary action which the Board may take against employees when warranted pursuant to Board policy, administrative regulations and/or state or federal law.

The Board recognizes that every employee has a stake in the district's successful operation. The Board encourages all district employees to express their ideas, concerns and proposals related to the improvement of working conditions and the total educational program. The Superintendent or designee shall establish procedures whereby he/she will receive and consider employee suggestions and submit them, when appropriate, for consideration by the Board.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 35020

Description

Duties of employees fixed by governing board -
<https://simbli.eboardsolutions.com/SU/EvurCplusXTldwZkG6Fmkq2pw==>

Ed. Code 35035

Powers and duties of the superintendent; transfer authority -
<https://simbli.eboardsolutions.com/SU/U8vklOrjlenvguXkYb3glg==>

Ed. Code 35160

Authority of governing boards -
<https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==>

Gov. Code 3540-3549.3

Educational Employment Relations Act -
<https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwaun7ug==>

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Policy 4020: Drug And Alcohol-Free Workplace

Status: DRAFT

Original Adopted Date: Pending

The Governing Board believes that the maintenance of a drug- and alcohol-free workplace 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 8103)

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 8103)

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 8103)

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 8103)

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.

Drug-Free Awareness Program

The Superintendent or designee shall establish a drug-free awareness program to inform employees about: (Government Code 8355; 41 USC 8103)

1. The dangers of drug abuse in the workplace
2. The district's policy of maintaining a drug-free workplace
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

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 44011

Ed. Code 44425

Ed. Code 44836

Description

Controlled substance offense -
<https://simbli.eboardsolutions.com/SU/yVslsh8HNplus6fH8Trsdpvo9h3w==>

Conviction of a sex or narcotic offense -
<https://simbli.eboardsolutions.com/SU/3dihP4plusRPrInteXDQXCsg==>

Employment of certificated persons convicted of controlled substance offenses -
<https://simbli.eboardsolutions.com/SU/5hHUN0BmtikEXTcnjWJvnA==>

Ed. Code 44940	Compulsory leave of absence for certificated persons - https://simbli.eboardsolutions.com/SU/TXIEslshPquo8Kz7N8psqEtqA==
Ed. Code 44940.5	Procedures when employees are placed on compulsory leave of absence - https://simbli.eboardsolutions.com/SU/x5z1UxpluspluskEsTDPQ3FynQZA==
Ed. Code 45123	Employment after conviction of controlled substance offense - https://simbli.eboardsolutions.com/SU/slshrbHklUHjUJXaqFKhWdAig==
Ed. Code 45304	Compulsory leave of absence for classified persons - https://simbli.eboardsolutions.com/SU/JczG8hudjplusDjlPlz25Wwmw==
Gov. Code 8350-8357	Drug-free workplace - https://simbli.eboardsolutions.com/SU/w9Tz3WapOcnEI8sUsIplusAIQ==

Federal References

20 USC 7111-7117
21 CFR 1308.01-1308.49
21 USC 812
41 USC 8101-8106

Description

Safe and Drug Free Schools and Communities Act
Schedule of controlled substances
Schedule of controlled substances
Drug-Free Workplace Act

Management Resources References

Court Decision
Court Decision
Website
Website
Website
Website

Description

Cahoon v. Governing Board of Ventura USD, (2009) 171 Cal.App.4th 381
Ross v. RagingWire Telecommunications, Inc., (2008) 42 Cal.4th 920
CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>
California Department of Education -
<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>
California Department of Health Care Services -
<https://simbli.eboardsolutions.com/SU/slshcbdN8s1slshplus8ePOCd4fpQ7Q==>
U.S. Department of Labor -
<https://simbli.eboardsolutions.com/SU/XtUknOSZrMFBuhJcJc2k9g==>

Policy 4030: Nondiscrimination In Employment

Status: DRAFT

Original Adopted Date: Pending

The Governing Board is determined to provide a safe, positive environment where all district employees are assured of full and equal employment access and opportunities, protection from harassment and intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. For purposes of this policy, employees include job applicants, interns, volunteers, and persons who contracted with the district to provide services, as applicable.

No district employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of the employee's actual or perceived race, color, ancestry, national origin, age, religious creed, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran or military status, sex, sexual orientation, gender, gender identity, gender expression, or association with a person or group with one or more of these actual or perceived characteristics.

Employers are also prohibited from discrimination against employees or job applicants on the basis of reproductive health decisionmaking, defined as a person's decision to use or access a particular drug, device, product, or medical service for reproductive health. (Government Code 12926, 12940)

The district shall not inquire into any employee's immigration status nor discriminate against an employee on the basis of immigration status, unless there is clear and convincing evidence that the district is required to do so in order to comply with federal immigration law. (2 CCR 11028)

Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:

1. Hiring, compensation, terms, conditions, and other privileges of employment
2. Taking of adverse employment actions such as termination or denial of employment, promotion, job assignment, or training
3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities or that has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive work environment
4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:
 - a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status
 - b. Religious creed discrimination based on an employee's religious belief or observance, including religious dress or grooming practices, or based on the district's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement
 - c. Requiring medical or psychological examination of a job applicant or making an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity
 - d. Failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee who has requested such accommodations in order to determine the effective reasonable accommodations, if any, to be provided to the employee
 - e. Requiring an applicant or employee to disclose information relating to the employee's reproductive health decisionmaking

The Board also prohibits retaliation against any district employee who opposes any discriminatory employment practice by the district or its employees, agents, or representatives or who complains, reports an incident, testifies, assists, or in any way participates in the district's complaint process pursuant to this policy. No employee who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940; 2 CCR 11028)

No employee shall, in exchange for a raise or bonus or as a condition of employment or continued employment, be required to sign a release of the employee's claim or right to file a claim against the district or a nondisparagement agreement or other document that has the purpose or effect of preventing the employee from disclosing information about harassment, discrimination, or other unlawful acts in the workplace, including any conduct that the employee has reasonable cause to believe is unlawful. (Government Code 12964.5)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment, including harassment of an employee by a nonemployee, shall report the incident to the Superintendent or designated district coordinator 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 use all appropriate means to reinforce the district's nondiscrimination policy, including providing training and information to employees about how to recognize harassment, discrimination, or other prohibited conduct, how to respond appropriately, and components of the district's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

Any district employee who engages in prohibited discrimination, harassment, or retaliation 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 district shall maintain and preserve all applications, personnel, membership, or employment referral records and files for at least four years after the records are initially created or received or, for an applicant or a terminated employee, for four years after the date the employment action was taken. However, when the district is notified that a complaint has been filed with the California Civil Rights Department, records related to the employee involved shall be maintained and preserved until the later of the first date after the time for filing a civil action has expired or the first date after the complaint has been fully and finally disposed of and all administrative proceedings, civil actions, appeals, or related proceedings have been terminated. (Government Code 12946)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References	Description
2 CCR 11006-11086	Discrimination in employment - https://simbli.eboardsolutions.com/SU/jUNOUneBGplusu4fVMTIWMKA==
2 CCR 11023	Harassment and discrimination prevention and correction - https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation - https://simbli.eboardsolutions.com/SU/WdslshVrKs4pluscfHplushNGLhCeQw==
2 CCR 11027-11028	National origin and ancestry discrimination - https://simbli.eboardsolutions.com/SU/SYk7u9LttH4epGWfUlfjdg==
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
CA Constitution Article 1, Section 1	Inalienable rights - https://simbli.eboardsolutions.com/SU/v13IPOwHIRP78VvbipluskF8Q==
Civ. Code 51.7	Freedom from violence or intimidation - https://simbli.eboardsolutions.com/SU/biK5w5xHjaslshApluscWXhrJ7ZQ==

Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Gov. Code 11135	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKAL0EtfQ==
Gov. Code 12900-12996	Fair Employment and Housing Act - https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==
Gov. Code 12940-12952	Unlawful employment practices - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQHQ9yA==
Gov. Code 12960-12976	Unlawful employment practices; complaints - https://simbli.eboardsolutions.com/SU/ccfCDZslshjhqv78OCZLLsYA==
Pen. Code 422.56	Definitions; hate crimes - https://simbli.eboardsolutions.com/SU/h9gcym1qELiznGfUXL4BPA==

Federal References

20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
29 USC 621-634	Age Discrimination in Employment Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.6	Title VI; Compliance information
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 104.8	Notice of Nondiscrimination on the Basis of Handicap
34 CFR 106.8	Designation of coordinator; dissemination of policy, and adoption of grievance procedures
34 CFR 110.1-110.39	Nondiscrimination on the basis of age
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age discrimination in federally assisted programs
Executive Order 11246	"Know Your Rights: Workplace Discrimination is Illegal" poster - https://simbli.eboardsolutions.com/SU/9NrkJmMgLMcqsIC35EHhEw==
U.S. Constitution	Amendment 1; Free exercise, free speech, and establishment clauses - https://simbli.eboardsolutions.com/SU/iMUl98OyDFSCBGcGx5DwnA==

Management Resources References

CA Civil Rights Department Publication	Family Care and Medical Leave and Pregnancy Disability Leave
CA Civil Rights Department Publication	California Law Prohibits Workplace Discrimination and Harassment
CA Civil Rights Department Publication	Transgender Rights in the Workplace
CA Civil Rights Department Publication	Harassment Prevention Guide for California Employers
CA Civil Rights Department Publication	Your Rights and Obligations as a Pregnant Employee
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	Shepard v. Loyola Marymount, (2002) 102 Cal.App. 4th 837
Court Decision	Thomson v. North American Stainless LP (2011) 62 U.S. 170

U.S. DOE Office for Civil Rights Publication	Notice of Non-Discrimination, August 2010
U.S. Equal Employment Opportunity Comm Publication	Know Your Rights: Workplace Discrimination is Illegal, October 2022
U.S. Equal Employment Opportunity Comm Publication	Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999
U.S. Equal Employment Opportunity Comm Publication	EEOC Compliance Manual
Website	U.S. Department of Labor, Office of Federal Contract Compliance Program - https://simbli.eboardsolutions.com/SU/PH97sURpCaw0yTclBzHxZA==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==
Website	U.S. Equal Employment Opportunity Commission - https://simbli.eboardsolutions.com/SU/yWZpgy5hWTz73t9BVEDPpA==

Regulation 4030: Nondiscrimination In Employment

Status: DRAFT

Original Adopted Date: Pending

All allegations of discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or other person contracted to provide services to the district shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

The district designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to organize and manage the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The coordinator may be contacted at:

Director of Human Resources
2695 S. Valentine Ave
Fresno, Ca 93706
559-233-6501
tamita_b@wpesd.oprg

Measures to Prevent Discrimination

To prevent unlawful discrimination, harassment, and retaliation in district employment, the Superintendent or designee shall implement the following measures:

1. Display in a prominent and accessible location at every work site where the district has employees, and post electronically in a conspicuous location on computers for employee use, up-to-date California Civil Rights Department (CRD) posters on the prohibition of workplace discrimination and harassment, the rights of transgender employees, and the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth (Government Code 12950; 2 CCR 11013, 11023, 11049)
2. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: (5 CCR 4960; 34 CFR 100.6, 106.8)
 - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment
 - b. Posting them in all district schools and offices, including staff lounges and other prominent locations
 - c. Posting them on the district's web site and providing easy access to them through district-supported social media, when available
3. Disseminate the district's nondiscrimination policy and administrative regulation to all employees by one or more of the following methods: (2 CCR 11023)
 - a. Printing and providing a copy to all employees, with an acknowledgment form for each employee to sign and return
 - b. Sending a copy via email with an acknowledgment return form
 - c. Posting a copy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies
 - d. Discussing the policy and regulation with employees upon hire and/or during a new hire orientation session
 - e. Any other way that ensures employees receive and understand the policy
4. Provide to employees a handbook which contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to employees who believe they have been the victim of any discriminatory or harassing behavior
5. Provide training regarding the district's nondiscrimination policy, including what constitutes unlawful

discrimination, harassment, and retaliation and how and to whom a report of an incident should be made

The district may also provide bystander intervention training to employees which includes information and practical guidance on how to recognize potentially problematic behaviors and which may motivate them to take action when they observe such behaviors. The training and education may include exercises to provide employees with the skills and confidence to intervene as appropriate and to provide them with resources they can call upon that support their intervention. (Government Code 12950.2)

6. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law
7. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce (2 CCR 11023)

Complaint Procedure

Complaints of sexual harassment shall be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures if the alleged conduct meets the definition of sexual harassment pursuant to 34 CFR 106.30.

Any other complaint alleging unlawful discrimination or harassment shall be addressed in accordance with the following procedures:

1. Notice and Receipt of Complaint: A complainant may inform a direct supervisor, another supervisor, the coordinator, the Superintendent or, if available, a complaint hotline or an ombudsman. The complainant's direct supervisor may be bypassed in filing a complaint when the supervisor is the subject of the complaint.

The complainant may first attempt to resolve the situation informally with the complainant's supervisor before filing a written complaint.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, any available evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

2. Investigation Process: The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the alleged discriminatory or harassing behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. The coordinator shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be disclosed as necessary to conduct an effective investigation.

If the coordinator determines that a detailed fact-finding investigation is necessary, the investigation shall begin immediately. As part of this investigation, the coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

When necessary to carry out the investigation or to protect employee safety, the coordinator may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.

The coordinator shall also determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed in order to prevent further incidents. The coordinator shall ensure that such interim measures do not constitute retaliation.

3. **Written Report on Findings and Remedial/Corrective Action:** No more than 20 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of the findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the parties 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 a determination has been made that discrimination or harassment occurred, the report shall also include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented. The report shall be presented to the Superintendent or designee.

A summary of the findings shall be presented to the complainant and the person accused.

4. **Appeal to the Governing Board:** The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days.

Other Remedies

In addition to filing a discrimination or harassment complaint with the district, a person may file a complaint with either CRD or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. For filing a complaint with CRD alleging a violation of Government Code 12940-12952, within three years of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960)
2. For filing a complaint with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
3. For filing a complaint with EEOC after first filing a complaint with CRD, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by CRD, whichever is earlier (42 USC 2000e-5)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

2 CCR 11006-11086	Discrimination in employment - https://simbli.eboardsolutions.com/SU/jUNOUneBGplusu4fVMTIWMKA==
2 CCR 11023	Harassment and discrimination prevention and correction - https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation - https://simbli.eboardsolutions.com/SU/WdslshVrKs4pluscfHplushNGLhCeQw==
2 CCR 11027-11028	National origin and ancestry discrimination - https://simbli.eboardsolutions.com/SU/SYk7u9LttH4epGWfUlfjdg==
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

CA Constitution Article 1, Section 1	Inalienable rights - https://simbli.eboardsolutions.com/SU/v13lPOwHIRP78VvbipluskF8Q==
Civ. Code 51.7	Freedom from violence or intimidation - https://simbli.eboardsolutions.com/SU/biK5w5xHjaslshApluscWXhrJ7ZQ==
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Gov. Code 11135	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/PcUFWMcCJnzBrKAL0EtfQ==
Gov. Code 12900-12996	Fair Employment and Housing Act - https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==
Gov. Code 12940-12952	Unlawful employment practices - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQHQ9yA==
Gov. Code 12960-12976	Unlawful employment practices; complaints - https://simbli.eboardsolutions.com/SU/ccfCDZslshjvqv78OCZLLsYA==
Pen. Code 422.56	Definitions; hate crimes - https://simbli.eboardsolutions.com/SU/h9gcym1qELiznGfUXL4BPA==

Federal References

20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
29 USC 621-634	Age Discrimination in Employment Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.6	Title VI; Compliance information
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 104.8	Notice of Nondiscrimination on the Basis of Handicap
34 CFR 106.8	Designation of coordinator; dissemination of policy, and adoption of grievance procedures
34 CFR 110.1-110.39	Nondiscrimination on the basis of age
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age discrimination in federally assisted programs
Executive Order 11246	"Know Your Rights: Workplace Discrimination is Illegal" poster - https://simbli.eboardsolutions.com/SU/9NrkmMgLMcqsIC35EHhEw==
U.S. Constitution	Amendment 1; Free exercise, free speech, and establishment clauses - https://simbli.eboardsolutions.com/SU/iMUl98OyDFSCBGcGx5DwnA==

Management Resources References

CA Civil Rights Department Publication	Family Care and Medical Leave and Pregnancy Disability Leave
CA Civil Rights Department Publication	California Law Prohibits Workplace Discrimination and Harassment
CA Civil Rights Department Publication	Transgender Rights in the Workplace
CA Civil Rights Department Publication	Harassment Prevention Guide for California Employers
CA Civil Rights Department Publication	Your Rights and Obligations as a Pregnant Employee

Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	Shephard v. Loyola Marymount, (2002) 102 Cal.App. 4th 837
Court Decision	Thomson v. North American Stainless LP (2011) 62 U.S. 170
U.S. DOE Office for Civil Rights Publication	Notice of Non-Discrimination, August 2010
U.S. Equal Employment Opportunity Comm Publication	Know Your Rights: Workplace Discrimination is Illegal, October 2022
U.S. Equal Employment Opportunity Comm Publication	Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999
U.S. Equal Employment Opportunity Comm Publication	EEOC Compliance Manual
Website	U.S. Department of Labor, Office of Federal Contract Compliance Program - https://simbli.eboardsolutions.com/SU/PH97sURpCaw0yTclBzHxZA==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==
Website	U.S. Equal Employment Opportunity Commission - https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==

Regulation 4032: Reasonable Accommodation

Status: DRAFT

Original Adopted Date: Pending

Except when undue hardship would result to the district, the Superintendent or designee shall provide reasonable accommodation:

1. In the job application process, to any qualified job applicant with a disability
2. To enable any qualified employee with a disability to perform the essential functions of the position he/she holds or desires to hold or to enjoy equal benefits or other terms, conditions, and privileges of employment as other similarly situated employees without disabilities

No employee or job applicant who requests an accommodation for his/her physical or mental disability shall be subjected to discrimination or to any punishment or sanction, regardless of whether the request for accommodation was granted. (Government Code 12940)

The district designates the position specified in AR 4030 - Nondiscrimination in Employment as the coordinator of its efforts to comply with the Americans with Disabilities Act (ADA) and to investigate any and all related complaints.

Definitions

Disability, with respect to an individual, is defined as any of the following: (Government Code 12926; 29 CFR 1630.2)

1. A physical or mental impairment that limits one or more of the major life activities
2. A record of such an impairment
3. Being regarded as having such an impairment

Limits shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics or reasonable accommodations, unless the mitigating measure itself limits a major life activity. (Government Code 12926)

Essential functions are the fundamental job duties of the position the individual with a disability holds or desires. The term does not include the marginal functions of the position. (Government Code 12926; 29 CFR 1630.2)

Reasonable accommodation means: (Government Code 12926; 29 CFR 1630.2)

1. For a qualified job applicant with a disability, modifications or adjustments to the job application process that enable him/her to be considered for the position he/she desires
2. For a qualified employee with a disability, modifications or adjustments to the work environment, or to the manner or circumstances under which the position the employee holds or desires is customarily performed, that enable him/her to perform the essential functions of that position or to enjoy equal benefits and privileges of employment as are enjoyed by the district's other similarly situated employees without disabilities

Qualified individual with a disability means a job applicant or employee with a disability who: (29 CFR 1630.15, 1630.2)

1. Satisfies the requisite skill, experience, education, and other job-related requirements of the employment position he/she holds or desires
2. Can perform the essential functions of the position with or without reasonable accommodation
3. Would not pose a significant risk of substantial harm, which cannot be eliminated or reduced by reasonable accommodation, to himself/herself or others in the job he/she holds or desires

Undue hardship is a determination based on an individualized assessment of current circumstances that shows that the provision of a specific accommodation would cause significant difficulty or expense to the district. (29 CFR 1630.2)

Request for Reasonable Accommodation

When requesting reasonable accommodation, an employee or his/her representative shall inform the employee's supervisor that he/she needs a change at work for a reason related to a medical condition. The supervisor shall inform the coordinator of the employee's request as soon as practicable.

When requesting reasonable accommodation for the hiring process, a job applicant shall inform the coordinator that he/she will need a reasonable accommodation during the process.

When the disability or the need for accommodation is not obvious, the coordinator may ask the employee to supply reasonable documentation about his/her disability. In requesting this documentation, the coordinator shall specify the types of information that are being sought about the employee's condition, the employee's functional limitations, and the need for reasonable accommodation. The employee may be asked to sign a limited release allowing the coordinator to submit a list of specific questions to his/her health care or vocational professional.

If the documentation submitted by the employee does not indicate the existence of a qualifying disability or explain the need for reasonable accommodation, the coordinator shall request additional documentation that specifies the missing information. If the employee does not submit such additional documentation in a timely manner, the coordinator may require him/her to submit to an examination by a health care professional selected and paid for by the district.

The district may make a medical or psychological inquiry of a job applicant or require him/her to submit to a medical or psychological examination after he/she has been given a conditional offer of employment but before the commencement of his/her job duties, provided the inquiry or examination is job-related, consistent with business necessity, and required for all incoming employees in the same job classification. (Government Code 12940)

The coordinator shall not request any job applicant's or employee's genetic information except as authorized by law. (42 USC 2000ff-1, 42 USC 2000ff-5)

In accordance with law, the coordinator shall take steps to ensure the confidentiality of information related to medical conditions or history. As applicable, he/she shall notify the supervisor or manager of the qualified individual of any reasonable accommodation granted the individual and may notify first aid and safety personnel when the disability of the qualified individual may require emergency treatment. (42 USC 12112)

Granting Reasonable Accommodation

Upon receiving a request for reasonable accommodation from a qualified individual with a disability, the coordinator shall:

1. Determine the essential functions of the job involved
2. Engage in an informal, interactive process with the individual to review the request for accommodation, identify the precise limitations resulting from the disability, identify potential accommodations, and assess their effectiveness
3. Develop a plan for reasonable accommodation which will enable the individual to perform the essential functions of the job or gain equal access to a benefit or privilege of employment without imposing undue hardship on the district

A determination of undue hardship should be based on several factors, including: (29 CFR 1630.2)

- a. The nature and net cost of the accommodation needed, taking into consideration the availability of tax credits and deductions and/or outside funding
- b. The overall financial resources of the facility making the accommodation, the number of persons employed at this facility, and the effect on expenses and resources of the facility
- c. The overall financial resources, number of employees, and the number, type, and location of facilities of the district

- d. The type of operation of the district, including the composition, structure, and functions of the workforce and the geographic separateness and administrative or fiscal relationship of the facility making the accommodation to other district facilities
- e. The impact of the accommodation on the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business

The coordinator may confer with the site administrator, any medical advisor chosen by the district, and/or other district staff before making a final decision as to the accommodation.

Reasonable Accommodation Committee

The coordinator may appoint a committee to review or assist in the development of appropriate plans to reasonably accommodate qualified individuals who request modifications or adjustments in their work duties or environment because of known physical or mental disabilities.

Committee members shall be selected on the basis of their knowledge of the specific functions and duties required in the position, the physical work environment, available accommodations, and other relevant issues. The committee may include a district administrator, site administrator, medical advisor or rehabilitation specialist, and as necessary, a certificated and/or classified employee. Membership may change on a case-by-case basis.

At the coordinator's discretion, the employee or applicant requesting accommodation may participate in the committee's meetings. If the employee or applicant is excluded from the committee's meetings, the coordinator shall communicate with him/her so that he/she has the opportunity to interact and contribute to planning the reasonable accommodation.

Appeal Process

Any qualified individual with a disability who is not satisfied with the decision of the coordinator may appeal in writing to the Superintendent or designee. This appeal shall be made within 10 working days of receiving the decision and shall include:

1. A clear, concise statement of the reasons for the appeal
2. A statement of the specific remedy sought

The Superintendent or designee shall consult with the coordinator and review the appeal, together with any available supporting documents. The Superintendent or designee shall give the individual his/her decision within 15 working days of receiving the appeal.

Any further appeal for reasonable accommodation shall be considered a complaint concerning discrimination in employment and may be taken to the Governing Board in accordance with the district's procedure for such complaints.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Civ. Code 51

Gov. Code 12900-12996

Description

Unruh Civil Rights Act -
<https://simbli.eboardsolutions.com/SU/Vx1Rn5gyrfE4qipECNx6Q==>

Fair Employment and Housing Act -
<https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==>

Federal References

28 CFR 35.101-35.190

28 CFR 35.107

28 CFR 36.101-36.608

Description

Americans with Disabilities Act

Nondiscrimination on basis of disability; complaints

Nondiscrimination on the basis of disability by public facilities

29 CFR 1630.2
 29 USC 701-794e
 42 USC 12101-12213
 42 USC 2000ff-2000ff-11

Management Resources References

Court Decision
 Court Decision
 Court Decision
 Court Decision
 EEO Commission Publication
 Website
 Website
 Website
 Website

Definitions
 Vocational Rehabilitation Act
 Americans with Disabilities Act
 Genetic Information Nondiscrimination Act of 2008

Description

A.M. v. Albertsons, LLC, (2009) Cal.App.4th 455
 Chevron USA v. Echazabal, (2002) 536 U.S. 73, 122 S.Ct. 2045
 Colmenares v. Braemar Country Club, Inc., (2003) 29 Cal.4th 1019
 US Airways, Inc. v. Barnett, (2002) 535 U.S. 391, 122 S.Ct. 1516
 Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002
 CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>
 California Civil Rights Department - <https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==>
 U.S. Department of Education, Office for Civil Rights - <https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==>
 U.S. Equal Employment Opportunity Commission - <https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==>

Policy 4033: Lactation Accommodation

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the immediate and long-term health benefits of breastfeeding and desires to provide a supportive environment for any district employee to express milk for an infant child upon returning to work following the birth of the child. The Board prohibits discrimination, harassment, and/or retaliation against any district employee for seeking an accommodation to express breast milk for an infant child while at work.

An employee shall notify the employee's supervisor or other appropriate personnel in advance of the intent to request an accommodation. The supervisor shall respond to the request and shall work with the employee to make arrangements. If needed, the supervisor shall address scheduling in order to ensure that the employee's essential job duties are covered during the break time.

Lactation accommodations shall be granted unless limited circumstances exist as specified in law. (Labor Code 1031, 1032; 29 USC 207)

Before a determination is made to deny lactation accommodations to an employee, the employee's supervisor shall consult with the Superintendent or designee. When lactation accommodations are denied, the Superintendent or designee shall document the options that were considered and the reasons for denying the accommodations.

The Superintendent or designee shall provide a written response to any employee who was denied the accommodation(s). (Labor Code 1034)

The district shall include this policy in its employee handbook or in any set of policies that the district makes available to employees. In addition, the Superintendent or designee shall distribute the policy to new employees upon hire and when an employee makes an inquiry about or requests parental leave. (Labor Code 1034)

Break Time and Location Requirements

The district shall provide a reasonable amount of break time to accommodate an employee each time the employee has a need to express breast milk for an infant child. (Labor Code 1030)

To the extent possible, any break time granted for lactation accommodation shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid. (Labor Code 1030; 29 USC 207)

The employee shall be provided the use of a private room or location, other than a bathroom, which may be the employee's work area or another location that is in close proximity to the employee's work area. The room or location provided shall meet the following requirements: (Labor Code 1031; 29 USC 207)

1. Is shielded from view and free from intrusion while the employee is expressing milk
2. Is safe, clean, and free of hazardous materials, as defined in Labor Code 6382
3. Contains a place to sit and a surface to place a breast pump and personal items
4. Has access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump
5. Has access to a sink with running water and a refrigerator or, if a refrigerator cannot be provided, another cooling device suitable for storing milk in close proximity to the employee's workspace

If a multipurpose room is used for lactation, among other uses, the use of the room for lactation shall take precedence over other uses for the time it is in use for lactation purposes. (Labor Code 1031)

Dispute Resolution

An employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034. (Labor Code 1034)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions - https://simbli.eboardsolutions.com/SU/GplusgYNhBplus6hlimWMyAuhwJw==
Civ. Code 43.3	Right of mothers to breastfeed in any public or private location - https://simbli.eboardsolutions.com/SU/tKltkyRURgnfRqiMZqO2kA==
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==
Gov. Code 12926	Definitions - https://simbli.eboardsolutions.com/SU/fp6xQmGSukcAWJ60VowoVA==
Gov. Code 12940	Unlawful discriminatory employment practices - https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==
Gov. Code 12945	Unlawful discrimination based on pregnancy, childbirth, or related medical conditions - https://simbli.eboardsolutions.com/SU/2Dmzel3sr9Q8BhxwgjWUtA==
Lab. Code 1030-1034	Lactation Accommodation - https://simbli.eboardsolutions.com/SU/hvYKwD1Q2wNH40sANJeV2g==
Lab. Code 6382	Procedure for listing hazardous substances - https://simbli.eboardsolutions.com/SU/dyeKsoAzlQgiWz1RnmVyHQ==

Federal References

	Description
29 USC 207	Fair Labor Standards Act

Management Resources References

	Description
CA Department of Industrial Relations Publication	Rest Periods/Lactation Accommodation, Frequently Asked Questions
California Department of Public Health Publication	Lactation Accommodation for Employers
CDC Publication	Lactation Support Program Toolkit
Fair Employment and Housing Commission Decision	Department of Fair Employment and Housing v. Acosta Tacos (Chavez), FEHC Precedential Decision 09-03P, 2009
Federal Register	Reasonable Break Time for Nursing Mothers, December 21, 2010, Vol. 78, No. 244, pages 80073-70079
Health Resources & Services Admin Publication	The Business Case for Breastfeeding: Steps for Creating a Breastfeeding Friendly Worksite, Toolkit, 2008
Office of the Surgeon General Publication	The Surgeon General's Call to Action to Support Breastfeeding, 2011
U.S. DoL, Wage and Hour Div., Publication	Frequently Asked Questions- Break Time for Nursing Mothers
U.S. DoL, Wage and Hour Div., Publication	Fact Sheet #73: Break Time for Nursing Mothers under the FLSA, rev. April 2018
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Department of Industrial Relations, Division of Labor and Standards Enforcement - https://simbli.eboardsolutions.com/SU/kTZJKgaEPd5TzhNmy4JIUA==
Website	California Department of Public Health - https://simbli.eboardsolutions.com/SU/plusKghL3cnZrJOzDybcVsugA==
Website	California Women, Infants and Children Program - https://simbli.eboardsolutions.com/SU/uX9Rd7MYC4uRGbt4zmV75w==

Website	Centers for Disease Control and Prevention - https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==
Website	Health Resources and Services Administration - https://simbli.eboardsolutions.com/SU/eNlnYXplusKVvvJqSBAsIshiPyHQ==
Website	Office of the Surgeon General - https://simbli.eboardsolutions.com/SU/YTHSm6tRH0EXtN5VNUdlplusg==
Website	U.S. Department of Labor, Wage and Hour Division, Break Time for Nursing Mothers - https://simbli.eboardsolutions.com/SU/xgPPvL3WAT7VoBAQqUJ7Xg==

Policy 4040: Employee Use Of Technology

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes that technological resources 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.

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

District technology includes, but is not limited to, computers, the district's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

The Superintendent or designee shall establish an Acceptable Use Agreement which outlines employee obligations and responsibilities related to the use of district technology. Upon employment and whenever significant changes are made to the district's Acceptable Use Agreement, employees shall be required to acknowledge in writing that they have read and agreed to the Acceptable Use Agreement.

Employees shall not use district technology to access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, sexually explicit, or unethical or that promotes any activity prohibited by law, Board policy, or administrative regulations.

Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors 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 7131; 47 USC 254)

The Superintendent or designee shall annually notify employees in writing that they have no reasonable expectation of privacy in the use of any equipment or other technological resources provided by or maintained by the district, including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, even when provided their own password. To ensure proper use, the Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent and for any reason allowed by law.

In addition, employees shall be notified that records maintained on any personal device or messages sent or received on a personal device that is being used to conduct district business may be subject to disclosure, pursuant to a subpoena or other lawful request.

Employees shall report any security problem or misuse of district technology to the Superintendent or designee.

Inappropriate use of district technology 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.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Gov. Code 3543.1

Gov. Code 7920.000-7930.170

Pen. Code 502

Pen. Code 632

Veh. Code 23123

Veh. Code 23123.5

Veh. Code 23125

Federal References

20 USC 7101-7122

20 USC 7131

47 CFR 54.520

Management Resources References

Court Decision

Court Decision

Website

Website

Website

Website

Website

Website

Description

Rights of employee organizations -

<https://simbli.eboardsolutions.com/SU/m7X7sU6S9KfjH0z33KIC6A==>

California Public Records Act -

<https://simbli.eboardsolutions.com/SU/IBl6lfok6zP3Bde1F55TFg==>

Computer crimes; remedies -

<https://simbli.eboardsolutions.com/SU/LeNvtlfoplus5mbU4QUxYm8LA==>

Eavesdropping on or recording confidential communications -

<https://simbli.eboardsolutions.com/SU/2plusdlmgXouDLerHOht5jeRw==>

Wireless telephones in vehicles -

<https://simbli.eboardsolutions.com/SU/IX1FwliiAL0MRRYapMcT2w==>

Mobile communication devices; text messaging while driving -

<https://simbli.eboardsolutions.com/SU/tKGK6qZkGUumjQj6E6GOfg==>

Wireless telephones in school buses -

<https://simbli.eboardsolutions.com/SU/nSYr4Ge4FHIXM2KR5YA3Ow==>

Description

Student Support and Academic Enrichment Grants

Internet Safety

Internet safety policy and technology protection measures; E-rate discounts

Description

City of San Jose v. Superior Court (2017) 2 Cal.5th 608

City of Ontario v. Quon et al. (2010) 000 U.S. 08-1332

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Federal Communications Commission -

<https://simbli.eboardsolutions.com/SU/rFmFn0jtplusslshkbn8jDPcllg==>

American Library Association -

<https://simbli.eboardsolutions.com/SU/ziXdKiQzPM5ZnufeaKplus7jQ==>

California Department of Education -

<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>

CSBA -

<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

U.S. Department of Education -

<https://simbli.eboardsolutions.com/SU/XcSsJimosIsh3XhJKy4tplus7wplusA==>

Exhibit 4040-E(1): Employee Use Of Technology

Status: DRAFT

Original Adopted Date: Pending

This policy is not intended to exhaustively enumerate all possible uses or misuses. These guidelines are subordinate to local, state and federal statutes.

The District provides technological resources (i.e., computers, Internet and Intranet access, server-based storage, local and web-based applications, mobile devices, e-mail and voice mail) to support the educational plan of the District

A. General Use

1. 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 and consistent with the objectives of the District.
2. Employees should never allow their computers to be used by students or non-District employees for any purpose or at any time.
3. The Superintendent or designee may decide that particular uses are or are not related to employment or consistent with the objectives of the District.

B. Permitted Uses

Employees may use technology resources for the following purposes:

1. To communicate with outside researchers and educators in connection with research or instruction.
2. To communicate and exchange information for professional development, to maintain currency, or to debate educational issues.
3. For disciplinary, university, association, government, advisory, or standards activities related to the employees' research and instructional activities.
4. For any other administrative communications, applications or activities in direct support of research and instruction.
5. For interaction within the District as well as with other school districts or governmental agencies.
6. For posting or publishing instructional materials on web pages or certain sites on the Internet, so long as such postings and/or publication do not violate copyrights or the policies and procedures of CUSD.
7. For use in applying for or administering grants or contracts for research or instruction.
8. For limited communication incidental to otherwise acceptable use, except for illegal or specifically unacceptable use.

C. Prohibited Uses

Employees may not use technology resources for any inappropriate use at work or at home. The District may use forensic software to analyze suspected violations of the Employee's Use of Technology Agreement. Unacceptable use of the District's technology resources include, but are not limited to the following:

1. Promoting unethical practices or any activity prohibited by law, Board Policy or Administrative Regulations.
2. Accessing, posting, submitting, transmitting, publishing or displaying 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, gender, sexual orientation, age, disability, religion or political beliefs.

3. With malicious intent, renaming, or making unusable any systems or services or anyone else's computer files, programs or media storage systems.
4. Without prior authorization, accessing another's system, resources, materials or password.
5. Advertising for personal profit.
6. Selling or purchasing illegal items or substances.
7. Introducing destructive or disabling software (bugs, viruses, worms, etc.).
8. Subscribing to online fee-based services charged to the District without prior written approval from administration.
9. Tampering with computers, networks, printers or other associated equipment.
10. Remailing or use of "anonymous" or "aliases" to protect or conceal individual identities while using District information technology systems or equipment
11. Attempting to circumvent District security measures and systems including, but not limited to web filters and firewalls.
12. Sending mass electronic mail messages on an "All District" basis without prior consent from the appropriate designated administrator.
13. Placing software on the District's network hardware, computer hardware, or peripherals that have not been District certified.
14. Unauthorized transmission of confidential/identifiable information about students, employees or District operations information. Authorized transmissions outside of the District must be secure and encrypted.
15. Using a mobile device while operating a motor vehicle unless the mobile device is hands-free approved.
16. Use of obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful language.
17. Posting information that could cause damage or danger of disruption.
18. Engaging in personal attacks, including prejudicial or discriminatory attacks such as "cyberbullying."
19. Harassing another person. Harassment is persistently acting in a manner that distresses or annoys another person.
20. Knowingly or recklessly posting false or defamatory information about a person or organization.
21. Accessing, transmitting or downloading large files, including "chain letters" or any type of "pyramid schemes."
22. Using District internet or intranet property for personal benefit or for political activity.
23. Using the network for non-academic related bandwidth intensive activities such as network games or transmission of large audio/video files or serving as a host for such activities.
24. Gaining unauthorized access to a District system, another staff member's computer or files by any means, including the use of keyloggers or related software utilities.
25. Sending chain e-mail messages.
26. Storing documents, pictures, or photos that are of a sexual nature or otherwise inappropriate.
27. Surfing the Internet, playing online games, or using P2P applications during duty time.

28. Downloading or installing software without the required license agreements in violation of copyright or licensing requirements.

D. Public Records

1. Information stored on the District's information and communications systems and equipment, including e-mails, e-mail attachments, web postings, and voice mail messages may become records of the District. All permanent or archived District records, whether paper or computerized, may be considered public records and governed by the California Public Records Act (PRA).
2. Electronic mail is not intended for permanent storage. Electronic mail in-boxes and out-boxes may be purged on a minimum 90-day basis by the District's Technology Department. Electronic mail is not backed-up on a permanent basis and is archived for a one year period of time. The District stores electronic mail only to the degree that allows the District to restore current electronic mail in the event of a system failure. It is the responsibility of employees to back-up any electronic mail they want to access, or that is required to be kept by law, on a permanent basis. If electronic mail exchanges need to be retained as permanent or interim records, they should be printed and filed accordingly.
3. The District has the right to delete or retain any or all electronic files including e-mail of a District employee who is no longer employed by the District.
4. The District reserves the right to access and disclose all messages and other electronic data sent over its electronic mail system or stored in its files.

E. Confidential Information, Student Data and Privacy

During the course of normal school business some employees deal with confidential or identifiable information for staff or students.

1. Employees shall exercise caution when sending confidential information on the e-mail system because of the ease by which such information may be transmitted or intercepted.
2. Identifiable staff or student data and/or confidential information sent outside of the District must be authorized by the appropriate designated administrator..
3. Care should be taken in using e-mail to ensure messages are not inadvertently sent to the wrong individual.
4. Employees shall exercise caution when storing confidential information on their local hard drive and/or removable media due to the ease of copying or transmitting such information.
5. Employees shall exercise caution when posting confidential information on any file transfer protocol or website to make sure that site is a "secure" website.
6. Employees must have all agreements with outside vendors, especially those that require an extract of identifiable student data, to be reviewed and approved by administration for compliance with student privacy laws.
7. Employees may not permit identifiable information to be used for targeted advertising.

F. Disclosure of Student Information on District Websites

The following provisions address the disclosure of student information, posting student-created material, and posting pictures of students on the District web pages or District branded pages.

1. Group pictures without identification of individual students are permitted without parent approval.
2. If parents of students have given permission to release information, the following standards apply:
 - a. Student work may be posted with limited student identification.

- b. Students will use a limited student identification (first name and last initial), or alternatively, first name only.
- c. All student posted work will contain the student's copyright notice using the limited student identification.

G. Internet and Intranet Services

- 1. The Technology Department has technical responsibility for setting up and managing Internet and Intranet resources, including user account maintenance.
- 2. District departments and school sites shall use the District's website for all Internet postings, and shall not initiate new or separate services outside of the District's designated services without the consent of the Superintendent or designee.
- 3. The decision of the Superintendent's office for appropriateness of materials and usage of Intranet and Internet services shall be final.
- 4. District departments and school sites have the primary responsibility to ensure timeliness and appropriateness of information posted on the District's Intranet or Internet web sites pertaining to their specific departments and school sites.
- 5. District departments and school sites shall designate a "content manager" for point of contact with the Technology Department.

H. Classroom, Team and Club Websites

The District recognizes the value of creating and maintaining District, school, classroom and other District-related websites. Employees authorized to create a District, school, classroom or other District-related website are considered the author of said site and shall adhere to the following procedures:

- 1. It is recommended that only approved, District hosted web services are used to create and maintain classroom, team or club websites. However, if an outside hosting service is used, all District policies continue to apply to the web site.
- 2. No web mechanism or tool may be used to create a financial benefit for any individual or group.
- 3. Fundraisers for club or team web sites are allowable in accordance with District policy and prior approval, but include the prohibition of all pay-per-click affiliate advertising programs (e.g. Google AdSense, Microsoft Bing/Yahoo, Criteo ClickZ, etc.).
- 4. Only District employees are allowed to create, edit or maintain web sites representing District schools, classrooms and/or organizations. Students, parents and subcontractors are not permitted to have access to edit or add content to District or District-affiliated websites.
 - a. Student created content is acceptable, but must be provided electronically to the designated District employee for review. Only District employees may directly post content to District or District-affiliated sites after said review.
- 5. Links and embedded content must be free of copyright infringement, educational in nature and appropriate to the purpose of the web site.
- 6. Back up and restoration of web site content is the sole responsibility of the site author.

I. Intellectual Property Rights

- 1. District employees shall not post material on Intranet or Internet services or send material via e-mail which is copyrighted by a party other than the District.
- 2. District employees should not install any software on their computers without prior consent of the

Technology Department.

3. District employees shall not install unlicensed copyrighted materials on their computers.
4. District employees shall not download copyrighted materials without prior written consent from the person or entity that owns the copyright.

J. System Use and Maintenance

Staff should remove or erase their email and/or other files from the District file servers regularly. Information that must be retained in the Education Code as a "Class 1 – Permanent" or "Class 2 – Optional" record should first be printed and filed accordingly by the employee. E-mail or other files stored on District servers are not considered private property and may be removed by the Technology Department.

1. Class 1 Permanent Records are defined in Section 16023 of the Title 5 of the Education Code. Examples in the Education Code include:
 - a. Annual Reports
 - b. Official Actions and Minutes of the Governing Board or Committees thereof
 - c. Personnel Records
 - d. Student Records
 - e. All records pertaining to any accident or injury involving a minor for which a claim has been filed
2. Class 2 Optional Records are defined in Section 16024 of the Title 5 of the Education Code as "Any record worthy of temporary preservation but not classified as Class 1 – Permanent may be classified as Class 2 – Optional and shall then be retained until reclassified as Class 3 – Disposable. If the Superintendent and Governing Board agree that classification should not be made by the time specified in Section 16022, all records for the prior year may be classified as Class 2 – Optional pending further review and classification within one year."

K. Security

The District's information technology system shall be protected from intrusion from outside sources, as follows:

1. The District shall construct firewalls to prevent outside sources from gaining access to the District system except when authorized by the Technology Department
2. Employees will immediately notify the system administrator if they have identified a possible security problem. Employees are not to go looking for security problems, because this may be construed as an illegal attempt to gain access.
3. The public shall not have direct access to the District's Intranet servers. All public access will be through the Internet server.
4. Sensitive student and employee information shall be transmitted only through secure connections.
5. Attempts by employees to disable, defeat, or circumvent any District facility, regardless of the success or failure of the attempts are prohibited.
6. Employees must not attempt to access any data or programs for which they do not have authorization or explicit consent.
7. Access to District information technology equipment must be properly documented, authorized and controlled.
8. Computers that the Technology Department has deemed unsafe, unmanageable, unpatchable should not

be connected to the network or kept in use due to security risks.

9. Prohibited activities include, but are not limited to the following:

- a. Attempts by employees to decrypt operating system, network, application and/or remote system passwords.
- b. Attempting to gain unauthorized access to the District data network or to any other computer system through the District data network or going beyond the employee's authorized access. This includes attempting to log in through another person's account or access another person's files.
- c. The copying of District network security, operating system security, and/or configuration files.
- d. Any attempt to unlawfully secure a higher level of privilege than assigned on any District network or system.
- e. Using District information and communications systems or equipment to gain or attempt to gain unauthorized access to other communication systems (hacking).
- f. Using District information and communications systems or equipment to connect to a system in order to circumvent the physical security limitations of another system.
- g. Any intentional attempts to infiltrate, sabotage, disrupt, disable, or "crash" any network system or program.
- h. The willful introduction of computer "viruses," "worms," "Trojan horses," "trap-door code," "denial of service attacks" or any other disruptive programs into the District's computer system or network.

L. Cloud Computing

Cloud computing is a general term for anything that involves delivering hosted services over the Internet by a third party. Cloud computing entrusts remote services with a user's data, software and computation. The District will adopt appropriate guidelines for cloud computing use as technology changes rapidly and capabilities are expanded

1. All cloud services reserve the right to monitor communications transmitted through their services. As a result, all information placed on the cloud system provided by the District should be considered open and available to the public in perpetuity.
2. Employees who use the cloud service provided by the District should expect to be subjected to advertisements as a related cost of the service.
3. In order to protect student and employee confidential records, cloud services must only be used to store student and teacher files for educational and learning purposes.
 - a. All employees who use the cloud service must never upload confidential personnel information including, but not limited to, contact information, evaluations, discipline records, employment history, coaching memos, or letters of reprimand.
 - b. All employees who use the cloud service must never upload confidential student records information including, but not limited to, contact information, IEP language, transcripts, discipline records, 504 documentation, accommodations or modification language, or grades.

M. Reporting Misuse

Employees must immediately notify their supervisor or appropriate designated administrator once they identify a possible security problem or breach of District Policy

N. Accounts and Passwords

1. Employees must obtain an authorized domain account and password from the Technology Department to access technology resources.
2. Employees may be required to change their password for this account a minimum of once per semester.
3. Accounts and passwords are confidential and shall not be shared with any other person.
4. Passwords should be created with the intent of being difficult to decipher or guess. A strong password should contain a minimum complexity of eight (8) characters including a combination of alpha characters, numeric characters, and symbols.

O. Purchasing of Technology Equipment and Software

1. All purchases of computer hardware, software and/or peripherals for use on District computers must be pre-approved by the Technology Department.
2. All commercial software used on District Information Technology systems are copyrighted and designated for District use. Employees must abide by license agreements.

P. Limitation of Liability

1. The District cannot guarantee the functions or services provided through the District's data network will be without error. The District will not be responsible for any damage employees may suffer, including but not limited to, loss of data, interruption of service or exposure to inappropriate material or people. The District is not responsible for the accuracy or quality of the information obtained through the system. The District will not be responsible for financial obligations arising through the unauthorized use of the system. Employees can be held financially responsible for any harm that may result from their intentional misuse of the system.
2. Employees should use the information technology resources in the workplace at their own risk with no expectation of privacy or confidentiality.

Q. Acknowledgement

Each employee who uses any District technology resources must annually acknowledge receipt and understanding of this Governing Board Policy. A record of this acknowledgment will be maintained in the employee's personnel file. Inappropriate use shall result in a cancellation of the employee's user privileges, disciplinary action and/or legal action in accordance with law, Board Policy and Administrative Regulations.

R. Equipment

Employees are responsible for returning all District issued equipment including, but not limited to, computers, tablets, mobile devices, and associated accessories, in reasonable working condition when employment ends or as equipment is updated. Employees must keep their equipment locked up and secure when not attended. Employees must never leave equipment in an unlocked classroom, visible in a parked car or in any other similar situation. Lost, stolen, or damaged equipment will be the financial responsibility of the employee. Failure to return District equipment or failure to pay for lost, stolen, or damaged equipment will result in legal action.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Gov. Code 3543.1

Gov. Code 7920.000-7930.170

Pen. Code 502

Description

Rights of employee organizations -

<https://simbli.eboardsolutions.com/SU/m7X7sU6S9KfjH0z33KIC6A==>

California Public Records Act -

<https://simbli.eboardsolutions.com/SU/IBl6lfok6zP3Bde1F55TFg==>

Computer crimes; remedies -

<https://simbli.eboardsolutions.com/SU/LeNvtlfoplus5mbU4QUxYm8LA==>

Pen. Code 632	Eavesdropping on or recording confidential communications - https://simbli.eboardsolutions.com/SU/2plusdImgXouDLeRH0ht5jeRw==
Veh. Code 23123	Wireless telephones in vehicles - https://simbli.eboardsolutions.com/SU/IX1FwliiAL0MRRYapMcT2w==
Veh. Code 23123.5	Mobile communication devices; text messaging while driving - https://simbli.eboardsolutions.com/SU/tKGK6qZkGUumjQj6E6GOfg==
Veh. Code 23125	Wireless telephones in school buses - https://simbli.eboardsolutions.com/SU/nSYr4Ge4FHIXM2KR5YA3Ow==

Federal References

20 USC 7101-7122
20 USC 7131
47 CFR 54.520

Description

Student Support and Academic Enrichment Grants
Internet Safety
Internet safety policy and technology protection measures; E-rate discounts

Management Resources References

Court Decision
Court Decision
Website
Website
Website
Website
Website
Website

Description

City of San Jose v. Superior Court (2017) 2 Cal.5th 608
City of Ontario v. Quon et al. (2010) 000 U.S. 08-1332
CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>
Federal Communications Commission -
<https://simbli.eboardsolutions.com/SU/rFmFn0jtpIussIshkbn8jDPcIlIlg==>
American Library Association -
<https://simbli.eboardsolutions.com/SU/ziXdKiQzPM5ZnufeaKplus7jQ==>
California Department of Education -
<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>
CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>
U.S. Department of Education -
<https://simbli.eboardsolutions.com/SU/XcSsJimosIsh3XhJKy4tplus7wplusA==>

Policy 4100: Certificated Personnel

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes that teachers and other certificated personnel work closely with students in carrying out the district's educational goals. The Superintendent or designee shall ensure that the duties, responsibilities, and district's expectations for certificated positions are clearly defined and made known to each member of the certificated staff.

Each certificated staff member shall be held accountable for duties assigned to him/her and shall undergo regular performance evaluations in accordance with law and negotiated agreements.

The Board strongly encourages certificated staff to continually improve their skills and pursue excellence within their profession.

Policies, rules and regulations related to certificated personnel shall be available to all concerned and shall be administered in a fair and equitable manner.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 44006

Certificated person -
<https://simbli.eboardsolutions.com/SU/vAl1tavPT3dRUauQ6jnblQ==>

Ed. Code 90

Definition; certificated and certified -
<https://simbli.eboardsolutions.com/SU/uHBWdb6ICLZXv8eyAAfibg==>

Gov. Code 3543.2

Scope of representation -
<https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==>

Management Resources References

Description

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Policy 4111: Recruitment And Selection

Status: DRAFT

Original Adopted Date: Pending

The Governing Board is committed to employing suitable, qualified individuals to effectively carry out the district's vision, mission, and goals.

The Superintendent or designee shall develop equitable, fair, and transparent recruitment and selection processes and procedures that ensure individuals are selected based on demonstrated knowledge, skills, and competence and not on any bias, personal preference, or unlawful discrimination.

When a vacancy occurs, the Superintendent or designee shall review the job description for the position to ensure that it accurately describes the major functions and duties of the position. He/she shall also disseminate job announcements to ensure a wide range of candidates.

The district's selection procedures shall include screening processes, interviews, recommendations from previous employers, and observations when appropriate, as necessary to identify the best possible candidate for a position.

The Superintendent or designee may establish an interview committee to rank candidates and recommend finalists. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. All discussions and recommendations shall be confidential in accordance with law.

No inquiry shall be made with regard to any information prohibited by state or federal nondiscrimination laws.

The Superintendent or designee shall not inquire, orally or in writing, in regard to an applicant's salary history information, including compensation and benefits. He/she shall also not rely on salary history information as a factor in determining whether to offer employment to an applicant or the salary to offer. However, the Superintendent or designee may consider salary information that is disclosable under state or federal law or that the applicant discloses voluntarily and without prompting. Upon request, the Superintendent or designee shall provide the applicant the pay scale for the position to which he/she is applying. (Labor Code 432.3)

For each position, the Superintendent or designee shall present to the Board one candidate who meets all qualifications established by law and the Board for the position. No person shall be employed by the Board without the recommendation or endorsement of the Superintendent or designee.

Incentives

With Board approval and in accordance with district needs, the district may provide incentives to recruit teachers, administrators, or other employees, such as signing bonuses, assistance with beginning teacher induction and/or credential costs, mentoring and additional compensation.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 200-262.4

Prohibition of discrimination -
<https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==>

Ed. Code 35035

Powers and duties of the superintendent; transfer authority -
<https://simbli.eboardsolutions.com/SU/U8vklOrjlenvguXkYb3glg==>

Ed. Code 44066

Limitations on certification requirements -
<https://simbli.eboardsolutions.com/SU/OJDqvQtSDs3NVjaFjXyaCQ==>

Ed. Code 44259

Teaching credential, exception; designated subjects; minimum requirements -
<https://simbli.eboardsolutions.com/SU/VJx8Luc221PUUygsishjNOplusSg==>

Ed. Code 44750

Teacher recruitment resource center -
<https://simbli.eboardsolutions.com/SU/25pluscLmM0K9K6BvPWvW6Ocw==>

Ed. Code 44830-44831

Employment of certificated persons -
<https://simbli.eboardsolutions.com/SU/ExuslshqmeslshmrL9IPMkfplus3Kbw==>

Ed. Code 44858	Age or marital status in certificated positions - https://simbli.eboardsolutions.com/SU/c4YdqNnGaHeUY59KoVRYhg==
Ed. Code 44859	Prohibition against certain rules and regulations re: residency - https://simbli.eboardsolutions.com/SU/95oC2Mw2ifcoOI0v9MTbcw==
Ed. Code 45103-45139	Employment (classified employees) - https://simbli.eboardsolutions.com/SU/3omu1plusHvWH7ZhTtfOsRHA==
Ed. Code 49406	Examination for tuberculosis - https://simbli.eboardsolutions.com/SU/1zMk9tKmBYJP1m6AfhBiag==
Gov. Code 12900-12996	Fair Employment and Housing Act - https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==
Gov. Code 12940-12957	Discrimination prohibited; unlawful practices - https://simbli.eboardsolutions.com/SU/5uovzpjZ1cx0bzIG8RHk0A==
Gov. Code 7920.000-7930.170	California Public Records Act - https://simbli.eboardsolutions.com/SU/IBl6Ifok6zP3Bde1F55TFg==
Gov. Code 815.2	Liability of public entities and public employees - https://simbli.eboardsolutions.com/SU/c9Mu6nGpPvQPAFVLTm0EFw==
H&S Code 53570-53574	Teacher Housing Act of 2016 - https://simbli.eboardsolutions.com/SU/jplus4TYWmzmFk1quHFNH9VNA==
Lab. Code 432.3	Salary information - https://simbli.eboardsolutions.com/SU/fYIBzfnwCPMWUEuay1xg0w==

Federal References

20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
34 CFR 106.51-106.61	Nondiscrimination on the basis of sex in employment in education program or activities
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
5 USC 552	Freedom of Information Act
8 USC 1324a	Unlawful employment of aliens
8 USC 1324b	Unfair immigration related employment practices

Management Resources References

CCSESA Publication	Teacher Recruitment in California: An Analysis of Effective Strategies, Research Brief, Veritas Research and Evaluation Group, October 2017
Court Decision	C.A. v William S. Hart Union High School District et al., (2012) 138 Cal.Rptr.3d 1
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUulsaq7efc7aH4Q==
Website	Education Job Opportunities Information Network - https://simbli.eboardsolutions.com/SU/z9plusLac3YgrNsIshnXZjPokcgA==
Website	Teach USA - https://simbli.eboardsolutions.com/SU/OnwhbOPyG65DMPpX7UKLhA==
Website	California County Superintendents Educational Services Association - https://simbli.eboardsolutions.com/SU/Wyr1WplusZPL9SDth52IMoLrg==

Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==
Website	U.S. Equal Employment Opportunity Commission - https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==

Policy 4111.2: Legal Status Requirement

Status: DRAFT

Original Adopted Date: Pending

The Governing Board shall ensure that the district employs only those individuals who are lawfully authorized to work in the United States.

The Superintendent or designee shall verify the employment eligibility of all persons hired by completing the U.S. Citizenship and Immigration Services Form I-9, Employment Eligibility Verification, for each individual hired and ensure that the district does not knowingly hire or continue to employ any person not authorized to work in the United States. (8 USC 1324a)

In accordance with law, the Superintendent or designee shall ensure that district employment practices do not unlawfully discriminate on the basis of citizenship status or national origin, including, but not limited to, discrimination against any refugees, grantees of asylum, or persons qualified for permanent or temporary residency.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal References

8 CFR 274a.1-274a.14

8 USC 1324a

8 USC 1324b

Description

Control of Employment of Aliens

Unlawful employment of aliens

Unfair immigration related employment practices

Management Resources References

USCIS Publication

Website

Website

Description

Handbook for Employers: Instructions for Completing Form I-9, April 2009

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

U.S. Citizenship and Immigration Services -
<https://simbli.eboardsolutions.com/SU/2yd9f2ugp9aDqPAihj5fFg==>

Regulation 4111.2: Legal Status Requirement

Status: DRAFT

Original Adopted Date: Pending

Within three business days of hire, the Superintendent or designee shall physically examine the documentation presented by the employee establishing his/her identity and employment authorization as set forth in U.S. Citizenship and Immigration Services Form I-9. The employee may present either an original document which establishes both employment authorization and identity or two separate original documents which establish authorization and identity. Only unexpired documents are acceptable. (8 CFR 274a.2)

The Superintendent or designee shall: (8 CFR 274a.2)

1. Ensure that the documents presented appear to be genuine and relate to the individual
2. Complete the "Employer Review and Verification" section and sign the attestation with a handwritten signature or electronic signature on Form I-9

Persons employed for three business days or less must provide such documentation on their first day. (8 CFR 274a.2)

If unable to provide satisfactory documentation because the document was lost, stolen, or damaged, the employee shall furnish a receipt indicating that a replacement document has been requested. This receipt must be presented within three business days of the hire, and the replacement document must be provided within 90 days of the hire. (8 CFR 274a.2)

If an individual's employment authorization expires, the Superintendent or designee must reverify Form I-9, by noting the document's identification number and expiration date on the form, no later than the date the work authorization expires. The employee shall present a document that shows either continuing employment authorization or a new grant of work authorization. (8 CFR 274a.2)

The district shall retain an individual's Form I-9 for three years after the date of the hire or for one year after the date his/her employment is terminated, whichever is later. (8 CFR 274a.2)

The Superintendent or designee shall copy documents presented by an individual for verification and shall retain them with the individual's Form I-9. The documents shall be kept confidential and used only as needed to help justify the district's past decision to accept the documents as valid.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal References

8 CFR 274a.1-274a.14

8 USC 1324a

8 USC 1324b

Description

Control of Employment of Aliens

Unlawful employment of aliens

Unfair immigration related employment practices

Management Resources References

USCIS Publication

Website

Website

Description

Handbook for Employers: Instructions for Completing Form I-9, April 2009

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

U.S. Citizenship and Immigration Services -
<https://simbli.eboardsolutions.com/SU/2yd9f2ugp9aDqPAihj5fFg==>

Regulation 4112: Appointment And Conditions Of Employment

Status: DRAFT

Original Adopted Date: Pending

Upon recommendation from the Superintendent or designee, the Governing Board shall approve the appointment of all certificated personnel. The position and the salary classification shall be reported to the Board at a regular meeting.

Individuals appointed to the certificated staff shall:

1. Possess the appropriate certification qualifications and register the certification document in accordance with law and Board policy (Education Code 44250-44279, 44330)
2. Demonstrate proficiency in basic skills as required by law and Board policy (Education Code 44252.5, 44830)
3. Submit to fingerprinting as required by law (Education Code 44830.1)
4. Not have been convicted of a violent or serious felony as defined in Penal Code 667.5 or 1192.7, unless the individual has received a certificate of rehabilitation and pardon (Education Code 44830.1)
5. Not have been convicted of any sex offense as defined in Education Code 44010 (Education Code 44836)
6. Not have been required to register as a sex offender pursuant to Penal Code 290 because of a conviction for a crime where the victim was a minor under the age of 16 (Penal Code 290.95)
7. Not have been determined to be a sexual psychopath pursuant to Welfare and Institutions Code 6300-6332 (Education Code 44837)
8. Not have been convicted of any controlled substance offense as defined in Education Code 44011 (Education Code 44836)
9. Submit to a physical examination, tuberculosis testing and/or provide a medical certificate as required by law and Board policy (Education Code 44839, 49406)
10. Furnish a statement of military service and, if any was rendered, a copy of the discharge or release from service or, if no such document is available, other suitable evidence of the termination of service (Education Code 44838)
11. File the oath or affirmation of allegiance required by Government Code 3100-3109
12. Fulfill any other requirements as specified by law, collective bargaining agreement, Board policy or administrative regulation

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 35161	Board delegation of any powers or duties - https://simbli.eboardsolutions.com/SU/slsh1PplusGg7pf1zBSnE4YBslshMOQ==
Ed. Code 44008	Effect of termination of probation - https://simbli.eboardsolutions.com/SU/zaXAINUuyFN4TP2U1evbVA==
Ed. Code 44009	Conviction of specified crimes - https://simbli.eboardsolutions.com/SU/RL05mESzVyQJIYaRWslshK5YA==
Ed. Code 44010	Sex offense; definitions - https://simbli.eboardsolutions.com/SU/kVoMSh2Y4cuufG1O45T35A==
Ed. Code 44011	Controlled substance offense - https://simbli.eboardsolutions.com/SU/yVslsh8HNplus6fH8Trsdpvo9h3w==

Ed. Code 44066	Limitations on certification requirements - https://simbli.eboardsolutions.com/SU/OJDqvQtSDs3NVjaFjXyaCQ==
Ed. Code 44250-44277	Credentials and assignment of teachers - https://simbli.eboardsolutions.com/SU/slshiQ5qtgKBwLUPKBYdJM1fw==
Ed. Code 44330	Effect of registration of certification document - https://simbli.eboardsolutions.com/SU/ewqmiXUOvCfEsKS411GVaQ==
Ed. Code 44830.1	Criminal record summary certificated employees - https://simbli.eboardsolutions.com/SU/u9AgkfWslsh1QLiUogY34F8gA==
Ed. Code 44836	Employment of certificated persons convicted of controlled substance offenses - https://simbli.eboardsolutions.com/SU/5hHUN0BmtikFXTcnjWJvnA==
Ed. Code 44837	Employment of sexual sociopath - https://simbli.eboardsolutions.com/SU/jSUUQyrGZplusVmKEslshnOqplusSBg==
Ed. Code 44838	Statement of military service - https://simbli.eboardsolutions.com/SU/0SktQDChfinKGONW7SoWOw==
Ed. Code 44839	Medical certificate; periodic medical examination - https://simbli.eboardsolutions.com/SU/7ifRt5ldtFyISRocGEBoAQ==
Ed. Code 44839.5	Requirements for employment of retirant - https://simbli.eboardsolutions.com/SU/9NiF7P8cplus6F5a9AwnxnXMQ==
Ed. Code 49406	Examination for tuberculosis - https://simbli.eboardsolutions.com/SU/1zMk9tKmBYJP1m6AfhBiag==
Gov. Code 12940-12950	Unlawful employment practices - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQHQ9yA==
Gov. Code 3100-3109	Oath or affirmation of allegiance - https://simbli.eboardsolutions.com/SU/wc53ykHj1dGv0704ZeFscg==
H&S Code 1596.7995	Immunization requirements for employees in child care center or preschool - https://simbli.eboardsolutions.com/SU/DjBa6CYoss5yqD8s0WL3ug==
H&S Code 1597.055	Teachers in day care centers - https://simbli.eboardsolutions.com/SU/r9lfGXwFmjdxFHG8l5qe3w==
Pen. Code 1192.7	Plea bargaining limitation - https://simbli.eboardsolutions.com/SU/Y4tPzLWU9zUaPXfNaslshrcRA==
Pen. Code 290	Registration of sex offenders - https://simbli.eboardsolutions.com/SU/BC6kOdRC1cjbplusmxdA92Rug==
Pen. Code 290.95	Disclosure by persons required to register as sex offenders - https://simbli.eboardsolutions.com/SU/Abju7FC2HBTyfsDieYQtSg==
Pen. Code 667.5	Prior prison terms; enhancement of prison terms - https://simbli.eboardsolutions.com/SU/yS0sRxmSCVex2qplus3slsh4ab6A==
W&I Code 6300-6332	Sexual psychopaths

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==>

Regulation 4112.1: Contracts

Status: DRAFT

Original Adopted Date: Pending

When initially employed, certificated employees shall receive a written statement of their employment status and salary. In the case of temporary employees, this statement shall clearly indicate the temporary nature of the employment and the length of time for which the person is being employed. (Education Code 44916)

Reemployment Notices

By April 30 of each year, the Human Resources Department may give, or mail by certified mail with return receipt requested, written notices to certificated employees of a year-round school who are serving in a track that starts within 14 days of July 1 requesting that they notify the district of their intent to remain in district service for the next school year. This notice shall include a copy of Education Code 44842. If an employee, without good cause, fails to notify the district before June 1 that he/she will remain in district service, the employee may be deemed to have declined reemployment and the employee's services may be terminated on June 30 of that year. An employee who gives notice of resignation after May 31 but before June 30 shall be released from his/her contract within 30 days of the employee's notice, or as soon as a replacement employee is obtained, whichever occurs first. (Education Code 44842)

Employee Notification

By May 15 of each year, each classroom teacher shall notify the Superintendent or designee of his/her intent to return to a teaching position for the next school year. (Education Code 44832)

An employee on leave of absence shall notify the district of his/her intent to remain in service the following year in accordance with law, Board policy and administrative regulation.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 44832	Teachers; notice of intent to return - https://simbli.eboardsolutions.com/SU/M4xDh7lplusgA2XGBVSmKHK6A==
Ed. Code 44842	Reemployment notices; certificated employees - https://simbli.eboardsolutions.com/SU/6Cr6mASUJjo0s7aFilsuhQ==
Ed. Code 44843	Notice of employment to county superintendent - https://simbli.eboardsolutions.com/SU/LhxFDx7NAesPdFaGzvrY6A==
Ed. Code 44916	Written statement of employment status - https://simbli.eboardsolutions.com/SU/XmCPHsuWR7m01NGRhZplusBaA==
Ed. Code 44929.20	Continuing contracts (not to exceed four years - ADA under 250) - https://simbli.eboardsolutions.com/SU/J3sLdfkapTAWEDrz1HxaPA==
Ed. Code 44955	Reduction in number of permanent employees - https://simbli.eboardsolutions.com/SU/MQslshxJIn2uiAVe9PIjo6DqA==

Management Resources References

Description

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==
---------	--

Policy 4112.2: Certification

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes that the district's ability to provide a high-quality educational program is dependent upon the employment of certificated staff who are adequately prepared and have demonstrated proficiency in basic skills and competency in the subject matter to be taught. The Superintendent or designee shall ensure that persons employed to fill positions requiring certification qualifications possess the appropriate credential, permit, or other certification document from the Commission on Teacher Credentialing (CTC) and fulfill any additional state, federal, or district requirements for the position.

The Superintendent or designee shall provide assistance and support to teachers holding preliminary credentials to enable them to meet the qualifications required for the clear credential.

Priorities for Hiring Based on Unavailability of Credentialed Teacher

The Superintendent or designee shall make reasonable efforts to recruit a fully prepared teacher who is authorized in the subject or setting for each assignment or, when necessary, a fully prepared teacher serving on a local assignment option. Whenever a teacher with a clear or preliminary credential is not available, and the Board adopts a resolution that it has made reasonable efforts to recruit a fully prepared teacher for the assignment, the Superintendent or designee shall make reasonable efforts to recruit an individual for the assignment in the following order: (Education Code 44225.7)

1. A candidate who enrolls in an approved internship program in the region of the district and possesses an intern credential
2. A candidate who is scheduled to complete preliminary credential requirements within six months and who is granted a provisional internship permit (PIP) or short-term staff permit issued by CTC

The Board shall take action to approve, at an open Board meeting, a notice of its intent to employ a PIP applicant for a specific position. (5 CCR 80021.1)

3. An individual who has been granted a credential waiver by CTC

Annually, the Board shall, prior to requesting that CTC issue an emergency permit or limited assignment permit, approve a Declaration of Need for Fully Qualified Educators. The Declaration of Need shall be approved by the Board as an action item at a regularly scheduled open Board meeting, with the entire Declaration of Need being included in the Board agenda (Education Code 44225, 44225.7; 5 CCR 80023.2, 80026, 80027, 80027.1)

The Declaration of Need shall certify that there is an insufficient number of certificated persons who meet the district's specified employment criteria for the position(s) and that the district has made reasonable efforts to recruit individuals who meet the qualifications specified in Items #1-2 above. The Declaration of Need shall also indicate the number and type of emergency permits and limited assigned permits that the district estimates it will need during the valid period of the Declaration of Need, based on the previous year's actual needs and projections of enrollment. It shall also specify each subject to be listed on the General Education Limited Assignment Single Subject Teaching Permits and the target language on Emergency Bilingual Permits. Whenever the actual number of permits needed exceeds the estimate by 10 percent, the Board shall revise and resubmit the Declaration of Need. (5 CCR 80026)

Whenever it is necessary to employ noncredentialed teachers to fill a position requiring certification qualifications, the Superintendent or designee shall provide support and guidance in accordance with law to ensure the quality of the instructional program.

National Board for Professional Teaching Standards Certification

The Superintendent or designee shall promote a career continuum that includes participation of district teachers in professional learning that supports their completion of advanced certification awarded by the National Board for Professional Teaching Standards (NBPTS). The Superintendent or designee may coordinate a cohort of teachers through school or district programs or other available networks.

With Board approval and funding, and consistent with the collective bargaining agreement and applicable law, the Superintendent may provide an incentive program for teacher participation in NBPTS certification, which may

include:

1. Defraying, subsidizing, or reimbursing the registration, certification, or maintenance fees for NBPTS certification
2. Providing bonuses, step increases, or differential pay for teachers who maintain their certification and continue to teach in the district, with priority given to teachers at Title I schools and schools serving a majority of low-income students
3. Providing substitute teachers to provide release time for participating teachers
4. Providing stipends for teacher participation that match other professional development stipends
5. Compensating mentor teachers who support other teachers' professional learning aligned to NBPTS standards

Parental Notifications

At the beginning of each school year, the Superintendent or designee shall notify the parents/guardians of each student attending a school receiving Title I funds that they may request information regarding the professional qualifications of their child's classroom teacher including, but not limited to, whether the teacher: (20 USC 6312)

1. Has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction
2. Is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived
3. Is teaching in the field of discipline of the teacher's certification

In addition, the Superintendent or designee shall notify parents/guardians in a timely manner whenever their child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable state certification or licensure requirements at the grade level and subject area to which the teacher has been assigned. (20 USC 6312)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 80001-80674.6

5 CCR 80001-80694

Ed. Code 32340-32341

Ed. Code 35186

Ed. Code 44066

Ed. Code 44200-44418

Ed. Code 44250-44277

Ed. Code 44300-44302

Ed. Code 44325-44328

Ed. Code 44330-44355

Description

Commission on Teacher Credentialing

Commission on Teacher Credentialing

Unlawful issuance of a credential -
<https://simbli.eboardsolutions.com/SU/f9uie5JGqYH0nxFv9jiGXw==>

Complaints regarding teacher vacancy or misassignment -
<https://simbli.eboardsolutions.com/SU/MDiv2vFqYgd1u6vWMYFnHA==>

Limitations on certification requirements -
<https://simbli.eboardsolutions.com/SU/OJDqvQtSDs3NVjaFjXyaCQ==>

Teacher credentialing -
<https://simbli.eboardsolutions.com/SU/7KsBvXE7sZwVPkZCm6TQAw==>

Credentials and assignment of teachers -
<https://simbli.eboardsolutions.com/SU/slshiQ5qtgKBwLUPKBYdJM1fw==>

Emergency permit -
<https://simbli.eboardsolutions.com/SU/NzBOdfZ8bScZeneOIXgsXA==>

District interns -
<https://simbli.eboardsolutions.com/SU/RfsneCKZJavxtYfXDZRXg==>

Certificates and credentials -
<https://simbli.eboardsolutions.com/SU/ewqmiXUOvClfESkS411GVaQ==>

Ed. Code 44395	National Board for Professional Teaching Standards Certification Incentive Program
Ed. Code 44420-44440	Revocation and suspension of credentials - https://simbli.eboardsolutions.com/SU/plusAmlQuOFqs89Ky7ZhplusVq7w==
Ed. Code 44450-44468	University internship program - https://simbli.eboardsolutions.com/SU/4hBPGhJyVo94IIRh66u3gw==
Ed. Code 44830-44929	Employment of certificated persons; requirement of proficiency in basic skills - https://simbli.eboardsolutions.com/SU/ExuslshqmeslshmrL9IPMkfplus3Kbw==
Ed. Code 56060-56063	Substitute teachers in special education - https://simbli.eboardsolutions.com/SU/tO6b1slsh3ftVqNGOnLpIgL7Q==
Ed. Code 8295-8305	Child development program; personnel qualifications - https://simbli.eboardsolutions.com/SU/EW86uQvzoeBtSUMTa9Eslshow==

Federal References

20 USC 6312	Title I local educational agency plans; notifications regarding teacher qualifications
34 CFR 200.61	Parent notification regarding teacher qualifications

Management Resources References

Commission on Teacher Credentialing Publication	Description Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Subject Matter Competency, Coded Correspondence 22-06, October 21, 2022
Commission on Teacher Credentialing Publication	Proposed Amendments and Additions to Title 5 of the California Code of Regulations Pertaining to Subject Matter Competence, Coded Correspondence 21-06, September 20, 2021
Commission on Teacher Credentialing Publication	Assembly Bill 320: Regional Accreditation for Coursework and Degrees Used for Certification Purposes, Credential Information Alert 22-02, March 1, 2022
Commission on Teacher Credentialing Publication	Waiver Requests Guidebook, 2015
Commission on Teacher Credentialing Publication	Subject Matter Authorization Guideline Book, December 2019
Commission on Teacher Credentialing Publication	Supplementary Authorization Guideline Book, December 2019
Commission on Teacher Credentialing Publication	Hiring Hierarchy in Education Code 44225.7, Coded Correspondence 13-01, January 30, 2013
Commission on Teacher Credentialing Publication	Approved Addition and Amendments to Title 5 of the California Code of Regulations Pertaining to Teaching Permit for Statutory Leave (TPSL), Coded Correspondence 16-10, Aug 23, 2016
Commission on Teacher Credentialing Publication	California Standards for the Teaching Profession (CSTP), October 2009
Commission on Teacher Credentialing Publication	CL-667 Basic Skills Requirement
Commission on Teacher Credentialing Publication	CL-856 Provisional Internship Permit
Commission on Teacher Credentialing Publication	CL-858 Short-Term Staff Permit
Court Decision	Association of Mexican-American Educators (AMAE) et al. v. State of California and the Commission on Teacher Credentialing (2000) 231 F.3d 572
Nat'l Board for Prof. Teaching Stds. Publication	Using Federal Funds for National Board Activities: An Action-Planning Guide

Nat'l Board for Prof. Teaching Stds. Publication	Considerations for Using Federal Funds to Support National Board Certification
Website	Office of Administrative Law - https://simbli.eboardsolutions.com/SU/RnyBM7nM4Vf4qxsIshOTuQSbg==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Department of Education, CA NBPTS Certification Incentive Program 2021-26 - https://simbli.eboardsolutions.com/SU/uKmxE8VYIFbmXZaxGIRrvQ==
Website	National Board Resource Center - https://simbli.eboardsolutions.com/SU/flPYtz2IVUmhqlpluswjCdmag==
Website	National Board for Professional Teaching Standards - https://simbli.eboardsolutions.com/SU/W4hc1Fgk0ics8tTmuq7qslshw==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUulsaq7efc7aH4Q==
Website	Commission on Teacher Credentialing, Credential Information Guide (for employers' use only) - https://simbli.eboardsolutions.com/SU/B9uurcEnh6RjWX7bEk1slshew==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3Qxkk2FPsDsQBnMIENxGg==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==

Regulation 4112.2: Certification

Status: DRAFT

Original Adopted Date: Pending

Verification of Credentials

The Superintendent or designee shall verify that each employee in a position requiring certification qualifications possesses a valid certification document issued by the Commission on Teacher Credentialing (CTC). Such verification shall occur not later than 60 days after the commencement of employment or the renewal of a credential. (Education Code 44857)

The Superintendent or designee shall verify that any person who is employed by the district while CTC is processing the application for certification possesses a temporary certificate based on a demonstration of basic skills and completion of a criminal background check. (Education Code 44332, 44332.5, 44332.6)

The Superintendent or designee shall maintain records of the appropriate certification of all employees serving in certificated positions.

Basic Skills Proficiency

The district shall not initially hire a person in a position requiring certification, on a permanent, temporary, or substitute basis, unless that person has demonstrated basic skills proficiency in reading, writing, and mathematics or is specifically exempted from the requirement by law. (Education Code 44252, 44252.6, 44830)

A person may demonstrate basic skills proficiency in reading, writing, and mathematics by:

1. Passage of the California Basic Educational Skills Test (CBEST) (Education Code 44252.5)
2. Passage of the California Subject Examinations for Teachers: Multiple Subjects plus Writing Skills Examination
3. Passage of the California State University (CSU) Early Assessment Program or the CSU Placement Examinations (Education Code 44252)
4. Achieving a qualifying score on the Scholastic Aptitude Test or the American College Test (Education Code 44252)
5. Achieving a qualifying score on College Board Advanced Placement Examinations
6. Passage of a basic skills examination from another state
7. Qualifying coursework (Education Code 44252)
8. Qualifying coursework and exams (Education Code 44252)

The district may hire a certificated employee who has not taken a test of basic skills proficiency if the employee has not yet been afforded the opportunity to take the test, provided that the employee takes the test at the earliest opportunity. The employee may remain employed by the district pending the receipt of the test results. (Education Code 44830)

An out-of-state prepared teacher shall meet the basic skills requirement within one year of being issued a California preliminary credential by CTC unless the teacher has completed a basic skills proficiency test in another state, passed a basic skills proficiency test developed and administered by the district, by cooperating districts or by the county office of education (COE), or is otherwise exempted by law. The district shall develop a basic skills proficiency test, which shall be at least equivalent to the district test required for high school graduation, for purposes of assessing out-of-state prepared teachers pending completion of the basic skills requirement. (Education Code 44252, 44274.2; 5 CCR 80071.4, 80413.3)

Any person holding or applying for a "designated subjects special subjects" credential which does not require possession of a bachelor's degree shall pass a district proficiency test in lieu of meeting the state basic skills proficiency requirement. (Education Code 44252, 44830)

The district may charge a fee to persons being tested to cover the costs of developing, administering, and grading the district proficiency test. (Education Code 44252, 44830)

Short-Term Staff Permit

The district may request that CTC issue a short-term staff permit (STSP) to a qualified applicant whenever there is a need to immediately fill a classroom based on unforeseen circumstances, including, but not limited to: (5 CCR 80021)

1. Enrollment adjustments requiring the addition of another teacher
2. Inability of the teacher of record to finish the school year due to approved leave or illness
3. The applicant's need for additional time to complete preservice requirements for enrollment into an approved internship program
4. Inability of the applicant to enroll in an approved internship program due to timelines or lack of space in the program
5. Unavailability of a third-year extension of an internship program or the applicant's withdrawal from an internship program

The Superintendent or designee shall ensure that the applicant possesses a bachelor's or higher degree from a regionally accredited college or university, has met the basic skills proficiency requirement unless exempted by state law or regulations, and has satisfied the coursework/experience requirements specified in 5 CCR 80021 for the multiple subject, single subject, or education specialist STSP as appropriate. (5 CCR 80021)

When requesting issuance of an STSP, the Superintendent or designee shall submit to CTC: (5 CCR 80021)

1. Verification that the district has conducted a local recruitment for the permit being requested
2. Verification that the district has provided the permit holder with orientation to the curriculum and to instruction and classroom management techniques and has assigned a mentor teacher for the term of the permit
3. Written justification for the permit signed by the Superintendent or designee

The holder of an STSP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021)

Provisional Internship Permit

Before requesting that CTC issue a provisional internship permit (PIP), the district shall conduct a diligent search for a suitable credentialed teacher or intern, including, but not limited to, distributing job announcements, contacting college and university placement centers, and advertising in print or electronic media. (5 CCR 80021.1)

Whenever a suitable credentialed teacher cannot be found after a diligent search, the Superintendent or designee may request that CTC issue a PIP to an applicant who possesses a bachelor's or higher degree from a regionally accredited college or university, has met the basic skills proficiency requirement unless exempted by state law or regulations, and has satisfied the coursework/experience requirements specified in 5 CCR 80021.1 for the multiple subject, single subject, or education specialist PIP as appropriate. (5 CCR 80021.1)

When submitting the request for a PIP, the district shall provide verification of all of the following: (5 CCR 80021.1, 80026.5)

1. A diligent search has been conducted for a suitable credentialed teacher or suitable qualified intern as evidenced by documentation of the search.
2. Orientation, guidance, and assistance will be provided to the permit holder as specified in 5 CCR 80026.5. The orientation shall include, but not be limited to, an overview of the curriculum the permit holder is expected to teach and effective instruction and classroom management techniques at the permit holder's assigned level.

The permit holder also shall receive guidance and assistance from an experienced educator who is a certificated district employee or a certificated retiree from a California district or COE and who has completed at least three years of full-time classroom teaching experience.

3. The district will assist the permit holder in developing a personalized plan through a district-selected assessment that would lead to subject-matter competence related to the permit.
4. The district will assist the permit holder to seek and enroll in subject-matter training, such as workshops or seminars and site-based courses, along with training in test-taking strategies, and shall assist the permit holder in meeting the credential subject-matter competence requirement related to the permit.
5. A notice of intent to employ the applicant in the identified position has been made public. The district shall submit a copy of the agenda item presented at an open Governing Board meeting which states the name of the applicant, the assignment in which the applicant will be employed including the name of the school, subject(s), and grade(s) that the applicant will be teaching, and that the applicant will be employed on the basis of a PIP. The district also shall submit a signed statement from the Superintendent or designee that the agenda item was acted upon favorably.
6. The candidate has been apprised of steps to earn a credential and enroll in an internship program.

The holder of a PIP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021.1)

Teaching Permit for Statutory Leave

Whenever there is an anticipated need for the district to temporarily fill the teaching assignment of a teacher of record who will be on sick leave, differential sick leave, industrial accident or illness leave, pregnancy disability leave, administrative leave related to dismissal and suspension proceedings, military leave, or family care and medical leave under the federal Family and Medical Leave Act or California Family Rights Act, the Superintendent or designee may request that CTC issue a Teaching Permit for Statutory Leave (TPSL) to a qualified individual who will be serving as the interim teacher of record. Prior to submitting an application to CTC, the district shall provide the applicant with 45 hours of preparation in the content areas listed in 5 CCR 80022. (5 CCR 80022)

A request for the TPSL shall only be submitted if the district has made reasonable efforts to hire a substitute with a full teaching credential that matches the setting and/or subject for the statutory leave position and no such candidate is available. (5 CCR 80022)

The district shall verify to CTC that it will provide the interim teacher: (5 CCR 80022)

1. An orientation to the assignment before or during the first month of service in the statutory leave assignment
2. An average of two hours of mentoring, support, and/or coaching per week through a system of support coordinated and/or provided by a mentor who possesses a valid life or clear credential that would also authorize service in the statutory leave assignment
3. Lesson plans for the first four weeks of the assignment as well as continued assistance in the development of curriculum, lesson planning, and individualized education programs

The holder of the TPSL may serve as the interim teacher of record for up to the full length of the leave(s) during the school year. (5 CCR 80022)

The Superintendent or designee shall maintain documentation on the assignment in accordance with 5 CCR 80022 and annually report data on the use of the TPSL to the County Superintendent of Schools for assignment monitoring pursuant to Education Code 44258.9. (5 CCR 80022)

The Superintendent or designee may annually request renewal of the TPSL, provided that no substitute with a full teaching credential is available for the assignment. The application for each reissuance shall include verification that the interim teacher has completed an additional 45 hours of preparation and the district is continuing to provide mentoring in accordance with Items #2-3 above. (5 CCR 80022)

Long-Term Emergency Permits

As necessary, the Superintendent or designee may request that CTC issue an emergency resource specialist permit, emergency teacher librarian services permit, emergency crosscultural language and academic development permit (CLAD), or emergency bilingual authorization permit. (5 CCR 80024.3.1, 80024.6, 80024.7, 80024.8)

The Superintendent or designee shall provide any first-time recipient of an emergency teaching permit with an orientation which, to the extent reasonably feasible, shall occur before beginning a teaching assignment. The Superintendent or designee may vary the nature, content, and duration of the orientation to match the amount of training and experience previously completed by the emergency permit teacher. The orientation shall include, but not be limited to, the curriculum the teacher is expected to teach and effective techniques of classroom instruction and classroom management at the assigned grade-level span. The emergency permit holder also shall receive guidance and assistance from an experienced educator who is a certificated district employee or a certificated retiree from a California district or COE and who has completed at least three years of full-time classroom teaching experience. (5 CCR 80026.5)

Early Childhood Education Emergency Specialist Permit/Emergency Transitional Kindergarten Permit (ETK)

If, after conducting a diligent search, the district has been unable to recruit a sufficient number of certificated teachers, including teacher candidates pursuing full certification through internship, district internship, or other alternative routes established by CTC, the Superintendent or designee may request CTC to issue a one-year early childhood education (ECE) emergency specialist permit that authorizes the teacher to teach all subjects in a self-contained transitional kindergarten (TK) general education classroom. (Education Code 44300)

The request to CTC shall include the following justifications for the need for the ECE emergency specialist permit: (Education Code 44300)

1. Annual documentation that the district has adopted in policy and practice a process for conducting a diligent search as defined in Education Code 44300
2. A Declaration of Need for Fully Qualified Educators based on the documentation set forth in Item #1, and adopted by the Board at a regularly scheduled Board meeting
3. Verification that the district will provide the required orientation, mentoring, and support
4. The Board's receipt, at a regularly scheduled Board meeting, of a report on the orientation, mentoring, and support described in Item #3

The district may request CTC to renew the ECE emergency specialist permit for one additional year provided the following occurs: (Education Code 44300)

1. The applicant verifies current enrollment in a commission-approved teacher preparation program that will result in a credential authorizing teaching TK
2. The district submits a Declaration of Need for Fully Qualified Educators in the same manner as described in Item #2, above
3. The district verifies that the applicant continues to successfully serve in the assignment on the basis of the ECE emergency specialist permit
4. The district verifies continued orientation, mentoring, and support, with reporting to the Board in the same manner as described in Item #3, above

Substitute Teaching Permits

The district may employ a person whose credential or permit authorizes substitute teaching services, provided that:

1. A person holding an emergency 30-day substitute teaching permit, STSP, PIP, TPSL, or any valid teaching or services credential that requires at least a bachelor's degree and completion of the CBEST, shall not serve as a substitute for more than 30 days for any one teacher during the school year or as a substitute in a special education classroom for more than 20 days for any one teacher during the school year. (5 CCR 80025, 80025.3, 80025.4)

2. A person with an emergency career substitute teaching permit shall not serve as a substitute for more than 60 days for any one teacher during the school year. (5 CCR 80025.1)
3. A person with an emergency substitute teaching permit for prospective teachers shall not serve as a substitute for more than 30 days for any one teacher during the school year and not more than 90 days total during the school year. (5 CCR 80025.2)
4. A person with an emergency designated subjects 30-day substitute teaching permit for career technical education shall teach only in a program of technical, trade, or vocational education and shall not serve as a substitute for more than 30 days for any one teacher during the school year. (5 CCR 80025.5)

Before employing a person with an emergency substitute permit pursuant to Item #1 or 4 above, the Superintendent or designee shall prepare and keep on file a signed Statement of Need for the school year. The Statement of Need shall describe the situation or circumstances that necessitate the use of a 30-day substitute permit holder and state either that a credentialed person is not available or that the available credentialed person does not meet the district's specified employment criteria. (5 CCR 80025, 80025.5)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 80001-80674.6	Commission on Teacher Credentialing
5 CCR 80001-80694	Commission on Teacher Credentialing
Ed. Code 32340-32341	Unlawful issuance of a credential - https://simbli.eboardsolutions.com/SU/f9uie5JGqYH0nxFv9jiGXw==
Ed. Code 35186	Complaints regarding teacher vacancy or misassignment - https://simbli.eboardsolutions.com/SU/MDiv2vFqYgd1u6vWMYFnhA==
Ed. Code 44066	Limitations on certification requirements - https://simbli.eboardsolutions.com/SU/OJDqvQtSDs3NVjaFjXyaCQ==
Ed. Code 44200-44418	Teacher credentialing - https://simbli.eboardsolutions.com/SU/7KsBvXE7sZwVPkZCm6TQAw==
Ed. Code 44250-44277	Credentials and assignment of teachers - https://simbli.eboardsolutions.com/SU/slshiQ5qtgKBwLUPKBYdJM1fw==
Ed. Code 44300-44302	Emergency permit - https://simbli.eboardsolutions.com/SU/NzBOdfZ8bScZeneOIXgsXA==
Ed. Code 44325-44328	District interns - https://simbli.eboardsolutions.com/SU/RfsneCKZJavxtYfXDZRKxg==
Ed. Code 44330-44355	Certificates and credentials - https://simbli.eboardsolutions.com/SU/ewqmiXUOvCIFsKS411GVaQ==
Ed. Code 44395	National Board for Professional Teaching Standards Certification Incentive Program
Ed. Code 44420-44440	Revocation and suspension of credentials - https://simbli.eboardsolutions.com/SU/plusAmlQuOFqs89Ky7ZhplusVq7w==
Ed. Code 44450-44468	University internship program - https://simbli.eboardsolutions.com/SU/4hBPGHJyVo94IIRh66u3gw==
Ed. Code 44830-44929	Employment of certificated persons; requirement of proficiency in basic skills - https://simbli.eboardsolutions.com/SU/ExuslshqmeslshmrL9IPMkfplus3Kbw==
Ed. Code 56060-56063	Substitute teachers in special education - https://simbli.eboardsolutions.com/SU/tO6b1slsh3ftVqNGOnLpigl7Q==
Ed. Code 8295-8305	Child development program; personnel qualifications - https://simbli.eboardsolutions.com/SU/EW86uQyzoeBtSUMTa9Eslshow==

Federal References

20 USC 6312

34 CFR 200.61

Description

Title I local educational agency plans; notifications regarding teacher qualifications

Parent notification regarding teacher qualifications

Management Resources References

Commission on Teacher Credentialing Publication

Commission on Teacher Credentialing Publication

Commission on Teacher Credentialing Publication

Commission on Teacher Credentialing Publication

Commission on Teacher Credentialing Publication

Commission on Teacher Credentialing Publication

Commission on Teacher Credentialing Publication

Commission on Teacher Credentialing Publication

Commission on Teacher Credentialing Publication

Commission on Teacher Credentialing Publication

Commission on Teacher Credentialing Publication

Commission on Teacher Credentialing Publication

Court Decision

Nat'l Board for Prof. Teaching Stds. Publication

Nat'l Board for Prof. Teaching Stds. Publication

Website

Website

Website

Website

Website

Description

Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Subject Matter Competency, Coded Correspondence 22-06, October 21, 2022

Proposed Amendments and Additions to Title 5 of the California Code of Regulations Pertaining to Subject Matter Competence, Coded Correspondence 21-06, September 20, 2021

Assembly Bill 320: Regional Accreditation for Coursework and Degrees Used for Certification Purposes, Credential Information Alert 22-02, March 1, 2022

Waiver Requests Guidebook, 2015

Subject Matter Authorization Guideline Book, December 2019

Supplementary Authorization Guideline Book, December 2019

Hiring Hierarchy in Education Code 44225.7, Coded Correspondence 13-01, January 30, 2013

Approved Addition and Amendments to Title 5 of the California Code of Regulations Pertaining to Teaching Permit for Statutory Leave (TPSL), Coded Correspondence 16-10, Aug 23, 2016

California Standards for the Teaching Profession (CSTP), October 2009

CL-667 Basic Skills Requirement

CL-856 Provisional Internship Permit

CL-858 Short-Term Staff Permit

Association of Mexican-American Educators (AMAE) et al. v. State of California and the Commission on Teacher Credentialing (2000) 231 F.3d 572

Using Federal Funds for National Board Activities: An Action-Planning Guide

Considerations for Using Federal Funds to Support National Board Certification

Office of Administrative Law - <https://simbli.eboardsolutions.com/SU/RnyBM7nM4Vf4qxsIshOTuQSbg==>

CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmpETuDslshXk6R5akQ==>

California Department of Education, CA NBPTS Certification Incentive Program 2021-26 - <https://simbli.eboardsolutions.com/SU/uKmxE8VYIFbmXZaxGIRRVQ==>

National Board Resource Center - <https://simbli.eboardsolutions.com/SU/flPYtz2IVUmhqIpluswjCdmag==>

National Board for Professional Teaching Standards - <https://simbli.eboardsolutions.com/SU/W4hc1FgK0ics8tTmuq7qslshw==>

Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUulsaq7efc7aH4Q==
Website	Commission on Teacher Credentialing, Credential Information Guide (for employers' use only) - https://simbli.eboardsolutions.com/SU/B9uurcEnh6RjWX7bEk1slshew==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==

Policy 4112.21: Interns

Status: DRAFT

Original Adopted Date: Pending

The district may employ interns as necessary to fulfill the need for sufficient instructional staff and to provide future teachers an opportunity to link teaching theory with practice in order to meet state credentialing requirements. In addition, the district may employ teachers who already possess a preliminary or clear credential and are pursuing a credential in a different specialization as interns for positions that require such other credential.

The district may enter into partnership agreements with one or more approved teacher preparation programs sponsored by colleges or universities and/or may provide a district intern program with approval of the Commission on Teacher Credentialing (CTC). Any intern program in which the district participates shall be aligned with the preconditions and program standards adopted by the CTC.

The Superintendent or designee shall make reasonable efforts to recruit an intern from an approved program within the region whenever a teacher with a preliminary or clear credential is not available for a position requiring certification. (Education Code 44225.7)

The Superintendent or designee shall ensure that any intern employed by the district possesses an appropriate intern credential and is adequately prepared for the responsibilities of the position.

An intern may be assigned to provide the same service as a holder of a regular multiple subject, single subject, or education specialist credential in accordance with the authorizations and grade/age level specified on the intern credential. (Education Code 44454, 44325, 44326, 44830.3)

Terms of employment for interns shall be consistent with law and the district's collective bargaining agreement, as applicable.

Interns shall receive intensive, structured supervision and ongoing support by qualified personnel in order to enhance their instructional skills and knowledge. The Superintendent or designee shall ensure that district staff serving as supervisors, mentor teachers, or other support providers receive appropriate training to fulfill their responsibilities and that they maintain frequent communication with the interns they are assigned to assist.

Interns shall be provided with ongoing feedback regarding their performance and shall be formally evaluated in accordance with Board policy and the district's collective bargaining agreement.

Upon receiving notification from the Superintendent or designee that an intern has successfully completed the program, the Governing Board may recommend to the CTC that the intern be awarded a preliminary credential. (Education Code 44328, 44468, 44830.3)

The Board shall regularly evaluate the effectiveness of the intern program(s) to determine whether changes are needed in the support and/or assignment of interns. The Board's evaluation shall be based on a report by the Superintendent or designee, including, but not limited to, data on student performance in classes taught by interns, feedback from interns and supervisors, and the number of interns who successfully complete the program and obtain general education or education specialist credentials.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 80021.1

5 CCR 80033

5 CCR 80055

Ed. Code 300-340

Ed. Code 44225

Description

Provisional internship permit

Intern teaching credential

Intern credential; extension for extenuating circumstances

English language education for immigrant children -
<https://simbli.eboardsolutions.com/SU/eFiLf42EkNoktd7jTn1A==>

Credentials; responsibilities of Commission on Teacher Credentialing -
<https://simbli.eboardsolutions.com/SU/RNXffuWWslshqZyplus7FmKbsmgQ==>

Ed. Code 44225.7	Priority for hiring fully prepared teacher - https://simbli.eboardsolutions.com/SU/sBDTzebri4xplus6CCB9opuMg==
Ed. Code 44253.10	Qualifications to provide specially designed academic instruction in English - https://simbli.eboardsolutions.com/SU/NaJGplusAMMrf4ulKalplusYPT7g==
Ed. Code 44253.3-44253.4	Certificate to provide services to English learners - https://simbli.eboardsolutions.com/SU/slshiQ5qtgKBwLUPKBYdJM1fw==
Ed. Code 44259	Teaching credential, exception; designated subjects; minimum requirements - https://simbli.eboardsolutions.com/SU/VJx8Luc221PUUygsishjNOplusSg==
Ed. Code 44314	Subject matter programs; approved subjects - https://simbli.eboardsolutions.com/SU/gsplusK3pluskePoaWzR817RJwTg==
Ed. Code 44321	CTC approval of intern programs - https://simbli.eboardsolutions.com/SU/GhApQuEUet0OZh7RgbVzXQ==
Ed. Code 44325-44328	District interns - https://simbli.eboardsolutions.com/SU/RfsneCKZJavxtYfXDZRXg==
Ed. Code 44339-44341	Teacher fitness - https://simbli.eboardsolutions.com/SU/ewqmiXUOvCIFsKS411GVaQ==
Ed. Code 44450-44468	University internship program - https://simbli.eboardsolutions.com/SU/4hBPGhJyVo94IIRh66u3gw==
Ed. Code 44830.3	Employing district interns - https://simbli.eboardsolutions.com/SU/Lk8ggslshqTvCVb0YhWnT9lcw==
Ed. Code 44885.5	District interns classified as probationary employees - https://simbli.eboardsolutions.com/SU/ZMu6slshviTx0OplusbPimOgsOQw==

Management Resources References

Management Resources References	Description
Commission on Teacher Credentialing Publication	Administrator's Assignment Manual, 2008
Commission on Teacher Credentialing Publication	CL-840 Early Completion Option
Commission on Teacher Credentialing Publication	Education Specialist Teaching and Other Related Services Credential Program Standards, rev. May 2013
Commission on Teacher Credentialing Publication	Hiring Hierarchy in Education Code 44225.7, Coded Correspondence 13-01, January 30, 2013
Commission on Teacher Credentialing Publication	Intern Preservice, Support and Supervision Requirements: Preparation to Teach English Learners, Program Sponsor Alert 13-06, June 3, 2013
Commission on Teacher Credentialing Publication	Preparation of Intern Credential Holders Prior to Service as Teacher of Record as an Intern, Coded Correspondence 08-03, March 3, 2008
Commission on Teacher Credentialing Publication	SB 2042 Multiple Subject and Single Subject Preliminary Credential Program Standards, rev. February 2014
Commission on Teacher Credentialing Publication	California Standards for the Teaching Profession (CSTP), October 2009
Court Decision	Renee v. Duncan, 686 F.3d 1002 (2012)
U.S. Department of Education Guidance	Improving Teacher Quality State Grants, rev. October 5, 2006
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==
Website	Commission on Teacher Credentialing, Interns - https://simbli.eboardsolutions.com/SU/pQNR6V8YXwQOsVBWMntsqr==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Website

U.S. Department of Education -

<https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==>

Regulation 4112.21: Interns

Status: DRAFT

Original Adopted Date: Pending

Memorandum of Understanding

Before interns employed by the district assume daily teaching responsibilities, a signed memorandum of understanding shall be in place between the district and the partner college/university detailing the support and supervision that will be provided to interns. (5 CCR 80033)

The memorandum of understanding shall include, but not be limited to:

1. Specific responsibilities of the program supervisor
2. Qualifications, identification, terms of employment, roles and responsibilities, and training of individual(s) to provide on-site support to interns
3. Allocation of additional personnel, time, and resources for interns who have not yet earned an English learner authorization
4. Expectations regarding the type and frequency of support
5. The process of communication between the program supervisor and on-site support personnel
6. Documentation, monitoring, and evaluation of site support

The district may enter into an agreement to employ college/university staff to supervise interns and may pay for the supervision of interns out of district funds. Salary payments may be met by proportionately reducing the salaries of paid interns, provided that no more than eight interns are supervised by one staff member, the district salary normally paid to interns is not reduced by more than one-eighth, and the intern is not paid less than the minimum salary required by the state for a regularly certificated teacher. (Education Code 44461-44462)

Support and Supervision of Interns

The Superintendent or designee shall collaborate with the college/university teacher preparation program to design structured guidance of interns, regular site-based support and supervision, and a sequence of supervised fieldwork that includes planned observations, consultations, reflections, and individual and small-group teaching opportunities.

Support and supervision provided to interns shall include the following: (Education Code 44830.3; 5 CCR 80033)

1. Professional Development Plan: The Superintendent or designee shall, in cooperation with the college/university, counsel each intern and, with the concurrence of the intern, shall develop a plan for the intern to complete the requirements to earn a credential in the content or specialty area(s) of the intern credential.

The plan shall include the components described in Education Code 44830.3, including, but not limited to, provisions for at least 120 clock hours (or the semester or quarter unit equivalent) of mandatory preservice training tailored to the grade level or class to be taught, additional instruction during the first semester or first year of service when required, and an annual evaluation of the intern.

2. Assignment of Mentor Teacher: Before an intern assumes daily teaching responsibilities, the Superintendent or designee shall assign him/her a mentor teacher who possesses a valid corresponding life or clear teaching credential and a minimum of three years of successful teaching experience.

The intern shall receive support from a mentor teacher who is assigned to the same school. If two or more mentor teachers are assigned to an intern, at least one of them shall be experienced in the curricular area(s) of the intern's assignment.

3. Support During School Year: Support and supervision shall include coaching, modeling, and demonstrating within the classroom. In addition, the intern shall receive assistance with course planning and with problem-solving regarding students, curriculum, and effective teaching methodologies.

Such support and supervision shall be provided for a minimum of 144 hours per school year or, for late hires, four hours multiplied by the number of instructional weeks remaining in the school year. At least two hours of support and supervision shall be provided every five instructional days.

4. **Additional Support Addressing the Needs of English Learners:** For any intern who enters the intern program without a valid English learner authorization, bilingual authorization, or crosscultural, language, and academic development certificate, the Superintendent or designee shall identify an individual who will be immediately available to assist the intern with planning lessons that are appropriately designed and differentiated for English learners, for assessing language needs and progress, and for support of language-accessible instruction through in-classroom modeling and coaching as needed. This individual may be the same mentor identified in item #2 above, provided he/she possesses an English learner authorization and will be immediately available to assist the intern.

In addition, the district and college/university shall provide such interns with additional support and supervision, including in-classroom coaching, specific to the needs of English learners. Such support and supervision shall be provided for 45 hours per school year or, for late hires, five hours multiplied by the number of months remaining in the school year.

An intern who passes the California Teaching English Learners examinations may be exempted from these requirements.

Early Completion Option

The Superintendent or designee shall inform qualified interns preparing for a multiple or single subject credential of the early completion option which allows them to challenge certain requirements of the intern program in areas where they have demonstrated competence.

In order to complete the intern program early and be recommended for a preliminary credential, candidates shall meet all requirements of the intern credential and the additional assessments and coursework specified in Education Code 44468.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 80021.1	Provisional internship permit
5 CCR 80033	Intern teaching credential
5 CCR 80055	Intern credential; extension for extenuating circumstances
Ed. Code 300-340	English language education for immigrant children - https://simbli.eboardsolutions.com/SU/eFil42EkNoktxd7jTn1A==
Ed. Code 44225	Credentials; responsibilities of Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/RNXffuWWslshqZyplus7FmKbsmgQ==
Ed. Code 44225.7	Priority for hiring fully prepared teacher - https://simbli.eboardsolutions.com/SU/sBDTzebri4xplus6CCB9opuMg==
Ed. Code 44253.10	Qualifications to provide specially designed academic instruction in English - https://simbli.eboardsolutions.com/SU/NaJGplusAMMrf4ulKalplusYPT7g==
Ed. Code 44253.3-44253.4	Certificate to provide services to English learners - https://simbli.eboardsolutions.com/SU/slshiQ5qtgKBwLUPKBYdJM1fw==
Ed. Code 44259	Teaching credential, exception; designated subjects; minimum requirements - https://simbli.eboardsolutions.com/SU/VJx8Luc221PUUygslshjNOplusSg==
Ed. Code 44314	Subject matter programs; approved subjects - https://simbli.eboardsolutions.com/SU/gsplusK3pluskePoaWzR817RJwTg==
Ed. Code 44321	CTC approval of intern programs - https://simbli.eboardsolutions.com/SU/GhApQuEUet0OZh7RgbVzXQ==

Ed. Code 44325-44328	District interns - https://simbli.eboardsolutions.com/SU/RfsneCKZJavxtYfXDZRXg==
Ed. Code 44339-44341	Teacher fitness - https://simbli.eboardsolutions.com/SU/ewqmiXUOvCIFsKS411GVaQ==
Ed. Code 44450-44468	University internship program - https://simbli.eboardsolutions.com/SU/4hBPGhJvVo94IIRh66u3gw==
Ed. Code 44830.3	Employing district interns - https://simbli.eboardsolutions.com/SU/Lk8ggslshqTvCVb0YhWnT9lcw==
Ed. Code 44885.5	District interns classified as probationary employees - https://simbli.eboardsolutions.com/SU/ZMu6slshviTx0OplusbPimOgsOQw==

Management Resources References

Management Resources References	Description
Commission on Teacher Credentialing Publication	Administrator's Assignment Manual, 2008
Commission on Teacher Credentialing Publication	CL-840 Early Completion Option
Commission on Teacher Credentialing Publication	Education Specialist Teaching and Other Related Services Credential Program Standards, rev. May 2013
Commission on Teacher Credentialing Publication	Hiring Hierarchy in Education Code 44225.7, Coded Correspondence 13-01, January 30, 2013
Commission on Teacher Credentialing Publication	Intern Preservice, Support and Supervision Requirements: Preparation to Teach English Learners, Program Sponsor Alert 13-06, June 3, 2013
Commission on Teacher Credentialing Publication	Preparation of Intern Credential Holders Prior to Service as Teacher of Record as an Intern, Coded Correspondence 08-03, March 3, 2008
Commission on Teacher Credentialing Publication	SB 2042 Multiple Subject and Single Subject Preliminary Credential Program Standards, rev. February 2014
Commission on Teacher Credentialing Publication	California Standards for the Teaching Profession (CSTP), October 2009
Court Decision	Renee v. Duncan, 686 F.3d 1002 (2012)
U.S. Department of Education Guidance	Improving Teacher Quality State Grants, rev. October 5, 2006
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	Commission on Teacher Credentialing, Interns - https://simbli.eboardsolutions.com/SU/pQNR6V8YXwQOsVBWMntsqw==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsH3XhJKy4tplus7wplusA==

Regulation 4112.22: Staff Teaching English Learners

Status: DRAFT

Original Adopted Date: Pending

Definitions

English learner means a student who is age 3-21 years, who is enrolled or is preparing to enroll in an elementary or secondary school, and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student the ability to meet state academic standards, the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society. An English learner may include a student who was not born in the United States or whose native language is a language other than English; a student who is Native American or Alaska Native, or a native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or a student who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant. (Education Code 306; 20 USC 7801)

Instruction for English language development (ELD) means instruction designed specifically for English learners to develop their listening, speaking, reading, and writing skills in English. (Education Code 44253.2)

Specially designed academic instruction in English (SDAIE) means instruction in a subject area, delivered in English, that is specially designed to meet the needs of English learners. (Education Code 44253.2)

Primary language instruction includes both primary language development designed to develop English learners' listening, speaking, reading, and writing skills in their primary language and content instruction delivered in the primary language in any subject area. (Education Code 44253.2)

Teacher Qualifications

Only a teacher who possesses an appropriate authorization issued by the Commission on Teacher Credentialing (CTC) shall provide ELD, SDAIE, and/or primary language instruction in a class with one or more English learners.

The district may, for the purpose of providing primary language instruction, hire bilingual teachers who are employed in public or private schools of a foreign country, state, territory, or possession, provided such teachers speak English fluently and hold the necessary sojourn credential issued by the CTC. After the initial two-year sojourn credential expires, the teacher may annually apply to the CTC for an extension for a total period of not more than five years. Any application for renewal shall include verification by the Superintendent or designee that termination of the employment would adversely affect an existing bilingual program and that attempts to secure the employment of a qualified certificated California teacher have been unsuccessful. (Education Code 44856)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 80015	Requirements for the CLAD certification or English learner authorization
5 CCR 80015.1-80015.4	Requirements for the CLAD; English learner authorization or bilingual authorization
5 CCR 80021	Short-term staff permit
5 CCR 80021.1	Provisional internship permit
5 CCR 80024.7-80024.8	Emergency CLAD and bilingual permits
Ed. Code 306	Definition; English learner - https://simbli.eboardsolutions.com/SU/259CdLy4ouVP5Vplusurn1eUA==
Ed. Code 44253.1-44253.11	Qualifications of teachers of English learners - https://simbli.eboardsolutions.com/SU/slshiQ5qtgKBwLUPKBYdJM1fw==
Ed. Code 44258.9	County superintendent review of teacher assignment - https://simbli.eboardsolutions.com/SU/cppLhTJNOaBPBuldWZudCw==

Ed. Code 44259.5	Standards for teacher preparation - https://simbli.eboardsolutions.com/SU/y04pqxefpFPBLbYwdVfgUA==
Ed. Code 44380-44386	Alternative certification - https://simbli.eboardsolutions.com/SU/1FFwqetCfhB9gMEPcVwIUA==
Ed. Code 44856	Employment of teachers from foreign countries - https://simbli.eboardsolutions.com/SU/rH5bPlnyLnIHkdHB3lvslshfA==
Ed. Code 52160-52178	Bilingual Bicultural Act of 1976 - https://simbli.eboardsolutions.com/SU/oN5v8H8NTIHc7g0VlbOEOQ==
Ed. Code 62001-62005.5	Evaluation and sunseting of programs - https://simbli.eboardsolutions.com/SU/Vh4dte7XplusFvbqiCDpOU6uA==

Federal References

20 USC 6601-6651
20 USC 6801-7014
20 USC 7801

Description

Teacher and Principal Training and Recruiting Fund
Limited English proficient and immigrant students
Definition of English learner -
<https://simbli.eboardsolutions.com/SU/OlzWpmCDjXslshkENQ7wKIC3A==>

Management Resources References

Commission on Teacher Credentialing Publication
Commission on Teacher Credentialing Publication
Commission on Teacher Credentialing Publication
Commission on Teacher Credentialing Publication
Commission on Teacher Credentialing Publication
Commission on Teacher Credentialing Publication
Commission on Teacher Credentialing Publication
Court Decision
Website
Website
Website
Website
Website
Website
Website

Description

Administrator's Assignment Manual
CL-626B Bilingual Authorizations
CL-626C Crosscultural, Language and Academic Development (CLAD) Certificate
CL-824 Certificate of Completion of Staff Development
Frequently Asked Questions Concerning Appropriate Assignment and Authorizations to Serve English Learners in California
CL-568 The Sojourn Certificated Employee Credential
CL-622 Serving English Learners
Teresa P. et al v. Berkeley Unified School District et al (1989) 724 F.Supp. 698
CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>
California Department of Education, English Learners -
<https://simbli.eboardsolutions.com/SU/mrZP3zrjsKJuSfh4UVS5Aw==>
California Teachers of English to Speakers of Other Languages -
<https://simbli.eboardsolutions.com/SU/Mg7B3bCuHqX1Yw5DtY0pJQ==>
California Association for Bilingual Education -
<https://simbli.eboardsolutions.com/SU/7Fn06Hkplus3ygppauP6G2myg==>
Commission on Teacher Credentialing -
<https://simbli.eboardsolutions.com/SU/cxWNIqRUuIsaq7efc7aH4Q==>
CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>
U.S. Department of Education -
<https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==>

Regulation 4112.23: Special Education Staff

Status: DRAFT

Original Adopted Date: Pending

Qualifications/Assignment of Special Education Teachers

Any teacher assigned to serve students with disabilities shall possess an appropriate credential or other authorization issued by the Commission on Teacher Credentialing (CTC) that specifically authorizes him/her to teach students with the primary disability within the program placement recommended in the students' individualized education program (IEP). (5 CCR 80046.1-80048.9.4)

The district may employ a person with an appropriate district intern credential to provide classroom instruction to students with disabilities, provided he/she has met the subject matter requirement specified in Education Code 44325 and receives guidance, supervision, and professional development through an established district intern program. (Education Code 44325, 44326, 44830.3)

The Superintendent or designee may request that the CTC issue a special education limited assignment teaching permit which authorizes a qualified special education teacher, with his/her written consent, to serve outside the specialty area of his/her credential. If the teacher has not yet obtained permanent status, the Superintendent or designee shall assign one or more experienced educators in the special education subject area(s) of the permit, who have at least three years of full-time teaching experience in each of the subject area(s) of the permit, to provide guidance and assistance to the permit holder. (5 CCR 80026, 80027.1)

As needed, the district may apply to the CTC for an emergency permit for resource specialist services pursuant to 5 CCR 80023.2 and 80024.3.1.

When requesting either a limited assignment teaching permit or an emergency resource specialist permit, the Superintendent or designee shall submit a Declaration of Need for Fully Qualified Educators that satisfies the requirements of 5 CCR 80026 and has been approved by the Board at a regularly scheduled Board meeting. (5 CCR 80026)

If there is a need to immediately fill a classroom vacancy or a suitable credentialed teacher cannot be found after a diligent search, the Superintendent or designee may, as appropriate, apply to the CTC for a short-term staff permit pursuant to 5 CCR 80021, a provisional internship permit pursuant to 5 CCR 80021.1, or, as a last resort, a credential waiver.

Individuals providing related services to students with disabilities, including developmental, corrective, and other supportive and related services, shall meet the applicable qualifications specified in 5 CCR 3051-3051.24. (5 CCR 3051; 34 CFR 300.34, 300.156)

The Superintendent or designee shall provide ongoing professional development as needed to assist special education staff in updating and improving their knowledge and skills.

Whenever a candidate for a clear education specialist credential is employed by the district, the Superintendent or designee shall, within 60 days of employment, collaborate with the candidate and, as applicable, with the college or university to develop an individualized induction plan including supported induction and job-related course of advanced preparation. (5 CCR 80048.8.1)

Resource Specialists

The duties of resource specialists shall include, but are not limited to: (Education Code 56362; 5 CCR 80070.5)

1. Providing instruction and services for students with disabilities whose needs have been identified in an IEP
2. Conducting educational assessments
3. Providing information and assistance for students with disabilities and their parents/guardians
4. Providing consultation, resource information, and material regarding students with disabilities to staff members in the regular education program and the students' parents/guardians

5. Coordinating special education services with the regular school program for each student with disabilities enrolled in the resource specialist program
6. Monitoring student progress on a regular basis, participating in the review and revision of IEPs as appropriate, and referring students who do not demonstrate appropriate progress to the IEP team
7. Providing services for secondary students that emphasize academic achievement, career and vocational development, and preparation for adult life

Any student who receives resource specialist services shall be assigned to regular classroom teacher(s) for a majority of the school day, unless his/her IEP team approves enrollment in the resource specialist program for a majority of the school day. (Education Code 56362; 5 CCR 80070.5)

Resource specialists shall not simultaneously be assigned to serve as resource specialists and to teach regular classes. (Education Code 56362)

The district's resource specialist program shall be under the direction of a resource specialist who possesses the qualifications specified in Education Code 56362.

Caseloads

The Superintendent or designee shall ensure that caseloads for special education teachers are within the maximum caseloads established by law, the collective bargaining agreement, and/or the comprehensive plan of the Special Education Local Plan Area (SELPA) in which the district participates.

No resource specialist shall have a caseload which exceeds 28 students. As necessary and with the agreement of the resource specialist, the Governing Board may request a waiver from the State Board of Education to increase the caseload to no more than 32 students, provided that an individual resource specialist does not have a caseload exceeding 28 students for more than two school years and has the assistance of an instructional aide at least five hours daily during the period of the waiver. (Education Code 56362, 56362.1; 5 CCR 3100)

The average caseload for language, speech, and hearing specialists shall not exceed 55 cases, unless the SELPA plan specifies a higher average caseload and states the reasons for the higher average caseload. The maximum caseload for speech and language specialists exclusively serving children with disabilities age 3-5 years shall not exceed 40. (Education Code 56363.3, 56441.7)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 3051.1-3051.24	Staff qualifications to provide related services to students with disabilities
5 CCR 3100	Waivers of maximum caseload for resource specialists
5 CCR 80021	Short-term staff permit
5 CCR 80021.1	Provisional internship permit
5 CCR 80023.2	Emergency permits
5 CCR 80025.4	Substitute teaching; special education
5 CCR 80026	Declaration of need for fully qualified educators
5 CCR 80027.1	Special education limited assignment teaching permit
5 CCR 80046.1	Added authorization to teach adapted physical education
5 CCR 80046.5	Credential holders authorized to serve students with disabilities
5 CCR 80047-80047.9	Credentials to provide instructional services to students with disabilities
5 CCR 80048-80048.9.4	Credential requirements and authorizations
5 CCR 80070.1-80070.6	Resource specialists

Ed. Code 44250-44277	Credential types - https://simbli.eboardsolutions.com/SU/slshiQ5qtgKBwLUPKBYdJM1fw==
Ed. Code 44256	Credential types; specialist instruction - https://simbli.eboardsolutions.com/SU/euqk9VVEyaRwEvPeeyK32g==
Ed. Code 44258.9	County superintendent review of teacher assignment - https://simbli.eboardsolutions.com/SU/cppLhTJNOaBPPbuldWZudCw==
Ed. Code 44265-44265.9	Special education credential - https://simbli.eboardsolutions.com/SU/slshiQ5qtgKBwLUPKBYdJM1fw==
Ed. Code 44325-44328	District interns - https://simbli.eboardsolutions.com/SU/RfsneCKZJavxtYfXDZRXkg==
Ed. Code 44830.3	Employing district interns - https://simbli.eboardsolutions.com/SU/Lk8ggslshqTvCVb0YhWnT9Icw==
Ed. Code 56000-56865	Special education programs - https://simbli.eboardsolutions.com/SU/py2K4CXw98zsvRq5YA0RGQ==
Ed. Code 56195.8	Adoption of policies - https://simbli.eboardsolutions.com/SU/IAIkJ50Xu3hCSDslshTyqw1ng==
Ed. Code 56361	Program options - https://simbli.eboardsolutions.com/SU/4pWKslshIzf9gELzfZdmJ8Jslshg==
Ed. Code 56362-56362.5	Resource specialist program - https://simbli.eboardsolutions.com/SU/plusHx6S11qXL2VZ64czJIT8Q==
Ed. Code 56363.3	Maximum caseload; language, speech, and hearing specialists - https://simbli.eboardsolutions.com/SU/rXHqQmQD8E7CoqEWgaplusJRw==
Ed. Code 56440-56441.7	Programs for individuals between the ages of three and five years; caseloads - https://simbli.eboardsolutions.com/SU/ZmUFaQ9xslsh1aRtO5IfWw8ew==
Ed. Code 8264.8	Staffing ratios

Federal References

20 USC 1400-1482	Individuals with Disabilities Education Act
34 CFR 300.156	Special education personnel requirements
34 CFR 300.34	Related services
34 CFR 300.8	Definition of autism

Management Resources References

Management Resources References	Description
Commission on Teacher Credentialing Publication	Education Specialist Teaching and Other Related Services Credential Program Standards, 2012
Commission on Teacher Credentialing Publication	Special Education Teaching & Services Credentials, Added Auth. in Special Education, and Lmted. Asgmt. Permits for CA Prep. Teachers: FAQ, May 26, 2014
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==
Website	National Association of Special Education Teachers - https://simbli.eboardsolutions.com/SU/q6EazapluIl7TcB86fcvYxng==
Website	California Speech-Language-Hearing Association - https://simbli.eboardsolutions.com/SU/K4BDGfGdUP8QxHOo0j3uVA==
Website	California Association of Resource Specialists and Special Education Teachers - https://simbli.eboardsolutions.com/SU/plusWukMu9K6SQ5UWS2StaSxQ==
Website	California Department of Education, Special Education - https://simbli.eboardsolutions.com/SU/wbtzINw8puwslshjTsrnVmBCA==

Website

Commission on Teacher Credentialing -
<https://simbli.eboardsolutions.com/SU/cxWNiqRUulsq7efc7aH4Q==>

Regulation 4112.3: Oath Or Affirmation

Status: DRAFT

Original Adopted Date: Pending

All district employees are declared by law to be disaster service workers and thus shall take the oath or affirmation required for disaster service workers before beginning employment with the district. In the event of natural, manmade or war-caused emergencies which result in conditions of disaster or extreme peril to life, property and resources, all district employees are subject to disaster service activities as assigned to them by their supervisors or by law. (Government Code 3100-3102)

Legally employed noncitizens shall be exempt from taking this oath. (Government Code 3101)

At the advice of legal counsel, the Superintendent or designee may exempt an employee from taking the oath if he/she raises a valid religious objection.

The Superintendent, deputy or assistant superintendent, principal or other person authorized in Education Code 60 shall administer the oath or affirmation when a district employee is hired.

In the case of intermittent, temporary, emergency or successive employments, the Superintendent or designee may determine that the oath shall be effective for all successive periods of employment which begin within one calendar year from the date that the oath was subscribed. (Government Code 3102)

The Superintendent or designee shall file the executed oath or affirmation within 30 days of the date on which it is taken and subscribed. An employee's oath or affirmation may be destroyed five years after the termination of employment. (Government Code 3105)

Reimbursement of Expenses for Disaster Service Workers

Whenever an employee seeks compensation or reimbursement of expenses as a disaster service worker, the Superintendent or designee shall ascertain and certify that the employee has taken the oath or affirmation. (Government Code 3107)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

CA Constitution Article 20, Section 3

Ed. Code 44334

Ed. Code 44354

Ed. Code 60

Gov. Code 3100-3109

Lab. Code 3211.9-3211.93a

Description

Oath of office -
<https://simbli.eboardsolutions.com/SU/R9x0MkoG204v94pkEU0Qng==>

Oath or affirmation required for credential -
<https://simbli.eboardsolutions.com/SU/hk5mmUJZYMdddfPsFEDnCG==>

Administration of oath required for credential -
<https://simbli.eboardsolutions.com/SU/1raOiPJlWVdpS5k3tJHApG==>

Persons authorized to administer and certify oaths -
<https://simbli.eboardsolutions.com/SU/jl57Pgtplushj1B0RrNKDFKwQ==>

Oath or affirmation of allegiance -
<https://simbli.eboardsolutions.com/SU/wc53ykHj1dGv0704ZeFscg==>

Disaster service; definitions for workers' compensation -
<https://simbli.eboardsolutions.com/SU/MPMWTiByj2fqhlslshNXOpPUw==>

Management Resources References

Court Decision

Court Decision

Website

Description

Chilton v. Contra Costa Community College District (1976) 55 Cal. App. 3d 544

Vogel v. County of Los Angeles (1967) 68 Cal. 2d 18, 22

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Exhibit 4112.3-E(1): Oath Or Affirmation

Status: DRAFT

Original Adopted Date: Pending

I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

I understand that as a public employee I am a disaster service worker pursuant to Government Code 3100 and 3102 and that I am required to take this oath before entering the duties of my employment. In the event of natural, manmade or war-caused emergencies which result in conditions of disaster or extreme peril to life, property and resources, I am subject to disaster services activities assigned to me by my supervisor.

(Signature)

Certified by:

(Person who administers the oath)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

CA Constitution Article 20, Section 3

Ed. Code 44334

Ed. Code 44354

Ed. Code 60

Gov. Code 3100-3109

Lab. Code 3211.9-3211.93a

Description

Oath of office -

<https://simbli.eboardsolutions.com/SU/R9x0MkoG204v94pkEU0Qng==>

Oath or affirmation required for credential -

<https://simbli.eboardsolutions.com/SU/hk5mmUJZYMdddfPsFEDnKg==>

Administration of oath required for credential -

<https://simbli.eboardsolutions.com/SU/1raOiPJlWVdpS5k3tJHAp==>

Persons authorized to administer and certify oaths -

<https://simbli.eboardsolutions.com/SU/jl57Pgtpushj1B0RrNKDFKwQ==>

Oath or affirmation of allegiance -

<https://simbli.eboardsolutions.com/SU/wc53ykHj1dGv0704ZeFscg==>

Disaster service; definitions for workers' compensation -

<https://simbli.eboardsolutions.com/SU/MPMWTiByj2fqhlslshNXOpPUw==>

Management Resources References

Court Decision

Court Decision

Website

Description

Chilton v. Contra Costa Community College District (1976) 55 Cal. App. 3d 544

Vogel v. County of Los Angeles (1967) 68 Cal. 2d 18, 22

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Regulation 4112.4: Health Examinations

Status: DRAFT

Original Adopted Date: Pending

Tuberculosis Tests

No applicant shall be initially employed by the district, or employed under contract, in a classified or certificated position unless he/she has submitted to a tuberculosis risk assessment within the past 60 days and, if tuberculosis risk factors are identified, has submitted to an intradermal or other approved tuberculosis examination to determine that he/she is free of infectious tuberculosis. If the results of the examination are positive, the applicant shall obtain an x-ray of the lungs. At his/her discretion, an applicant may choose to submit to the examination instead of the risk assessment. (Education Code 49406)

Prior to employment by the district, an applicant shall submit a certificate from an authorized health provider stating that the applicant was assessed and/or examined and found to be free of infectious tuberculosis. (Education Code 49406)

An applicant who was previously employed in another school district or private or parochial school shall be deemed to have fulfilled the tuberculosis testing requirement if he/she produces a certificate showing that he/she was found to be free of infectious tuberculosis within 60 days of initial hire or if his/her previous employer verifies that it has a certificate on file showing that the applicant is free from infectious tuberculosis. (Education Code 49406)

Thereafter, each district employee who was found free of infectious tuberculosis shall undergo a tuberculosis risk assessment, and an examination whenever risk factors are identified, at least once every four years or more often when required by the Governing Board upon recommendation of the county health officer. However, once an employee has a documented positive test for tuberculosis infection followed by an x-ray, he/she shall no longer be required to submit to the tuberculosis risk assessment but shall be referred to the county health officer within 30 days of the examination to determine the need for follow-up care. (Education Code 49406)

The cost of the pre-employment tuberculosis risk assessment and/or examination shall be paid by the applicant, unless the Board has determined that the district will reimburse an applicant who is subsequently hired by the district. The district shall reimburse the employee for the cost, if any, of subsequent tuberculosis risk assessments and examinations. The district may provide for the risk assessment and examination or may establish a reasonable fee for the examination that is reimbursable to the employee. (Education Code 49406)

Whenever the district contracts for the transportation of students, the contract shall require that all drivers who will be transporting students complete the tuberculosis risk assessment and, if indicated, the examination for infectious tuberculosis within 60 days of initial hire. (Education Code 49406)

The following applicants or employees shall be exempted from the requirement to submit to a tuberculosis risk assessment and/or examination: (Education Code 49406)

1. An applicant/employee who files an affidavit stating that he/she adheres to the faith or teachings of a well-recognized religious sect, denomination, or organization and, in accordance with its creed, tenets, or principles, depends for healing upon prayer in the practice of religion and that, to the best of his/her knowledge and belief, he/she is free from infectious tuberculosis

Such an exemption shall be allowed only if the Board determines by resolution, after a hearing, that the health of students would not be jeopardized. If at any time there is probable cause to believe that the applicant/employee is afflicted with infectious tuberculosis, he/she may be excluded from service until the Board is satisfied that he/she is not afflicted.

2. A classified employee who is employed for less than a school year and whose functions do not require frequent or prolonged contact with students
3. A pregnant employee who has positive results on a tuberculosis skin test, in which case she shall be exempted from the requirement to follow up with an x-ray of the lungs for a period not to exceed 60 days after the end of the pregnancy
4. A private contracted driver who transports students infrequently without prolonged contact with students

Examination of Certificated Employees for Disabling Diseases

To fill a certificated position with an applicant who has not previously been employed in a certificated position in California, or with a retirant who has not been employed as a retirant, the district shall have on file a medical certification indicating that the applicant or retirant is free from any disabling disease which would render him/her unfit to instruct or associate with children. (Education Code 44839, 44839.5)

The certificate shall be completed and submitted directly to the district by an authorized health care provider. The medical examination referenced in the certificate must have been conducted within six months of the date that the certificate is filed. (Education Code 44839, 44839.5; 5 CCR 5503)

Applicants and retirants shall pay for the cost of obtaining the medical certification. (Education Code 44849, 44839.5)

Certificated employees and/or retirants shall be required to periodically undergo, at district expense, a medical examination pursuant to Education Code 44839 or 44839.5 to determine that they are free from any communicable disease making them unfit to instruct or associate with children. (Education Code 44839, 44839.5)

Mental Examination for Certificated Employees

Whenever the Board is considering the suspension or transfer of a certificated employee based on its reasonable belief that the employee is suffering from mental illness of such a degree as to render him/her incompetent to perform his/her duties, the employee shall be offered the opportunity of being examined by a three-member panel of psychiatrists and psychologists in accordance with Education Code 44942. The employee shall select the members of the panel from a list of psychiatrists and psychologists provided by the district. The examination shall be conducted, at district expense, within 15 days of the ordered suspension or transfer. The employee shall submit to the examination, but shall also be entitled to present a report of any psychiatrist, psychologist, or physician of his/her own choice. (Education Code 44942)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 5502	Filing of notice of physical examination for employment of retired person
5 CCR 5503	Physical examination for employment of retired persons
5 CCR 5504	Medical certification procedures
Bus. Code 2700-2837	Nursing - https://simbli.eboardsolutions.com/SU/uCzErklfpGgLI9HTTI6yxg==
Bus. Code 3500-3546	Physician assistants - https://simbli.eboardsolutions.com/SU/DVwu5arEKuyPdOB2YXapluEw==
Ed. Code 44839	Medical certificate; periodic medical examination - https://simbli.eboardsolutions.com/SU/7ifRt5ldtFyISRocGEB0AQ==
Ed. Code 44839.5	Requirements for employment of retirant - https://simbli.eboardsolutions.com/SU/9NiF7P8cplus6F5a9AwnxnXMQ==
Ed. Code 44932	Grounds for dismissal of permanent employees - https://simbli.eboardsolutions.com/SU/Hjuplus3jud6Dn34xkR8B7BhA==
Ed. Code 44942	Suspension or transfer of certificated employee on ground of mental illness - https://simbli.eboardsolutions.com/SU/4d649ukp1cbYfwkQVS4RJQ==
Ed. Code 45122	Physical examinations - https://simbli.eboardsolutions.com/SU/6W3NvRVCwhchfqBQ9xBcAQ==
Ed. Code 49406	Examination for tuberculosis - https://simbli.eboardsolutions.com/SU/1zMk9tKmBYJP1m6AfhBiag==
H&S Code 121525	Private and parochial school employees; examination for tuberculosis - https://simbli.eboardsolutions.com/SU/Hut2vQw3WDRGKrESwOVqQg==

Management Resources References

Court Decision

Court Decision

Court Decision

Website

Website

Website

Website

Description

Doe v. Lincoln Unified School District, (2010) 188 Cal.App.4th 758

Leonel v. American Airlines, Inc., (2005) 400 F.3d. 702

Raven v. Oakland Unified School District, (1989) 213 Cal.App.3d 1347

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

U.S. Food and Drug Administration -
<https://simbli.eboardsolutions.com/SU/u14Fx3Hqi74ZIsEmkKrr3Q==>

California Department of Public Health -
<https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==>

Centers for Disease Control and Prevention -
<https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==>

Notice References

Unique Policy

Description

This policy is unique to the district/COE and is not connected to an existing CSBA sample policy or included in regular quarterly updates from CSBA.

Policy 4112.41: Employee Drug Testing

Status: DRAFT

Original Adopted Date: Pending

The Governing Board maintains a drug- and alcohol-free workplace. In accordance with law, all employees shall render service without using, possessing, being impaired by, or being under the influence of alcohol or drugs.

Pre-Employment Drug/Alcohol Testing for Safety-Sensitive Positions

Because students and staff have the right to a safe and secure campus where they are free from physical and psychological harm, the Board authorizes the testing of prospective employees in safety-sensitive positions for drug and alcohol use. The following positions are safety-sensitive and are subject to the district's program:

Position	Safety-Sensitive Duties
Bus Drivers	Driving Children

Once a conditional offer of employment has been made, prospective employees in these identified positions shall undergo a pre-employment drug and alcohol screening for any substance which could impair their ability to safely and effectively perform their job functions. This screening shall be part of the employee's pre-employment physical examination.

Final selection of a job applicant for a position shall not be made until the applicant has successfully completed the screening.

All testing and medical examinations shall be conducted in accordance with state and federal law, Board policy, and administrative regulation.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 5504	Medical certification procedures
CA Constitution Article 1, Section 28	Right to Safe Schools - https://simbli.eboardsolutions.com/SU/4uKslshNFWJwiWPc9Z3j2hmaA==
Ed. Code 44011	Controlled substance offense - https://simbli.eboardsolutions.com/SU/yVslsh8HNplus6fH8Trsdpvo9h3w==
Ed. Code 44455	Conviction for controlled substance offenses as grounds for revocation of credential - https://simbli.eboardsolutions.com/SU/RxmkbNWB8mb157Yr0WjXA==
Ed. Code 44836	Employment of certificated persons convicted of controlled substance offenses - https://simbli.eboardsolutions.com/SU/5hHUN0BmtikFXTcnjWJvnA==
Ed. Code 44839	Medical certificate; periodic medical examination - https://simbli.eboardsolutions.com/SU/7ifRt5IdtFyISRocGEBoAQ==
Ed. Code 44940	Compulsory leave of absence for certificated persons - https://simbli.eboardsolutions.com/SU/TXIEslshPquo8Kz7N8psqEtqA==
Ed. Code 44940.5	Procedures when employees are placed on compulsory leave of absence - https://simbli.eboardsolutions.com/SU/x5z1UxpluspluskEsTDPQ3FynQZA==
Ed. Code 45122	Physical examinations - https://simbli.eboardsolutions.com/SU/6W3NvRVCwhchfqBQ9xBcAQ==
Ed. Code 45123	Employment after conviction of controlled substance offense - https://simbli.eboardsolutions.com/SU/slshrbHklUHjUJXaqFKhWdAig==
Ed. Code 45304	Compulsory leave of absence for classified persons - https://simbli.eboardsolutions.com/SU/JczG8hudjplusDjlPlz25Wwmw==

Gov. Code 12940	Unlawful discriminatory employment practices - https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==
Gov. Code 8350-8357	Drug-free workplace - https://simbli.eboardsolutions.com/SU/w9Tz3WapOcnEI8sUslplusAIQ==
Federal References	Description
41 USC 701-707	Drug-Free Workplace Act
Management Resources References	Description
Court Decision	International Brotherhood of Teamsters v. Department of Transportation (1991) 932 F.2d 1292
Court Decision	Knox County Education Association v. Knox County Board of Education, (1998, 6th Circuit) 158 F.3d 361
Court Decision	Lanier v. City of Woodburn, (2008, 9th Circuit) 518 F.3d 1147
Court Decision	Loder v. City of Glendale, (1997) 14 Cal. 4th 846
Court Decision	National Treasury Employees Union v. Von Raab, (1989) 489 U.S. 456
Court Decision	Skinner v. Railway Labor Executives' Assn, (1989) 489 U.S. 602
Court Decision	Vernonia School District 47J v. Acton, (1995) 115 S.Ct. 2386
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==

Policy 4112.42: Drug And Alcohol Testing For School Bus Drivers

Status: DRAFT

Original Adopted Date: Pending

The Governing Board desires to ensure that district-provided transportation is safe for students, staff, and the public. To that end, the Superintendent or designee shall establish a drug and alcohol testing program designed to prevent the operation of buses or the performance of other safety-sensitive functions by a driver who is under the influence of drugs or alcohol, including a driver of a school bus, student activity bus, or other school transportation vehicle or any other employee who holds a commercial driver's license which is necessary to perform duties related to district employment.

A driver shall not report for duty or remain on duty when the driver has used any drug listed in 21 CFR 1308.11. A driver is also prohibited from reporting for duty or remaining on duty when the driver has used any drug listed in 21 CFR 1308.12-1308.15, unless the driver is using the drug under the direction of a physician who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a bus. (49 CFR 382.213)

In addition, a driver shall not consume alcohol while on duty and/or performing safety-sensitive functions, or for four hours prior to on-duty time. (49 CFR 382.205, 382.207)

Drivers shall submit to drug and alcohol testing as required under federal law and specified in the accompanying administrative regulation. The district's testing program for drivers shall include pre-employment drug testing and reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing of drivers. (49 USC 31306; 49 CFR 382.301-382.311)

The Board shall contract for testing services upon verifying that the personnel are appropriately qualified and/or certified and that testing procedures conform to federal regulations.

Except as otherwise provided by law, the Superintendent or designee shall not release individual test results or medical information about a driver to a third party without the driver's specific written consent. (49 CFR 40.321)

Consequences Based on Test Results

No driver shall be temporarily removed from the performance of safety-sensitive functions based only on a laboratory report of a confirmed positive test for a drug or drug metabolite before the certified medical review officer has completed verification of the test results, unless the district has obtained a waiver from the Federal Motor Carrier Safety Administration. (49 CFR 40.3, 40.21, 382.107, 382.119)

Any driver for whom the district receives a verified positive drug test result or who is found to have a blood alcohol concentration of 0.04 or higher shall be immediately removed from performing safety-sensitive functions in accordance with 49 CFR 40.23 and 382.211. An alcohol concentration between 0.02 and 0.04 requires temporary removal of the bus driver for a 24-hour period following the test. Any driver who refuses to take a required drug or alcohol test shall not be permitted to perform or continue to perform safety-sensitive functions. (49 CFR 40.23, 382.211)

Not later than five days after receiving notification of the test result or refusal to comply, the Superintendent or designee shall report any refusal, failure to comply, or positive test result to the California Department of Motor Vehicles (DMV) using a form approved by the DMV. (Vehicle Code 13376)

A driver who has violated federal drug and alcohol regulations may be subject to disciplinary action up to and including dismissal in accordance with law, administrative regulations, and the district's collective bargaining agreement.

Any driver provided with an opportunity to return to a safety-sensitive duty following a violation shall be evaluated by a qualified substance abuse professional and complete the evaluation recommendations before returning to such duty. (49 CFR 40.289)

If the substance abuse professional recommends that further and ongoing services are needed to assist the driver to maintain sobriety or abstinence from drug use, the Superintendent or designee shall require the driver to participate in the recommended services as part of a return-to-duty agreement and shall monitor the driver's compliance. Any drop from a rehabilitation or return-to-duty program or a subsequent positive test result shall be reported to the

DMV. (Vehicle Code 13376; 49 CFR 40.285, 40.287, 40.303, 382.605)

Voluntary Self-Identification

Whenever a driver admits to alcohol or drug misuse under the district's voluntary self-identification program, the Superintendent or designee shall ensure all of the following: (49 CFR 382.121)

1. No adverse action shall be taken against the driver by the district.
2. The driver shall be allowed sufficient opportunity to seek evaluation, education, or treatment to establish control over the drug or alcohol problem.
3. The driver shall be permitted to participate in safety-sensitive functions only after:
 - a. Successfully completing an education or treatment program, as determined by a drug and alcohol abuse evaluation expert, such as an employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor
 - b. Undergoing a return-to-duty test with a result indicating an alcohol concentration of less than 0.02 and/or a verified negative result for drug use

A driver who admits to alcohol or drug misuse shall not be subject to federal requirements related to referral, evaluation, and treatment, provided that the driver does not self-identify in order to avoid drug or alcohol testing, makes the admission prior to performing a safety-sensitive function, and does not perform a safety-sensitive function until the driver has been evaluated and has successfully completed education or treatment requirements in accordance with program guidelines. (49 CFR 382.121)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

13 CCR 1200-1294

13 CCR 1213.1

Ed. Code 35160

Gov. Code 8355

Veh. Code 13376

Veh. Code 34500-34520.5

Description

Motor carrier safety -

<https://simbli.eboardsolutions.com/SU/yQSHDNrNieMnhAVA3MDcgQ==>

Placing drivers out-of-service

Authority of governing boards -

<https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==>

Certification of drug-free workplace, including notification -

<https://simbli.eboardsolutions.com/SU/7NhMrF6OwSawaA8bns8VmQ==>

Driver certificates; revocation or suspension -

<https://simbli.eboardsolutions.com/SU/LarexslshHgfc3vBqz3gglTjg==>

Safety regulations -

<https://simbli.eboardsolutions.com/SU/QQyT3eFSXANcmAlplusk2Il7g==>

Federal References

21 CFR 1308.11-1308.15

41 USC 8101-8106

49 CFR 382.101-382.727

49 CFR 382.205

49 CFR 382.207

49 CFR 382.209

49 CFR 40.1-40.413

49 USC 31306

Description

Controlled substances

Drug-Free Workplace Act

Controlled substance and alcohol use and testing

On-duty use

Pre-duty use

Use following an accident

Procedures for transportation workplace drug and alcohol testing programs

Alcohol and drug testing

Management Resources References

California Highway Patrol Publication

California Highway Patrol Publication

Website

Website

Website

Website

Website

Website

Description

Controlled Substances and Alcohol Testing Compliance Checklist, 2007

What is CSAT? Controlled Substances and Alcohol Testing, 2005

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Commercial Driver's License Drug and Alcohol Clearinghouse -
<https://simbli.eboardsolutions.com/SU/cslsh63ln16q9v6pLplum3DWt4A==>

California Department of Motor Vehicles -
<https://simbli.eboardsolutions.com/SU/l0fZ9slshVVfMPPxgCslshmou5w==>

California Highway Patrol -
<https://simbli.eboardsolutions.com/SU/VrAIT7Su2t1yBbvext1plusdg==>

Federal Motor Carrier Safety Administration -
<https://simbli.eboardsolutions.com/SU/iUIDQ9Erq8GkPa5qRqIDAA==>

U.S. Department of Transportation, Office of Drug and Alcohol Policy and Compliance -
<https://simbli.eboardsolutions.com/SU/jf4E1c5VrQIECX3plushplusxUVg==>

Regulation 4112.42: Drug And Alcohol Testing For School Bus Drivers

Status: DRAFT

Original Adopted Date: Pending

Definitions

For purposes of drug testing required by the U.S. Department of Transportation (DOT), drugs include marijuana, cocaine, amphetamines, phencyclidine (PCP), and opioids. (49 CFR 40.3, 40.85, 382.107)

Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test. (49 CFR 40.3, 382.107)

Safety-sensitive function means all time from the time the driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. Safety-sensitive functions include, but are not limited to, all time driving or otherwise in the bus or other school transportation vehicle; waiting at a district facility to be dispatched; inspecting, servicing, or conditioning the vehicle or vehicle equipment; loading or unloading the vehicle; supervising or assisting in the loading or unloading of the vehicle; and repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. (49 CFR 382.107)

Designated Employer Representative

The Superintendent or designee shall identify a designated employer representative who is authorized to take immediate action to remove drivers from safety-sensitive functions and to make required decisions in the testing and evaluation processes. The designated employer representative shall also be responsible for receiving test results and other communications. The name and telephone number of the designated employer representative shall be provided to the testing contractor to contact about any problems or issues that may arise during the testing process. (49 CFR 40.35, 40.215)

Pre-employment Testing

When hiring a new driver, the Superintendent or designee shall, with the driver's written consent, conduct a pre-employment query using the Commercial Driver's License Drug and Alcohol Clearinghouse to obtain information about whether the driver has committed a violation of federal drug or alcohol regulations. (49 CFR 382.701)

The Superintendent or designee shall also, with the driver's consent, request the driver's past drug and alcohol testing record, as specified in 49 CFR 40.25 and 382.413, from any employer who has employed the driver at any time during the previous three years. To the extent practicable, the Superintendent or designee shall obtain and review such information before the driver first performs safety-sensitive functions. In addition, the Superintendent or designee shall ask the driver if there was a positive test, or a refusal to test, on any pre-employment drug or alcohol test that was administered during the past two years in the course of applying for another safety-sensitive transportation position that was not obtained. (49 CFR 40.25, 382.413)

The driver shall not be permitted to perform safety-sensitive functions if the driver refuses to provide consent to obtain the information from previous employers or from the Clearinghouse; the information from previous employers is not received within 30 days of the date on which the driver first performed safety-sensitive functions for the district; or the driver, the Clearinghouse, or a previous employer reports a violation of a drug or alcohol regulation without subsequent completion of the return-to-duty process. (49 CFR 40.25, 382.413, 382.701, 382.703)

A driver whom the district intends to hire or use shall undergo testing for drugs and receive a verified negative test result prior to the first time the driver performs safety-sensitive functions for the district. This testing requirement may be waived if all of the following conditions exist: (49 CFR 382.301)

1. The driver has participated in a qualified drug testing program within the previous 30 days.
2. While participating in the program, the driver either was tested within the past six months from the date of application or participated in a random drug testing program for the previous 12 months from the date of application.
3. No prior employer of the driver of whom the district has knowledge has records of the driver's violation of

federal drug testing regulations within the previous six months.

The Superintendent or designee shall contact the testing program(s) in which the driver has participated and obtain information about the program and the driver's participation as specified in 49 CFR 382.301.

In addition, the Superintendent or designee shall require the driver to undergo pre-employment alcohol testing in accordance with the procedures in 49 CFR 40.1-40.605 and to receive a test result indicating an alcohol concentration of less than 0.04. (49 CFR 382.301)

Post-Accident Testing

As soon as practicable following an accident involving a school bus or student activity bus, the Superintendent or designee shall ensure that the driver involved is tested for alcohol and/or drugs under either of the following conditions: (49 CFR 382.303)

1. The accident involved loss of human life.
2. The driver receives a citation for a moving traffic violation within eight hours of the accident and the accident involved bodily injury to a person who required immediate medical treatment away from the scene of the accident and/or disabling damage to one or more vehicles requiring towing.

The Superintendent or designee shall attempt to administer a required alcohol test up to eight hours following the accident and/or a drug test up to 32 hours following the accident. The results of an alcohol or drug test conducted by federal, state, or local officials having independent authority for the test shall be considered to meet this requirement. If the alcohol test is not administered within two hours following the accident, or the test for drugs is not administered within 32 hours following the accident, the Superintendent or designee shall make a record stating the reasons the test was not promptly administered. (49 CFR 382.303)

No driver required to take a post-accident alcohol test pursuant to 49 CFR 382.303 shall use alcohol for eight hours following the accident or until the driver undergoes a post-accident alcohol test, whichever occurs first. (49 CFR 382.209)

Random Testing

The Superintendent or designee shall ensure that random, unannounced drug and alcohol tests of bus drivers are conducted on testing dates reasonably spread throughout the year.

Such tests shall be unannounced and conducted during, immediately before, or immediately after the performance of safety-sensitive functions. (49 CFR 382.305)

The Superintendent or designee shall ensure that the percentage of district drivers randomly tested for drugs and alcohol meets or exceeds the minimum annual percentage rates specified in 49 CFR 382.305 or subsequently published in the Federal Register.

Each driver selected for random testing shall have an equal chance of being tested each time selections are made. (49 CFR 382.305)

Each driver who is selected for testing shall proceed to the test site immediately or, if performing a safety-sensitive function other than driving a bus, then as soon as possible after ceasing that function. (49 CFR 382.305)

Reasonable Suspicion Testing

A driver shall be required to submit to a drug or alcohol test whenever the Superintendent or designee has reasonable suspicion that the driver has violated the prohibitions against the use of drugs or alcohol. Such reasonable suspicion shall be based on specific, contemporaneous, articulable observations, conducted during, immediately before, or immediately after the performance of safety-sensitive functions, concerning the driver's appearance, behavior, speech, and/or body odors. Reasonable suspicion of drug use may also include indications of the chronic and withdrawal effects of drugs. (49 CFR 382.307)

The person who makes the required observations for reasonable suspicion testing for drugs or alcohol shall be trained in accordance with 49 CFR 382.603. The person who makes the determination that reasonable suspicion

exists to conduct an alcohol test shall not be the same person who conducts the alcohol test. (49 CFR 382.307)

Within 24 hours of the observed behavior or before the results of the drug or alcohol test are released, whichever is earlier, a written record of the observations leading to a reasonable suspicion test shall be made and signed by the person who made the observations. (49 CFR 382.307)

An alcohol test required as a result of reasonable suspicion shall be administered within eight hours following the determination of reasonable suspicion. If the test is not administered within two hours, the Superintendent or designee shall prepare and maintain on file a record stating the reasons the test was not promptly administered. (49 CFR 382.307)

In the absence of a reasonable suspicion alcohol test, the district shall take no action against a driver based solely on the driver's behavior and appearance, except that the driver shall not be allowed to report for or remain on safety-sensitive functions until an alcohol test is administered and the results show a concentration less than 0.02 or 24 hours have elapsed following the determination of reasonable suspicion. (49 CFR 382.307)

Return-to-Duty Testing

Note: Pursuant to 49 CFR 40.305, the district may return a driver to safety-sensitive functions after the driver completes required education and treatment services as described in the accompanying Board policy and a return-to-duty drug or alcohol test. Such personnel decisions may be subject to collective bargaining or other legal requirements.

The Superintendent or designee may permit a driver who has violated federal drug or alcohol regulations to return to safety-sensitive functions after the driver has successfully complied with the education and treatment services prescribed by a substance abuse professional and has taken a return-to-duty drug or alcohol test. The driver shall not resume performance of safety-sensitive functions unless the drug test shows a negative result and/or the alcohol test shows a concentration of less than 0.02. (49 CFR 40.305, 382.309)

Follow-Up Testing

Upon receiving a written follow-up testing plan from a substance abuse professional, the Superintendent or designee shall determine the actual dates for follow-up testing consistent with those recommendations and shall ensure that such tests are unannounced and follow no discernable pattern as to their timing. No additional tests beyond those included in the plan shall be imposed by the district. (49 CFR 40.307-40.309, 382.111)

Mandatory Reporting and Annual Queries to the Drug and Alcohol Clearinghouse

The Superintendent or designee shall report to the Clearinghouse any violation of federal drug and alcohol regulations, any refusal to test, and other required information by the close of the third business day following the date on which the information was obtained. (49 CFR 382.705)

The Superintendent or designee shall conduct a query using the Clearinghouse at least once a year for all drivers to determine whether information exists in the Clearinghouse about the drivers. (49 CFR 382.701)

In lieu of a full query, the Superintendent or designee may obtain the individual driver's consent to conduct a limited query that is effective for more than one year and informs the district about whether there is information about the driver in the Clearinghouse without releasing that information to the district. If the limited query shows that information exists in the Clearinghouse about the individual driver, the Superintendent or designee shall conduct a full query within 24 hours of conducting the limited query. If a full query is not conducted within 24 hours, the driver may not perform any safety-sensitive function until the results from a full query confirm that the driver may perform such functions. (49 CFR 382.701)

A driver may not perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has committed a violation of federal drug or alcohol regulations. (49 CFR 382.701)

Notifications

The Superintendent or designee shall provide each driver with materials explaining the federal regulations and the district's policy and procedure related to drug and alcohol testing and shall notify representatives of employee organizations of the availability of this information. This information shall include a detailed discussion of at least the

following: (49 CFR 382.113, 382.303, 382.601)

1. The identity of the person designated by the district to answer driver questions about the materials
2. The categories of drivers who are subject to drug and alcohol testing
3. Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the workday the driver is required to be in compliance
4. Specific information concerning prohibited driver conduct
5. The circumstances under which a driver will be tested for drugs and/or alcohol, including post-accident testing
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver
7. The requirement that a driver submit to drug and alcohol tests
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences
9. The consequences for drivers found to have violated the prohibitions against drug or alcohol use, including the circumstances under which drivers will be removed immediately from safety-sensitive functions and the requirements for education, treatment, and return-to-duty testing
10. The consequences for drivers found to have a blood alcohol concentration between 0.02 and 0.04
11. Information concerning the effects of drug and alcohol use on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management
12. The requirement that personal information collected and maintained pursuant to 49 CFR 382 shall be reported to the Clearinghouse

Each driver shall sign a statement certifying receipt of a copy of the above materials. The Superintendent or designee shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver. (49 CFR 382.601)

In addition, prior to administering each alcohol or drug test, the driver shall be notified that the test is required pursuant to Title 49, Part 382, of the Code of Federal Regulations. (49 CFR 382.113)

The driver shall be notified of the results of drug and alcohol tests in accordance with 49 CFR 382.411.

Records

The Superintendent or designee shall maintain records of the district's drug and alcohol testing program in accordance with 49 CFR 40.333 and 382.401. Such records shall be maintained in a secure location with controlled access and shall be disclosed only in accordance with 49 CFR 382.405.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

13 CCR 1200-1294

13 CCR 1213.1

Description

Motor carrier safety -

<https://simbli.eboardsolutions.com/SU/yQSHDNrNieMnhAVA3MDcgQ==>

Placing drivers out-of-service

Ed. Code 35160

Gov. Code 8355

Veh. Code 13376

Veh. Code 34500-34520.5

Federal References

21 CFR 1308.11-1308.15

41 USC 8101-8106

49 CFR 382.101-382.727

49 CFR 382.205

49 CFR 382.207

49 CFR 382.209

49 CFR 40.1-40.413

49 USC 31306

Management Resources References

California Highway Patrol Publication

California Highway Patrol Publication

Website

Website

Website

Website

Website

Website

Authority of governing boards -

<https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxyplus8DVSsrkQ==>

Certification of drug-free workplace, including notification -

<https://simbli.eboardsolutions.com/SU/7NhMrF60wSawaA8bns8VmQ==>

Driver certificates; revocation or suspension -

<https://simbli.eboardsolutions.com/SU/LarexslshHgfc3vBqz3gglTjg==>

Safety regulations -

<https://simbli.eboardsolutions.com/SU/QQvT3eFSXANcmAlplusk2Il7g==>

Description

Controlled substances

Drug-Free Workplace Act

Controlled substance and alcohol use and testing

On-duty use

Pre-duty use

Use following an accident

Procedures for transportation workplace drug and alcohol testing programs

Alcohol and drug testing

Description

Controlled Substances and Alcohol Testing Compliance Checklist, 2007

What is CSAT? Controlled Substances and Alcohol Testing, 2005

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==>

Commercial Driver's License Drug and Alcohol Clearinghouse -

<https://simbli.eboardsolutions.com/SU/cslsh63ln16q9v6pLplum3DWt4A==>

California Department of Motor Vehicles -

<https://simbli.eboardsolutions.com/SU/l0fZ9slshVVfMPPxgClslshmu5w==>

California Highway Patrol -

<https://simbli.eboardsolutions.com/SU/VrAIT7Su2t1yBbvext1plusdg==>

Federal Motor Carrier Safety Administration -

<https://simbli.eboardsolutions.com/SU/iUIDQ9Erq8GkPa5qRqIDAA==>

U.S. Department of Transportation, Office of Drug and Alcohol Policy and Compliance -

<https://simbli.eboardsolutions.com/SU/jf4E1c5VrQIECX3plushplusxUVg==>

Regulation 4112.5: Criminal Record Check

Status: DRAFT

Original Adopted Date: Pending

The Superintendent or designee shall not hire or retain in employment, in a certificated or classified position, a person who has been convicted of a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c), a controlled substance offense as defined in Education Code 44011, or a sex offense as defined in Education Code 44010. However, the Superintendent or designee shall not deny or terminate employment if: (Education Code 44830.1, 44836, 45122.1, 45123)

1. The conviction for a violent or serious felony, controlled substance offense, or sex offense is reversed and the person is acquitted of the offense in a new trial or the charges against the person are dismissed, unless the sex offense for which the conviction is dismissed pursuant to Penal Code 1203.4 involves a victim who was a minor.
2. A person convicted of a violent or serious felony has obtained a certificate of rehabilitation or a pardon.
3. A person who has been convicted of a serious felony, that is not also a violent felony, proves to the sentencing court that he/she has been rehabilitated for purposes of school employment for at least one year.
4. A person who has been convicted of a controlled substance offense is applying for or is employed in a certificated position and has a credential issued by the Commission on Teacher Credentialing.
5. A person who has been convicted of a controlled substance offense is applying for or is employed in a classified position and has been determined by the Governing Board, from the evidence presented, to have been rehabilitated for at least five years.

A certificated employee may be hired by the district without obtaining a criminal record summary if that employee is employed as a certificated employee in another California school district and became a permanent employee of another California school district as of October 1, 1997. (Education Code 44830.1, 44836)

The Superintendent or designee shall not issue a temporary certificate of clearance to a person whose application for a credential, certificate, or permit is being processed by the Commission on Teacher Credentialing if that person has been convicted of a violent or serious felony, unless the person is otherwise exempt pursuant to Education Code 44332.6 or 44830.1. (Education Code 44332.5, 44332.6)

Pre-Employment Record Check

The Superintendent or designee shall require each person to be employed by the district to submit his/her fingerprints electronically through the Live Scan system so that a criminal record check may be conducted by the Department of Justice (DOJ). The Superintendent or designee shall provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

When a person is applying for a classified position, the Superintendent or designee shall request that the DOJ also obtain a criminal record check through the Federal Bureau of Investigation whenever the applicant meets one of the following conditions: (Education Code 45125)

1. The applicant has not resided in California for at least one year immediately preceding the application for employment.
2. The applicant has resided in California for more than one year, but less than seven years, and the DOJ has ascertained that the person was convicted of a sex offense where the victim was a minor or a drug offense where an element of the offense is either the distribution to or the use of a controlled substance by a minor.

The Superintendent or designee shall immediately notify the DOJ when an applicant who has submitted his/her fingerprints to the DOJ is not subsequently employed by the district. (Penal Code 11105.2)

Subsequent Arrest Notification

The Superintendent or designee shall enter into a contract with the DOJ to receive notification of subsequent arrests resulting in conviction of any person whose fingerprints have been submitted to the DOJ. (Education Code 44830.1,

45125; Penal Code 11105.2)

Upon telephone or email notification by the DOJ that a current temporary employee, substitute employee, or probationary employee serving before March 15 of his/her second probationary year has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 44830.1, 45122.1)

When the district receives written electronic notification by the DOJ of the fact of conviction, the temporary employee, substitute employee, or probationary employee serving before March 15 of his/her second probationary year shall be terminated automatically unless the employee challenges the DOJ record and the DOJ withdraws its notification in writing. Upon receipt of the written withdrawal of notification by the DOJ, the Superintendent or designee shall immediately reinstate that employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement if the employee is still employed by the district. (Education Code 44830.1, 45122.1)

The Superintendent or designee shall immediately notify the DOJ whenever a person whose fingerprints are maintained by the DOJ is terminated. (Penal Code 11105.2)

Notification of Applicant/Employee

The Superintendent or designee shall expeditiously furnish a copy of any DOJ notification to the applicant or employee to whom it relates if the information is a basis for an adverse employment decision. The copy shall be delivered in person or to the last contact information provided by the applicant or employee. (Penal Code 11105, 11105.2)

Maintenance of Records

The Superintendent shall designate at least one custodian of records who shall be responsible for the security, storage, dissemination, and destruction of all Criminal Offender Record Information (CORI) furnished to the district and shall serve as the primary contact for the DOJ for any related issues. (Penal Code 11102.2)

An employee designated as custodian of records shall receive a criminal background check clearance from the DOJ prior to serving in that capacity. (Penal Code 11102.2)

The custodian of records shall sign and return to the DOJ the Employee Statement Form acknowledging his/her understanding of the laws prohibiting misuse of CORI. In addition, the custodian of records shall ensure that any individual with access to CORI has on file a signed Employee Statement Form.

To ensure its confidentiality, CORI shall be accessible only to the custodian of records and shall be kept in a locked file separate from other files. CORI shall be used only for the purpose for which it is requested and its contents shall not be disclosed or reproduced. (Education Code 44830.1, 45125)

Once a hiring determination is made, the applicant's CORI shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained. (Education Code 44830.1, 45125; 11 CCR 708)

The Superintendent or designee shall immediately notify the DOJ whenever a designated custodian of records ceases to serve in that capacity. (Penal Code 11102.2)

Interagency Agreement

Subject to an interagency agreement with other school districts, the district shall submit and receive CORI on behalf of all participating districts. (Education Code 44830.2, 45125.01)

Upon receipt from the DOJ of a report of conviction of a serious or violent felony, the district shall communicate that fact to participating districts and shall remove the affected employee from the common list of persons eligible for employment. (Education Code 44830.2, 45125.01)

In addition, upon receipt from the DOJ of a criminal history record or report of subsequent arrest for any person on a common list of persons eligible for employment, the district shall give notice to the superintendent of any participating district, or the person designated in writing by that superintendent, that the report is available for inspection on a confidential basis by the superintendent or the authorized designee. The report shall be made

available at the district office for 30 days following the receipt of the notice. (Education Code 44830.2, 45125.01)

The district shall not release a copy of that information to any participating district or any other person. In addition, the district shall retain or dispose of the information in the manner specified in law and in this administrative regulation after all participating districts have had an opportunity to inspect it in accordance with law. (Education Code 44830.2, 45125.01)

The district shall maintain a record of all persons to whom the information has been shown and shall make this record available to the DOJ. (Education Code 44830.2, 45125.01)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

11 CCR 701-708	Criminal offender record information - https://simbli.eboardsolutions.com/SU/LpZWJtplusvPA1kzoYhGh5svw==
11 CCR 720-724	Incomplete criminal history information - https://simbli.eboardsolutions.com/SU/Y0rckUslshqqYSdarx6ZVQd9Q==
11 CCR 994-994.15	Certification of individuals who take fingerprint impressions - https://simbli.eboardsolutions.com/SU/mQOV5uRA3tJqfg6yRBrGsA==
Ed. Code 44010	Sex offense; definitions - https://simbli.eboardsolutions.com/SU/kVoMSh2Y4cuufG1O45T35A==
Ed. Code 44011	Controlled substance offense - https://simbli.eboardsolutions.com/SU/yVslsh8HNplus6fH8Trsdpvo9h3w==
Ed. Code 44332.44332.6	Temporary certificate of clearance - https://simbli.eboardsolutions.com/SU/ewqmiXUOvCIFsKS411GVaQ==
Ed. Code 44346.1	Applicants for credential; conviction of a violent or serious felony - https://simbli.eboardsolutions.com/SU/ifoGhPh4lg3lNBaHVSJLaA==
Ed. Code 44830.1	Criminal record summary certificated employees - https://simbli.eboardsolutions.com/SU/u9AgkfWslsh1QLiUogY34F8gA==
Ed. Code 44830.2	Certificated employees; interagency agreement for sharing criminal record information - https://simbli.eboardsolutions.com/SU/5r198TnCj0zOLYc7aF8vUA==
Ed. Code 44836	Employment of certificated persons convicted of controlled substance offenses - https://simbli.eboardsolutions.com/SU/5hHUN0BmtikFXTcnjWJvnA==
Ed. Code 44932	Grounds for dismissal of permanent employees - https://simbli.eboardsolutions.com/SU/Hjuplus3jud6Dn34xkR8B7BhA==
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony - https://simbli.eboardsolutions.com/SU/myGZ7ELMxd40SfOAlE8F0w==
Ed. Code 45125	Use of personal identification cards to ascertain conviction of crime - https://simbli.eboardsolutions.com/SU/D6m92girQ75zn6l3AOR8plusw==
Ed. Code 45125.01	Interagency agreements for criminal record information - https://simbli.eboardsolutions.com/SU/p0plusGJ0luVPDudcyAVB8E0w==
Ed. Code 45125.5	Automated records check - https://simbli.eboardsolutions.com/SU/GHmB1oTBxLxeL5plusloslshxecw==
Ed. Code 45126	Duty of Department of Justice to furnish information - https://simbli.eboardsolutions.com/SU/ytywu55uXcoxEZD7CD8gOg==
Ed. Code 49024	Activity Supervisor Clearance Certificate - https://simbli.eboardsolutions.com/SU/bPKibplusdM71m5nBUYCqYkKg==
Pen. Code 11075-11081	Criminal record dissemination - https://simbli.eboardsolutions.com/SU/9zvr9iamTUlrLnI7BE0Eslshw==

Pen. Code 11102.2	Maintenance of criminal offender records; custodian of records - https://simbli.eboardsolutions.com/SU/HypOuDGZOCJLCaFKIUJfew==
Pen. Code 11105	Access to criminal history information - https://simbli.eboardsolutions.com/SU/q4Hlc8zZET1xsYrxVn89lQ==
Pen. Code 11105.2	Subsequent arrest notification - https://simbli.eboardsolutions.com/SU/1RTS0ty22EXCsLAS7lgMbg==
Pen. Code 11105.3	Record of conviction involving sex crimes, drug crimes or crimes of violence - https://simbli.eboardsolutions.com/SU/n9Sml3YX7zZRvO7a8LaUZw==
Pen. Code 11140-11144	Furnishing of state criminal history information - https://simbli.eboardsolutions.com/SU/2JYu0xzFXeFE5U3KXfLZ4Q==
Pen. Code 1192.7	Plea bargaining limitation - https://simbli.eboardsolutions.com/SU/Y4tPzLWU9zUaPXfNAslshrcRA==
Pen. Code 1203.4	Dismissal of conviction - https://simbli.eboardsolutions.com/SU/YlQYhBecjMT2UQjvP1nYrQ==
Pen. Code 13300-13305	Local summary criminal history information - https://simbli.eboardsolutions.com/SU/JSislshom3lJWMosHHPYHYcw==
Pen. Code 667.5	Prior prison terms; enhancement of prison terms - https://simbli.eboardsolutions.com/SU/yS0sRxmSCVex2qplus3slsh4ab6A==

Management Resources References

Court Decision	Central Valley Chapter of the 7th Step Foundation Inc. v. Evelle J. Younger, (1989) 214 Cal. App. 3d 145
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxk6R5akQ==
Website	Office of the Attorney General, Department of Justice, Background Checks - https://simbli.eboardsolutions.com/SU/T33cto0plusk9ZSg0jj8B94AA==

Exhibit 4112.5-E(1): Criminal Record Check

Status: DRAFT

Original Adopted Date: Pending

**SAMPLE EMPLOYEE STATEMENT FORM
USE OF CRIMINAL JUSTICE INFORMATION**

As an employee/volunteer of West Park School District, you may have access to confidential criminal record information which is controlled by state and federal statutes. Misuse of such information may adversely affect the individual's civil rights and violate constitutional rights of privacy. Penal Code 502 prescribes the penalties relating to computer crimes. Penal Code 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be disseminated. Penal Code 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information. Government Code 6200 prescribes felony penalties for misuse of public records. Penal Code 11142 and 13300 state:

"Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor."

Civil Code 1798.53, Invasion of Privacy, states:

"Any person who intentionally discloses information, not otherwise public, which they know or should reasonably know was obtained from personal or confidential information maintained by a state agency or from records within a system of records maintained by a federal government agency, shall be subject to a civil action, for invasion of privacy, by the individual."

CIVIL, CRIMINAL, AND ADMINISTRATIVE PENALTIES:

- Penal Code 11141: DOJ furnishing to unauthorized person (misdemeanor)
- Penal Code 11142: Authorized person furnishing to other (misdemeanor)
- Penal Code 11143: Unauthorized person in possession (misdemeanor)
- California Constitution, Article I, Section 1 (Right to Privacy)
- Civil Code 1798.53, Invasion of Privacy
- Title 18 USC 641, 1030, 1951, and 1952

Any employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may result in criminal and/or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION.

Signature _____ Date _____

Printed Name _____ Title _____

Name of District _____

PLEASE NOTE: Do not return this form to the DOJ. Your Custodian of Records should maintain these forms.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

11 CCR 701-708	Criminal offender record information - https://simbli.eboardsolutions.com/SU/LpZWJtplusvPA1kzoYhGh5svw==
11 CCR 720-724	Incomplete criminal history information - https://simbli.eboardsolutions.com/SU/Y0rckUsIshqqYSdarx6ZVQd9Q==
11 CCR 994-994.15	Certification of individuals who take fingerprint impressions - https://simbli.eboardsolutions.com/SU/mQOV5uRA3tJqfg6yRBrGsA==
Ed. Code 44010	Sex offense; definitions - https://simbli.eboardsolutions.com/SU/kVoMSh2Y4cuufG1O45T35A==
Ed. Code 44011	Controlled substance offense - https://simbli.eboardsolutions.com/SU/yVslsh8HNplus6fH8Trsdpvo9h3w==
Ed. Code 44332.44332.6	Temporary certificate of clearance - https://simbli.eboardsolutions.com/SU/ewqmiXUOvCIFsKS411GVaQ==
Ed. Code 44346.1	Applicants for credential; conviction of a violent or serious felony - https://simbli.eboardsolutions.com/SU/ifoGhPh4lg3INBaHVSJLaA==
Ed. Code 44830.1	Criminal record summary certificated employees - https://simbli.eboardsolutions.com/SU/u9AgkfWslsh1QLiUogY34F8gA==
Ed. Code 44830.2	Certificated employees; interagency agreement for sharing criminal record information - https://simbli.eboardsolutions.com/SU/5r198TnCj0zOLYc7aF8vUA==
Ed. Code 44836	Employment of certificated persons convicted of controlled substance offenses - https://simbli.eboardsolutions.com/SU/5hHUN0BmtikEXTcnjWJvnA==
Ed. Code 44932	Grounds for dismissal of permanent employees - https://simbli.eboardsolutions.com/SU/Hjplus3jud6Dn34xkR8B7BhA==
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony - https://simbli.eboardsolutions.com/SU/myGZ7ELMxd40SfOAlE8F0w==
Ed. Code 45125	Use of personal identification cards to ascertain conviction of crime - https://simbli.eboardsolutions.com/SU/D6m92girQ75zn6l3AOR8plusw==
Ed. Code 45125.01	Interagency agreements for criminal record information - https://simbli.eboardsolutions.com/SU/p0plusGJ0luVPDudcyAVB8E0w==
Ed. Code 45125.5	Automated records check - https://simbli.eboardsolutions.com/SU/GHmB1oTBxLxeL5pluslosIshxecw==
Ed. Code 45126	Duty of Department of Justice to furnish information - https://simbli.eboardsolutions.com/SU/tytwu55uXcoxEZD7CD8gOg==
Ed. Code 49024	Activity Supervisor Clearance Certificate - https://simbli.eboardsolutions.com/SU/bPKibplusdM71m5nBUYCqYkKg==
Pen. Code 11075-11081	Criminal record dissemination - https://simbli.eboardsolutions.com/SU/9zvr9iamTUlrLnI7BE0Eslshw==
Pen. Code 11102.2	Maintenance of criminal offender records; custodian of records - https://simbli.eboardsolutions.com/SU/HypOuDGZOCJLCAfKIUjfew==
Pen. Code 11105	Access to criminal history information - https://simbli.eboardsolutions.com/SU/q4Hlc8zZET1xsYrxVn89lIQ==
Pen. Code 11105.2	Subsequent arrest notification - https://simbli.eboardsolutions.com/SU/1RTS0ty22EXCsLAS7lgMbg==
Pen. Code 11105.3	Record of conviction involving sex crimes, drug crimes or crimes of violence - https://simbli.eboardsolutions.com/SU/n9Sml3YX7zZRvO7a8LaUZw==
Pen. Code 11140-11144	Furnishing of state criminal history information - https://simbli.eboardsolutions.com/SU/2JYu0xzFXeFE5U3KXfLZ4Q==
Pen. Code 1192.7	Plea bargaining limitation - https://simbli.eboardsolutions.com/SU/Y4tPzLWU9zUaPXfNAsIshrcRA==

Pen. Code 1203.4	Dismissal of conviction - https://simbli.eboardsolutions.com/SU/YlQYhBecjMT2UQjvP1nYrQ==
Pen. Code 13300-13305	Local summary criminal history information - https://simbli.eboardsolutions.com/SU/JSislshom3lIJWMosHHPYHYcw==
Pen. Code 667.5	Prior prison terms; enhancement of prison terms - https://simbli.eboardsolutions.com/SU/yS0sRxmSCVex2qplus3slsh4ab6A==

Management Resources References

Court Decision

Website

Website

Description

Central Valley Chapter of the 7th Step Foundation Inc. v. Evelle J. Younger, (1989) 214 Cal. App. 3d 145

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Office of the Attorney General, Department of Justice, Background Checks - <https://simbli.eboardsolutions.com/SU/T33cto0plusk9ZSg0jj8B94AA==>

Regulation 4112.61: Employment References

Status: DRAFT

Original Adopted Date: Pending

The Superintendent or designee shall be responsible for processing requests for employment references, letters of recommendation, or information about the reasons for separation regarding all district employees other than himself/herself. All letters of recommendation to be issued on behalf of the district for current or former employees shall be approved by the Superintendent or designee. At his/her discretion, the Superintendent or designee may refuse to give a recommendation.

The Superintendent or designee may communicate information about the job performance or qualifications of a current or former district employee when such information is based upon credible evidence and is given to a prospective employer without malice and at the prospective employer's request. (Civil Code 47)

Any reference, letter of recommendation, or information provided about the reasons for separation issued on behalf of the district shall provide a truthful and accurate account of the employee's job performance and qualifications.

No certificated employee shall write or sign any letter or memorandum which intentionally omits significant facts, or which states as facts matters which the writer does not know of his/her own knowledge to be true, relating to the professional qualifications or personal fitness to perform certificated services of any person who the writer knows will use the letter or memorandum to obtain professional employment. (5 CCR 80332)

No certificated employee shall agree to provide a positive letter of recommendation which misrepresents facts as a condition of another employee's resigning or withdrawing action against the district. (5 CCR 80332)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 80332	Professional candor and honesty in letters or memoranda of employment recommendation
Civ. Code 47	Privileged communication - https://simbli.eboardsolutions.com/SU/UaEr9ZLNpDYok3lslshyDvE3w==
Lab. Code 1050-1054	Reemployment privileges - https://simbli.eboardsolutions.com/SU/k1AfhCyCAauM1plusykKslshIVEA==

Management Resources References

	Description
Court Decision	Board of Trustees of Leland Stanford Junior University v. Superior Court, (1981) 119 Cal. App. 3d 516
Court Decision	Randi W. v. Muroc Joint Unified School District et al., (1997) 14 Cal. 4th 1066
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDslshXk6R5akQ==

Policy 4112.8: Employment Of Relatives

Status: DRAFT

Original Adopted Date: Pending

The Governing Board desires to maximize staff and community confidence in district hiring, promotion, and other employment decisions by promoting practices that are free of conflicts of interest or the appearance of impropriety.

The Board prohibits the appointment of any person to a position for which his/her relative maintains management, supervisory, evaluation, or promotion responsibilities and prohibits an employee from participating in any decision that singularly applies to any of his/her relatives.

For purposes of this policy, relative includes the individual's spouse, domestic partner, parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse or domestic partner.

In addition, the Superintendent or designee may determine, on a case-by-case basis, whether to appoint a person to a position in the same department or facility as an employee with whom he/she maintains a personal relationship when that relationship has the potential to create (1) an adverse impact on supervision, safety, security, or morale of other district employees or (2) a conflict of interest for the individuals involved which is greater because of the their relationship than it would be for another person.

An employee shall notify his/her supervisor within 30 days of any change in his/her circumstances that may constitute a violation of this policy.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

2 CCR 7292.0-7292.6

Description

Marital status discrimination -
<https://simbli.eboardsolutions.com/SU/OYM2wETre8OJcLEpNJgsXg==>

2 CCR 7292.5

Employee selection -
<https://simbli.eboardsolutions.com/SU/QvKUnBWZM9B1slshH6e8qzyKg==>

Ed. Code 35107

School district employees -
<https://simbli.eboardsolutions.com/SU/oaGHmft5UN3vyLv1tRuTlw==>

Fam. Code 297-297.5

Rights, protections, benefits under the law; registered domestic partners -
<https://simbli.eboardsolutions.com/SU/LJfCekZJhzs5Nas1GG1RHQ==>

Gov. Code 1090-1098

Prohibitions applicable to specified officers -
<https://simbli.eboardsolutions.com/SU/f3JDDEPLuQqZQETrqELBpg==>

Gov. Code 12940

Unlawful discriminatory employment practices -
<https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==>

Management Resources References

Description

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==>

Website

League of California Cities -
<https://simbli.eboardsolutions.com/SU/TUf8jslshHeiQslshKJpHe2qEtug==>

Website

California Civil Rights Department -
<https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==>

Policy 4112.9: Employee Notifications

Status: DRAFT

Original Adopted Date: Pending

The Governing Board believes that providing clear communications to staff is essential to establishing a professional, positive work environment and enhancing their job performance. The Superintendent or designee shall provide district employees all notifications required by law and any other notifications the Superintendent or designee believes will promote staff knowledge of the district's policies, programs, activities, and operations.

When required by law, Board policy, or administrative regulation, district employees shall be asked to sign an acknowledgment indicating receipt of the notification. Such acknowledgments shall be retained in each employee's personnel file.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

13 CCR 1234	Reports regarding school buses and bus drivers - https://simbli.eboardsolutions.com/SU/SQau3DbO6CrkhKYsUmPVoA==
13 CCR 2480	Vehicle idling; limitations - https://simbli.eboardsolutions.com/SU/fSf0ysaXD9tFEJN0131FOw==
2 CCR 11023	Harassment and discrimination prevention and correction - https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions - https://simbli.eboardsolutions.com/SU/GplusgYNhBplus6hlimWMyAuhwJw==
2 CCR 11087-11098	California Family Rights Act - https://simbli.eboardsolutions.com/SU/abM0slshHCKrMbGboplusCdDilag==
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security - https://simbli.eboardsolutions.com/SU/LBkkDX8OIBFu9JplusO9hdW9w==
Ed. Code 17612	Notification of pesticide use - https://simbli.eboardsolutions.com/SU/H5tr2sllxUTvYokVNC15GA==
Ed. Code 22455.5	STRS information to potential members - https://simbli.eboardsolutions.com/SU/OpjZXTfC5WyWcFrTPNSDXQ==
Ed. Code 22461	Postretirement compensation limitation - https://simbli.eboardsolutions.com/SU/Yao6NOqOUQArjVt0US6MwQ==
Ed. Code 231.5	Sexual harassment policy - https://simbli.eboardsolutions.com/SU/x4N8izB3LAiHeKeL3IJdg==
Ed. Code 35031	Term of employment - https://simbli.eboardsolutions.com/SU/Dd2pNygL7slshTy35OP9AP1Lg==
Ed. Code 35171	Availability of rules and regulations for evaluation of performance - https://simbli.eboardsolutions.com/SU/8gCYAAmUllvWPvqOKh6aaQ==
Ed. Code 37616	Consultation regarding year-round schedule - https://simbli.eboardsolutions.com/SU/b8srVmtxJ9lIspekF1JrplusGQ==
Ed. Code 44663-44664	Evaluation of certificated employees - https://simbli.eboardsolutions.com/SU/SkISPsVN82xw4slshJqODSb2A==

Ed. Code 44842	Reemployment notices; certificated employees - https://simbli.eboardsolutions.com/SU/6Cr6mASUlj0s7aFilsuhQ==
Ed. Code 44896	Transfer of administrator or supervisor to teaching position - https://simbli.eboardsolutions.com/SU/yplus7XbOeHD62Ua0mHfF3WZg==
Ed. Code 44916	Written statement of employment status - https://simbli.eboardsolutions.com/SU/XmCPHsuWR7m01NGRhZplusBaA==
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more - https://simbli.eboardsolutions.com/SU/HINpslshxbyLwME3nPO6mb5IA==
Ed. Code 44929.23	Districts with less than 250 ADA - https://simbli.eboardsolutions.com/SU/sdwal87FoWQPz0j1slsh848GQ==
Ed. Code 44934	Notice of disciplinary action for cause - https://simbli.eboardsolutions.com/SU/YOdpDmEESUnJCt39UZQg7g==
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct - https://simbli.eboardsolutions.com/SU/75B2doHslshmwPKmFVKktuR5A==
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss - https://simbli.eboardsolutions.com/SU/t58pmuN1UoBGqKr4eb7iEA==
Ed. Code 44948.3-44948.5	Dismissal of probationary employees - https://simbli.eboardsolutions.com/SU/t58pmuN1UoBGqKr4eb7iEA==
Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA - https://simbli.eboardsolutions.com/SU/qotcBdQOslshAgIcYayqDcLUA==
Ed. Code 44949	Dismissal of probationary employees - https://simbli.eboardsolutions.com/SU/yo6JVtoftkl8mvYPJbeSWA==
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel - https://simbli.eboardsolutions.com/SU/2b8OO67UPqMCFZoSySt0RA==
Ed. Code 44954	Nonreelection of temporary employees - https://simbli.eboardsolutions.com/SU/Tn8xix2gcZSmGiaMplusX1tPQ==
Ed. Code 44955	Reduction in number of permanent employees - https://simbli.eboardsolutions.com/SU/MQslshxJln2uiAVe9Pljo6DqA==
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance - https://simbli.eboardsolutions.com/SU/pluslys02LslYiEat5fGXaaTQ==
Ed. Code 45113	Notification of charges; classified employees - https://simbli.eboardsolutions.com/SU/ipluslv7IKgiZqYaGNLdhSslshXw==
Ed. Code 45117	Notice of layoff; classified employees - https://simbli.eboardsolutions.com/SU/uAz1v3pTWd6FoatRP235XA==
Ed. Code 45169	Employee salary data; classified employees - https://simbli.eboardsolutions.com/SU/KEgHD9a5rHqRYNxWbmXXWg==
Ed. Code 45192	Industrial accident and illness leave for classified employees - https://simbli.eboardsolutions.com/SU/HTwslshO644wTLZxo0sXoYSiA==
Ed. Code 45195	Additional leave - https://simbli.eboardsolutions.com/SU/Ryl3ROIDs3Wpd6bXcwUadw==
Ed. Code 46162	Alternative schedule for junior high and high school; public hearing with notice - https://simbli.eboardsolutions.com/SU/769TKplusjA6VdzOgH8gEdKcQ==
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion - https://simbli.eboardsolutions.com/SU/elQocY4QEYkvsIshVzhn7SJMA==
Ed. Code 48851.3	Education of students in foster care and students who are homeless
Ed. Code 49013	Complaints regarding student fees - https://simbli.eboardsolutions.com/SU/b2wadA023lL35ATlslshnz6plusQ==

Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion - https://simbli.eboardsolutions.com/SU/8tfoN4Gnt52xd4EGRPwysQ==
Ed. Code 49414	Epinephrine auto-injectors - https://simbli.eboardsolutions.com/SU/9JuMr1vqNOCC5QbFqDv9Qw==
Ed. Code 49414.3	Administration of opioid antagonist - https://simbli.eboardsolutions.com/SU/jpluse7kBEekAxe3Bh0EEAWQA==
Gov. Code 1126	Incompatible activities of employees - https://simbli.eboardsolutions.com/SU/QKPtwnKDXZTLNeez6mprlg==
Gov. Code 12950	Sexual harassment - https://simbli.eboardsolutions.com/SU/h4EWslsh77h5LPVLOIU3XnZ3A==
Gov. Code 21029	Retirement credit for period of military service - https://simbli.eboardsolutions.com/SU/YM1QtJRBZG0wCeQIDslshkIGQ==
Gov. Code 54957	Complaints against employees; right to open session - https://simbli.eboardsolutions.com/SU/slshHI9rGplusU5KWWytZk9AyVpA==
Gov. Code 54963	Unauthorized disclosure of confidential information - https://simbli.eboardsolutions.com/SU/17hF4slshHe25WRtwf7Cqwxcg==
Gov. Code 8355	Certification of drug-free workplace, including notification - https://simbli.eboardsolutions.com/SU/7NhMrF60wSawaA8bns8VmQ==
H&S Code 104420	Tobacco-free schools - https://simbli.eboardsolutions.com/SU/5QtclisLQ2vJZyHEEYrMn4g==
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B - https://simbli.eboardsolutions.com/SU/38plusoh5urgpOqpluszq3f7akPg==
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B - https://simbli.eboardsolutions.com/SU/DnTo51VRfPSzvfGOSeoslskw==
H&S Code 1797.196	Automated external defibrillators; notification of use and locations - https://simbli.eboardsolutions.com/SU/OZEfsg1H8M5bW0OJBmKMCA==
Lab. Code 230	Accommodations and leave for victims of domestic violence - https://simbli.eboardsolutions.com/SU/YxjVw5yqtQF8dHAekvDUtA==
Lab. Code 2800.2	Notification of availability of continuation health coverage - https://simbli.eboardsolutions.com/SU/8zpT75rE0YXl8QDCqDoH9Q==
Lab. Code 3550-3553	Notifications re: workers' compensation benefits - https://simbli.eboardsolutions.com/SU/iCiiTstncY6NjUJ19aRkNw==
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility - https://simbli.eboardsolutions.com/SU/i8dzTiFD0wZN4u8udoF8Pg==
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement - https://simbli.eboardsolutions.com/SU/plusQslshakMpTBWl6RIW8FtsR6Q==
Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect - https://simbli.eboardsolutions.com/SU/U8mUJwOdXcXc4Et3bvslshQjg==
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits - https://simbli.eboardsolutions.com/SU/TZohU2KxaWriZO4wNO2mww==
W&I Code 827	Limited exception to juvenile court record - https://simbli.eboardsolutions.com/SU/DMr9MZDTgwkT0RmplusgHdBKg==

Federal References

20 USC 2354	Local application for career and technical education programs
29 CFR 825.300	Family and Medical Leave Act; notice requirement
34 CFR 100	Nondiscrimination under programs receiving federal assistance
34 CFR 104.8	Nondiscrimination

Description

34 CFR 106.9	Severability
34 CFR 84.205-84.210	Drug-free workplace statement
38 USC 4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
41 USC 8101-8106	Drug-Free Workplace Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
49 CFR 382.113	Controlled substance and alcohol use and testing notifications
49 CFR 382.303	Post-accident information, procedures, and instructions
49 CFR 382.601	Controlled substance and alcohol use and testing notification

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Policy 4113: Assignment

Status: DRAFT

Original Adopted Date: Pending

In order to serve the best interests of students and the educational program, the Governing Board authorizes the Superintendent or designee to assign certificated personnel to positions for which they are qualified pursuant to their certification, preparation, professional experience, and aptitude.

Teachers may be assigned to any school within the district in accordance with the collective bargaining agreement or Board policy.

Assignment to Courses/Classes

The Superintendent or designee shall assign teachers based on the grade level and subject matter authorized by their credentials.

When there is no credential authorization requirement for teaching an elective course, the Superintendent or designee shall select the credentialed teacher whose knowledge and skills best prepare the teacher to provide instruction in that subject.

When specifically authorized by law or regulation, the Superintendent or designee may, with the teacher's consent, assign a teacher to a position outside the teacher's credential authorization in accordance with the local teaching assignment options described in the Commission on Teacher Credentialing's (CTC) Administrator's Assignment Manual. Such assignments shall be annually approved by Board resolution. In such cases, the Superintendent or designee shall reference in district records the statute or regulation under which the assignment is authorized.

If at any time a certificated employee is required by the district to accept an assignment which the employee believes is not legally authorized by the employee's credential, the employee shall notify the Superintendent or designee, in writing, of the misassignment. Within 15 working days, the Superintendent or designee shall notify the employee of the legality of the assignment. If no action is taken by the district, the employee shall provide written notification to the County Superintendent of Schools. No adverse action shall be taken against an employee who files a notice of misassignment. (Education Code 44258.9)

Vacancies and Misassignments

Annually, the district shall review potential misassignments and vacant positions throughout the district. Upon receiving notification from CTC of the availability of data regarding potential misassignments and vacant positions in the district, the Superintendent shall review the data within 60 days. When necessary, the Superintendent or designee may respond by submitting additional documentation to the County Superintendent showing that an employee is legally authorized for an assignment and/or that a position identified as vacant was miscoded and a legally authorized employee is assigned to the position. (Education Code 44258.9)

If the district subsequently receives, within 90 days of CTC's initial notification, a notification from the County Superintendent indicating that a certificated employee in the district is assigned to a position for which the employee has no legal authorization, the district shall correct the assignment within 30 calendar days. (Education Code 44258.9)

The district shall serve as the monitoring authority for teacher assignments in any charter school it has authorized, in accordance with Education Code 44258.9-44258.10.

Any complaint alleging teacher misassignment or vacancy shall be filed and addressed through the district's procedures specified in AR 1312.4 - Williams Uniform Complaint Procedures.

The school accountability report card for each school shall include any assignment of teachers outside their subject areas of competence, misassignments, including misassignments of teachers of English learners, and the number of vacant teacher positions for the most recent three-year period. (Education Code 33126)

Equitable Distribution of Qualified and Experienced Teachers

The Superintendent or designee shall identify and address the equitable distribution of highly qualified and

experienced teachers among district schools, including those with higher than average levels of low-income, minority, and/or academically underperforming students. The Superintendent or designee shall annually report to the Board comparisons of teacher qualifications across district schools, including the number of teachers serving under a provisional internship permit, short-term staff permit, intern credential, emergency permit, or credential waiver.

Strategies for ensuring equitable access to experienced teachers may include, but are not limited to, incentives for voluntary transfers, provision of professional development, and/or programs to recruit and retain effective teachers.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
5 CCR 80003-80005	Credential authorizations
5 CCR 80020-80020.5	Additional assignment authorizations
5 CCR 80335	Performance of unauthorized professional services
5 CCR 80339-80339.6	Unauthorized certificated employee assignment
Ed. Code 33126	School accountability report card - https://simbli.eboardsolutions.com/SU/tJs6YslshubwfWjC0lCzCplus6BA==
Ed. Code 35035	Powers and duties of the superintendent; transfer authority - https://simbli.eboardsolutions.com/SU/U8vklOrjlenvguXkYb3glg==
Ed. Code 35186	Complaints regarding teacher vacancy or misassignment - https://simbli.eboardsolutions.com/SU/MDiv2vFqYgd1u6vWMYFnhA==
Ed. Code 37616	Consultation regarding year-round schedule - https://simbli.eboardsolutions.com/SU/b8srVmtxJ9lLspkF1JrplusGQ==
Ed. Code 44225.6	Commission report to the legislature re: teachers - https://simbli.eboardsolutions.com/SU/tkxv1YxTMW3DplusbgliyRifQ==
Ed. Code 44250-44277	Credentials and assignment of teachers - https://simbli.eboardsolutions.com/SU/slshiQ5qtgKBwLUPKBYdJM1fw==
Ed. Code 44314	Subject matter programs; approved subjects - https://simbli.eboardsolutions.com/SU/gsplusK3pluskePoaWzR817RJwTg==
Ed. Code 44824	Assignment of teachers to weekend classes - https://simbli.eboardsolutions.com/SU/yefLKErbZsQufYWplusBqlxiA==
Ed. Code 44955	Reduction in number of permanent employees - https://simbli.eboardsolutions.com/SU/MQslshxJIn2uiAVe9Pljo6DqA==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==

Federal References

	Description
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
20 USC 6601-6651	Teacher and Principal Training and Recruiting Fund

Management Resources References

	Description
California Department of Education Publication	Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016
California Department of Education Publication	California State Plan to Ensure Equitable Access to Excellent Educators
Commission on Teacher Credentialing Publication	Administrator's Assignment Manual - Updates and Revisions, May 2014
Commission on Teacher Credentialing Publication	The Administrator's Assignment Manual, 2021

U.S. Department of Education Guidance	Improving Teacher Quality State Grants: ESEA Title II, Part A , rev. October 5, 2006
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUulsaq7efc7aH4Q==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==

Regulation 4113: Assignment

Status: DRAFT

Original Adopted Date: Pending

Assignment to Departmentalized Classes Outside Credential Authorization

Any holder of a credential other than an emergency permit may be assigned, with consent, to teach departmentalized classes in grades K-12 regardless of the designations on the teaching credential, provided that the teacher's subject matter knowledge is verified prior to the assignment. (Education Code 44258.3)

Procedures for verifying a teacher's subject matter knowledge shall be developed and implemented by the Superintendent or designee with the involvement of appropriate subject matter specialists, including curriculum specialists, resource teachers, classroom teachers certified to teach the subject, staff assigned to regional subject matter projects or curriculum institutes, or college faculty. (Education Code 44258.3)

Procedures to be used for this purpose shall specify: (Education Code 44258.3)

1. One or more of the following ways in which subject matter competence shall be assessed:
 - a. Observation by subject matter specialists
 - b. Oral interviews
 - c. Demonstration lessons
 - d. Presentation of curricular portfolios
 - e. Written examinations
2. Specific criteria and standards for verifying subject matter knowledge by any of the above methods. These criteria shall include, but need not be limited to, evidence of the individual's knowledge of the subject matter to be taught, including demonstrated knowledge of the curriculum framework for the subject and the specific content of the district's course of study for the subject at the grade level to be taught.

Whenever a teacher is assigned to teach departmentalized classes pursuant to Education Code 44258.3, the Superintendent or designee shall notify the exclusive representative of the district's certificated employees. (Education Code 44258.3)

Assignment to Elective Courses Outside Credential Authorization

A full-time teacher with special skills and preparation outside the credential authorization may, with the teacher's consent and the prior approval of a district committee on assignments, be assigned to teach an elective course in the area of the special skills or preparation, excluding a course in English, mathematics, science, or social studies. (Education Code 44258.7)

The Superintendent or designee shall establish a committee on assignments, consisting of an equal number of teachers selected by teachers and school administrators selected by school administrators, to approve such assignments. (Education Code 44258.7)

Committee members shall serve a two-year term but may be reappointed using the same procedure as the initial appointment.

When determining whether a teacher is qualified for an assignment pursuant to Education Code 44258.7, the committee may consider the teacher's education, prior experience, observation by subject matter specialists, oral interviews, demonstration lessons, presentation of curricular portfolios, and/or written examinations.

Assignments approved by the committee shall be for a maximum of one school year, but may be extended by action of the committee upon application by the principal and teacher. (Education Code 44258.7)

Assignment to Special Schedules

The Superintendent or designee shall make every reasonable effort to accommodate the preferences of certificated staff when assigning them to schools with year-round or regular schedules. (Education Code 37616)

Full-time probationary or permanent classroom teachers employed by the district prior to implementation of weekend classes shall not, without their written consent, be required to teach for more than 180 full days during a school year or for more than the number of full days during the preceding school year, whichever is greater. No teacher shall be assigned to work on a Saturday or Sunday if the teacher objects in writing that such assignment would conflict with religious beliefs or practices. (Education Code 44824)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References	Description
5 CCR 80003-80005	Credential authorizations
5 CCR 80020-80020.5	Additional assignment authorizations
5 CCR 80335	Performance of unauthorized professional services
5 CCR 80339-80339.6	Unauthorized certificated employee assignment
Ed. Code 33126	School accountability report card - https://simbli.eboardsolutions.com/SU/tJs6YslshubwfWjC0lCzCplus6BA==
Ed. Code 35035	Powers and duties of the superintendent; transfer authority - https://simbli.eboardsolutions.com/SU/U8vklOrjlenvguXkYb3glg==
Ed. Code 35186	Complaints regarding teacher vacancy or misassignment - https://simbli.eboardsolutions.com/SU/MDiv2vFqYgd1u6vWMYFnhA==
Ed. Code 37616	Consultation regarding year-round schedule - https://simbli.eboardsolutions.com/SU/b8srVmtxJ9ILspkF1JrplusGQ==
Ed. Code 44225.6	Commission report to the legislature re: teachers - https://simbli.eboardsolutions.com/SU/tkxy1YxTMW3DplusbgliyRifQ==
Ed. Code 44250-44277	Credentials and assignment of teachers - https://simbli.eboardsolutions.com/SU/slshiQ5qtgKBwLUPKBYdJM1fw==
Ed. Code 44314	Subject matter programs; approved subjects - https://simbli.eboardsolutions.com/SU/gsplusK3pluskePoaWzR817RJwTg==
Ed. Code 44824	Assignment of teachers to weekend classes - https://simbli.eboardsolutions.com/SU/yefLKErbZsQufYWplusBqlxiA==
Ed. Code 44955	Reduction in number of permanent employees - https://simbli.eboardsolutions.com/SU/MQslshxJIn2uiAVe9PIjo6DqA==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Federal References	Description
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
20 USC 6601-6651	Teacher and Principal Training and Recruiting Fund
Management Resources References	Description
California Department of Education Publication	Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016
California Department of Education Publication	California State Plan to Ensure Equitable Access to Excellent Educators
Commission on Teacher Credentialing Publication	Administrator's Assignment Manual - Updates and Revisions, May 2014
Commission on Teacher Credentialing Publication	The Administrator's Assignment Manual, 2021

U.S. Department of Education Guidance	Improving Teacher Quality State Grants: ESEA Title II, Part A , rev. October 5, 2006
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUulsaq7efc7aH4Q==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==

Policy 4113.4: Temporary Modified/Light-Duty Assignment

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes that, when employees have temporarily disabling medical conditions, temporary modified or light-duty assignments can allow the district to continue to use their valuable knowledge, skills, and abilities while minimizing time away from work. Temporary modified/light-duty assignments may also serve to facilitate the employee's transition back to his/her regular duties or full-time work.

Any employee may request a modified or light-duty assignment when he/she has a temporary medical condition which prevents the performance of the essential functions of his/her current assignment or position. The Superintendent or designee shall determine, on a case-by-case basis, whether a suitable temporary position currently exists to accommodate the physical restrictions specified by the employee's medical provider.

An employee's initial assignment to a temporary modified or light-duty position shall be for a limited duration, not to exceed 30 days. At the end of the initial assignment, the employee may request that the Superintendent or designee extend the assignment. When requesting any such extension, the employee shall submit documentation from his/her medical provider verifying that the employee is still temporarily disabled and is not medically able to return to his/her regular assignment. Temporary assignments generally shall not exceed 90 days, but may be extended at the discretion of the Superintendent or designee for an additional 90 days upon verification by the employee's medical provider that such an extension will allow the employee to return to unrestricted regular duties.

An employee who rejects a temporary modified/light-duty assignment may be subject to a loss of workers' compensation benefits in accordance with district's insurance policy.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 44984	Required rules for industrial accident and illness leave - https://simbli.eboardsolutions.com/SU/ke4DWoaukfaaoJH5A01K1w==
Ed. Code 45192	Industrial accident and illness leave for classified employees - https://simbli.eboardsolutions.com/SU/HTwslshO644wTLZxo0sXoYSiA==
Gov. Code 12900-12996	Fair Employment and Housing Act - https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==
Gov. Code 12945.1-12945.2	California Family Rights Act - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQHQ9yA==

Federal References

29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 12101-12213	Americans with Disabilities Act

Management Resources References

Court Decision	Raine v. City of Burbank, (2006) 135 Cal.App.4th 1215
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==
Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==
Website	U.S. Equal Employment Opportunity Commission - https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==

Notice References

Unique Policy	This policy is unique to the district/COE and is not connected to an existing CSBA sample policy or included in regular quarterly updates from CSBA.
---------------	--

Policy 4113.5: Working Remotely

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes that working remotely at home or at another alternative location may be necessary at times when widespread illness, natural disaster, or other emergency condition makes the school or worksite unsafe or otherwise interrupts the district's ability to effectively conduct operations at the school or worksite. A full-time, part-time, or short-term remote work arrangement may also be granted by the Superintendent or designee to an individual employee, upon request, provided that the position is suitable for remote work, the employee has consistently demonstrated the ability to work independently and meet performance expectations, and the work arrangement does not hinder district operations.

The opportunity to work remotely shall be entirely at the district's discretion, and no grievance or appeal right may arise from district denial of any employee request for remote work.

Employees approved for remote work shall comply with all district policies, administrative regulations, work schedules, and job assignments. Except when specifically agreed, approval of remote work shall not change the compensation, benefits, or other terms and conditions of employment of an employee.

Unless otherwise approved in advance by the Superintendent or designee, employees working remotely shall do so within regular work hours established for the position. Employees are entitled and expected to take appropriate, uninterrupted meal and rest breaks, and shall keep accurate records of the hours they work. Employees shall notify their supervisor when unable to perform work assignments due to illness, equipment failure, or other unforeseen circumstances.

Employees working remotely are expected to conduct their work in a location that is safe and free of obstructions, hazards, and distractions. Such employees shall report to their supervisor any serious injury or illness occurring in the home workspace or in connection with their employment as soon as practically possible in accordance with Board policy.

The district shall provide to employees who work remotely all supplies, materials, apparatus, and equipment reasonably necessary to perform their jobs, including, as necessary, a technology device and Internet access. Employees shall use caution in accessing the Internet from public locations and in accessing information from networks outside of the district in order to safeguard confidential information. Employees shall be responsible for maintaining and protecting equipment on loan from the district and shall adhere to the district's Acceptable Use Agreement. The employee's personally owned equipment may only be used for district business when approved by the Superintendent or designee.

Work done at a remote work location is considered official public business. District records and communications shall be retained and safeguarded against damage or loss, and shall be kept confidential or made accessible to the public in accordance with law.

Any employee working remotely shall be available during work hours to the employee's supervisor and other staff, students, parents/guardians, and members of the public, as appropriate, via email, phone, or other means. Lack of responsiveness on the part of the employee may result in discipline and/or termination of remote work responsibilities. Employees shall be required to attend virtual or in-person meetings when directed by their supervisor.

Employee productivity shall be evaluated on the basis of time spent on tasks and projects, task completion, and quality of job performance in the same manner as all employees in the same position at the assigned school or office.

Remote work arrangements may be discontinued at any time at the discretion of the Superintendent or designee.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Gov. Code 12900-12996

Description

Fair Employment and Housing Act -
<https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==>

Gov. Code 6250-6270

Lab. Code 226.7

Lab. Code 6400

Lab. Code 6401

Federal References

42 USC 12101-12213

Management Resources References

Website

Website

California Public Records Act

Mandated meal, rest, or recovery periods -

<https://simbli.eboardsolutions.com/SU/K8B5zcqHRw4plusVfF3MOyTng==>

Safe and healthful employment and place of employment -

<https://simbli.eboardsolutions.com/SU/9OosCWsroJpOYuslshZDGSKoQ==>

Unsafe workplace -

<https://simbli.eboardsolutions.com/SU/qHwGWrSw1W2C5bVqwzWydQ==>

Description

Americans with Disabilities Act

Description

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

California Department of Industrial Relations -

<https://simbli.eboardsolutions.com/SU/Lh5JVplusYhNJm5slshcgG07zsOQ==>

Policy 4115: Evaluation/Supervision

Status: DRAFT

Original Adopted Date: Pending

The Governing Board believes that regular, comprehensive evaluations designed to hold instructional staff accountable for their performance are key to improving their teaching skills and raising students' levels of achievement.

Evaluations shall be used to recognize the exemplary skills and accomplishments of staff and to identify areas needing improvement. When areas needing improvement are identified, the Board expects employees to accept responsibility for improving their performance and encourages them to take initiative to request assistance as necessary, including participation in appropriate staff development and/or individualized teacher support and guidance programs.

The Superintendent or designee shall assess the performance of certificated instructional staff as it reasonably relates to the following criteria: (Education Code 44662)

1. Students' progress toward meeting district standards of expected achievement for their grade level in each area of study and, if applicable, towards the state-adopted content standards as measured by state-adopted criterion-referenced assessments
2. The instructional techniques and strategies used by the employee
3. The employee's adherence to curricular objectives
4. The establishment and maintenance of a suitable learning environment within the scope of the employee's responsibilities

With the agreement of the exclusive representative of the certificated staff when applicable, the Superintendent or designee may incorporate objective standards from the National Board for Professional Teaching Standards and/or the California Standards for the Teaching Profession into district evaluation standards.

The evaluation of certificated employee performance shall not include the use of publishers' norms established by standardized tests. (Education Code 44662)

Noninstructional certificated employees shall be evaluated on their performance in fulfilling their defined job responsibilities. (Education Code 44662)

The Superintendent or designee shall ensure that evaluation ratings have uniform meaning and are uniformly applied throughout the district.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 33039	State guidelines for teacher evaluation procedures - https://simbli.eboardsolutions.com/SU/YwFQw3kWdNJCXF2tbbFUow==
Ed. Code 35171	Availability of rules and regulations for evaluation of performance - https://simbli.eboardsolutions.com/SU/8gCYAAmUllvWPvqOKh6aaQ==
Ed. Code 44660-44665	Evaluation and assessment of performance of certificated employees - https://simbli.eboardsolutions.com/SU/SklSPsVN82xw4slshJqQDSb2A==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOsishg==

Management Resources References

Description

Commission on Teacher Credentialing Publication California Standards for the Teaching Profession (CSTP), October 2009

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	National Board for Professional Teaching Standards - https://simbli.eboardsolutions.com/SU/W4hc1FgK0ics8tTmuq7qslshw==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUuIsaq7efc7aH4Q==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==

Regulation 4115: Evaluation/Supervision

Status: DRAFT

Original Adopted Date: Pending

Evaluation of certificated employees shall be conducted in accordance with the procedures established in this administrative regulation and applicable collective bargaining agreements. To the extent that any of those provisions conflict, the procedures in the collective bargaining agreement shall be implemented.

The Superintendent or designee shall print and make available to certificated employees written regulations related to the evaluation of their performance in their assigned duties. (Education Code 35171)

Frequency of Evaluations

Each probationary certificated employee shall be evaluated at least once each school year. (Education Code 44664)

Each certificated employee with permanent status shall be evaluated and assessed at least every other year. If the employee receives an unsatisfactory evaluation, he/she shall be annually evaluated until he/she achieves a positive evaluation or is separated from the district. (Education Code 44664)

Evaluation Results

Certificated instructional employees shall receive a written copy of their evaluation no later than 30 days before the last scheduled school day of the school year in which the evaluation takes place. Before the last scheduled school day of the school year, the employee and the evaluator shall meet to discuss the evaluation. (Education Code 44663)

Noninstructional certificated staff members employed on a 12-month basis shall receive a copy of their evaluation no later than June 30 of the year in which the evaluation takes place. Before July 30, the employee and the evaluator shall meet to discuss the evaluation. (Education Code 44663)

Instructional and noninstructional certificated employees shall have the right to respond in writing to their evaluation. This response shall become a permanent attachment to the employee's personnel file. (Education Code 44663)

Evaluations shall include recommendations, if necessary, as to areas in need of improvement in the employee's performance. If an employee is not performing satisfactorily according to teaching standards approved by the Governing Board pursuant to Education Code 44662, the Superintendent or designee shall so notify the employee in writing and shall describe the unsatisfactory performance. The Superintendent or designee shall confer with the employee, make specific recommendations as to areas needing improvement, and endeavor to provide assistance to the employee in his/her performance. (Education Code 44664)

The Superintendent or designee may require any certificated employee who receives an unsatisfactory rating in the area of teaching methods or instruction to participate in a program designed to improve appropriate areas of performance and to further student achievement and the district's instructional objectives. (Education Code 44664)

Qualifications of Evaluators

The Superintendent or designee shall assign the principal or other appropriate supervisory personnel to evaluate certificated staff. He/she shall ensure that the evaluator:

1. Possesses a valid administrative credential
2. Is competent in the instructional methodologies used by the teachers being evaluated
3. Is skilled in the supervision of instruction and in techniques and procedures related to the evaluation of instruction
4. Is familiar with district curriculum priorities and practices, district standards for student progress, and district policies and procedures related to personnel supervision, performance evaluation, and staff development

for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 33039	State guidelines for teacher evaluation procedures - https://simbli.eboardsolutions.com/SU/YwFOw3kWdNJCXF2tbbFUow==
Ed. Code 35171	Availability of rules and regulations for evaluation of performance - https://simbli.eboardsolutions.com/SU/8gCYAAmUllvWPvqOKh6aaQ==
Ed. Code 44660-44665	Evaluation and assessment of performance of certificated employees - https://simbli.eboardsolutions.com/SU/SklSPsVN82xw4slshJqODSb2A==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==

Management Resources References

Description

Commission on Teacher Credentialing Publication	California Standards for the Teaching Profession (CSTP), October 2009
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==
Website	National Board for Professional Teaching Standards - https://simbli.eboardsolutions.com/SU/W4hc1FgK0ics8tTmuq7qslshw==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efc7aH4Q==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==

Regulation 4116: Probationary/Permanent Status

Status: DRAFT

Original Adopted Date: Pending

Eligibility for Permanent Status

A probationary employee who, in any one school year, has served for at least 75 percent of the number of days maintained by regular district schools shall be deemed to have served a complete school year. (Education Code 44908)

The following shall not be included for purposes of computing the service required as a prerequisite to classification as a permanent employee:

1. Service as an instructor in classes conducted at regional occupational centers or programs (Education Code 44910)
2. Service under a provisional credential other than a one-year emergency credential (Education Code 44911)
3. Service only as a teacher of basic military drill in high school cadet companies (Education Code 44912)
4. Employment in summer school (Education Code 44913)

Permanency Achieved in Other Districts

A person who has achieved permanent status as a certificated employee in another school district may be employed by the Governing Board as a permanent certificated employee. (Education Code 44929.28)

Interns

A person employed as a district or university intern shall be classified as a probationary employee. Following completion of the internship, if reelected by the district to serve in a position requiring certification qualifications for the next succeeding school year, the employee shall continue to be classified as a probationary employee during that year. (Education Code 44466, 44885.5)

An employee who has completed an internship and at least one complete school year in a position requiring certification qualifications within the district shall be granted permanent status when the employee is reelected for the next succeeding school year to a position requiring certification qualifications. (Education Code 44466, 44885.5)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 44466	Status of university interns - https://simbli.eboardsolutions.com/SU/ZPxDrW2RZ0kzmd4TkoDFZw==
Ed. Code 44850.1	No tenure in administrative or supervisory position - https://simbli.eboardsolutions.com/SU/m0cjS1a6slshHdNplusFUPa03FA==
Ed. Code 44885.5	District interns classified as probationary employees - https://simbli.eboardsolutions.com/SU/ZMu6slshviTx0OplusbPimOgsOQw==
Ed. Code 44908	Complete year for probationary employees - https://simbli.eboardsolutions.com/SU/GN21GhgMYdc5Hizhj9aiWg==
Ed. Code 44910-44913	Service not computed in eligibility for permanent status - https://simbli.eboardsolutions.com/SU/ExuslshqmeslshmrL9IPMkfplus3Kbw==
Ed. Code 44915	Classification of probationary employees - https://simbli.eboardsolutions.com/SU/Cp4cYmcplusukofiqplustyjb1w==
Ed. Code 44917-44921	Status of substitute or temporary employees - https://simbli.eboardsolutions.com/SU/ExuslshqmeslshmrL9IPMkfplus3Kbw==

Ed. Code 44929.20	Continuing contracts (not to exceed four years - ADA under 250) - https://simbli.eboardsolutions.com/SU/J3sLdfkapTAWEDrz1HxaPA==
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more - https://simbli.eboardsolutions.com/SU/HINpslshxbyLwME3nPO6mb5IA==
Ed. Code 44929.23	Districts with less than 250 ADA - https://simbli.eboardsolutions.com/SU/sdwal87FoWQPz0j1slsh848GQ==
Ed. Code 44929.28	Employment by another district - https://simbli.eboardsolutions.com/SU/t9JdCAphKB6kMyYGxipaplusg==
Ed. Code 44930-44988	Resignations, dismissals and leaves of absence - https://simbli.eboardsolutions.com/SU/t58pmuN1UoBGqKr4eb7iEA==
Ed. Code 44948.2	Election to use provisions of Section 44948.3 - https://simbli.eboardsolutions.com/SU/pluskQsxhRbWvxznslnshHJhgZzWA==
Ed. Code 44948.3	Dismissal of probationary employees - https://simbli.eboardsolutions.com/SU/SUUC8JcznWrvosckd9g7kg==
Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA - https://simbli.eboardsolutions.com/SU/qotcBdQOslshAglcYayqDcLUA==
Ed. Code 44949	Dismissal of probationary employees - https://simbli.eboardsolutions.com/SU/yo6JVtoftkL8mvYPJbeSWA==
Ed. Code 44955	Reduction in number of permanent employees - https://simbli.eboardsolutions.com/SU/MQslshxJln2uiAVe9Pljo6DqA==

Management Resources References

	Description
Court Decision	Sullivan v. Centinela Valley Union High School District (2011) 194 Cal. App. 4th 69
Court Decision	Bakersfield Elementary Teachers Assn. v. Bakersfield City School District (2006) 145 Cal. App. 4th 1260, 1280
Court Decision	California Teachers Assn. v. Vallejo City Unified School District (2007) 149 Cal. App. 4th 135, 146
Court Decision	Grace v. Beaumont Unified School District (2013) 216 Cal. App. 4th 1325
Court Decision	Hoschler v. Sacramento City Unified School District, (2007) 149 Cal. App. 4th 258
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslnshXk6R5akQ==

Policy 4117.13: Early Retirement Option

Status: DRAFT

Original Adopted Date: Pending

When it is beneficial to the district, the Governing Board may offer certificated employees the option to retire early in accordance with law.

Two Years of Service Credit Retirement Incentive

As an incentive to early retirement for certificated employees participating in the State Teachers' Retirement System (STRS), the Board may offer such employees an additional two years of service credit. (Education Code 22714, 44929)

Before taking formal action to approve this service incentive, the Board shall determine that encouraging early retirement would be in the best interest of the district due to the curtailment of services or changes in the manner in which services are performed and that the retirement will result in a net savings to the district. The Board shall demonstrate and certify to the County Superintendent of Schools that the formal action taken would result in a net savings to the district. (Education Code 22714, 44929)

The Board may also consider the impact of the early retirement option on the staffing needs of district schools.

To be eligible for the two years of service credit option, the employee must have five or more years of service credit and must retire during a period of 60 to 120 days after the Board takes formal action to implement the option. (Education Code 22714)

In providing the early retirement option, the district shall meet all conditions as specified in Education Code 22714 and 44929.

Two + Two Retirement Incentive: 2 Years of Service Credit + 2 Years of Age Credit

As an incentive to early retirement for certificated employees participating in the State Teachers' Retirement System, the Board may offer an additional two years of service credit and two years of age credit to employees who retire within the "window period" established by the Board in a Memorandum of Understanding or by Board action prior to January 1, 2005 pursuant to repealed Education Code 22714.5.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 22714

Description

Service credit under STRS; additional two years - <https://simbli.eboardsolutions.com/SU/2TfUYkcIXLPTZD06qpUCHw==>

Ed. Code 44929

Service credit under STRS; additional two years - <https://simbli.eboardsolutions.com/SU/3JIHUsIshkF2stplusKruDXFH5Hw==>

Management Resources References

Description

CA State Teachers' Retirement System Publication Retirement Incentive Program, Frequently Asked Questions

Court Decision

United Teacher of Los Angeles v. Los Angeles Unified School District (1994) 24 Cal.App. 4th 1510

Website

CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Website

California State Teachers' Retirement System - <https://simbli.eboardsolutions.com/SU/8KidCQfVimoysIshjbjbHpNMQ==>

Regulation 4117.14: Postretirement Employment

Status: DRAFT

Original Adopted Date: Pending

When necessary, the Governing Board may hire a qualified retired certificated individual who possesses the knowledge and experience needed to perform creditable service for the district as an employee, the employee of a third party, or an independent contractor/consultant, provided that all applicable restrictions specified by the California State Teachers' Retirement System (CalSTRS) are met. Applicable CalSTRS restrictions include, but are not limited to, a requirement that a retired member be paid compensation comparable to that for active employees for comparable duties and prohibitions against the hiring of a retired member within 180 days of his/her retirement and for the classified service, except as an aide pursuant to Education Code 45134. Additional restrictions and rules may apply to other employment situations, such as when CalSTRS retired members are employed as employees of third parties, independent contractors, or consultants. The Superintendent or designee should consult legal counsel when dealing with such employment situations. (Education Code 22119.5, 22164.5, 24214, 24214.5)

Any retired member of the defined benefit program of CalSTRS who is hired by the district to perform retired member activities as defined pursuant to Education Code 22164.5 shall be paid at an annualized rate of pay that shall not be below the minimum or exceed the maximum paid to other district employees performing comparable duties. However, such a retired individual shall not make contributions to the CalSTRS retirement fund or accrue service credit based on compensation earned from the retired member activity. (Education Code 24214)

No retired member of the CalSTRS defined benefit program shall be hired by the district for at least 180 calendar days after his/her retirement from service, unless he/she has attained the normal retirement age and qualifies for an exemption to the 180-day waiting period. To seek this exemption, the Board shall, during the open session of a Board meeting, adopt a resolution which shall include the following information and findings: (Education Code 24214.5)

1. A statement expressing the Board's intent to seek an exemption to the 180-day waiting period
2. A description of the nature of the employment of the retiree
3. A finding that the retiree has reached the normal retirement age
4. A finding that the appointment of the retiree is necessary to fill a critically needed position before the 180-day waiting period has passed
5. A finding that the retired individual did not receive additional service credit pursuant to Education Code 22714 or 22715 or any financial inducement to retire. Financial inducement to retire shall include, but is not limited to, cash or any form of compensation or other payment directly or indirectly paid by any public employer to the retired individual before or after his/her retirement, if the individual retires for service on or before a specific date or range of dates established by the public employer on or before the date the inducement is offered
6. A finding that the retired individual's termination of employment with the district is not the basis for the need to acquire the services of the retired individual

The resolution shall not be adopted through the Board's consent agenda. (Education Code 24214.5)

When employing a retired individual who is eligible for exemption from the 180-day waiting period, the Superintendent or designee shall submit all required documentation to substantiate eligibility for the exemption to CalSTRS before the retired member begins performing any retired member activities. The Superintendent or designee may contact

CalSTRS to request information as to whether the retired member qualifies for the exemption after 30 days of submitting the required documentation to CalSTRS. (Education Code 24214.5)

Postretirement Compensation Limitation, Notice, and Report

All CalSTRS retirees performing creditable service for the district shall be subject to the applicable CalSTRS earnings limit. Monies earned in excess of the limit may subject the CalSTRS retiree to a reduction in his/her retirement allowance. Compensation subject to the earnings limitation includes, but is not limited to, salary or wages, deferred

compensation plans, purchase of an annuity contract, tax-deferred retirement plan or insurance program, and other plans or contributions when the cost is covered by a district. (Education Code 22119.5, 22164.5, 24214)

Whenever the district retains the services of a CalSTRS retiree as a district employee, employee of a third party, or an independent contractor, the Superintendent or designee shall: (Education Code 22461, 24214)

1. Advise the retired individual of the postretirement earnings limitation or employment restriction set forth in Education Code 22714, 24214, or 24214.5 or any other applicable law
2. Maintain accurate records of the retired individual's compensation and report it monthly to CalSTRS and the individual, regardless of the method of payment or the fund from which the payments are made

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 27000-27009	Penalties and interests for late remittances and late and unacceptable reporting by employers
Ed. Code 22119.5	Creditable service; definition - https://simbli.eboardsolutions.com/SU/lqdNZplusB3bGplustGlufSQDUOg==
Ed. Code 22131	Employer; employing agency, definition - https://simbli.eboardsolutions.com/SU/bBQz7LkvQBT9b4sa0JFeWw==
Ed. Code 22164.5	Retired member activities; definition - https://simbli.eboardsolutions.com/SU/Ve9dGvs2WzyoxvxOliKzPA==
Ed. Code 22461	Postretirement compensation limitation - https://simbli.eboardsolutions.com/SU/Yao6NOqOUQArjVt0US6MwQ==
Ed. Code 22714	Service credit under STRS; additional two years - https://simbli.eboardsolutions.com/SU/2TfUYkclXLPtZD06qpUChw==
Ed. Code 22715	Additional service credit - https://simbli.eboardsolutions.com/SU/plusBMmnP8pYqJ5BGfRVHVhAQ==
Ed. Code 22716	Unpaid services - https://simbli.eboardsolutions.com/SU/fYjJap7evlplusHPJTRZlwGUA==
Ed. Code 24214	Creditable service by retiree - https://simbli.eboardsolutions.com/SU/YsY14YkepJOX5DplusthbigEA==
Ed. Code 24214.5	Postretirement compensation limit; members below normal retirement age - https://simbli.eboardsolutions.com/SU/tQRAP1xkRqcnjEYZYTdyTQ==
Ed. Code 26113	Creditable service; definition - https://simbli.eboardsolutions.com/SU/JA2slshEjOtjNiiZb62Y0ZIXA==
Ed. Code 35046	Consultancy contracts - https://simbli.eboardsolutions.com/SU/slshlQRHEwMoQCSMTSaQlwe1g==
Ed. Code 44830	Employment of certificated persons - https://simbli.eboardsolutions.com/SU/UcbAySbOuO39cbplusTyNnmRA==
Ed. Code 44830.3	Employing district interns - https://simbli.eboardsolutions.com/SU/Lk8ggslshqTvCVb0YhWnT9lCW==
Ed. Code 44929	Service credit under STRS; additional two years - https://simbli.eboardsolutions.com/SU/3JIHUsishkF2stplusKruDXFH5Hw==
Ed. Code 44929.1	2+2 service and year credit option under STRS
Ed. Code 45134	Age limits - https://simbli.eboardsolutions.com/SU/eda9LwBTanYplus9HZpvsishCw8g==

Management Resources References

Description

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Website

California State Teachers' Retirement System -
<https://simbli.eboardsolutions.com/SU/8KidCQfVimoyslshjjbjHpNMQ==>

Policy 4117.2: Resignation

Status: DRAFT

Original Adopted Date: Pending

Any district employee who desires to resign his/her position shall submit, in writing, a letter of resignation which indicates the date which the employee intends as his/her last day at work. The Governing Board encourages employees to provide advance notice that is appropriate for the position they hold.

An employee's written resignation shall be submitted to the Board in care of the Superintendent or designee. The Board shall set the date when the resignation takes effect. Once the date is formally set by the Board, the resignation may not thereafter be withdrawn by the employee.

The effective date of the resignation shall be a date not later than the close of the school year during which the resignation is received. However, an employee and the Board may agree that a resignation will be accepted at a mutually agreed upon date not later than two years beyond the close of the school year during which the resignation is received by the Board. (Education Code 44930, 45201)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80304	Notice of sexual misconduct
Ed. Code 35161	Board delegation of any powers or duties - https://simbli.eboardsolutions.com/SU/slsh1PplusGg7pf1zBSnE4YBslshMOQ==
Ed. Code 44420	Failure to fulfill contract as ground for suspension of diplomas and certificates - https://simbli.eboardsolutions.com/SU/qGbrmz0wdvy43qm1LbfOzA==
Ed. Code 44433	Unauthorized departure from service as unprofessional conduct - https://simbli.eboardsolutions.com/SU/K9CvfOXVY7RhM3iRDIIQQA==
Ed. Code 44930	Acceptance and date of resignation - https://simbli.eboardsolutions.com/SU/ixplusPeSRGwHCJBpRPxcQLbg==
Ed. Code 45201	Power to accept resignation - https://simbli.eboardsolutions.com/SU/yVi3i7oFAslshDFqPuCxPpt9g==

Management Resources References

	Description
Court Decision	American Federation of Teachers, Local #1050 v. Board of Education of Pasadena Unified School District, (1980) 107 Cal.App.3d 829
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==

Policy 4117.3: Personnel Reduction

Status: DRAFT

Original Adopted Date: Pending

The Governing Board may reduce the number of probationary and permanent certificated employees when, in its opinion, any of the following conditions makes such reduction necessary:

1. Average daily attendance (ADA) in all of the schools in the district during the first six months of the school year has declined below the level for the same period in either of the previous two school years. (Education Code 44955)
2. A particular kind of service is to be reduced or discontinued not later than the beginning of the following school year. (Education Code 44955)
3. Attendance in the district will decline in the following year as a result of the termination of an interdistrict tuition agreement. (Education Code 44955)
4. An amendment of state law requires modification of the curriculum. (Education Code 44955)
5. During the time period between five days after the enactment of the Budget Act and August 15 of that fiscal year, the Board determines that the district's total revenue limit per ADA for the fiscal year of that Budget Act has not increased by at least two percent. (Education Code 44955.5)

Determination of the Order of Layoffs

When it is necessary to reduce the number of certificated employees for any of the reasons listed above, the services of employees shall be terminated in the inverse of the order in which they were employed by the district in probationary status, except as otherwise authorized by law. (Education Code 44844, 44955)

The Superintendent or designee shall maintain the seniority list for this purpose and shall make it available upon request.

Unless otherwise provided by law, a permanent employee shall have the right to be retained over a probationary employee or any employee with less seniority if the position is one for which he/she is certificated and competent to render service. (Education Code 44955)

To determine the order of termination between employees who first rendered paid service on the same date, the Board shall rank order those employees solely on the basis of the needs of the district and students. Upon the request of an employee whose order of termination is to be determined based on such ranking, the Board shall furnish the employee, no later than five days prior to the commencement of the administrative hearing on the layoff, a written statement of the specific criteria used in determining the order of termination and the application of the criteria in ranking the employee relative to the other employees in the group. (Education Code 44955)

The district may deviate from terminating certificated employees in order of seniority for either of the following reasons: (Education Code 44955, 44956)

1. To fill a demonstrated specific need for personnel to teach a specific course or courses of study, or to provide services authorized by a services credential with a specialization in either student personnel services or health for a school nurse, when the certificated employee has the necessary special training and experience which others with more seniority do not possess
2. To maintain or achieve compliance with constitutional requirements related to equal protection of the law

Notice and Hearing Rights

When it becomes necessary to reduce the number of permanent and/or probationary employees pursuant to Education Code 44955 as specified in items #1-4 above, the district shall give notice to the affected employees, no later than March 15, stating the reasons for the action and the employees' right to a hearing. The district shall adhere to the notice, hearing, and layoff procedures in Education Code 44949, 44955, and other applicable provisions of law.

When an employee has requested a hearing before an administrative law judge regarding the reduction or discontinuation of services, the Board shall make a final decision regarding the sufficiency of the cause and disposition of the layoff upon receipt of the administrative law judge's proposed decision. None of the findings, recommendations, or determinations of the administrative law judge shall be binding on the Board. (Education Code 44949)

The Board may conduct its own hearing, adopt the administrative law judge's proposed decision, refer the case back to the administrative law judge for additional evidence, or reject or modify the proposed decision and make its own determination based upon its review of the record.

Following the Board's decision, the Superintendent or designee shall give final notice, in the manner specified, to the affected employees before May 15 unless the parties agree otherwise in accordance with procedures required by law. (Education Code 44955)

When layoffs become necessary pursuant to Education Code 44955.5 as specified in item #5 above, layoff proceedings shall be carried out as required by law but in accordance with a schedule of notice and hearing adopted by the Board. (Education Code 44955.5)

Reappointment

If the number of employees is increased or the discontinued service reestablished, permanent certificated employees shall have the right to reappointment, in order of seniority, for 39 months from the date of termination. Probationary certificated employees shall have the same right for 24 months after being terminated, subject to the prior reappointment rights of permanent employees. (Education Code 44846, 44956, 44957)

During the period of the preferred right to reappointment, permanent certificated employees shall, in the order of original employment, be offered first opportunity for substitute service during the absence of any employee who has been granted a leave of absence or who is temporarily absent from duty. Such substitute service may be terminated upon the return to duty of the other employee. Such substitute service shall not affect the retention of the employees' previous classification and rights. Probationary certificated employees shall have the same right to substitute service during the period of preferred right to reappointment to the extent required by law, subject to the rights of permanent certificated employees. (Education Code 44918, 44956, 44957)

Before reappointing any certificated employee to teach a subject which he/she has not previously taught and for which he/she does not have a teaching credential or which is not within the employee's major area of postsecondary study, the Board shall require the employee to pass a subject matter competency test in the appropriate subject. (Education Code 44956)

Reappointed certificated employees shall not be subject to any requirements that were not imposed on employees who continued in service. Their period of absence shall be treated as a leave of absence and not considered a break in the continuity of their service. (Education Code 44956, 44957)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

22 CCR 1089-1	Notification of unemployment insurance benefits - https://simbli.eboardsolutions.com/SU/mRNQAIKmoLn2pHmGSLf4A==
Ed. Code 44830	Employment of certificated persons - https://simbli.eboardsolutions.com/SU/UcbAySbOuO39cbplusTyNnmRA==
Ed. Code 44949	Dismissal of probationary employees - https://simbli.eboardsolutions.com/SU/yo6JVtoftkL8mvYPJbeSWA==
Ed. Code 44955	Reduction in number of permanent employees - https://simbli.eboardsolutions.com/SU/MQslshxJln2uiAVe9Pljo6DqA==
Ed. Code 44956-44959.5	Rights of employees - https://simbli.eboardsolutions.com/SU/t58pmuN1UoBGqKr4eb7iEA==

Gov. Code 3543.2

Scope of representation -

<https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==>

Unemp. Ins. Code 1089

Notification of unemployment insurance benefits -

<https://simbli.eboardsolutions.com/SU/NSplusbslsh13Nc2zDX3klR58vHQ==>

Management Resources References

Description

Court Decision

Bakersfield Elementary Teachers Association v. Bakersfield City School District, (2006) 145 Cal.App.4th 1260

Court Decision

California Teachers Association v. Vallejo City Unified School District, (2007) 149 Cal.App.4th 135

Court Decision

Cousins v. Weaverville Elementary School District, (1994) 24 Cal.App.4th 1846

Court Decision

Forker v. Board of Trustees, (1984) 160 Cal.App.3d 13

Court Decision

King v. Berkeley Unified School District, (1979) 89 Cal.App.3d 1016

Court Decision

Moreland Teachers Assoc. v. Kurze, (1980) 109 Cal.App.3d 648

Website

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxk6R5akQ==>

Website

CSBA -

<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Regulation 4117.5: Termination Agreements

Status: DRAFT

Original Adopted Date: Pending

If a termination settlement agreement has been made with an employee, the Superintendent or designee shall inform prospective employers, upon request for an employment reference, that an agreement exists and that he/she may only provide information as provided for in the agreement.

Cash settlements made upon the termination of a contract shall never exceed an amount equal to the employee's monthly salary multiplied by the number of months, up to 18, in the unexpired term of the contract. This amount is a maximum ceiling, not to be construed as a target amount for settlement agreements. (Government Code 53260)

Settlement agreements shall not include noncash items other than health benefits, which the district may offer to continue for the unexpired term up to 18 months or until the employee finds other employment, whichever comes first. (Government Code 53261)

Copies of settlement agreements with a superintendent, deputy superintendent, assistant superintendent, associate superintendent or other similar chief administrative officer or chief executive officer shall be made available to the public upon request. (Government Code 53262)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80332	Professional candor and honesty in letters or memoranda of employment recommendation
Civ. Code 47	Privileged communication - https://simbli.eboardsolutions.com/SU/UaEr9ZLNpDYok3lslshyDvE3w==
Gov. Code 53260-53264	Employment contracts - https://simbli.eboardsolutions.com/SU/erJtnEqGW6DdW4AygbnhrQ==
Lab. Code 1198.5	Personnel records related to performance and grievance - https://simbli.eboardsolutions.com/SU/iplusuemky4rWRUn5xrfzUTCw==

Management Resources References

	Description
Court Decision	Board of Trustees of Leland Stanford Junior University v. Superior Court, (1981) 119 Cal. App. 3d 516
Court Decision	Randi W. v. Muroc Joint Unified School District et al., (1997) 14 Cal. 4th 1066
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==

Regulation 4117.7: Employment Status Reports

Status: DRAFT

Original Adopted Date: Pending

The Superintendent shall report to the Commission on Teacher Credentialing (CTC) any change in the employment status of a certificated employee who, while working in a position requiring a credential and as a result of an allegation of misconduct or while an allegation of misconduct is pending: (Education Code 44030.5, 44242.5; 5 CCR 80303)

1. Is dismissed or nonreelected
2. Resigns
3. Is suspended or placed on unpaid administrative leave for more than 10 days as a final adverse employment action
4. Retires
5. Is otherwise terminated by a decision not to employ or reemploy

This report is not required when the change in employment status is due solely to unsatisfactory performance pursuant to Education Code 44932 or a reduction in force pursuant to Education Code 44955-44958. (Education Code 44030.5, 44242.5; 5 CCR 80303)

When required, the report of a change in employment status shall be submitted not later than 30 days after the employment action. The report shall be made using a form provided by CTC and shall include all known information about each alleged act of misconduct by the employee. The report shall contain the name and current address of the certificated employee, name of the district, last school or district assignment, an explanation of the allegation of misconduct or pending allegation of misconduct, current contact information for all persons who may have information relating to the alleged misconduct, and any and all documentation related to the case. (Education Code 44030.5; 5 CCR 80303)

Upon a change in employment status as a result of alleged misconduct or while an allegation of misconduct is pending, the Superintendent shall, in writing, inform the employee of the contents of 5 CCR 80303. (5 CCR 80303)

Additional Reports of Employee Misconduct

The Superintendent or designee shall submit a report to CTC, using a form provided by CTC and attaching all relevant documents, whenever:

1. An employee, by complaint, information, or indictment filed in court, is charged with a "mandatory leave of absence offense," defined as a sex or drug offense specified in Education Code 44940 or violation or attempted violation of Penal Code 187 (murder). (Education Code 44242.5, 44940, 44940.5)

Not later than 10 days after receipt of such a complaint, information, or indictment regarding an employee, the Superintendent or designee shall forward a copy of the received documents to CTC. In addition, the Superintendent or designee shall report to CTC any action taken in connection with extending the employee's mandatory leave beyond the initial period. (Education Code 44940, 44940.5)

If the offense results in a change in employment status, the Superintendent shall submit an employment status report in addition to the report of the mandatory leave of absence offense.

2. An employee refuses, without good cause, to fulfill a valid employment contract, or departs from district service without the consent of the Superintendent or Governing Board. (Education Code 44242.5, 44420)

As appropriate, the Superintendent or designee also shall notify CTC of any of the following:

1. A complaint filed with the district regarding a certificated employee's alleged sexual misconduct (Education Code 44242.5)

The notice to CTC shall contain all of the following information: (5 CCR 80304)

- a. Name of the employee alleged to have engaged in the sexual misconduct
 - b. Name, age, and address of each victim of the alleged sexual misconduct
 - c. A summary of all information known to the district regarding the alleged sexual misconduct
 - d. A summary of the action, if any, taken at the district level in response to the complaint of sexual misconduct
2. An employee's knowing and willful use of school records of student data in connection with, or in implicit or explicit attempts to recruit a student to be a customer for, any business owned by the certificated employee or in which the certificated employee is an employee (Education Code 44242.5, 44421.1)
 3. An employee's knowing and willful reporting of false fiscal expenditure data relative to the conduct of any educational program (Education Code 44242.5, 44421.5)
 4. An employee's subversion or attempt to subvert any licensing examination or the administration of an examination (Education Code 44242.5, 44439)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80304	Notice of sexual misconduct
Ed. Code 44009	Conviction of specified crimes - https://simbli.eboardsolutions.com/SU/RL05mESzVyQJIYaRWslshK5YA==
Ed. Code 44010	Sex offense; definitions - https://simbli.eboardsolutions.com/SU/kVoMSh2Y4cuufG1O45T35A==
Ed. Code 44011	Controlled substance offense - https://simbli.eboardsolutions.com/SU/yVslsh8HNplus6fH8Trsdpvo9h3w==
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct - https://simbli.eboardsolutions.com/SU/xkijVQVFAXQBAOXIYWplus7WA==
Ed. Code 44225	Credentials; responsibilities of Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/RNXffuWWslshqZyplus7FmKbsmgQ==
Ed. Code 44242.5	Reports and review of alleged misconduct - https://simbli.eboardsolutions.com/SU/SL5BDvLdVak9EMX75FbOHA==
Ed. Code 44420-44440	Revocation and suspension of credentials - https://simbli.eboardsolutions.com/SU/plusAmlQuOFqs89Ky7ZhplusVq7w==
Ed. Code 44940	Compulsory leave of absence for certificated persons - https://simbli.eboardsolutions.com/SU/TXIEslshPquo8Kz7N8psqEtqA==
Ed. Code 44940.5	Procedures when employees are placed on compulsory leave of absence - https://simbli.eboardsolutions.com/SU/x5z1UxpluspluskEsTDPQ3FynQZA==
Ed. Code 44955-44958	Reduction in force - https://simbli.eboardsolutions.com/SU/t58pmuN1UoBGqKr4eb7iEA==

Management Resources References

	Description
Commission on Teacher Credentialing Publication	California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2013
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==

Website

Commission on Teacher Credentialing -

<https://simbli.eboardsolutions.com/SU/cxWNiqRUulsaq7efc7aH4Q==>

Website

CSBA -

<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Policy 4118: Dismissal/Suspension/Disciplinary Action

Status: DRAFT

Original Adopted Date: Pending

The Governing Board expects all employees to perform their jobs satisfactorily, exhibit professional and appropriate conduct, and serve as positive role models both at school and in the community. A certificated employee may be disciplined for conduct or performance in accordance with law, the applicable collective bargaining agreement, Board policy, and administrative regulation.

Disciplinary action shall be based on the particular facts and circumstances involved and the severity of the conduct or performance. An employee's private exercise of personal beliefs and activities, including religious, political, cultural, social, or other beliefs or activities, or lack thereof, shall not be grounds for disciplinary action against the employee, provided that the beliefs or activities do not involve coercion of students or any other violation of law, Board policy, or administrative regulation.

In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for acting to protect a student engaged in exercising any free speech or press right authorized by, or for refusing to infringe upon a student's conduct protected pursuant to, Education Code 48907 or 48950.

Disciplinary actions may include, but are not limited to, verbal warnings, written warnings, reassignment, suspension, freezing or reduction of wages, compulsory leave, or dismissal.

The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

Suspension/Dismissal Procedures

The Superintendent shall notify the Board whenever there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933.

When the Board finds that there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933, it may formulate a written statement of charges specifying instances of behavior and the acts or omissions constituting the charge, the statutes and rules that the employee is alleged to have violated when applicable, and the facts relevant to each charge. The Board shall also review any duly signed and verified written statement of charges filed by any other person. (Education Code 44934, 44934.1)

Based on the written statement of charges, the Board may, upon majority vote, give notice to the employee of the Board's intention to suspend or dismiss the employee at the expiration of 30 days from the date the notice is served. (Education Code 44934, 44934.1)

Prior to serving a suspension or dismissal notice that includes a charge of unsatisfactory performance, the district shall give the employee written notice of the unsatisfactory performance that specifies the nature of the unsatisfactory performance with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct the faults and overcome the grounds for any unsatisfactory performance charges and, if applicable, that includes the evaluation made pursuant to Education Code 44660-44665. The written notice of the unsatisfactory performance shall be provided at least 90 days prior to the filing of the suspension or dismissal notice or prior to the last one-fourth of the school days in the year. (Education Code 44938)

Prior to serving a suspension or dismissal notice that includes a charge of unprofessional conduct, the district shall give the employee written notice that describes the nature of the unprofessional conduct with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct the faults and overcome the grounds for any unprofessional conduct charges and, if applicable, that includes the evaluation made pursuant to Education Code 44660-44665. The written notice of the unprofessional conduct shall be provided at least 45 days prior to the filing of the suspension or dismissal notice. (Education Code 44938)

Except for notices that only include charges of unsatisfactory performance, the written suspension or dismissal notice may be served at any time of year. Such notice shall be served upon the employee personally if given outside of the instructional year or, if given during the instructional year, may be served personally or by registered mail to the employee's last known address. Notices with a charge of unsatisfactory performance shall be given only during

the instructional year of the school site where the employee is physically employed and may be served personally or by registered mail to the employee's last known address. (Education Code 44936)

If an employee has been served notice and demands a hearing pursuant to Government Code 11505 and 11506, the Board shall either rescind its action or schedule a hearing on the matter. (Education Code 44941, 44941.1, 44943, 44944)

Pending suspension or dismissal proceedings for an employee who is charged with egregious misconduct, immoral conduct, conviction of a felony or of any crime involving moral turpitude, incompetency due to mental disability, or willful refusal to perform regular assignments without reasonable cause as prescribed by district rules and regulations, the Board may, if it deems it necessary, immediately suspend the employee from assigned duties. If the employee files a motion with the Office of Administrative Hearings for immediate reversal of the suspension based on a cause other than egregious misconduct, the Board may file a written response before or at the time of the hearing. (Education Code 44939, 44939.1, 44940)

When a suspension or dismissal hearing is to be conducted by a Commission on Professional Competence, the Board shall, no later than 45 days before the date set for the hearing, select one person with a currently valid credential to serve on the Commission. The appointee shall not be an employee of the district and shall have at least three years' experience within the past 10 years at the same grade span or assignment as the employee, as defined in Education Code 44944. (Education Code 44944)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80304	Notice of sexual misconduct
CA Constitution Article 1, Section 1	Inalienable rights - https://simbli.eboardsolutions.com/SU/v13IPOwHIRP78VybipuskF8Q==
Ed. Code 44008	Effect of termination of probation - https://simbli.eboardsolutions.com/SU/zaXAINUuyFN4TP2U1evbVA==
Ed. Code 44009	Conviction of specified crimes - https://simbli.eboardsolutions.com/SU/RL05mESzVyQJIYaRWslshK5YA==
Ed. Code 44010	Sex offense; definitions - https://simbli.eboardsolutions.com/SU/kVoMSh2Y4cuufG1O45T35A==
Ed. Code 44011	Controlled substance offense - https://simbli.eboardsolutions.com/SU/yVslsh8HNplus6fH8Trsdpvo9h3w==
Ed. Code 44242.5	Reports and review of alleged misconduct - https://simbli.eboardsolutions.com/SU/SL5BDvLdVAk9EMX75FbOHA==
Ed. Code 44425	Conviction of a sex or narcotic offense - https://simbli.eboardsolutions.com/SU/3dihP4plusRPrtInteXDQXCsg==
Ed. Code 44660-44665	Evaluation and assessment of performance of certificated employees - https://simbli.eboardsolutions.com/SU/SkISPsVN82xw4slshJqODSb2A==
Ed. Code 44830.1	Criminal record summary certificated employees - https://simbli.eboardsolutions.com/SU/u9AgkfWslsh1QLiUogY34F8gA==
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more - https://simbli.eboardsolutions.com/SU/HINpshxbyLwME3nPO6mb5IA==
Ed. Code 44929.23	Districts with less than 250 ADA - https://simbli.eboardsolutions.com/SU/sdwal87FoWQPzpj1slsh848GQ==
Ed. Code 44930-44988	Resignations, dismissals and leaves of absence - https://simbli.eboardsolutions.com/SU/t58pmuN1UoBGqKr4eb7iEA==
Ed. Code 45055	Drawing of warrants for teachers - https://simbli.eboardsolutions.com/SU/INCPslshgiRYjdTjopSdipV5w==

Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations - https://simbli.eboardsolutions.com/SU/KDSjnurLBlr2KdV5numJiQ==
Ed. Code 48950	Speech and other communication - https://simbli.eboardsolutions.com/SU/Q5itwgUPloTFejGslshDadJ4g==
Ed. Code 51530	Advocacy or teaching of communism - https://simbli.eboardsolutions.com/SU/TBOuGiVRZqTdaMQjKhM65A==
Gov. Code 1028	Advocacy of communism - https://simbli.eboardsolutions.com/SU/OJ3bvi02IEuScd7YmslshZ4EQ==
Gov. Code 11505-11506	Hearing - https://simbli.eboardsolutions.com/SU/FA0CcBSXGeMKKeEphk0aOkg==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
H&S Code 11054	Schedule I; substances included - https://simbli.eboardsolutions.com/SU/J5g6uPTG2dsbDSslshuKplus1vbg==
H&S Code 11055	Schedule II; substances included - https://simbli.eboardsolutions.com/SU/plusmgMYkY05VRWh9XeOWrbvw==
H&S Code 11056	Schedule III; substances included - https://simbli.eboardsolutions.com/SU/CLjDSWFpxTZU9p6p3Z1cxg==
H&S Code 11357-11361	Marijuana - https://simbli.eboardsolutions.com/SU/SeKplus5abTDqwhZZuO1WibHw==
H&S Code 11363	Peyote - https://simbli.eboardsolutions.com/SU/O7YF9i8ffSBLXslshZyX5TZPA==
H&S Code 11364	Opium - https://simbli.eboardsolutions.com/SU/qkguz3Pftbj3NVslsh3dDZtog==
H&S Code 11370.1	Possession of controlled substances with a firearm - https://simbli.eboardsolutions.com/SU/wOfBHcw926olloTslshgCljqA==
Pen. Code 11165.2-11165.6	Child abuse or neglect; definitions - https://simbli.eboardsolutions.com/SU/d2kLxTbwIOmuFq7YpUplusplusqA==
Pen. Code 1192.7	Plea bargaining limitation - https://simbli.eboardsolutions.com/SU/Y4tPzLWU9zUaPXfNAslshrcRA==
Pen. Code 187	Murder - https://simbli.eboardsolutions.com/SU/KrMq2slsh6zAJqAl2FUplusRFddw==
Pen. Code 291	School employees arrest for sex offense - https://simbli.eboardsolutions.com/SU/LX6jSHiLk2FFMV1rVaUplusEg==
Pen. Code 667.5	Prior prison terms; enhancement of prison terms - https://simbli.eboardsolutions.com/SU/yS0sRxmSCVex2qplus3slsh4ab6A==

Federal References

U.S. Constitution	Amendment 1; Free exercise, free speech, and establishment clauses - https://simbli.eboardsolutions.com/SU/iMUl98OyDFSCBGcGx5DwnA==
-------------------	--

Management Resources References

Description	
Commission on Teacher Credentialing Publication	California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	Crowl v. Commission on Professional Competence, (1990) 225 Cal. App. 3d 334
Court Decision	Morrison v. State Board of Education (1969) 1 Cal.3d 214
Website	Office of the Attorney General - https://simbli.eboardsolutions.com/SU/kYMplusPKVwKTngiVfOT4AD8Q==

Website	Office of Administrative Hearings - https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTlh3V79tXg==
Website	Department of General Services, About Teacher Dismissal Case Type - https://simbli.eboardsolutions.com/SU/9nslshuTpTNHO70H14jlrLeA==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efc7aH4Q==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Policy 4119.1: Civil And Legal Rights

Status: DRAFT

Original Adopted Date: Pending

The Governing Board believes that the personal life of an employee is not an appropriate concern of the district, except as it may directly relate to the performance of the employee's duties.

District employees may engage in private, personal activities, including the exercise of their religious, political, cultural, social or other beliefs or activities, during personal time including when employees are not on duty or engaged in the supervision or instruction of students.

The district shall make no inquiry concerning the personal values, attitudes, and beliefs of district employees or their sexual orientation or political or religious affiliations, beliefs, or opinions except when authorized by law. In addition, no district employee shall be required to provide critical appraisals of other individuals with whom the employee has a familial relationship. However, the district reserves the right to access any publicly available information about any employee.

No employee shall be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a student engaged in conduct authorized under Education Code 48907 or 48950.

When necessary to protect the health, welfare, or safety of students and staff, school officials may search district property under an employee's control.

Whistleblower Protection

An employee shall have the right to disclose to a Board member, a school administrator, a member of the County Board of Education, the County Superintendent of Schools, or the Superintendent of Public Instruction any improper governmental activity by the district or a district employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetency, or inefficiency. When the employee has reasonable cause to believe that the information discloses a violation of state or federal statute or a violation of or noncompliance with a state or federal rule or regulation, the employee has the right to disclose such information to a government or law enforcement agency or to refuse to participate in any such activity. (Education Code 44112, 44113; Labor Code 1102.5)

The Superintendent or designee shall prominently display in lettering larger than size 14 point type a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline maintained by the office of the California Attorney General. (Labor Code 1102.7, 1102.8)

No employee shall use or attempt to use official authority status or influence to intimidate, threaten, coerce, or command, or attempt to intimidate, threaten, coerce, or command, another employee for the purpose of interfering with that employee's right to disclose improper governmental activity. (Education Code 44113)

An employee who has disclosed improper governmental activity and believes that acts or attempted acts of reprisal have subsequently occurred shall file a written complaint in accordance with the district's complaint procedures. After filing a complaint with the district, the employee may also file a copy of the complaint with local law enforcement and/or seek civil law remedies against the supervisor or administrator who retaliated or attempted to retaliate against the employee, in accordance with Education Code 44114.

Protection Against Liability

No employee shall be liable for harm caused by the employee's act or omission when acting within the scope of employment or district responsibilities, the employee's act or omission is in conformity with federal, state, and local laws, district policy, or administrative regulation, and the employee's act or omission is in furtherance of an effort to control, discipline, expel, or suspend a student or to maintain order or control in the classroom or school. (20 USC 7946)

The protection against liability shall not apply when: (20 USC 7946)

1. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to rights or safety of the individual harmed.

2. The employee caused harm by operating a motor vehicle or other vehicle requiring license or insurance.
3. The employee was not properly licensed, if required, by state law for such activities.
4. The employee was found by a court to have violated a federal or state civil rights law.
5. The employee was under the influence of alcohol or any drug at the time of the misconduct.
6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court.
7. The misconduct involved a sexual offense for which the employee has been convicted in a court.
8. The misconduct occurred during background investigations, or other actions, involved in the employee's hiring.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

CA Constitution Article 1, Section 1	Inalienable rights - https://simbli.eboardsolutions.com/SU/v13IPOwHIRP78VvbipluskF8Q==
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Ed. Code 44040	Discrimination based on employee's appearance before certain boards or committees - https://simbli.eboardsolutions.com/SU/NTfT3fEqslshSSMgYD514KBEQ==
Ed. Code 44110-44114	Reporting by school employees of improper governmental activity - https://simbli.eboardsolutions.com/SU/4sbGHtoaKQKEpukC0PXGsQ==
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations - https://simbli.eboardsolutions.com/SU/KDSjnurlBlr2KdV5numJiQ==
Ed. Code 48950	Speech and other communication - https://simbli.eboardsolutions.com/SU/Q5itwgUPloTFejGslshDadJ4g==
Ed. Code 49091.24	Teacher rights to refuse evaluation/survey of personal life - https://simbli.eboardsolutions.com/SU/plusF9IMKQgXNnACsb8meXgxQ==
Ed. Code 7050-7058	Political activities of school officers and employees - https://simbli.eboardsolutions.com/SU/5YoLGlwWfbAw1M58GNpvRw==
Gov. Code 12650-12656	False claims actions - https://simbli.eboardsolutions.com/SU/jvslsh6plusslshCnB1t2uYvwepRqpg==
Gov. Code 12940-12953	Discrimination prohibited; unlawful practices - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQHQ9yA==
Gov. Code 3540.1	Public employment; definitions - https://simbli.eboardsolutions.com/SU/1rRSSt4h2qTslshGbO6ucvzcA==
Gov. Code 3543.5	Interference with employee's rights prohibited - https://simbli.eboardsolutions.com/SU/8kx3q2FKiV0klkpV0vLoEA==
Gov. Code 815.3	Intentional torts - https://simbli.eboardsolutions.com/SU/OeGL9gTCRG8UY1QJkVapvQ==
Gov. Code 820-823	Tort claims act - https://simbli.eboardsolutions.com/SU/DqxneLjjmOxepusXC4pU6Gg==
Gov. Code 825.6	Indemnification of public entity - https://simbli.eboardsolutions.com/SU/In88fGslshPvpluspluslmlTmAZdCQ==
Lab. Code 1102.5-1106	Whistleblower protections - https://simbli.eboardsolutions.com/SU/bWuMcu9DRZg9ylvRCpFVMw==

Federal References

18 USC 16
 20 USC 1681-1688
 20 USC 7941-7948
 42 USC 12101-12213
 42 USC 2000d-2000d-7
 42 USC 2000e-2000e-17
 U.S. Constitution

Management Resources References

Court Decision
 Court Decision
 Court Decision
 Court Decision
 Court Decision
 Court Decision
 Court Decision
 Website
 Website

Description

Crime of violence; definition
 Title IX of the Education Amendments of 1972; discrimination based on sex
 Teacher liability protection
 Americans with Disabilities Act
 Title VI, Civil Rights Act of 1964
 Title VII, Civil Rights Act of 1964, as amended
 Amendment 1; Free exercise, free speech, and establishment clauses -
<https://simbli.eboardsolutions.com/SU/iMUl98OyDFSCBGcGx5DwnA==>

Description

Kennedy v. Bremerton (2022) 142 S.Ct. 2407
 New Jersey v. T.L.O. (1985) 469 U.S. 325
 Garcetti v. Ceballos (2006) 547 U.S. 410
 Hartnett v. Crosier (2012) 205 Cal.App.4th 685
 Johnson v. Poway Unified School District (2011) 658 F.3d 954
 O'Conner v. Ortega (1987) 480 U.S. 709
 Ohton v. CSU San Diego (2007) 56 Cal.Rptr.3d 111
 CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>
 California Office of the Attorney General -
<https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==>

Policy 4119.11: Sexual Harassment

Status: DRAFT

Original Adopted Date: Pending

The following policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions.

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 employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to employees and others to whom the policy may apply
3. Ensuring prompt, thorough, fair, and equitable investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

Sexual Harassment Reports and Complaints

District employees who feel that they have been sexually harassed in the performance of their district responsibilities or who have knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to their direct supervisor, a district administrator, or the district's Title IX Coordinator. Employees may bypass their supervisor in filing a complaint if the supervisor is the subject of the complaint. A supervisor or administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or AR 4030 - Nondiscrimination in Employment, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 4119.12/4219.12/4319.12 concurrently meets the requirements of AR 4030.

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Upon investigation of a sexual harassment complaint, any district employee found to have engaged or participated in sexual harassment or to have aided, abetted, incited, compelled, or coerced another to commit sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the

policy.

State References

2 CCR 11006-11086

2 CCR 11009

2 CCR 11021

2 CCR 11023

2 CCR 11024

2 CCR 11034

5 CCR 4900-4965

Ed. Code 200-262.4

Gov. Code 12900-12996

Gov. Code 12940

Gov. Code 12950

Gov. Code 12950.1

Lab. Code 1101

Lab. Code 1102.1

Federal References

20 USC 1681-1688

34 CFR 106.1-106.9

34 CFR 106.51-106.61

42 USC 2000e-2000e-17

Management Resources References

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

U.S. Equal Employment Opportunity Com.
Publication

Description

Discrimination in employment -

<https://simbli.eboardsolutions.com/SU/jUNOUneBGplusu4fVMYTIWMKA==>

Employment discrimination

Discrimination in employment - retaliation -

<https://simbli.eboardsolutions.com/SU/iTztgujF38E1spcl6qvQZw==>

Harassment and discrimination prevention and correction -

<https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==>

Required training and education on harassment based on sex, gender identity
and expression, and sexual orientation -

<https://simbli.eboardsolutions.com/SU/WdslshVrKs4pluscfHplushNGLhCeQw==>

Terms, conditions, and privileges of employment -

<https://simbli.eboardsolutions.com/SU/jX8JHDplusuhtEPVPUCVlvsTA==>

Nondiscrimination in elementary and secondary educational programs receiving
state or federal financial assistance

Prohibition of discrimination -

<https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>

Fair Employment and Housing Act -

<https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==>

Unlawful discriminatory employment practices -

<https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==>

Sexual harassment -

<https://simbli.eboardsolutions.com/SU/h4EWslsh77h5LPVLOIU3XnZ3A==>

Sexual harassment training -

<https://simbli.eboardsolutions.com/SU/Qn3RaMj3XP2OFpBLMjWdJA==>

Political activities of employees -

<https://simbli.eboardsolutions.com/SU/6iMX1rL2slsh0UKf5WEsCqaZg==>

Discrimination: sexual orientation

Description

Title IX of the Education Amendments of 1972; discrimination based on sex

Nondiscrimination on the basis of sex in education programs or activities

Nondiscrimination on the basis of sex in employment in education program
or activities

Title VII, Civil Rights Act of 1964, as amended

Description

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

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

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

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

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

Promising Practices for Preventing Harassment, November 2017

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==
Website	U.S. Equal Employment Opportunity Commission - https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==

Regulation 4119.11: Sexual Harassment

Status: DRAFT

Original Adopted Date: Pending

The following administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

Definitions

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, regardless of whether or not the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or educational setting under any of the following conditions: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment.
4. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district.

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the person's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

Examples of Sexual Harassment

Examples of actions that might constitute sexual harassment under state or federal law in accordance with the definitions above, in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

Title IX Coordinator/Compliance Officer

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, as well as to oversee, investigate, and resolve sexual harassment complaints processed under AR 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be

contacted at:

Director of Human Resources
2695 S. Valentine Ave
Fresno, CA 93706
559-233-6501 ext. 139
tamita_b@wpesd.org

Training

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

A supervisory employee is any employee having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

Such training may be completed by employees individually or as part of a group presentation, may be completed in shorter segments as long as the applicable hourly requirement is met, and may be provided in conjunction with other training provided to the employees. The training shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1)

The district's sexual harassment training and education program shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws concerning the prohibition, prevention, and correction of sexual harassment
2. The types of conduct that constitute sexual harassment
3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability
4. Strategies to prevent harassment in the workplace
5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware
6. Practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
7. The limited confidentiality of the complaint process
8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment
9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the district's obligation to conduct an effective workplace investigation of a harassment complaint
10. What to do if the supervisor is personally accused of harassment
11. The essential elements of the district's anti-harassment policy, and how to use the policy if a harassment complaint is filed

Employees shall receive a copy of the district's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.

12. Information, including practical examples, of harassment based on gender identity, gender expression, and

sexual orientation

13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and other in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR 11024)

Notifications

The Superintendent or designee shall notify employees that the district does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

The district shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

A copy of the Board policy and this administrative regulation shall:

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired (Education Code 231.5)
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 (Education Code 231.5)
4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's web site (34 CFR 106.8)
5. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to employees or employee organizations (34 CFR 106.8)

All employees shall receive a copy of an information sheet prepared by the California Department of Fair Employment and Housing (DFEH) or the district that contains, 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 11021 for opposing harassment prohibited by law or for 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, the DFEH poster on discrimination in

employment and the illegality of sexual harassment and the DFEH poster regarding transgender rights. (Government Code 12950)

Complaint Procedures

All complaints and allegations of sexual harassment by and against employees shall be investigated and resolved in accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to AR 4030 - Nondiscrimination in Employment.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, and address any continuing effects.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

2 CCR 11006-11086	Discrimination in employment - https://simbli.eboardsolutions.com/SU/jUNOUneBGplusu4fVMYTIWMKA==
2 CCR 11009	Employment discrimination
2 CCR 11021	Discrimination in employment - retaliation - https://simbli.eboardsolutions.com/SU/iTztgujF38E1spcl6qvQZw==
2 CCR 11023	Harassment and discrimination prevention and correction - https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation - https://simbli.eboardsolutions.com/SU/WdslshVrKs4pluscfHplushNGLhCeQw==
2 CCR 11034	Terms, conditions, and privileges of employment - https://simbli.eboardsolutions.com/SU/jX8JHDplusuhtEPVPUCVlvsTA==
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Gov. Code 12900-12996	Fair Employment and Housing Act - https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==
Gov. Code 12940	Unlawful discriminatory employment practices - https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==
Gov. Code 12950	Sexual harassment - https://simbli.eboardsolutions.com/SU/h4EWslsh77h5LPVLOIU3XnZ3A==
Gov. Code 12950.1	Sexual harassment training - https://simbli.eboardsolutions.com/SU/Qn3RaMj3XP2OFPbLMjWdjA==
Lab. Code 1101	Political activities of employees - https://simbli.eboardsolutions.com/SU/6iMX1rL2slsh0UKf5WEsCqaZg==
Lab. Code 1102.1	Discrimination: sexual orientation

Federal References

Description

20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.9	Nondiscrimination on the basis of sex in education programs or activities

34 CFR 106.51-106.61

Nondiscrimination on the basis of sex in employment in education program or activities

42 USC 2000e-2000e-17

Title VII, Civil Rights Act of 1964, as amended

Management Resources References

Court Decision

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

Court Decision

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

Court Decision

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

Court Decision

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

Court Decision

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

Court Decision

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

U.S. Equal Employment Opportunity Com. Publication

Promising Practices for Preventing Harassment, November 2017

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Website

California Civil Rights Department -
<https://simbli.eboardsolutions.com/SU/RIsIshmyzTCzMSVplus4uuCqYvZA==>

Website

U.S. Department of Education, Office for Civil Rights -
<https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==>

Website

U.S. Equal Employment Opportunity Commission -
<https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==>

Regulation 4119.12: Title IX Sexual Harassment Complaint Procedures

Status: DRAFT

Original Adopted Date: Pending

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity in which a district school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on a person's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

All other sexual harassment complaints or allegations shall be investigated and resolved in accordance with AR 4030 - Nondiscrimination in Employment. The determination of whether the allegations meet the definition of sexual harassment under Title IX shall be made by the district's Title IX Coordinator.

Because the complainant has a right to pursue a complaint under AR 4030 for any allegation that is dismissed or denied under the Title IX complaint procedure, the Title IX Coordinator shall ensure that all requirements and timelines for AR 4030 are concurrently met while implementing the Title IX procedure.

Reporting Allegations/Filing a Formal Complaint

An employee who is the alleged victim of sexual harassment may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in AR 4119.11/4219.11/4319.11 - Sexual Harassment or to the employee's direct supervisor or other district administrator, who shall forward the report to the Title IX Coordinator within one day of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint.

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations when a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations, including as part of the district's obligation to not be deliberately indifferent to known allegations of sexual harassment. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

The Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and not unreasonably burden the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines, modifications of work schedules, mutual restrictions on contact, changes in work locations, leaves of absence, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The district shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

If the respondent is a student, the district may, on an emergency basis, remove the student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

Dismissal of Complaint

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint in which the alleged conduct did not occur in the district's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal of a formal complaint or any allegation in the complaint in accordance with the appeal procedures described in the section "Appeals" below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to AR 4030 - Nondiscrimination in Employment as applicable.

Informal Resolution Process

When a formal complaint of sexual harassment is filed, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process

Written Notice

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time

for the parties to prepare a response before any initial interview.

If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

Investigation Procedures

During the investigation process, the district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. (34 CFR 106.45)

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be

applied to the extent they do not conflict with the Title IX requirements.

Written Decision

The Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

In making this determination, the decision-maker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the district's code of conduct or policies to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant
6. The district's procedures and permissible bases for the complainant and respondent to appeal

Appeals

Either party may appeal the district's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
4. Issue a written decision describing the result of the appeal and the rationale for the result

5. Provide the written decision simultaneously to both parties

An appeal must be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

Remedies

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Disciplinary Actions

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom.
2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances.
3. All materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 4600-4670

5 CCR 4900-4965

Description

Uniform complaint procedures

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor - https://simbli.eboardsolutions.com/SU/NSknepeFduiYWusJFnU3r9Q==
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships - https://simbli.eboardsolutions.com/SU/RFWiKgYI364luH8a6QAqdg==
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Ed. Code 48900	Grounds for suspension or expulsion - https://simbli.eboardsolutions.com/SU/ty00CSnFfkJelBt0Nh9REw==
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment - https://simbli.eboardsolutions.com/SU/KVa0jqNchW502GJLypluskkdg==
Ed. Code 48985	Notices to parents in language other than English - https://simbli.eboardsolutions.com/SU/LHS9yg0UBYa76W1AgydnA==
Gov. Code 12950.1	Sexual harassment training - https://simbli.eboardsolutions.com/SU/Qn3RaMj3XP2OFpBLmJWdjA==

Federal References

20 USC 1092
20 USC 1221
20 USC 1681-1688
34 CFR 106.1-106.82
34 CFR 99.1-99.67
34 USC 12291
42 USC 1983
42 USC 2000d-2000d-7
42 USC 2000e-2000e-17

Management Resources References

Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Website
Website
Website
Website

Description

Definition of sexual assault
Application of laws
Title IX of the Education Amendments of 1972; discrimination based on sex
Nondiscrimination on the basis of sex in education programs
Family Educational Rights and Privacy
Definition of dating violence, domestic violence, and stalking
Civil action for deprivation of rights
Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended

Description

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxk6R5akQ==>
CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>
California Department of Education -
<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>
U.S. Department of Education, Office for Civil Rights -
<https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==>

Exhibit 4119.12-E(1): Title IX Sexual Harassment Complaint Procedures

Status: DRAFT

Original Adopted Date: Pending

NOTICE OF TITLE IX SEXUAL HARASSMENT POLICY

The Code of Federal Regulations, Title 34, Section 106.8 requires the district to issue the following notification to employees, job applicants, and employee organizations:

The district does not discriminate on the basis of sex in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to employment. The district also prohibits retaliation against any employee for filing a complaint or exercising any right granted under Title IX.

Title IX requires a school district to take immediate and appropriate action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

The district has designated and authorized the following employee as the district's Title IX Coordinator, to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking:

Director of Human Resources
2695 South Valentine Avenue
Fresno, CA 93706
(559) 233-6501
tamita_b@wpesd.org

Any individual may report sex discrimination, including sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon receiving an allegation of sexual harassment, the Title IX Coordinator will promptly notify the parties, in writing, of the applicable district complaint procedure.

To view an electronic copy of the district's policies and administrative regulations on sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment and AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures on the district's web site at <https://www.westpark.k12.ca.us/>.

To inspect or obtain a copy of the district's sexual harassment policies and administrative regulations, please contact: 2695 South Valentine Avenue Fresno, CA 93706, (559) 233-6501, tamita_b@wpesd.org.

Materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process are also publicly available on the district's web site or at the district office upon request.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 4600-4670

5 CCR 4900-4965

Civ. Code 1714.1

Civ. Code 51.9

Description

Uniform complaint procedures

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Liability of parent or guardian for act of willful misconduct by a minor - <https://simbli.eboardsolutions.com/SU/NSknePFduiYWusJFnU3r9Q==>

Liability for sexual harassment; business, service and professional relationships - <https://simbli.eboardsolutions.com/SU/RFwiKgYI364luH8a6QAqdg==>

Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Ed. Code 48900	Grounds for suspension or expulsion - https://simbli.eboardsolutions.com/SU/ty00CSnFfkJelBt0Nh9REw==
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment - https://simbli.eboardsolutions.com/SU/KVa0jqNchW502GJLypluskkgd==
Ed. Code 48985	Notices to parents in language other than English - https://simbli.eboardsolutions.com/SU/LHS9yg0UBYa76W1AygydnA==
Gov. Code 12950.1	Sexual harassment training - https://simbli.eboardsolutions.com/SU/Qn3RaMj3XP2OFpBLmJWdjA==

Federal References

20 USC 1092
20 USC 1221
20 USC 1681-1688
34 CFR 106.1-106.82
34 CFR 99.1-99.67
34 USC 12291
42 USC 1983
42 USC 2000d-2000d-7
42 USC 2000e-2000e-17

Management Resources References

Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision

Website

Website

Website

Website

Description

Definition of sexual assault
Application of laws
Title IX of the Education Amendments of 1972; discrimination based on sex
Nondiscrimination on the basis of sex in education programs
Family Educational Rights and Privacy
Definition of dating violence, domestic violence, and stalking
Civil action for deprivation of rights
Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended

Description

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==>
CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>
California Department of Education -
<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>
U.S. Department of Education, Office for Civil Rights -
<https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==>

Policy 4119.21: Professional Standards

Status: DRAFT

Original Adopted Date: Pending

The Governing Board expects district employees to maintain the highest ethical standards, behave professionally, follow district policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community. Employees shall engage in conduct that enhances the integrity of the district, advances the goals of the district's educational programs, and contributes to a positive school climate.

The Board encourages district employees to accept as guiding principles the professional standards and codes of ethics adopted by educational or professional associations to which they may belong.

Each employee is expected to acquire the knowledge and skills necessary to fulfill his/her responsibilities and to contribute to the learning and achievement of district students.

Inappropriate Conduct

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon
2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed
3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child
4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student
5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time
6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members
7. Willfully disrupting district or school operations by loud or unreasonable noise or other action
8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace, on district property, or at a school-sponsored activity
9. Being dishonest with students, parents/guardians, staff, or members of the public, including, but not limited to, falsifying information in employment records or other school records
10. Divulging confidential information about students, district employees, or district operations to persons or entities not authorized to receive the information
11. Using district equipment or other district resources for the employee's own commercial purposes or for political activities
12. Using district equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity

Employees shall be notified that computer files and all electronic communications, including, but not limited to, email and voice mail, are not private. To ensure proper use, the Superintendent or designee may monitor employee usage of district technological resources at any time without the employee's consent.

13. Causing damage to or engaging in theft of property belonging to students, staff, or the district

14. Wearing inappropriate attire

Reports of Misconduct

An employee who observes or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the principal or Superintendent or designee. An employee who has knowledge of or suspects child abuse or neglect shall file a report pursuant to the district's child abuse reporting procedures as detailed in AR 5141.4 - Child Abuse Prevention and Reporting.

Any reports of employee misconduct shall be promptly investigated. Any employee who is found to have engaged in inappropriate conduct in violation of law or Board policy shall be subject to disciplinary action and, in the case of a certificated employee, may be subject to a report to the Commission on Teacher Credentialing. The Superintendent or designee shall notify local law enforcement as appropriate.

An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

The district prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the district's complaint process shall be subject to discipline.

Notifications

The section(s) of the district's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or district web sites. (Education Code 44050)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80331-80338	Rules of conduct for professional educators
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==
Ed. Code 44050	Employee code of conduct; interaction with students - https://simbli.eboardsolutions.com/SU/PNtpd4THa36YECTORI1Zplusg==
Ed. Code 44242.5	Reports and review of alleged misconduct - https://simbli.eboardsolutions.com/SU/SL5BDvLdVAK9EMX75FbOHA==
Ed. Code 48980	Parent/Guardian notifications - https://simbli.eboardsolutions.com/SU/cpMsBKX1tOwUiWgEwSKp5g==
Pen. Code 11164-11174.4	Child Abuse and Neglect Reporting Act - https://simbli.eboardsolutions.com/SU/LXrSYQXKUmYy5slshAWDWWksw==

Management Resources References

	Description
Commission on Teacher Credentialing Publication	California Professional Standards for Educational Leaders, February 2014
Commission on Teacher Credentialing Publication	California Standards for the Teaching Profession (CSTP), October 2009
Council of Chief State School Officers Publication	Professional Standards for Educational Leaders, 2015
National Education Association Publication	Code of Ethics of the Education Profession, 1975
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==

Website	Council of Chief State School Officers - https://simbli.eboardsolutions.com/SU/DQca6f2Jts6S9lUCF6yTKQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJlnbikoQhGwsWiH4ztXQ==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUulsaq7efc7aH4Q==
Website	WestEd - https://simbli.eboardsolutions.com/SU/T0pumukb4iozXYflh5opZA==
Website	Association of California School Administrators - https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHxYbDPXeA==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
WestEd Publication	Moving Leadership Standards into Everyday Work: Descriptions of Practice, 2003

Exhibit 4119.21-E(1): Professional Standards

Status: DRAFT

Original Adopted Date: Pending

CODE OF ETHICS OF THE EDUCATION PROFESSION

Preamble

The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurturing of democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.

Principle I. Commitment to the Student

The educator strives to help each student realize his/her potential as a worthy and effective member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator:

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning
2. Shall not unreasonably deny the student access to varying points of view
3. Shall not deliberately suppress or distort subject matter relevant to the student's progress
4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety
5. Shall not intentionally expose the student to embarrassment or disparagement
6. Shall not on the basis of race, color, creed, gender, national origin, marital status, political or religious beliefs, family, social, or cultural background, or sexual orientation, unfairly:
 - a. Exclude any student from participation in any program
 - b. Deny benefits to any student
 - c. Grant any advantage to any student
7. Shall not use professional relationships with students for private advantage
8. Shall not disclose information in the course of professional service unless disclosure serves a compelling professional purpose or is required by law

Principle II. Commitment to the Profession

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgment, to achieve conditions that attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation of the profession, the educator:

1. Shall not in any application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications
2. Shall not misrepresent his/her professional qualifications
3. Shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute
4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position
5. Shall not assist a noneducator in the unauthorized practice of teaching
6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law
7. Shall not knowingly make false or malicious statements about a colleague
8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or action

Source: *National Education Association, 1975*

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80331-80338	Rules of conduct for professional educators
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytLslshoozWGUAbNL6kKkgxQ==
Ed. Code 44050	Employee code of conduct; interaction with students - https://simbli.eboardsolutions.com/SU/PNtpd4THa36YECTORI1Zplusg==
Ed. Code 44242.5	Reports and review of alleged misconduct - https://simbli.eboardsolutions.com/SU/SL5BDvLdVak9EMX75FbOHA==
Ed. Code 48980	Parent/Guardian notifications - https://simbli.eboardsolutions.com/SU/cpMsBKX1tOwUiWgEwSKp5g==
Pen. Code 11164-11174.4	Child Abuse and Neglect Reporting Act - https://simbli.eboardsolutions.com/SU/LXrSYQXKUmYy5slshAWDWWKsw==

Management Resources References

	Description
Commission on Teacher Credentialing Publication	California Professional Standards for Educational Leaders, February 2014
Commission on Teacher Credentialing Publication	California Standards for the Teaching Profession (CSTP), October 2009
Council of Chief State School Officers Publication	Professional Standards for Educational Leaders, 2015
National Education Association Publication	Code of Ethics of the Education Profession, 1975
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==

Website	Council of Chief State School Officers - https://simbli.eboardsolutions.com/SU/DQca6f2Jts6S9lUCF6yTKQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJlNbikoQhGwsWiH4ztXQ==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efc7aH4Q==
Website	WestEd - https://simbli.eboardsolutions.com/SU/T0pumukb4iozXYflh5opZA==
Website	Association of California School Administrators - https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHxYbDPXeA==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
WestEd Publication	Moving Leadership Standards into Everyday Work: Descriptions of Practice, 2003

Policy 4119.22: Dress And Grooming

Status: DRAFT

Original Adopted Date: Pending

The Governing Board believes that appropriate dress and grooming by district employees contribute to a productive learning environment and model positive behavior. During school hours and at school activities, employees shall maintain professional standards of dress and grooming that demonstrate their high regard for education, present an image consistent with their job responsibilities and assignment, and do not endanger the health or safety of employees or students. All employees shall be held to the same standards unless their assignment provides for modified dress as approved by their supervisor.

The district shall allow employees to appear and dress in a manner consistent with their gender identity or gender expression. (Government Code 12949)

The district shall not discriminate against employees based on hair texture and protective hairstyles, including, but not limited to, braids, locks, and twists. (Government Code 12926)

The district shall not dismiss an employee, discriminate against an employee in compensation or in terms, conditions, or privileges of employment, or refuse to hire a job applicant on the basis of religious dress or grooming practices. (Government Code 12926, 12940)

This policy shall be presented to employees upon employment, through the employee handbook or other appropriate means, and may be periodically reviewed with all employees as necessary.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 35160	Authority of governing boards - https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==
Ed. Code 35160.1	Broad authority of school districts - https://simbli.eboardsolutions.com/SU/ewe0Cc8cKGTgDzaAt5MKhw==
Gov. Code 12926	Definitions - https://simbli.eboardsolutions.com/SU/fp6xQmGSukcAWJ60VowoVA==
Gov. Code 12940	Unlawful discriminatory employment practices - https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==
Gov. Code 12949	Dress standards; consistency with gender identity - https://simbli.eboardsolutions.com/SU/liSPUvwxgQ3LJOU9AB1UNw==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==

Management Resources References

Description

CA Civil Rights Department Publication	Transgender Rights in the Workplace
Court Decision	Domico v. Rapides Parish School Board (5th Cir. 1982) 675 F.2d 100
Court Decision	East Hartford Education Assn. v. Board of Education (2d Cir. 1977) 562 F. 2d 856
Court Decision	Finot v. Pasadena Board of Education (1967) 250 Cal.App.2d 189
Court Decision	San Mateo City School District v. PERB (1983) 33 Cal. 3d 850
Public Employment Relations Board Decision	Inglewood United School District (1985) 10 PERC P17, 000
Public Employment Relations Board Decision	Santa Ana Unified School District (1998) 22 PERC P29, 136
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==

Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==

Policy 4119.23: Unauthorized Release Of Confidential/Privileged Information

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the importance of keeping confidential information confidential. 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.

Disclosure of Closed Session Information

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

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)

An employee who willfully discloses confidential information acquired during a closed session may be subject to disciplinary action if he/she has 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
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

An employee who willfully releases confidential/privileged information about the district, students or staff shall be subject to disciplinary action.

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.

Any action by an employee which inadvertently or carelessly results in release of confidential/privileged information shall be recorded, and the record shall be placed in the employee's personnel file. Depending on the circumstances, 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.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 35010

Ed. Code 35146

Description

Control of district; prescription and enforcement of rules -
<https://simbli.eboardsolutions.com/SU/OQVSplusCEZXMhIMKVyv3kBA==>

Closed sessions regarding suspensions -
<https://simbli.eboardsolutions.com/SU/faH69lw/LAJf8Pqslshf87uhg==>

Ed. Code 35160	Authority of governing boards - https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==
Ed. Code 44031	Personnel file contents and inspection - https://simbli.eboardsolutions.com/SU/fM4Aplus8QNx9VcNqdAnloxRw==
Ed. Code 44932	Grounds for dismissal of permanent employees - https://simbli.eboardsolutions.com/SU/Hjuplus3jud6Dn34xkR8B7BhA==
Ed. Code 44933	Other grounds for dismissal - https://simbli.eboardsolutions.com/SU/qjyaHdDoOWHO3TXIZg1Q5g==
Ed. Code 45113	Notification of charges; classified employees - https://simbli.eboardsolutions.com/SU/ipluslv7IKgjZqYaGNLdhSslshXw==
Ed. Code 49060-49079	Student records - https://simbli.eboardsolutions.com/SU/48PbpM8vuGlggyF7weQSbw==
Gov. Code 1098	Disclosure of confidential information - https://simbli.eboardsolutions.com/SU/KAjhoUBFjAdTPaUjBwTDLw==
Gov. Code 54950-54963	The Ralph M. Brown Act - https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==
Gov. Code 7920.000-7930.215	California Public Records Act - https://simbli.eboardsolutions.com/SU/IBl6lfok6zP3Bde1F55TFg==

Federal References

20 USC 1232g

Description

Family Educational Rights and Privacy Act (FERPA) of 1974

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Website

CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Policy 4119.24: Maintaining Appropriate Adult-Student Interactions

Status: DRAFT

Original Adopted Date: Pending

The Governing Board desires to provide a positive school environment that protects the safety and well-being of district students. The Board expects all adults with whom students may interact at school or in school-related activities, including employees, independent contractors, and volunteers, to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting. Such adults shall not engage in unlawful or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

Employees are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

Any employee who observes or has knowledge of another employee's violation of this policy shall report the information to the Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the Superintendent or designee. The Superintendent or designee shall protect anyone who reports a violation from retaliation. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

Employees who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from school grounds and activities in accordance with law. The Superintendent or designee may also notify law enforcement as appropriate.

The district's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or district web sites. (Education Code 44050)

Inappropriate Conduct

Employees shall remain vigilant of their position of authority and not abuse it when relating with students. Examples of employee conduct that can undermine professional adult-student interactions or create the appearance of impropriety include, but are not limited to:

1. Initiating inappropriate physical contact
2. Being alone with a student outside of the view of others
3. Visiting a student's home or inviting a student to visit the employee's home without parent/guardian consent
4. Maintaining personal contact with a student that has no legitimate educational purpose, by phone, letter, electronic communications, or other means, without including the student's parent/guardian or the principal

When communicating electronically with students, employees shall use district equipment or technological resources when available. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent.

5. Creating or participating in social networking sites for communication with students, other than those created by the district, without the prior written approval of the principal or designee
6. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business

7. Singling out a particular student for personal attention and friendship, including giving gifts and/or nicknames to individual students
8. Addressing a student in an overly familiar manner, such as by using a term of endearment
9. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities
10. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose
11. Transporting a student in a personal vehicle without prior authorization
12. Encouraging students to confide their personal or family problems and/or relationships
13. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80304	Notice of sexual misconduct
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct - https://simbli.eboardsolutions.com/SU/xkijVQVFAXQBAOXIYWplus7WA==
Ed. Code 44050	Employee code of conduct; interaction with students - https://simbli.eboardsolutions.com/SU/PNtpd4THa36YECTORI1Zplusg==
Ed. Code 44242.5	Reports and review of alleged misconduct - https://simbli.eboardsolutions.com/SU/SL5BDvLdVAk9EMX75FbOHA==
Ed. Code 44940	Compulsory leave of absence for certificated persons - https://simbli.eboardsolutions.com/SU/TXIEslshPquo8Kz7N8psqEtqA==
Ed. Code 48980	Parent/Guardian notifications - https://simbli.eboardsolutions.com/SU/cpMsBKX1tOwUiWgEwSKp5g==
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act - https://simbli.eboardsolutions.com/SU/d2kLxTbwlOmuFq7YpUplusplusqA==

Management Resources References

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDslshXk6R5akQ==
---------	---

Policy 4119.25: Political Activities Of Employees

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the importance of political activity, voting, and civic engagement, and respects the right of district employees to engage in political discussions and activities as individuals on their own time and at their own expense. When engaging in such activities, employees shall make it clear that they are acting on their own behalf and not as representatives of the district.

District employees, as members of the community, may use school facilities for meetings, including political activities, as permitted under the Civic Center Act and district policy.

Employees shall refrain from prohibited political activities identified in law, Board policy, and administrative regulations. Employees who engage in these activities shall be subject to disciplinary action and/or criminal penalties.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
Ed. Code 38130-38139	Civic Center Act - https://simbli.eboardsolutions.com/SU/tloM8gkAiBJoSSNvFbplum4w==
Ed. Code 51520	Prohibited solicitations on school premises - https://simbli.eboardsolutions.com/SU/OHINokWcmplusTbNcUoyiAtzQ==
Ed. Code 7050-7058	Political activities of school officers and employees - https://simbli.eboardsolutions.com/SU/5YoLGlwWfbAw1M58GNpvRw==
Elec. Code 18304	Prohibition against use of district seal in campaign literature - https://simbli.eboardsolutions.com/SU/EubHeswHbkpslsh3YNevv4XqA==
Gov. Code 3543.1	Rights of employee organizations - https://simbli.eboardsolutions.com/SU/m7X7sU6S9KfjH0z33KIC6A==
Gov. Code 82041.5	Mass mailing - https://simbli.eboardsolutions.com/SU/oltrqWfQNXlN10EAbalquw==
Gov. Code 8314	Unlawful use of state resources - https://simbli.eboardsolutions.com/SU/wxE0E3jai89V8gV1GsXZaA==
Pen. Code 424	Embezzlement and falsification of accounts by public officers - https://simbli.eboardsolutions.com/SU/s3ZdylxMXy8wUvUi62SN9Q==

Management Resources References

	Description
Attorney General Opinion	77 Ops.Cal.Atty.Gen. 56 (1994)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 106 (2001)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 52 (2001)
Court Decision	Pickering v. Board of Education Township High School District, (1968) 88 S. Ct. 1731
Court Decision	L.A. Teachers Union v. L.A. City Board of Education, (1969) 71 Cal.2d 551
Court Decision	San Leandro Teachers Association v. Governing Board of the San Leandro Unified School District, (2010) 46 Cal. 4th 822
Court Decision	Diquisto v. County of Santa Clara, (2010) 181 Cal. App. 4th 236
Court Decision	Heffernan v. City of Paterson, (2016) 136 S. Ct. 1412
Court Decision	California Teachers Association v. Governing Board of San Diego Unified School District, (1996) 45 Cal.App. 4th 1383
Court Decision	Downs v. Los Angeles Unified School District, (9th Cir. 2000) 228 F.3d 1003
Public Employment Relations Board Ruling	Turlock Joint Elementary School District, (2004) PERB Dec. No. 1490a

Public Employment Relations Board Ruling	East Whittier School District (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	Conejo Valley Unified School District, (2009) PERB Dec. No. 2054
Public Employment Relations Board Ruling	City of Sacramento, (2019) PERB Dec. No. 2702m
Public Employment Relations Board Ruling	San Diego Community College District, (2001) PERB Dec. No.1467
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Attorney General's Office - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Regulation 4119.25: Political Activities Of Employees

Status: DRAFT

Original Adopted Date: Pending

No employee shall be prohibited from soliciting or receiving political funds or contributions to promote the support or defeat of a ballot measure during nonworking time, including before and after school, the lunch period, or other scheduled work intermittency during the school day. (Education Code 7056)

District employees shall not:

1. Use district funds, services, supplies, equipment, work hours, or other public resources to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Governing Board (Education Code 7054, 7056; Government Code 8314)
2. Use the district's seal in any campaign literature or mass mailing with the intent to deceive voters, including, but not limited to, the use of a reproduction or facsimile of the seal in a manner that creates a misleading, erroneous, or false impression that the document is authorized by the Board, a Board member, or the district (Elections Code 18304)
3. During working hours, solicit or receive any political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service or other working conditions (Education Code 7056)
4. During working hours, solicit or receive any political funds or contributions to promote the passage or defeat of other types of ballot measures
5. Use district equipment for the preparation or reproduction of political campaign materials
6. Post or distribute political campaign materials in classrooms, through distance learning platforms, or on district property
7. Disseminate political campaign materials through the district's mail service, e-mail, or staff mailboxes
8. Use students to write, address, or distribute political campaign materials
9. Present viewpoints on particular candidates or ballot measures in the classroom without giving equal time to the presentation of all perspectives
10. Wear buttons, hats, or other articles of clothing that express political opinions on ballot measures or candidates during instructional time

Political Activities of Employee Organizations

Employee organizations shall not use district funds, services, supplies, or equipment, such as staff mailboxes or the district mail system, to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Board. (Education Code 7054)

No employee organization or its officers, agents, or representatives shall be prohibited from soliciting or receiving political funds or contributions to promote the passage or defeat of a ballot measure during nonworking time, including before and after school, the lunch period, or other scheduled work intermittency during the school day. (Education Code 7056)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 38130-38139

Description

Civic Center Act -
<https://simbli.eboardsolutions.com/SU/tloM8gkAiBJoSSNvFbplum4w==>

Ed. Code 51520	Prohibited solicitations on school premises - https://simbli.eboardsolutions.com/SU/OHINokWcmplusTbNcUoyiAtzQ==
Ed. Code 7050-7058	Political activities of school officers and employees - https://simbli.eboardsolutions.com/SU/5YoLGlwWfbAw1M58GNpvRw==
Elec. Code 18304	Prohibition against use of district seal in campaign literature - https://simbli.eboardsolutions.com/SU/EubHeswHbkpslsh3YNevv4XqA==
Gov. Code 3543.1	Rights of employee organizations - https://simbli.eboardsolutions.com/SU/m7X7sU6S9KfjH0z33KIC6A==
Gov. Code 82041.5	Mass mailing - https://simbli.eboardsolutions.com/SU/oltrqWfQNXlN10EAbalquw==
Gov. Code 8314	Unlawful use of state resources - https://simbli.eboardsolutions.com/SU/wxE0E3jai89V8gV1GsXZaA==
Pen. Code 424	Embezzlement and falsification of accounts by public officers - https://simbli.eboardsolutions.com/SU/s3ZdylxMXY8wUvUi62SN9Q==

Management Resources References

	Description
Attorney General Opinion	77 Ops.Cal.Atty.Gen. 56 (1994)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 106 (2001)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 52 (2001)
Court Decision	Pickering v. Board of Education Township High School District, (1968) 88 S. Ct. 1731
Court Decision	L.A. Teachers Union v. L.A. City Board of Education, (1969) 71 Cal.2d 551
Court Decision	San Leandro Teachers Association v. Governing Board of the San Leandro Unified School District, (2010) 46 Cal. 4th 822
Court Decision	Diquisto v. County of Santa Clara, (2010) 181 Cal. App. 4th 236
Court Decision	Heffernan v. City of Paterson, (2016) 136 S. Ct. 1412
Court Decision	California Teachers Association v. Governing Board of San Diego Unified School District, (1996) 45 Cal.App. 4th 1383
Court Decision	Downs v. Los Angeles Unified School District, (9th Cir. 2000) 228 F.3d 1003
Public Employment Relations Board Ruling	Turlock Joint Elementary School District, (2004) PERB Dec. No. 1490a
Public Employment Relations Board Ruling	East Whittier School District (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	Conejo Valley Unified School District, (2009) PERB Dec. No. 2054
Public Employment Relations Board Ruling	City of Sacramento, (2019) PERB Dec. No. 2702m
Public Employment Relations Board Ruling	San Diego Community College District, (2001) PERB Dec. No.1467
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Attorney General's Office - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Policy 4119.41: Employees With Infectious Disease

Status: DRAFT

Original Adopted Date: Pending

The Governing Board desires to promote the health of district students and staff in order to reduce absenteeism and enhance employee and student performance. The Superintendent or designee shall develop strategies to prevent the outbreak or spread of infectious diseases at district schools.

An infectious disease is one that is caused by a microorganism and is potentially transmittable to another individual, whether through airborne transmission, bloodborne transmission, skin-to-skin contact, foodborne transmission, or other casual or noncasual means. A communicable infectious disease, such as influenza or chicken pox, is contagious and can be readily transmitted by infectious bacteria or viral organisms.

In accordance with law, job applicants shall be required to provide evidence that they are free of tuberculosis or any other communicable infectious disease prior to beginning employment.

To prevent the outbreak or spread of infectious diseases, the Superintendent or designee may provide infection prevention supplies and information to employees, including information about recommended vaccinations. Employees also shall observe universal precautions to avoid contact with potentially infectious blood or other bodily fluids.

Plans for addressing a communicable infectious disease outbreak, including, but not limited to, plans for addressing employee shortages during such an outbreak, shall be included in the district's emergency preparedness plan.

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable infectious disease. In addition, a school nurse or other health care provider who knows of or is in attendance on a case or suspected case of any of the diseases or conditions listed in 17 CCR 2500 shall make a report to the local health officer. If no health care provider is in attendance, any individual having knowledge of a person who is suspected to be suffering from one of the specified diseases or conditions may make a report to the local health officer. (17 CCR 2500, 2508)

Nondiscrimination/Reasonable Accommodation

The district shall not discriminate against any employee or job applicant who has an infectious disease that meets the federal or state definition of a disability under the Americans with Disabilities Act, California Fair Employment and Housing Act, or Section 504 of the Federal Rehabilitation Act. (Government Code 12900-12996; 29 USC 794; 42 USC 12101-12213)

Upon request, any qualified person with a disability shall be provided reasonable accommodation to perform the essential duties of his/her position in accordance with the criteria and processes described in AR 4032 - Reasonable Accommodation.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

17 CCR 2500-2511

Communicable disease reporting requirements -
<https://simbli.eboardsolutions.com/SU/slshn47UxNYZiU6wNeVYbLg2w==>

2 CCR 7293.5-7294.2

Discrimination based on disability -
<https://simbli.eboardsolutions.com/SU/slshMo6xIOtmUID0MOOIRasoQ==>

5 CCR 5502-5504

Medical certification

Civ. Code 56-56.37

Confidentiality of medical information -
<https://simbli.eboardsolutions.com/SU/nr0sSxslshED3ehUQrXplusLmkcA==>

Ed. Code 44839

Medical certificate; periodic medical examination -
<https://simbli.eboardsolutions.com/SU/7ifRt5ldtFyISRocGEBaAQ==>

Ed. Code 44839.5

Requirements for employment of retiree -
<https://simbli.eboardsolutions.com/SU/9NiF7P8cplus6F5a9AwnxnXMQ==>

Ed. Code 49406	Examination for tuberculosis - https://simbli.eboardsolutions.com/SU/1zMk9tKmBYJP1m6AfhBiag==
Gov. Code 12900-12996	Fair Employment and Housing Act - https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==
H&S Code 120975-121023	Mandated blood testing and confidentiality to protect public health - https://simbli.eboardsolutions.com/SU/alehOfEBIGj05bMsQwfFog==

Federal References

29 USC 794	Rehabilitation Act of 1973; Section 504
42 USC 12101-12213	Americans with Disabilities Act

Description

Management Resources References

California Department of Public Health Publication	California HIV/AIDS Laws, 2009, January 2010
Court Decision	School Board of Nassau County, Florida v. Arline, (1987) 408 U.S. 273
Court Decision	Chevron USA v. Echazabal, (2002) 536 U.S. 73, 122 S.Ct. 2045
CSBA Publication	H1N1 Influenza (Swine Flu), Fact Sheet, April 2009
CSBA Publication	Pandemic Influenza, Fact Sheet, September 2007
EEO Commission Publication	Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	U.S. Department of Health and Human Services - https://simbli.eboardsolutions.com/SU/4moM6wFhrVMvKDjOdGOMzw==
Website	California School Nurses Organization - https://simbli.eboardsolutions.com/SU/y9UnslshTdDn6hY1DMTI3f6eQ==
Website	Centers for Disease Control and Prevention - https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Equal Employment Opportunity Commission - https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==
Website	California Department of Public Health - https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==

Description

Policy 4119.42: Exposure Control Plan For Bloodborne Pathogens

Status: DRAFT

Original Adopted Date: Pending

As part of its commitment to provide a safe and healthy work environment, the Governing Board recognizes the importance of protecting employees from possible infection due to contact with bloodborne pathogens, including, but not limited to, hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV). The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace.

The exposure control plan shall be consistent with the district's injury and illness prevention program established pursuant to Labor Code 6401.7 and 8 CCR 3203. (8 CCR 5193)

The Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the district's exposure control plan, employees having occupational exposure shall receive training and be offered the hepatitis B vaccination. (8 CCR 5193; 29 CFR 1910.1030)

Any employee not identified by the Superintendent or designee as having occupational exposure may submit a request to the Superintendent or designee to be included in the training and hepatitis B vaccination program. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with any infectious material.

In the event that an employee has an exposure incident, the district shall implement follow-up procedures in accordance with the exposure control plan. All such incidents shall be evaluated to determine whether changes need to be made in district practices.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5193	Bloodborne pathogens
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Lab. Code 142.3	Authority of Cal/OSHA to adopt standards - https://simbli.eboardsolutions.com/SU/qtK5bbJ47F5q49slshjslshfbb3g==
Lab. Code 144.7	Requirement to amend standards - https://simbli.eboardsolutions.com/SU/29wp1Zt81JSslshHLif65dywA==
Lab. Code 6401.7	Injury and illness prevention program - https://simbli.eboardsolutions.com/SU/OLCkBLQtPasszuobFzmJvw==

Federal References

	Description
29 CFR 1910.1030	Bloodborne pathogens

Management Resources References

	Description
CA Department of Industrial Relations Publication	A Best Practices Approach for Reducing Bloodborne Pathogens Exposure, 2001
CA Department of Industrial Relations Publication	Exposure Control Plan for Bloodborne Pathogens, 2001
CA Department of Industrial Relations Publication	Frequently Asked Questions About the Bloodborne Pathogens Standard
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==

Website	California Department of Industrial Relations, Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQIJEVTeFex4Q==
Website	U.S. Department of Labor, Occupational Safety and Health Administration - https://simbli.eboardsolutions.com/SU/3chzxaztydPHSslshAUF6PdVA==
Website	Centers for Disease Control and Prevention - https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==

Notice References

Unique Policy

Description

This policy is unique to the district/COE and is not connected to an existing CSBA sample policy or included in regular quarterly updates from CSBA.

Regulation 4119.42: Exposure Control Plan For Bloodborne Pathogens

Status: DRAFT

Original Adopted Date: Pending

Definitions

Occupational exposure means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. (8 CCR 5193; 29 CFR 1910.1030)

Exposure incident means a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties. (8 CCR 5193; 29 CFR 1910.1030)

Parenteral contact means piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions. (8 CCR 5193; 29 CFR 1910.1030)

A sharp is any object that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident. (8 CCR 5193)

A sharps injury is any injury caused by a sharp, including, but not limited to, cuts, abrasions, or needlesticks. (8 CCR 5193)

Work practice controls are controls that reduce the likelihood of exposure by defining the manner in which a task is performed. (8 CCR 5193; 29 CFR 1910.1030)

Engineering controls are controls, such as sharps disposal containers, needleless systems, and sharps with engineered sharps injury protection, that isolate or remove the bloodborne pathogens hazard from the workplace. (8 CCR 5193; 29 CFR 1910.1030)

Engineered sharps injury protection is a physical attribute, such as a barrier, blunting, encapsulation, withdrawal, or other effective mechanism, built into a needle device or into a non-needle sharp which effectively reduces the risk of an exposure incident. (8 CCR 5193; 29 CFR 1910.1030)

Personal protective equipment is specialized clothing or equipment worn or used by an employee for protection against a hazard, such as gloves, gowns, laboratory coats, face shields or masks. (8 CCR 5193)

Exposure Control Plan

The district's written exposure control plan for bloodborne pathogens shall contain at least the following components: (8 CCR 5193; 29 CFR 1910.1030)

1. A determination of which employees have occupational exposure to blood or other potentially infectious materials, which shall be made without regard to employees' use of personal protective equipment and shall include a list of:
 - a. All job classifications in which all employees have occupational exposure
 - b. Job classifications in which some employees have occupational exposure
 - c. All tasks and procedures, or groups of closely related tasks and procedures, in which occupational exposure occurs and which are performed by employees listed in item #1b above
2. The schedule and method of implementing each of the following in accordance with 8 CCR 5193 and this administrative regulation:
 - a. Methods of compliance required by 8 CCR 5193(d) and 29 CFR 1910.1030, including universal precautions, general and specific engineering and work practice controls, and personal protective equipment

- b. Hepatitis B vaccination
 - c. Bloodborne pathogen post-exposure evaluation and follow-up
 - d. Communication of hazards to employees through information and training
 - e. Recordkeeping, including medical records, training records, and a log of sharps injuries
3. The district's procedure for documenting the route(s) of exposure and the circumstances under which exposure incidents occurred
 4. An effective procedure for gathering information about each exposure incident involving a sharp
 5. An effective procedure for periodically determining the frequency of use of the types and brands of sharps involved in exposure incidents
 6. An effective procedure for identifying currently available engineering controls and selecting such controls, as appropriate, for the procedures performed by employees in their work areas or departments
 7. An effective procedure for documenting instances when a licensed healthcare professional directly involved in an employee's care determines that the use of an engineering control would jeopardize the employee's safety or the success of a medical, dental, or nursing procedure involving the employee
 8. An effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed by employees in their respective work areas or departments

The exposure control plan shall be reviewed and updated at least annually and whenever necessary to: (8 CCR 5193; 29 CFR 1910.1030)

1. Reflect new or modified tasks and procedures affecting occupational exposure
2. Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens and, to the extent that sharps are used in the district, document consideration and implementation of appropriate commercially available needleless systems and needle devices and sharps with engineered sharps injury protection
3. Include new or revised employee positions with occupational exposure
4. Review and evaluate the exposure incidents which occurred since the previous update
5. Review and respond to information indicating that the exposure control plan is deficient in any area

The district's exposure control plan shall be accessible to employees upon request. (8 CCR 3204(e), 5193; 29 CFR 1910.1030)

Preventive Measures

The Superintendent or designee shall use engineering controls and work practice controls, as defined above, to eliminate or minimize employee exposure to bloodborne pathogens. Engineering controls and work practice controls shall be evaluated on a regular schedule and, as applicable, maintained, replaced, or updated to ensure their effectiveness. (8 CCR 5193; 29 CFR 1910.1030)

Whenever potential occupational exposure continues to exist after institution of engineering and work practice controls, the district shall provide, at no cost to the employee, appropriate personal protective equipment. (8 CCR 5193; 29 CFR 1910.1030)

Employees shall observe universal precautions to prevent contact with blood or other potentially infectious materials, including, but not limited to, handwashing, proper use of personal protective equipment, and proper disposal or washing of contaminated garments or objects. (8 CCR 5193; 29 CFR 1910.1030)

Any use of needleless systems, needle devices, or non-needle sharps shall adhere to the specific requirements of 8

CCR 5193(d) and 29 CFR 1910.1030.

Pre-Exposure Hepatitis B Vaccination

The hepatitis B vaccination and vaccination series shall be made available at no cost to all employees who have occupational exposure. The hepatitis B vaccination shall be made available after an employee with occupational exposure has received the required training and within 10 working days of initial assignment, unless the employee has previously received the complete hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or vaccination is contraindicated for medical reasons. (8 CCR 5193; 29 CFR 1910.1030)

Employees who decline to accept the vaccination shall sign the hepatitis B declination statement. (8 CCR 5193; 29 CFR 1910.1030)

The Superintendent or designee may exempt from the pre-exposure hepatitis B vaccine designated first aid providers whose primary job assignment is not the rendering of first aid, provided that the district implements the procedures in its exposure control plan for providing hepatitis B vaccine to all unvaccinated first aid providers who have rendered assistance in any situation involving the presence of blood or other potentially infectious materials and provides appropriate follow-up for those who experience an exposure incident. (8 CCR 5193)

Training

The Superintendent or designee shall ensure that all employees with occupational exposure participate in a training program at the time of initial assignment to tasks where occupational exposure may take place and at least annually thereafter. The training shall be offered during working hours and at no cost to the employee. (8 CCR 5193; 29 CFR 1910.1030)

The training shall address, at a minimum: (8 CCR 5193; 29 CFR 1910.1030)

1. The exposure control standard contained in 8 CCR 5193 and 29 CFR 1910.1030
2. The epidemiology and symptoms of bloodborne diseases
3. Modes of transmission of bloodborne pathogens
4. The district's exposure control plan and the means by which employees may obtain a copy of the written plan
5. Appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials
6. The use and limitations of methods to prevent or reduce exposure, including appropriate engineering controls, administrative or work practice controls, and personal protective equipment
7. The types, proper use, location, removal, handling, decontamination, and disposal of personal protective equipment
8. The basis for selecting personal protective equipment
9. The hepatitis B vaccine, including its efficacy, safety, and method of administration; the benefits of being vaccinated; and that the vaccine will be offered free of charge
10. Appropriate actions to take and persons to contact in an emergency or exposure incident involving blood or other potentially infectious materials
11. The post-exposure evaluation and follow-up that the district is required to provide for the employee following an exposure incident

Additional training shall be provided to affected employees whenever a change, such as the introduction or modification of tasks or procedures or the introduction of new engineering, administrative, or work practice controls, affects the employee's exposure. The additional training may be limited to addressing the new exposures created. (8 CCR 5193; 29 CFR 1910.1030)

Designated first aid providers shall receive training that includes the specifics of reporting first-aid incidents which involve blood or body fluids which are potentially infectious. (8 CCR 5193)

Reporting Incidents

All exposure incidents shall be reported as soon as possible to the Superintendent or designee.

Unvaccinated designated first aid providers must report any first aid incident involving the presence of blood or other potentially infectious material, regardless of whether an exposure incident occurred, by the end of the work shift. The full hepatitis B vaccination series shall be made available to such employees no later than 24 hours after the first aid incident. (8 CCR 5193)

Sharps Injury Log

The Superintendent or designee shall establish and maintain a log recording each exposure incident involving a sharp. (8 CCR 5193; 29 CFR 1910.1030)

The exposure incident shall be recorded within 14 working days of the date the incident is reported to the district. (8 CCR 5193)

The information recorded shall include the following, if known or reasonably available: (8 CCR 5193; 29 CFR 1910.1030)

1. Date and time of the exposure incident
2. Type and brand of sharp involved in the exposure incident
3. A description of the exposure incident, including:
 - a. Job classification of the exposed employee
 - b. Department or work area where the exposure incident occurred
 - c. The procedure that the exposed employee was performing at the time of the incident
 - d. How the incident occurred
 - e. The body part involved in the incident
 - f. If the sharp had engineered sharps injury protection, whether the protective mechanism was activated and whether the injury occurred before, during, or after the protective mechanism was activated
 - g. If the sharp had no engineered sharps injury protection, the injured employee's opinion as to whether and how such a mechanism could have prevented the injury
 - h. The employee's opinion about whether any other engineering, administrative, or work practice could have prevented the injury

Post-Exposure Evaluation and Follow-up

Following a report of an exposure incident, the Superintendent or designee shall immediately make available to the exposed employee, at no cost, a confidential medical evaluation, post-exposure evaluation, and follow-up. The Superintendent or designee shall, at a minimum: (8 CCR 5193; 29 CFR 1910.1030)

1. Document the route(s) of exposure and the circumstances under which the exposure incident occurred
2. Identify and document the source individual, unless that identification is not feasible or is prohibited by law
3. With the consent of the exposed employee, provide for the collection and testing of the employee's blood for hepatitis B, hepatitis C, and HIV serological status

4. Provide for post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service
5. Provide for counseling and evaluation of reported illnesses

The Superintendent or designee shall provide the health care professional responsible for the employee's hepatitis B vaccination with a copy of 8 CCR 5193 and 29 CFR 1910.1030; a description of the employee's duties as they relate to the exposure incident; documentation of the route(s) of exposure and circumstances under which exposure occurred; results of the source individual's blood testing, if available; and all medical records maintained by the district relevant to the appropriate treatment of the employee, including vaccination status. (8 CCR 5193; 29 CFR 1910.1030)

The district shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation. (8 CCR 5193)

Records

Upon an employee's initial employment and at least annually thereafter, the Superintendent or designee shall inform employees with occupational exposure of the existence, location, and availability of related records; the person responsible for maintaining and providing access to records; and the employee's right of access to these records. (8 CCR 3204)

The district shall maintain a medical record of each employee with occupational exposure, including the employee's hepatitis B vaccination status, the results of any post-exposure medical examinations and follow-up procedures, a copy of the information provided to the health care professional, and a copy of the health care professional's written opinion. The medical record shall be kept confidential and not disclosed or reported without the employee's written consent to any person within or outside the workplace except as required by law. (8 CCR 5193; 29 CFR 1910.1030)

Upon request by an employee, or a designated representative with the employee's written consent, the Superintendent or designee shall provide access to a record in a reasonable time, place, and manner, no later than 15 days after the request is made. (8 CCR 3204)

Records shall be maintained as follows: (8 CCR 3204, 5193; 29 CFR 1910.1030)

1. The medical records of each employee with occupational exposure shall be maintained for the duration of employment plus 30 years.
2. Training records shall be maintained for three years from the date of training.
3. The sharps injury log shall be maintained five years from the date the exposure incident occurred.
4. Exposure records shall be maintained for at least 30 years.
5. Each analysis using medical or exposure records shall be maintained for at least 30 years.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

8 CCR 3204

Description

Access to employee exposure and medical records

8 CCR 5193

Bloodborne pathogens

Gov. Code 3543.2

Scope of representation -

<https://simbli.eboardsolutions.com/SU/9wRAPNyHwwplusOHnqzplusGsOslshg==>

Lab. Code 142.3

Authority of Cal/OSHA to adopt standards -

<https://simbli.eboardsolutions.com/SU/qtK5bbJ47F5q49slshjslshfbb3g==>

Lab. Code 144.7

Requirement to amend standards -

<https://simbli.eboardsolutions.com/SU/29wp1Zt81JSslshHLif65dvwA==>

Lab. Code 6401.7

Injury and illness prevention program -

<https://simbli.eboardsolutions.com/SU/OLCkBLQtPasszuobFzmJvw==>

Federal References

29 CFR 1910.1030

Description

Bloodborne pathogens

Management Resources References

CA Department of Industrial Relations Publication

A Best Practices Approach for Reducing Bloodborne Pathogens Exposure, 2001

CA Department of Industrial Relations Publication

Exposure Control Plan for Bloodborne Pathogens, 2001

CA Department of Industrial Relations Publication

Frequently Asked Questions About the Bloodborne Pathogens Standard

Website

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Website

California Department of Industrial Relations, Occupational Safety and Health -

<https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQIJEVTeFex4Q==>

Website

U.S. Department of Labor, Occupational Safety and Health Administration -

<https://simbli.eboardsolutions.com/SU/3chzxaztydPHSslshAUF6PdVA==>

Website

Centers for Disease Control and Prevention -

<https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==>

Notice References

Unique Policy

Description

This policy is unique to the district/COE and is not connected to an existing CSBA sample policy or included in regular quarterly updates from CSBA.

Exhibit 4119.42-E(1): Exposure Control Plan For Bloodborne Pathogens

Status: DRAFT

Original Adopted Date: Pending

HEPATITIS B VACCINE DECLINATION

In accordance with 8 CCR 5193 and 29 CFR 1910.1030, the district makes the hepatitis B vaccine available to employees who may reasonably be expected to have contact with blood or other potentially infectious materials in the performance of their duties. Any employee who declines this vaccine is required to read and sign the following statement:

I understand that, due to my occupational exposure to blood or other potentially infectious materials, I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to myself.

Employee Name (Please print)

Signature

Date

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5193	Bloodborne pathogens
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Lab. Code 142.3	Authority of Cal/OSHA to adopt standards - https://simbli.eboardsolutions.com/SU/qtK5bbJ47F5q49slshjslshfbb3g==
Lab. Code 144.7	Requirement to amend standards - https://simbli.eboardsolutions.com/SU/29wp1Zt81JSslshHLif65dywA==
Lab. Code 6401.7	Injury and illness prevention program - https://simbli.eboardsolutions.com/SU/OLCkBLQtPasszuobFzmJvw==

Federal References

	Description
29 CFR 1910.1030	Bloodborne pathogens

Management Resources References

	Description
CA Department of Industrial Relations Publication	A Best Practices Approach for Reducing Bloodborne Pathogens Exposure, 2001
CA Department of Industrial Relations Publication	Exposure Control Plan for Bloodborne Pathogens, 2001
CA Department of Industrial Relations Publication	Frequently Asked Questions About the Bloodborne Pathogens Standard
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==

Website	California Department of Industrial Relations, Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQIJEVTeFex4Q==
Website	U.S. Department of Labor, Occupational Safety and Health Administration - https://simbli.eboardsolutions.com/SU/3chzxaztydPHSslshAUF6PdVA==
Website	Centers for Disease Control and Prevention - https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==

Notice References

Unique Policy

Description

This policy is unique to the district/COE and is not connected to an existing CSBA sample policy or included in regular quarterly updates from CSBA.

Policy 4119.43: Universal Precautions

Status: DRAFT

Original Adopted Date: Pending

In order to protect all employees from contact with potentially infectious blood or other body fluids, the Governing Board requires that universal precautions be observed throughout the district. Universal precautions are appropriate for preventing the spread of all infectious diseases and shall be used regardless of whether bloodborne pathogens are known to be present.

The Superintendent or designee shall distribute to employees information provided by the California Department of Education (CDE) regarding acquired immune deficiency syndrome (AIDS), AIDS-related conditions, and hepatitis B.

This information shall include, but not be limited to, any appropriate methods employees may use to prevent exposure to AIDS and hepatitis B, including information concerning the availability of a vaccine to prevent contraction of hepatitis B, and that the cost of this vaccination may be covered by the health plan of the employees.

Information shall be distributed annually, or more frequently if there is new information supplied by CDE. (Health and Safety Code 120875, 120880)

Employees shall immediately report any exposure incident or first aid incident in accordance with the district's exposure control plan for bloodborne pathogens or other safety procedures.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
8 CCR 3203	Injury and illness prevention program
8 CCR 5193	Bloodborne pathogens
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHwwplusOHnqzplusGsOslshg==
H&S Code 117600-118360	Handling and disposal of regulated waste - https://simbli.eboardsolutions.com/SU/IMsYQdPeKuoTnMy6Mqj1hQ==
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B - https://simbli.eboardsolutions.com/SU/38plusoh5urgpOdpluszq3f7akPg==
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B - https://simbli.eboardsolutions.com/SU/DnTo51VRfPSzvFGOSeoslshkw==
Lab. Code 6401.7	Injury and illness prevention program - https://simbli.eboardsolutions.com/SU/OLCkBLQtPasszuobFzmJvw==

Federal References

	Description
29 CFR 1910.1030	Bloodborne pathogens

Management Resources References

	Description
CDC and Prevention Publication	Hepatitis B Questions and Answers for the Public
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	American Federation of Teachers - https://simbli.eboardsolutions.com/SU/f8tXIPpEFKty5QFmgplusDDXQ==
Website	California Department of Industrial Relations, Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQIJEVTeFex4Q==
Website	U.S. Department of Labor, Occupational Safety and Health Administration - https://simbli.eboardsolutions.com/SU/3chzxaztydPHSslshAUF6PdVA==
Website	California Department of Public Health - https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==

Website

Centers for Disease Control and Prevention -
<https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==>

Regulation 4119.43: Universal Precautions

Status: DRAFT

Original Adopted Date: Pending

Definitions

Universal precautions are an approach to infection control. All human blood and certain human body fluids, including, but not limited to semen, vaginal secretions, and any body fluid that is visibly contaminated with blood, are treated as if known to be infectious for human immunodeficiency virus (HIV), hepatitis B virus (HBV), hepatitis C virus (HCV), and other bloodborne pathogens. (8 CCR 5193; 29 CFR 1910.1030)

Occupational exposure means reasonably anticipated contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. (8 CCR 5193; 29 CFR 1910.1030)

A sharp is any object that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident. (8 CCR 5193)

Infection Control Practices

For the prevention of infectious disease, the district shall:

1. Effectively maintain the worksite in a clean and sanitary condition, and implement an appropriate written schedule for cleaning and decontamination of the worksite
2. When necessary for employees with occupational exposure to bloodborne pathogens, provide appropriate personal protective equipment, such as gloves, masks, and outer garments, at no cost to the employee (8 CCR 5193)
3. Provide handwashing facilities which are readily accessible to employees, or, if not feasible, provide an appropriate antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes

Any employee who has contact with blood or other body fluid, regardless of whether bloodborne pathogens are known to be present, shall:

1. Use personal protective equipment as appropriate.
2. Wash hands and other skin surfaces thoroughly with soap and running water:
 - a. Immediately or as soon as feasible following contact with blood or other potentially infectious materials
 - b. Immediately after removing gloves or other personal protective equipment
3. When handwashing facilities are not available, use antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes. In such instances, hands shall be washed with soap and running water as soon as feasible.
4. Refrain from eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses in work areas with a reasonable likelihood of occupational exposure to bloodborne pathogens.
5. Clean and decontaminate all equipment and environmental and work surfaces after contact with blood or other potentially infectious material, no later than the end of the shift or more frequently as required by state regulations.
6. Rather than using the hands directly, use mechanical means such as a brush and dust pan, tongs, or forceps to clean up broken glassware which may be contaminated.
7. Use effective techniques designed to minimize the risk of a sharps injury in all procedures involving the use of sharps.
8. Handle, store, treat, and dispose of regulated waste in accordance with Health and Safety Code 117600-118360 and other applicable state and federal regulations.

- a. Immediately or as soon as possible after use, contaminated sharps shall be placed in containers meeting the requirements of 8 CCR 5193.
- b. Specimens of blood or other potentially infectious material shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport, or shipping.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
8 CCR 3203	Injury and illness prevention program
8 CCR 5193	Bloodborne pathogens
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
H&S Code 117600-118360	Handling and disposal of regulated waste - https://simbli.eboardsolutions.com/SU/IMsYQdPeKuoTnMy6Mqj1hQ==
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B - https://simbli.eboardsolutions.com/SU/38plusoh5urgpOdpluszq3f7akPg==
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B - https://simbli.eboardsolutions.com/SU/DnTo51VRfPSzvfGOSeoslskhk==
Lab. Code 6401.7	Injury and illness prevention program - https://simbli.eboardsolutions.com/SU/OLCkBLQtPasszuobFzmJvw==

Federal References

	Description
29 CFR 1910.1030	Bloodborne pathogens

Management Resources References

	Description
CDC and Prevention Publication	Hepatitis B Questions and Answers for the Public
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIsHxk6R5akQ==
Website	American Federation of Teachers - https://simbli.eboardsolutions.com/SU/f8tXIPpEFKty5QFmgplusDDXQ==
Website	California Department of Industrial Relations, Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQlJEVTeFex4Q==
Website	U.S. Department of Labor, Occupational Safety and Health Administration - https://simbli.eboardsolutions.com/SU/3chzxaztydPHSslshAUF6PdVA==
Website	California Department of Public Health - https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==
Website	Centers for Disease Control and Prevention - https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==

Policy 4121: Temporary/Substitute Personnel

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes that substitute and temporary personnel perform an essential role in promoting student achievement and desires to employ highly qualified, appropriately credentialed employees to fill such positions.

Hiring

The Superintendent or designee shall recommend candidates for substitute or temporary positions for Board approval, and shall ensure that all substitute and temporary employees are assigned in accordance with law and the authorizations specified in their credential.

Substitute personnel may be employed on an on-call, day-to-day basis.

In addition, after September 1 of any school year, the Board may employ substitute personnel for the remainder of the school year for positions for which no regular employee is available. The district shall first demonstrate to the Commission on Teacher Credentialing the inability to acquire the services of a qualified regular employee. (Education Code 44917)

Permanent or probationary certificated employees who were laid off pursuant to Education Code 44955 and who have a preferred right of reappointment shall be given priority for substitute service in the order of their original employment. (Education Code 44956, 44957)

Classification

At the time of initial employment and each July thereafter, the Board shall classify substitute and temporary employees as such. (Education Code 44915, 44916)

The Board may classify as substitute personnel a teacher hired to fill the position of a regularly employed person who is absent from service. (Education Code 44917)

To address the need for additional certificated employees when regular district employees are absent due to leaves or long-term illness, the Board may classify a teacher who is employed for at least one semester and up to one complete school year as a temporary employee. Any person whose service begins in the second semester and before March 15 may be classified as a temporary employee even if employed for less than a semester. The Board shall determine the number of persons who shall be so employed, which shall not exceed the identified need based on the absence of regular employees. (Education Code 44920)

The Board also shall classify as temporary employees those certificated persons, other than substitute employees, who are employed to:

1. Serve from day to day during the first three months of any school term to teach temporary classes which shall not exist after that time, or perform any other duties which do not last longer than the first three months of any school term (Education Code 44919)
2. Teach in special day and evening classes for adults or in schools of migratory population for not more than four months of any school term (Education Code 44919)
3. Serve in a limited assignment supervising student athletic activities provided such assignments have first been made available to teachers presently employed in the district (Education Code 44919)
4. Serve in a position for a period not to exceed 20 working days in order to prevent the stoppage of district business during an emergency when persons are not immediately available for probationary classification (Education Code 44919)
5. Serve only for the first semester because the district expects a reduction in student enrollment during the second semester due to mid-year graduations (Education Code 44921)

For purposes of classifying employees pursuant to item #1 or #2 above, the school year shall not be divided into

more than two school terms. (Education Code 44919)

Any employee hired to provide services in a categorically funded program or project may be employed for a period less than a full school year. He/she may be classified as a temporary employee if the period of employment will end at the expiration of that program or project. (Education Code 44909)

Salary and Benefits

The Board shall adopt and make public a salary schedule setting the daily or pay period rate(s) for substitute employees for all categories or classes of certificated employees of the district. (Education Code 44977, 45030)

Temporary employees shall not participate in the health and welfare plans or other fringe benefits of the district.

Paid Sick Leave

Except for a retired annuitant who is not reinstated to the retirement system, any temporary or substitute employee who works for 30 or more days within a year of his/her employment shall be credited with 24 hours of paid sick leave for that year. Unused sick leave shall not carry over to the following year of employment. (Labor Code 246)

Any temporary or substitute employee may begin to use accrued paid sick days on the 90th day of his/her employment, after which he/she may use the sick days as they are accrued. (Labor Code 246)

A temporary or substitute employee may use accrued sick leave for absences due to: (Labor Code 246.5)

1. His/her own need or the need of a family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking

No employee shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249. The Superintendent or designee shall display a poster containing required information, provide notice to eligible employees of their sick leave rights, keep records of employees' use of sick leave for three years, and comply with other requirements specified in Labor Code 245-249 and in AR 4161.1/4361.1 - Personal Illness/Injury Leave.

Release from Employment/Dismissal

The Board may dismiss a substitute employee at any time at its discretion. (Education Code 44953)

The Board may release a temporary employee at its discretion if the employee has served less than 75 percent of the number of days the regular schools of the district are maintained during one school year. After serving 75 percent of the number of days that district schools are maintained during one school year, a temporary employee may be released as long as he/she is notified, before the last day of June, of the district's decision not to reelect him/her for the following school year. (Education Code 37200, 44954)

Reemployment as a Probationary Employee

Unless released from employment pursuant to Education Code 44954, any person employed for one complete school year as a temporary employee shall, if reemployed for the following school year in a vacant position requiring certification qualifications, be classified as a probationary employee. With the exception of on-call, day-to-day substitutes, if a temporary or substitute employee performs the duties normally required of certificated employees for at least 75 percent of the number of days the regular schools of the district were maintained in that school year and is then employed as a probationary employee for the following school year, his/her previous employment as a temporary or substitute employee shall be credited as one year's employment as a probationary employee for purposes of acquiring permanent status. (Education Code 44917, 44918, 44920)

Vacant position means a position in which the employee is qualified to serve and which is not filled by a permanent or probationary employee. It shall not include a position which would be filled by a permanent or probationary

employee except for the fact that such employee is on leave. (Education Code 44920, 44921)

A temporary employee hired pursuant to item #1 or #2 in the section "Classification" above shall be classified as a probationary employee if the duties continue beyond the time limits of the assignment. (Education Code 44919)

A person employed pursuant to item #5 in the section "Classification" above who is then continued in employment beyond the first semester shall be classified as a probationary employee for the entire school year and shall be reemployed to fill any vacant position in the district for which he/she is certified. Preference for available positions shall be determined by the Board as prescribed by Education Code 44845 and 44846. (Education Code 44921)

With the exception of on-call, day-to-day substitutes, any temporary or substitute employee who was released pursuant to Education Code 44954 but who has nevertheless served in a certificated position in the district for at least 75 percent of each of two consecutive school years shall receive first priority if the district fills a vacant position for the subsequent school year at the grade level at which the employee served during either year. In the case of a departmentalized program, the employee shall have taught the subject matter in which the vacant position occurs. (Education Code 44918)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 5502	Filing of notice of physical examination for employment of retired person
5 CCR 5503	Physical examination for employment of retired persons
5 CCR 5590	Temporary athletic teach coach
5 CCR 80025-80025.5	Emergency substitute teaching permits
Ed. Code 22455.5	STRS information to potential members - https://simbli.eboardsolutions.com/SU/OpjZXTfC5WYwCfRTPNSDXQ==
Ed. Code 22515	Irrevocable election to join retirement plan - https://simbli.eboardsolutions.com/SU/R6XJaEpWYvIXBluHmlemkQ==
Ed. Code 37200	School calendar - https://simbli.eboardsolutions.com/SU/8MwyaORWh3PPOH8q2B6AZw==
Ed. Code 44252.5	State basic skills assessment required for certificated personnel - https://simbli.eboardsolutions.com/SU/1wugDIVbksW2zEPc67Ux6w==
Ed. Code 44300	Emergency permits - https://simbli.eboardsolutions.com/SU/plus5XEpBw5nAkVNP06TMvs7g==
Ed. Code 44830	Employment of certificated persons - https://simbli.eboardsolutions.com/SU/UcbAySbOuO39cbplusTyNnmRA==
Ed. Code 44839.5	Requirements for employment of retirant - https://simbli.eboardsolutions.com/SU/9NiF7P8cplus6F5a9AwnxnXMQ==
Ed. Code 44845	Date of employment - https://simbli.eboardsolutions.com/SU/YHhy4Q3slshBuKAp7tM4NI1WQ==
Ed. Code 44846	Criteria for reemployment preferences - https://simbli.eboardsolutions.com/SU/feQHtb0VemNSIBKCT9LBsA==
Ed. Code 44909	Employees providing services through categorically funded programs - https://simbli.eboardsolutions.com/SU/qBcp0wpjXfPdVwsI8H6t6A==
Ed. Code 44914	Substitute and probationary employment computation for classification as permanent employee - https://simbli.eboardsolutions.com/SU/sZK9baX60tqsaszQ7ue9xQ==
Ed. Code 44915	Classification of probationary employees - https://simbli.eboardsolutions.com/SU/Cp4cYmcplusukfqiqlustyjblw==
Ed. Code 44916	Written statement of employment status - https://simbli.eboardsolutions.com/SU/XmCPHsuWR7m01NGRhZplusBaA==

Ed. Code 44917	Classification of substitute employees - https://simbli.eboardsolutions.com/SU/8N6a8htUU5W73OH93XRztQ==
Ed. Code 44918	Substitute or temporary employee deemed probationary employee; reemployment rights - https://simbli.eboardsolutions.com/SU/Atw8AXAMRoGiu9Es8TgRCQ==
Ed. Code 44919	Classification of temporary employees; classifications - https://simbli.eboardsolutions.com/SU/UJCJRK0pzcebkBr0dHx08w==
Ed. Code 44920	Employment of certain temporary employees; classifications - https://simbli.eboardsolutions.com/SU/zqGGhXn9Mjhx2oyelu5nA==
Ed. Code 44921	Employment of temporary employees; reemployment rights (unified and high school districts) - https://simbli.eboardsolutions.com/SU/zklfMWKwvNqplusZNfsdSGoZg==
Ed. Code 44953	Dismissal of substitute employees - https://simbli.eboardsolutions.com/SU/VTX0TRTdFIRkBuDeKrqE1w==
Ed. Code 44954	Nonreelection of temporary employees - https://simbli.eboardsolutions.com/SU/Tn8xix2gcZSmGiaMplusX1tPQ==
Ed. Code 44955	Reduction in number of permanent employees - https://simbli.eboardsolutions.com/SU/MQslshxJln2uiAVe9Pljo6DqA==
Ed. Code 44956	Rights of laid-off permanent employees to substitute positions - https://simbli.eboardsolutions.com/SU/rjLQnJoSpXOapfB5g8ITxQ==
Ed. Code 44957	Rights of laid-off probationary employees to substitute positions - https://simbli.eboardsolutions.com/SU/aplusky3kgnvTIVplusJQE9TplusMYQ==
Ed. Code 44977	Salary schedule for substitute employees - https://simbli.eboardsolutions.com/SU/dK3f7RLmTXxqoTplus2vHbuGQ==
Ed. Code 45030	Substitutes - https://simbli.eboardsolutions.com/SU/TtKhGLgYxdehFHnucbbqgg==
Ed. Code 45041	Computation of salary - https://simbli.eboardsolutions.com/SU/Q11XAIsishqlwHuOslshTt9R211w==
Ed. Code 45042	Alternative method of computation for less than one school year - https://simbli.eboardsolutions.com/SU/CnqMV9alzgNvJyYtk7MZEa==
Ed. Code 45043	Compensation for employment beginning in the second semester - https://simbli.eboardsolutions.com/SU/7D7Avou0saVaJxJKDehDA==
Ed. Code 56060-56063	Substitute teachers in special education - https://simbli.eboardsolutions.com/SU/tO6b1slsh3ftVqNGOnLpigL7Q==
Gov. Code 3540.1	Public employment; definitions - https://simbli.eboardsolutions.com/SU/1rRSSt4h2qTslshGbO6ucvzcA==
Lab. Code 220	Sections inapplicable to public employees - https://simbli.eboardsolutions.com/SU/mrs5MN2KFE1Wv2SFvHgx3Q==
Lab. Code 230	Accommodations and leave for victims of domestic violence - https://simbli.eboardsolutions.com/SU/YxjVw5yqtQF8dHAekvDUtA==
Lab. Code 230.1	Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off - https://simbli.eboardsolutions.com/SU/UOzkJ4wyy0240KOWuslshevQg==
Lab. Code 233	Leave to attend to family illness - https://simbli.eboardsolutions.com/SU/VRh2AA6YH1QSBFw4uslshydOQ==
Lab. Code 234	Absence control policy - https://simbli.eboardsolutions.com/SU/9tssm8e1G1UDokkweT4LGA==
Lab. Code 245-249	Healthy Workplaces, Healthy Families Act of 2014 - https://simbli.eboardsolutions.com/SU/7iixDazPenINv4Ye8wbp1A==

Management Resources References**Description**

Court Decision	Kavanaugh v. West Sonoma Union High School District, (2003) 29 Cal.4th 911
Court Decision	McIntyre v. Sonoma Valley Unified School District (2012) 206 Cal.App.4th 170
Court Decision	Neily v. Manhattan Beach Unified School District, (2011) 192 Cal.App.4th 187
Court Decision	Stockton Teachers Association CTA/NEA v. Stockton Unified School District (2012) 204 Cal.App.4th 446
Court Decision	Bakersfield Elementary Teachers Association v. Bakersfield City School District, (2006) 145 Cal.App.4th 1260
Court Decision	California Teachers Association v. Vallejo City Unified School District, (2007) 149 Cal.App.4th 135
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUulsaq7efc7aH4Q==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Regulation 4121: Temporary/Substitute Personnel

Status: DRAFT

Original Adopted Date: Pending

Qualifications

Any candidate recommended by the Superintendent or designee for a substitute or temporary position requiring certification qualifications shall possess the appropriate credential or permit authorizing his/her employment in such position and shall meet all other requirements of law for certificated positions. (Education Code 44830)

The district shall not initially hire a certificated person on a substitute or temporary basis in a capacity designated in his/her credential unless he/she has demonstrated basic skills proficiency in reading, writing, and mathematics pursuant to Education Code 44252.5, unless exempted by law. (Education Code 44830)

A noncredentialed person shall not substitute for any special education certificated position. The Superintendent or designee shall recruit and maintain lists of appropriately credentialed substitute teachers for special education positions. He/she shall contact institutes of higher education with approved special education programs for possible recommendations of appropriately credentialed special education personnel. (Education Code 56060, 56063)

Notifications

At the time of initial employment during each school year, each new temporary employee shall receive a written statement indicating his/her employment status and salary. This statement shall clearly indicate the temporary nature of the employment and the length of time for which the person is being employed. (Education Code 44916)

Time of initial employment means before the employee starts work. (Kavanaugh v. West Sonoma County Union High School District)

The Superintendent or designee shall notify all substitute and part-time certificated employees, within 30 days of their hire, of their right to elect membership in a defined benefit program under a qualified retirement plan. The employee shall sign a form provided by the system to acknowledge receipt of this notice and to indicate whether he/she elects or declines membership. Election of membership shall be irrevocable for all future employment to perform creditable service. (Education Code 22455.5, 22515)

Assignments

A person who holds an emergency 30-day substitute permit, emergency career substitute permit, emergency substitute permit for prospective teachers, or emergency substitute permit for career technical education shall be restricted in the number of days he/she may substitute for any one teacher in accordance with 5 CCR 80025-80025.5.

In placing substitute teachers in special education classrooms, the district shall give first priority to substitute teachers with the appropriate special education credential(s), second priority to substitute teachers with any other special education credential, and third priority to substitute teachers with a regular teaching credential. An inappropriately credentialed substitute teacher shall not serve as a substitute for a special education teacher for a period of more than 20 cumulative school days for each special education teacher absent during each school year. The district may apply to the Superintendent of Public Instruction for an extension of 20 school days, or for a longer period in extraordinary circumstances. (Education Code 56060-56062)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 5502	Filing of notice of physical examination for employment of retired person
5 CCR 5503	Physical examination for employment of retired persons
5 CCR 5590	Temporary athletic teach coach
5 CCR 80025-80025.5	Emergency substitute teaching permits

Ed. Code 22455.5	STRS information to potential members - https://simbli.eboardsolutions.com/SU/OpjXTfC5WyWcFrTPNSDXQ==
Ed. Code 22515	Irrevocable election to join retirement plan - https://simbli.eboardsolutions.com/SU/R6XJaEpWyyvIXBluHmlemkQ==
Ed. Code 37200	School calendar - https://simbli.eboardsolutions.com/SU/8MwyaORWh3PPOH8q2B6AZw==
Ed. Code 44252.5	State basic skills assessment required for certificated personnel - https://simbli.eboardsolutions.com/SU/1wugDIVbksw2zEPc67Ux6w==
Ed. Code 44300	Emergency permits - https://simbli.eboardsolutions.com/SU/plus5XEpBw5nAkVNP06TMvs7g==
Ed. Code 44830	Employment of certificated persons - https://simbli.eboardsolutions.com/SU/UcbAySbOuO39cbplusTyNnmRA==
Ed. Code 44839.5	Requirements for employment of retirant - https://simbli.eboardsolutions.com/SU/9NiF7P8cplus6F5a9AwnxnXMQ==
Ed. Code 44845	Date of employment - https://simbli.eboardsolutions.com/SU/YHhy4Q3slshBuKAp7tM4NI1WQ==
Ed. Code 44846	Criteria for reemployment preferences - https://simbli.eboardsolutions.com/SU/feQHtb0VemNSIBKCT9LBsA==
Ed. Code 44909	Employees providing services through categorically funded programs - https://simbli.eboardsolutions.com/SU/qBcp0wpjXfPdVwsl8H6t6A==
Ed. Code 44914	Substitute and probationary employment computation for classification as permanent employee - https://simbli.eboardsolutions.com/SU/sZK9baX60tqsaszQ7ue9xQ==
Ed. Code 44915	Classification of probationary employees - https://simbli.eboardsolutions.com/SU/Cp4cYmcplusukofiqplustyjb1w==
Ed. Code 44916	Written statement of employment status - https://simbli.eboardsolutions.com/SU/XmCPHsuWR7m01NGRhZplusBaA==
Ed. Code 44917	Classification of substitute employees - https://simbli.eboardsolutions.com/SU/8N6a8btUU5W73OH93XRztQ==
Ed. Code 44918	Substitute or temporary employee deemed probationary employee; reemployment rights - https://simbli.eboardsolutions.com/SU/Atw8AXAMRoGiu9Es8TgRCQ==
Ed. Code 44919	Classification of temporary employees; classifications - https://simbli.eboardsolutions.com/SU/UJCJRK0pzcebkBr0dHx08w==
Ed. Code 44920	Employment of certain temporary employees; classifications - https://simbli.eboardsolutions.com/SU/zqGGhXn9Mjhx2oyelu5nA==
Ed. Code 44921	Employment of temporary employees; reemployment rights (unified and high school districts) - https://simbli.eboardsolutions.com/SU/zklfMWKwvNqplusZNfsdSGoZg==
Ed. Code 44953	Dismissal of substitute employees - https://simbli.eboardsolutions.com/SU/VTX0TRTdFIRkBuDeKrqE1w==
Ed. Code 44954	Nonreelection of temporary employees - https://simbli.eboardsolutions.com/SU/Tn8xix2gcZSmGiaMplusX1tPQ==
Ed. Code 44955	Reduction in number of permanent employees - https://simbli.eboardsolutions.com/SU/MQslshxJln2uiAVe9Pljo6DqA==
Ed. Code 44956	Rights of laid-off permanent employees to substitute positions - https://simbli.eboardsolutions.com/SU/rjLQnJoSpXOapfB5g8ITxQ==
Ed. Code 44957	Rights of laid-off probationary employees to substitute positions - https://simbli.eboardsolutions.com/SU/aplusky3kgnvTIVplusJQE9TplusMYQ==

Ed. Code 44977	Salary schedule for substitute employees - https://simbli.eboardsolutions.com/SU/dK3f7RLmTXxqoTplus2vHbuGQ==
Ed. Code 45030	Substitutes - https://simbli.eboardsolutions.com/SU/TtKhGLgYxdehFHnucbbqgg==
Ed. Code 45041	Computation of salary - https://simbli.eboardsolutions.com/SU/Q11XAIsIshqIwHuOsIshTt9R211w==
Ed. Code 45042	Alternative method of computation for less than one school year - https://simbli.eboardsolutions.com/SU/CnqMV9alzgNvJyYtk7MZEA==
Ed. Code 45043	Compensation for employment beginning in the second semester - https://simbli.eboardsolutions.com/SU/7D7Avou0saVaJxJKDehDA==
Ed. Code 56060-56063	Substitute teachers in special education - https://simbli.eboardsolutions.com/SU/tO6b1slsh3ftVqNGOnLpigL7Q==
Gov. Code 3540.1	Public employment; definitions - https://simbli.eboardsolutions.com/SU/1rRSSt4h2qTslshGbO6ucvzcA==
Lab. Code 220	Sections inapplicable to public employees - https://simbli.eboardsolutions.com/SU/mrs5MN2KFE1Wv2SFvHgX3Q==
Lab. Code 230	Accommodations and leave for victims of domestic violence - https://simbli.eboardsolutions.com/SU/YxjVw5yqtQF8dHAekvDUtA==
Lab. Code 230.1	Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off - https://simbli.eboardsolutions.com/SU/UOzkJ4wyy0240KOWuslshevQg==
Lab. Code 233	Leave to attend to family illness - https://simbli.eboardsolutions.com/SU/VRh2AA6YH1QsbEw4uslshydOQ==
Lab. Code 234	Absence control policy - https://simbli.eboardsolutions.com/SU/9tssm8e1G1UDokkweT4LGA==
Lab. Code 245-249	Healthy Workplaces, Healthy Families Act of 2014 - https://simbli.eboardsolutions.com/SU/7iixDazPenINv4Ye8wbp1A==

Management Resources References

	Description
Court Decision	Kavanaugh v. West Sonoma Union High School District, (2003) 29 Cal.4th 911
Court Decision	McIntyre v. Sonoma Valley Unified School District (2012) 206 Cal.App.4th 170
Court Decision	Neily v. Manhattan Beach Unified School District, (2011) 192 Cal.App.4th 187
Court Decision	Stockton Teachers Association CTA/NEA v. Stockton Unified School District (2012) 204 Cal.App.4th 446
Court Decision	Bakersfield Elementary Teachers Association v. Bakersfield City School District, (2006) 145 Cal.App.4th 1260
Court Decision	California Teachers Association v. Vallejo City Unified School District, (2007) 149 Cal.App.4th 135
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNIqRUuIsaq7efc7aH4Q==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Policy 4127: Temporary Athletic Team Coaches

Status: DRAFT

Original Adopted Date: Pending

The Governing Board desires to employ highly qualified coaches for the district's sports and interscholastic athletic programs in order to enhance the knowledge, skills, motivation, and safety of student athletes.

The Superintendent or designee may hire a certificated or noncertificated employee, other than a substitute employee, to supervise or instruct interscholastic athletic activities as a temporary employee in a limited assignment capacity. (5 CCR 5590)

When hiring a person to fill a position as a temporary athletic team coach, the position shall first be made available to qualified certificated teachers currently employed by the district. (Education Code 44919)

All coaches shall be subject to Board policies, administrative regulations, and California Interscholastic Federation bylaws and codes of ethical conduct.

Noncertificated coaches shall have no authority to assign grades to students. (5 CCR 5591)

Qualifications and Training

The Superintendent or designee shall establish qualification criteria for all athletic coaches in accordance with law and district standards. These criteria shall ensure that coaches possess an appropriate level of competence, knowledge, and skill.

Any noncertificated employee or volunteer who works with students in a district-sponsored interscholastic athletic program shall, prior to beginning his/her duties, submit to the Superintendent or designee either an Activity Supervisor Clearance Certificate issued by the Commission on Teacher Credentialing or a Department of Justice and Federal Bureau of Investigation criminal background clearance. (Education Code 49024)

Following the selection of a temporary athletic team coach, the Superintendent or designee shall certify to the Board, at the next regular Board meeting or within 30 days, whichever is sooner, that the coach meets the qualifications and competencies required by 5 CCR 5593. By April 1 of each year, the Board shall certify to the State Board of Education that the provisions of 5 CCR 5593 have been met. (5 CCR 5594)

In addition, the Superintendent or designee shall regularly report to the Board regarding the extent to which the district's coaches have completed the trainings required by law, including those required pursuant to Education Code 33479.6 and 49032, and by district policy.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 5531	Supervision of extracurricular activities of students
5 CCR 5590-5596	Duties of temporary athletic team coaches
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act - https://simbli.eboardsolutions.com/SU/ALIQ3iERGX1NajjcmJDnaQ==
Ed. Code 35179-35179.7	Interscholastic athletics - https://simbli.eboardsolutions.com/SU/iYYfvWeS1ARFgmKacICcNA==
Ed. Code 44010	Sex offense; definitions - https://simbli.eboardsolutions.com/SU/kVoMSh2Y4cuufG1O45T35A==
Ed. Code 44011	Controlled substance offense - https://simbli.eboardsolutions.com/SU/yVslsh8HNplus6fH8Trsdpvo9h3w==
Ed. Code 44332-44332.5	Temporary certificates - https://simbli.eboardsolutions.com/SU/ewqmiXUOvCIFsK5411GVaQ==

Ed. Code 44424	Conviction of a crime - https://simbli.eboardsolutions.com/SU/KQ21D09kicgfZydeOWl6og==
Ed. Code 44808	Liability when students are not on school property - https://simbli.eboardsolutions.com/SU/QlplusslshrHDTFD4Lo433XhMScA==
Ed. Code 44916	Written statement of employment status - https://simbli.eboardsolutions.com/SU/XmCPHsuWR7m01NGRhZplusBaA==
Ed. Code 44919	Classification of temporary employees; classifications - https://simbli.eboardsolutions.com/SU/UJCJRK0pzcebkBr0dHx08w==
Ed. Code 45125.01	Interagency agreements for criminal record information - https://simbli.eboardsolutions.com/SU/p0plusGJ0luVPDudcyAVB8E0w==
Ed. Code 45347	Instructional aides subject to requirements for classified staff - https://simbli.eboardsolutions.com/SU/plusqCH4autjULPxLyGOsMZAQ==
Ed. Code 45349	Use of volunteers to supervise or instruct students - https://simbli.eboardsolutions.com/SU/slshY0S1EQ9Se8xrb2VC2MjLQ==
Ed. Code 49024	Activity Supervisor Clearance Certificate - https://simbli.eboardsolutions.com/SU/bPKibplusdM71m5nBUYCqYkKg==
Ed. Code 49030-49034	Performance enhancing substances - https://simbli.eboardsolutions.com/SU/pJ6vzF969vaslshheLslsh0M2G0w==
Ed. Code 49406	Examination for tuberculosis - https://simbli.eboardsolutions.com/SU/1zMk9tKmBYJP1m6AfhBiag==

Management Resources References

Description

California Interscholastic Federation Publication	California Interscholastic Federation Constitution and Bylaws
California Interscholastic Federation Publication	Pursuing Victory with Honor, 1999
Commission on Teacher Credentialing Publication	10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), July 20, 2010
Court Decision	CTA v. Rialto Unified School District, (1997) 14 Cal. 4th 627
Court Decision	Kavanaugh v. West Sonoma Union High School District, (2003) 29 Cal.4th 911
Court Decision	Neily v. Manhattan Beach Unified School District, (2011) 192 Cal.App.4th 187
CSBA Publication	Steroids and Students: What Boards Need to Know, Policy Brief, July 2005
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDslshXk6R5akQ==
Website	National Athletic Trainers' Association - https://simbli.eboardsolutions.com/SU/OFCZv0VJFMPRP5JiHCp0Zw==
Website	California Interscholastic Federation - https://simbli.eboardsolutions.com/SU/QthhhDMKplusJ3akAI8GRP72g==
Website	California Athletic Trainers' Association - https://simbli.eboardsolutions.com/SU/HEIHspluspGBfbDr2DajvVPAw==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efc7aH4Q==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==

Regulation 4127: Temporary Athletic Team Coaches

Status: DRAFT

Original Adopted Date: Pending

Qualifications

Minimum qualifications for temporary athletic team coaches shall include, but are not necessarily limited to, competencies in the following areas: (5 CCR 5593)

1. Care and prevention of athletic injuries, basic sports injury first aid, and emergency procedures, as evidenced by one or more of the following:
 - a. Completion of a college-level course in the care and prevention of athletic injuries and possession of a valid cardiopulmonary resuscitation (CPR) card
 - b. A valid sports injury certificate or first aid card, and a valid CPR card
 - c. A valid Emergency Medical Technician (EMT) I or II card
 - d. A valid trainer's certification issued by the National or California Athletic Trainers' Association (NATA/CATA)
 - e. Possession of both valid CPR and first aid cards and practical experience under the supervision of an athletic coach or trainer or experience assisting in team athletic training and conditioning
2. Coaching theory and techniques in the sport or game being coached, as evidenced by one or more of the following:
 - a. Completion of a college course in coaching theory and techniques
 - b. Completion of inservice programs arranged by a school district or county office of education
 - c. Prior service as a student coach or assistant athletic coach in the sport or game being coached
 - d. Prior coaching in community youth athletic programs in the sport being coached
 - e. Prior participation in organized competitive athletics at the high school level or above in the sport being coached
3. Knowledge of the rules and regulations pertaining to the sport or game being coached, the league rules, and, at the high school level, regulations of the California Interscholastic Federation (CIF)
4. Knowledge of child or adolescent psychology, as appropriate, as it relates to sport participation, as evidenced by one or more of the following:
 - a. Completion of a college-level course in child psychology for elementary school positions and adolescent or sports psychology for secondary school positions
 - b. Completion of a seminar or workshop on human growth and development of youth
 - c. Prior active involvement with youth in school or community sports program

The Superintendent or designee may waive competency requirements for persons enrolled in appropriate training courses leading to acquisition of the competency, provided such persons serve under the direct supervision of a fully qualified coach until the competencies are met. (5 CCR 5593)

Volunteers who supervise or direct an athletic program shall meet the qualification criteria specified in 5 CCR 5593 required for temporary athletic team coaches employed by the district. Any volunteer who does not meet such criteria shall serve only under the supervision of a fully qualified coach and shall not be given charge of an athletic program.

Additional Qualifications of Noncertificated Personnel and Volunteers

In addition to the qualifications listed above, any noncertificated employee or volunteer assigned as a temporary athletic team coach shall: (5 CCR 5592)

1. Be free from tuberculosis and any other contagious disease that would prohibit certificated teachers from teaching, as verified by a written statement, renewable every four years, from a licensed physician or other person approved by the district
2. Not have been convicted of any offense referred to in Education Code 44010, 44011, or 44424, or any offense involving moral turpitude or evidencing unfitness to associate with children

Any noncertificated employee or volunteer assigned as a temporary athletic team coach shall obtain an Activity Supervisor Clearance Certificate or a criminal background check in accordance with Board policy. (Education Code 49024)

Training

In addition, prior to coaching an athletic activity and every two years thereafter, athletic coaches shall complete an approved training course on the nature and warning signs of sudden cardiac arrest. (Education Code 33479.2, 33479.6, 33479.7)

Code of Ethical Conduct

Employees providing supervisory or instructional services in interscholastic athletic programs and activities shall: (5 CCR 5596)

1. Show respect for players, officials, and other coaches
2. Respect the integrity and judgment of game officials
3. Establish and model fair play, sportsmanship, and proper conduct
4. Establish player safety and welfare as the highest priority
5. Provide proper supervision of students at all times
6. Use discretion when providing constructive criticism and when reprimanding players
7. Maintain consistency in requiring all players to adhere to the established rules and standards of the game
8. Properly instruct players in the safe use of equipment
9. Avoid exerting undue influence on a student's decision to enroll in an athletic program at any public or private postsecondary educational institution
10. Avoid exerting undue influence on students to take lighter academic course(s) in order to be eligible to participate in athletics
11. Avoid suggesting, providing, or encouraging any athlete to use nonprescription drugs, anabolic steroids, or any substance to increase physical development or performance that is not approved by the U.S. Food and Drug Administration, U.S. Surgeon General, or the American Medical Association
12. Avoid recruitment of athletes from other schools
13. Follow the rules of behavior and the procedures for crowd control as established by the district and the league in which the district participates

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 5531

5 CCR 5590-5596

Ed. Code 33479-33479.9

Ed. Code 35179-35179.7

Ed. Code 44010

Ed. Code 44011

Ed. Code 44332-44332.5

Ed. Code 44424

Ed. Code 44808

Ed. Code 44916

Ed. Code 44919

Ed. Code 45125.01

Ed. Code 45347

Ed. Code 45349

Ed. Code 49024

Ed. Code 49030-49034

Ed. Code 49406

Description

Supervision of extracurricular activities of students

Duties of temporary athletic team coaches

The Eric Parades Sudden Cardiac Arrest Prevention Act - <https://simbli.eboardsolutions.com/SU/ALIQ3iERGX1NajjcmJDnaQ==>

Interscholastic athletics - <https://simbli.eboardsolutions.com/SU/iYYfvWeS1ARFgmKacICcNA==>

Sex offense; definitions - <https://simbli.eboardsolutions.com/SU/kVoMSh2Y4cuufG1O45T35A==>

Controlled substance offense - <https://simbli.eboardsolutions.com/SU/yVslsh8HNplus6fH8Trsdpvo9h3w==>

Temporary certificates - <https://simbli.eboardsolutions.com/SU/ewqmiXUOvCIFsKS411GVaQ==>

Conviction of a crime - <https://simbli.eboardsolutions.com/SU/KQ21D09kicgfZydeOWI6og==>

Liability when students are not on school property - <https://simbli.eboardsolutions.com/SU/qlplusslshrHDTFD4Lo433XhMScA==>

Written statement of employment status - <https://simbli.eboardsolutions.com/SU/XmCPHsuWR7m01NGRhZplusBaA==>

Classification of temporary employees; classifications - <https://simbli.eboardsolutions.com/SU/UJCJRK0pzcebkbBr0dHx08w==>

Interagency agreements for criminal record information - <https://simbli.eboardsolutions.com/SU/p0plusGJ0luVPDudcyAVB8E0w==>

Instructional aides subject to requirements for classified staff - <https://simbli.eboardsolutions.com/SU/plusqCH4autjULPxLyGOsMZAQ==>

Use of volunteers to supervise or instruct students - <https://simbli.eboardsolutions.com/SU/slshY0S1EQ9Se8xrb2VC2MjLQ==>

Activity Supervisor Clearance Certificate - <https://simbli.eboardsolutions.com/SU/bPKibplUSDm71m5nBUYCqYkKg==>

Performance enhancing substances - <https://simbli.eboardsolutions.com/SU/pJ6vzF969vaslshheLslsh0M2G0w==>

Examination for tuberculosis - <https://simbli.eboardsolutions.com/SU/1zMk9tKmBYJP1m6AfhBiag==>

Management Resources References

California Interscholastic Federation Publication

California Interscholastic Federation Publication

Commission on Teacher Credentialing Publication

Court Decision

Court Decision

Court Decision

CSBA Publication

Website

Description

California Interscholastic Federation Constitution and Bylaws

Pursuing Victory with Honor, 1999

10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), July 20, 2010

CTA v. Rialto Unified School District, (1997) 14 Cal. 4th 627

Kavanaugh v. West Sonoma Union High School District, (2003) 29 Cal.4th 911

Neily v. Manhattan Beach Unified School District, (2011) 192 Cal.App.4th 187

Steroids and Students: What Boards Need to Know, Policy Brief, July 2005

CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsLshXk6R5akQ==>

Website	National Athletic Trainers' Association - https://simbli.eboardsolutions.com/SU/OFCZv0VJFMPRP5JiHCp0Zw==
Website	California Interscholastic Federation - https://simbli.eboardsolutions.com/SU/QthhhDMKplusJ3akAI8GRP72g==
Website	California Athletic Trainers' Association - https://simbli.eboardsolutions.com/SU/HEIHspluspGBfbDr2DajvVPAw==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efc7aH4Q==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==

Policy 4131: Staff Development

Status: DRAFT

Original Adopted Date: Pending

The Governing Board believes that, in order to maximize student learning, achievement, and well-being, certificated staff members must be continuously learning and improving relevant skills. The Superintendent or designee shall develop a program of ongoing professional development which includes opportunities for teachers to enhance their instructional and classroom management skills, become informed about changes in pedagogy and subject matter, and strengthen practices related to social-emotional development and learning.

The Superintendent or designee shall involve teachers, site and district administrators, and others, as appropriate, when creating, reviewing, and amending the district's staff development program. The Superintendent or designee shall ensure that the district's staff development program is aligned with district priorities for student learning, achievement and well-being, school improvement objectives, the local control and accountability plan, and other district and school plans.

The district's staff development program shall assist certificated staff in developing knowledge and skills, including, but not limited to:

1. Mastery of subject-matter knowledge, including current state and district academic standards
2. Use of effective, subject-specific teaching methods, strategies, and skills
3. Use of technologies to enhance instruction and learning, including face-to-face, remote, or hybrid instruction
4. Sensitivity to and ability to meet the needs of diverse student populations, including, but not limited to, students with characteristics specified in Education Code 200 and/or 220, Government Code 11135, and/or Penal Code 422.55
5. Understanding of how academic and career technical instruction can be integrated and implemented to increase student learning
6. Knowledge of strategies that encourage parents/guardians to participate fully and effectively in their children's education
7. Effective classroom management skills and strategies for establishing a climate that promotes respect, fairness, acceptance, and civility, including conflict resolution, hatred prevention, and positive behavioral interventions and supports
8. Ability to relate to students, understand their various stages of growth and development, and motivate them to learn
9. Ability to interpret and use data and assessment results to guide instruction
10. Knowledge of topics related to student mental and physical health, safety, and welfare, which may include social-emotional learning and trauma-informed practices
11. Knowledge of topics related to employee health, safety, and security

The Superintendent or designee shall, in conjunction with teachers, interns, and administrators, as appropriate, develop an individualized program of professional growth to increase competence, performance, and effectiveness in teaching and classroom management and, as necessary, to assist them in meeting state or federal requirements to be fully qualified for their positions.

Professional learning opportunities offered by the district shall be evaluated based on the criteria specified in Education Code 44277. Such opportunities may be part of a coherent plan that combines school activities within a school, including lesson study or co-teaching, and external learning opportunities that are related to academic subjects taught, provide time to meet and work with other teachers, and support instruction and student learning. Learning activities may include, but are not limited to, mentoring projects for new teachers, extra support for teachers to improve practice, and collaboration time for teachers to develop new instructional lessons, select or develop common formative assessments, or analyze student data. (Education Code 44277)

The district's staff evaluation process may be used to recommend additional individualized staff development for individual employees.

The Board may budget funds for actual and reasonable expenses incurred by staff who participate in staff development activities.

The Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development activities to both staff and students and shall regularly report to the Board regarding the effectiveness of the staff development program. Based on the Superintendent's report, the Board may revise the program as necessary to ensure that the staff development program supports the district's priorities for student achievement and well-being.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References	Description
5 CCR 13025-13044	Professional development and program improvement
5 CCR 80021	Short-term staff permit
5 CCR 80021.1	Provisional internship permit
5 CCR 80023-80026.6	Emergency permits
Ed. Code 200	Equal rights and opportunities in state educational institutions - https://simbli.eboardsolutions.com/SU/KWqy0PGOguyslshWQKiF8OQug==
Ed. Code 218	Lesbian, gay, bisexual, transgender, queer, and questioning student resources - https://simbli.eboardsolutions.com/SU/tltwyizVoO2slshKB5UMafSow==
Ed. Code 220	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/UuY0xi20LPENZCypYu9MBA==
Ed. Code 44032	Travel expense payment - https://simbli.eboardsolutions.com/SU/fKw3aguyKevIUcLLwE1wdw==
Ed. Code 44259.5	Standards for teacher preparation - https://simbli.eboardsolutions.com/SU/y04pqxefpFPBLbYwdVfgUA==
Ed. Code 44277	Professional growth programs for individual teachers - https://simbli.eboardsolutions.com/SU/6LGOSZnjS9KkuHUapIK07A==
Ed. Code 44300	Emergency permits - https://simbli.eboardsolutions.com/SU/plus5XEpBw5nAkVNP06TMvs7g==
Ed. Code 44325-44328	District interns - https://simbli.eboardsolutions.com/SU/RfsneCKZJavxtYfXDZRXg==
Ed. Code 44450-44468	University internship program - https://simbli.eboardsolutions.com/SU/4hBPGhJyVo94IIRh66u3gw==
Ed. Code 44830.3	Employing district interns - https://simbli.eboardsolutions.com/SU/Lk8ggsishqTvCVb0YhWnT9Icw==
Ed. Code 45028	Salary schedule and exceptions - https://simbli.eboardsolutions.com/SU/9HqSphmMPGWOusslshLXH7UAQ==
Ed. Code 48980	Parent/Guardian notifications - https://simbli.eboardsolutions.com/SU/cpMsBKX1tOwUiWgEwSKp5g==
Ed. Code 51744-51749.6	Independent study - https://simbli.eboardsolutions.com/SU/E7nC62mthlusHvWqnDOdOw==
Ed. Code 52060-52077	Local control and accountability plan - https://simbli.eboardsolutions.com/SU/kjlplusPzLslshlt7rPOBfXZYJuQ==
Ed. Code 56240-56245	Staff development; service to persons with disabilities - https://simbli.eboardsolutions.com/SU/k56HBTvL8jEHBj6GKaSqA==

Ed. Code 99200-99204	Subject matter projects - https://simbli.eboardsolutions.com/SU/OYPNYZhJ9YkU9LfpluscQsN4g==
Gov. Code 11135	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/PcUFWMcCJnzBrKAL0EtfQ==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Pen. Code 422.55	Definition of hate crime - https://simbli.eboardsolutions.com/SU/EXmP7bT1slshj3qQjaM9qTkHA==

Federal References

20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6601-6692	Preparing, training, and recruiting high quality teachers and principals
29 USC 794	Rehabilitation Act of 1973; Section 504
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964

Management Resources References

Description	
Social and Emotional Learning in California, A Guide to Resources, October 2018	California Department of Education Publication
California Digital Learning Integration and Standards Guidance, June 2021	California Department of Education Publication
California Standards for the Teaching Profession (CSTP), October 2009	Commission on Teacher Credentialing Publication
Governing to the Core: Professional Development for Common Core, Governance Brief, May 2013	CSBA Publication
United Faculty of Contra Costa Community College District v. Contra Costa Community College District, (1990) PERB Dec. No. 804, 14 PERC P21-085	Public Employment Relations Board Decision
CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslishXk6R5akQ==	Website
Collaborative for Academic, Social, and Emotional Learning - https://simbli.eboardsolutions.com/SU/VnISDit79vJiKWzVSTIF5g==	Website
California Department of Education, Supporting LGBTQ+ Students - https://simbli.eboardsolutions.com/SU/DsAJtplusplusOGA0eMGokvuyfRg==	Website
California Subject Matter Project - https://simbli.eboardsolutions.com/SU/V8lhEdN7VFeWyKdexe07Bg==	Website
California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==	Website
California Department of Education, Professional Learning - https://simbli.eboardsolutions.com/SU/6bLIOPS8loxYhnRS6AIVXA==	Website
Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efc7aH4Q==	Website
CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==	Website

Policy 4131.1: Teacher Support And Guidance

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the link between teacher effectiveness and student learning and desires to provide structured, individualized support and guidance to teachers as necessary to enhance their performance and support teacher retention. The Superintendent or designee shall develop a program of intensive professional development and consultation to help interns and beginning teachers apply their academic preparation more effectively in the classroom and to assist other teachers who need additional development in subject matter knowledge, instructional methods, and/or classroom management.

The Superintendent or designee shall coordinate individualized teacher support and guidance activities developed pursuant to this policy with other district staff development programs and staff evaluation processes.

Teachers may volunteer to participate in a teacher support and guidance program or may be referred to such services based on their performance evaluation.

Support providers shall be experienced certificated personnel who are knowledgeable about teacher development and needed competencies and have strong interpersonal and communication skills. Support may include, but is not limited to, classroom observations, regular meetings with the support provider, and an individualized plan for professional development or coursework that takes into consideration the teacher's assignment and prior preparation and experience. The roles and responsibilities of support providers shall be clearly defined in writing and communicated to all participants.

The Superintendent or designee shall ensure the timely assignment of qualified support providers to participating teachers and for reassignment as needed. He/she shall also ensure that each support provider receives appropriate training to serve in a support capacity and is provided adequate time and resources to assist other teachers.

The district may provide a stipend to support providers in accordance with the collective bargaining agreement and district budget.

The performance of a participating teacher shall be monitored by the support provider, Superintendent or designee, and/or a panel of teachers and administrators in order to determine whether the teacher has met program goals and to make recommendations for follow-up support or employment action, as appropriate.

The Superintendent or designee shall regularly evaluate the district's teacher support and guidance programs and shall report to the Board regarding program effectiveness in meeting district goals for teacher quality and retention. Evaluation reports may include, but are not limited to, data on program enrollment and completion, subsequent retention rates of participating teachers, and interviews or surveys of program participants.

Beginning Teacher Induction Program

The Superintendent or designee shall inform beginning teachers who possess a preliminary credential about induction programs or other options that are available to help them fulfill the requirements of the clear multiple subject, single subject, or education specialist credential pursuant to Education Code 44259.

The district's beginning teacher induction program shall meet program standards adopted by the CTC and shall support beginning teachers in meeting the competencies described in the California Standards for the Teaching Profession.

The beginning teacher's knowledge and classroom practice shall be regularly assessed using multiple measures and the results shall be used to monitor and revise individual induction plans. The Superintendent or designee shall maintain a complete record of each participating teacher's progress toward completion of clear credential requirements.

When the teacher has successfully completed the induction program, the Board shall recommend to the CTC that he/she be awarded a clear teaching credential.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 80021
 5 CCR 80021.1
 5 CCR 80026.5
 5 CCR 80033
 5 CCR 80055
 5 CCR 80413
 5 CCR 80413.3

Ed. Code 44259

Ed. Code 44259.5

Ed. Code 44275.4

Ed. Code 44325-44328

Ed. Code 44450-44468

Ed. Code 44830.3

Description

Short-term staff permit
 Provisional internship permit
 Orientation, guidance, and assistance for emergency permit holders
 Intern teaching credential
 Intern credential; extension for extenuating circumstances
 Credential requirements
 Credential requirements; teachers with out-of-state credentials
 Teaching credential, exception; designated subjects; minimum requirements -
<https://simbli.eboardsolutions.com/SU/VJx8Luc221PUUygsIshjNOplusSg==>
 Standards for teacher preparation -
<https://simbli.eboardsolutions.com/SU/y04pqxefpFPBLbYwdVfgUA==>
 Credential requirements, induction, out-of-state teachers -
<https://simbli.eboardsolutions.com/SU/tcppNGzeRp7slsh1Xj9qQ826A==>
 District interns -
<https://simbli.eboardsolutions.com/SU/RfsneCKZJavxtYfXDZRKxg==>
 University internship program -
<https://simbli.eboardsolutions.com/SU/4hBPGHJvVo94IIRh66u3gw==>
 Employing district interns -
<https://simbli.eboardsolutions.com/SU/Lk8ggslshqTvCVb0YhWnT9lcw==>

Federal References

20 USC 6601-6702

Description

Preparing, training, and recruiting high quality teachers and principals

Management Resources References

Commission on Teacher Credentialing Publication
 Commission on Teacher Credentialing Publication
 Commission on Teacher Credentialing Publication
 Commission on Teacher Credentialing Publication
 Commission on Teacher Credentialing Publication
 Website
 Website
 Website
 Website
 Website

Description

Multiple and Single Subject Induction Programs, rev. January 2013
 SB 2042 Multiple Subject and Single Subject Preliminary Credential Program Standards, rev. February 2014
 California Standards for the Teaching Profession (CSTP), October 2009
 Education Specialist Teaching and Other Related Services Credential Program Standards, rev. May 2013
 Intern Preservice, Support and Supervision Requirements: Preparation to Teach English Learners, Program Sponsor Alert 13-06, June 3, 2013
 CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==>
 California Federation of Teachers -
<https://simbli.eboardsolutions.com/SU/6TJInbikoQhGwsWiH4ztXQ==>
 California Teachers Association -
<https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==>
 Commission on Teacher Credentialing -
<https://simbli.eboardsolutions.com/SU/cxWNIqRUuIsaq7efc7aH4Q==>
 California Department of Education -
<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>

Regulation 4131.1: Teacher Support And Guidance

Status: DRAFT

Original Adopted Date: Pending

Selection of Support Providers

The Superintendent or designee shall design a written application for certificated personnel who want to be mentor teachers or support providers.

Any employee designated by the Superintendent or designee as a support provider shall, at a minimum, meet the following qualifications:

1. Possess a clear credential
2. Have at least three years of full-time teaching experience
3. Have demonstrated effective communication skills, subject matter knowledge, and mastery of a range of teaching strategies necessary to meet the needs of students

The Superintendent or designee may establish a districtwide or school site advisory committee to verify that candidates fulfill the qualifications established by the district, interview candidates, and recommend candidates to the Superintendent or designee.

The Superintendent or designee shall make the final selection of support providers and shall assign support providers to participating teachers. To the extent possible, the assigned support provider shall be one who teaches at the same school, the same grade levels, and/or in the same subject matter as the teacher(s) to whom he/she is assigned. No support provider shall be assigned to more than five teachers during a school year.

The Superintendent or designee shall regularly evaluate the effectiveness of the support provider and may reassign or revoke his/her designation as a support provider.

Peer Review Panel

The Superintendent or designee shall establish a peer review program to provide struggling teachers with feedback and guidance. When a teacher volunteers to participate or is referred by the principal due to unsatisfactory performance, written performance goals shall be established which are aligned with student learning and teacher evaluation criteria. The teacher shall be assigned a consulting teacher who shall provide assistance and review through multiple observations of the teacher during periods of classroom instruction. In addition, the teacher shall participate in sufficient professional development activities to assist him/her to improve teaching skills and knowledge. The consulting teacher shall maintain a written record of the teacher's activities and performance and shall regularly communicate with the principal regarding the teacher's progress.

The Superintendent or designee shall establish a joint teacher-administrator peer review panel composed of a majority of teachers selected by other teachers, with the remainder consisting of administrators selected by the Superintendent or designee. The joint teacher-administrator peer review panel shall review reports prepared by the consulting teacher and shall make recommendations to the Superintendent or designee as to whether the participating teacher should be exited from the program due to satisfactory improvement, remain in the program because he/she would possibly benefit from additional support from the program, or be recommended for dismissal.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 80021

5 CCR 80021.1

5 CCR 80026.5

5 CCR 80033

Description

Short-term staff permit

Provisional internship permit

Orientation, guidance, and assistance for emergency permit holders

Intern teaching credential

5 CCR 80055	Intern credential; extension for extenuating circumstances
5 CCR 80413	Credential requirements
5 CCR 80413.3	Credential requirements; teachers with out-of-state credentials
Ed. Code 44259	Teaching credential, exception; designated subjects; minimum requirements - https://simbli.eboardsolutions.com/SU/VJx8Luc221PUUygsIshjNOplusSg==
Ed. Code 44259.5	Standards for teacher preparation - https://simbli.eboardsolutions.com/SU/y04pqxefpFPBLbYwdVfgUA==
Ed. Code 44275.4	Credential requirements, induction, out-of-state teachers - https://simbli.eboardsolutions.com/SU/tcppNGzeRp7slsh1Xj9qQ826A==
Ed. Code 44325-44328	District interns - https://simbli.eboardsolutions.com/SU/RfsneCKZJavxtYfXDZRKxg==
Ed. Code 44450-44468	University internship program - https://simbli.eboardsolutions.com/SU/4hBPGhJvVo94IIRh66u3gw==
Ed. Code 44830.3	Employing district interns - https://simbli.eboardsolutions.com/SU/Lk8ggslshqTvCVb0YhWnT9lcw==

Federal References

20 USC 6601-6702

Description

Preparing, training, and recruiting high quality teachers and principals

Management Resources References

Commission on Teacher Credentialing Publication	Multiple and Single Subject Induction Programs, rev. January 2013
Commission on Teacher Credentialing Publication	SB 2042 Multiple Subject and Single Subject Preliminary Credential Program Standards, rev. February 2014
Commission on Teacher Credentialing Publication	California Standards for the Teaching Profession (CSTP), October 2009
Commission on Teacher Credentialing Publication	Education Specialist Teaching and Other Related Services Credential Program Standards, rev. May 2013
Commission on Teacher Credentialing Publication	Intern Preservice, Support and Supervision Requirements: Preparation to Teach English Learners, Program Sponsor Alert 13-06, June 3, 2013
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJInbikoQhGwsWiH4ztXQ==
Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUulsaq7efc7aH4Q==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==

Policy 4132: Publication Or Creation Of Materials

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the importance of creating a work environment that encourages employee innovation in creating and developing high-quality materials to improve student achievement and the efficiency of district operations.

The Superintendent or designee shall oversee the development of instructional materials, computer programs, and other copyrightable materials by employees, independent contractors, and consultants. An employee, independent contractor, or consultant shall notify the Superintendent or designee of his/her intent to publish or register a work developed in whole or in part within the scope of his/her employment.

Instructional materials, computer programs, and other copyrightable materials developed by an employee within the scope of his/her employment shall be the property of the district.

If an employee has developed copyrightable material during both work and non-working hours, and the work was within the scope of his/her employment, the Superintendent or designee shall negotiate a contract with the employee to protect the district's right as to the ownership or partial ownership of the copyright.

The Superintendent or designee shall ensure that any contract with an independent contractor or consultant contains a provision specifying the district's right to ownership of the copyright of any work produced by the contractor or consultant for the district.

The Superintendent or designee may secure copyrights in the name of the district for all copyrightable works developed by the district. All royalties or revenues from these copyrights shall be used for the benefit of the district. (Education Code 35170)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 32360	Copyrights; use of funds - https://simbli.eboardsolutions.com/SU/Gte1SQS5hxAPkD501z46aA==
Ed. Code 32361	Copyrights; use of employee work time - https://simbli.eboardsolutions.com/SU/xkqqZIZcVGF5yc0VCEKkHw==
Ed. Code 35170	Authority to secure copyrights - https://simbli.eboardsolutions.com/SU/iDsEpkvOwMnNM01mKuDFwA==
Ed. Code 35182	Marketing or licensing noneducational mainframe electronic data-processing software - https://simbli.eboardsolutions.com/SU/AxJnfBodtRplus9Y7kJq9PYMg==
Ed. Code 60076	Royalties or other compensation - https://simbli.eboardsolutions.com/SU/84p2PBM0J4NFEExZ0H7plusJXw==
Lab. Code 2870-2872	Inventions made by an employee - https://simbli.eboardsolutions.com/SU/pfw2JcJhq5af5G2w45WjRw==

Federal References

17 USC 101-122	Subject matter and scope of copyright
17 USC 201	Copyright ownership and transfer

Management Resources References

Court Decision	Community for Creative Non-Violence v. Reid, (1989) 490 U.S. 730
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==

Website	Copyright Clearance Center - https://simbli.eboardsolutions.com/SU/1yyGI5lg9KRqfldQZP3yAA==
Website	Copyright Society of the USA - https://simbli.eboardsolutions.com/SU/5L9YIIXDs7i5sbaduubCVQ==
Website	U.S. Copyright Office - https://simbli.eboardsolutions.com/SU/V2vUUv9W7IGIA6JUMaKWNw==

Policy 4135: Soliciting And Selling

Status: DRAFT

Original Adopted Date: Pending

Employees shall not solicit district staff, students or their families with the intent to sell general merchandise, books, equipment or services for their own personal profit or benefit. Solicitation of students and staff on behalf of the school or other charitable organizations shall be conducted in accordance with applicable Board policy and administrative regulation.

Staff members shall respect the confidentiality of district employees and students and shall not use their status as district employees to secure information such as names, addresses, e-mail addresses, and telephone numbers for solicitations or use in personal profit-making or beneficial ventures.

Educational tours may be promoted on school premises only if they are sponsored by the district. Employees engaged in planning, organizing or leading tours as private, non-district-sponsored businesses shall make it clear that they do not represent the school or district. All activities related to such tours must be carried on outside of school hours and off school premises.

Staff participation in "flower funds," "anniversary funds" or other similar funds shall be voluntary.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 51520

Description

Prohibited solicitations on school premises -
<https://simbli.eboardsolutions.com/SU/OHINokWcmplusTbNcUoyiAtzQ==>

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Policy 4136: Nonschool Employment

Status: DRAFT

Original Adopted Date: Pending

In order to help maintain public trust in the integrity of district operations, the Governing Board expects all employees to give the responsibility of their positions precedence over any other outside employment. A district employee may receive compensation for outside activities as long as these activities are not inconsistent, incompatible, in conflict with, or inimical to his/her district duties.

An outside activity shall be considered inconsistent, incompatible, or inimical to district employment when such activity: (Government Code 1126)

1. Requires time periods that interfere with the proper, efficient discharge of the employee's duties
2. Entails compensation from an outside source for activities which are part of the employee's regular duties
3. Involves using the district's name, prestige, time, facilities, equipment, or supplies for private gain
4. Involves service which will be wholly or in part subject to the approval or control of another district employee or Board member

An employee wishing to accept outside employment that may be inconsistent, incompatible, in conflict with, or inimical to the employee's duties shall file a written request with his/her immediate supervisor describing the nature of the employment and the time required. The supervisor shall evaluate each request based on the employee's specific duties within the district and determine whether to grant authorization for such employment.

The supervisor shall inform the employee whether the outside employment is prohibited. The employee may appeal a supervisor's denial of authorization to the Superintendent or designee. An employee who continues to pursue a prohibited activity may be subject to disciplinary action.

Tutoring

A certificated employee shall not accept any compensation or other benefit for tutoring a student enrolled in his/her class(es). An employee who wishes to tutor another district student shall first request authorization from his/her supervisor in accordance with this Board policy. If authorization is granted, the employee shall not use district facilities, equipment, or supplies when providing the tutoring service.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
5 CCR 80334	Unauthorized private gain or advantage
Ed. Code 35160	Authority of governing boards - https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==
Ed. Code 35160.1	Broad authority of school districts - https://simbli.eboardsolutions.com/SU/ewe0Cc8cKGTgDzaAt5MKhw==
Ed. Code 51520	Prohibited solicitations on school premises - https://simbli.eboardsolutions.com/SU/OHINokWcmplusTbNcUoyiAtzQ==
Gov. Code 1126	Incompatible activities of employees - https://simbli.eboardsolutions.com/SU/QKPtnKDXZTLNeez6mprlg==
Gov. Code 1127	Incompatible activities; off duty work - https://simbli.eboardsolutions.com/SU/CiJDGThpvSBcpn1uzdNDjw==
Gov. Code 1128	Incompatible activities; attorney - https://simbli.eboardsolutions.com/SU/RplusAiOZ9fVNVBevnVv9QOCQ==

Management Resources References

Description

Attorney General Opinion

70 Ops.Cal.Atty.Gen. 157 (1987)

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Website

Fair Political Practices Commission -
<https://simbli.eboardsolutions.com/SU/C2dGDtcJnwsIshMnGhy8IJcbw==>

Website

CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Policy 4140: Bargaining Units

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the right of district employees to form a bargaining unit and to select an employee organization as the exclusive representative to represent the employees in the employees' employment relationship with the district. The Board is committed to negotiating in good faith with recognized employee organizations and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

Employees shall not be prohibited from wearing union buttons or other items that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

Formation of Bargaining Units

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of supervisory employees may be recognized if the bargaining unit includes all supervisory employees and is not represented by an employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, supervisory employee means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, such employees may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. An employee organization representing management or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Government Code 3543.4)

Management employee means an employee in a position having significant responsibilities for formulating district policies or administering district programs. Management positions shall be designated by the Board which may be subject to review by the Public Employment Relations Board. (Government Code 3540.1)

Confidential employee means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. (Government Code 3540.1)

Membership

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550, 3551.5)

The Superintendent or designee may communicate with district employees regarding their rights to join and/or support an officially recognized employee organization or to refrain from joining or supporting an officially recognized employee organization. Such communications shall be factual and accurate, and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

However, before disseminating to multiple employees any mass communication concerning employees' rights under

the law, such as a written document or script for oral or recorded presentation or message, the Superintendent or designee shall meet and confer with the employees' exclusive representative regarding the content of the communication. If the district and exclusive representative do not come to agreement on the content of the mass communication, the Superintendent or designee may disseminate the district's mass communication, provided that at the same time, copies of the exclusive representative's communication, which shall be of reasonable length, are also distributed. (Government Code 3553)

Access to New Employee Orientations

The district shall permit employee organizations access to new employee orientation or onboarding process where newly hired employees are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide employee organizations at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided if an unforeseeable, urgent need critical to the district's operation prevents the required 10 days' notice. (Government Code 3555.5, 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, matters related to access to the new employee orientation shall be subject to compulsory interest arbitration. The district and employee organization may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. The arbitrator selection process shall commence within 14 days of a party's demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The decision of the arbitrator shall be issued within 10 days and shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

Until June 30, 2025, in addition to above provisions regarding new employee orientations, the district shall ensure the following: (Government Code 3556)

1. When an inperson new employee orientation has not been conducted within 30 days of hiring any new employee who is working in person, the Superintendent or designee shall permit the exclusive representative to schedule an inperson meeting which newly hired employees shall have an opportunity to attend, at the employee's worksite and during employment hours. Each newly hired employee within the bargaining unit shall be provided at least 30 minutes of paid time to attend the meeting, during which the exclusive representative shall be permitted to communicate directly with the newly hired employees.

Within seven days of an exclusive representative's request to schedule such an inperson meeting, the Superintendent or designee shall provide an appropriate on-site meeting space.

2. When, by reason of a state or local public health order limiting the size of gatherings, the district is prohibited from organizing a new employee orientation, an exclusive representative may schedule multiple meetings to ensure that newly hired employees have an opportunity to attend without exceeding the maximum allowable number of people. If such an order prohibits all gatherings, the exclusive representative may schedule a meeting(s) once the order is lifted or modified to permit gatherings.

Alternative access to these meetings shall be determined through mutual agreement between the district and the exclusive representative.

Access to Employee Contact Information

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), personal email address(es) on file with the district, and home address of any newly hired employee within 30 days of hire or by the first pay period of the month following hire, unless the exclusive representative has agreed to a different interval for the provision of the information. In addition, the Superintendent or designee shall provide the exclusive representative the same

information in regard to all employees in the bargaining unit at least every 120 days, unless more frequent or detailed lists are required by agreement with the exclusive representative. (Government Code 3558, 7928.300)

However, the Superintendent or designee shall not disclose: (Government Code 3558, 6207, 6215, 6215.2, 7928.300)

1. The home address and any phone numbers on file for employees performing law enforcement-related functions
2. The home address, home telephone or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6207
3. The employee's home address, home telephone and personal cell phone numbers, and personal email address of an employee not performing law enforcement related functions if the employee has submitted a written request to keep such information private. In such instances, the Superintendent or designee shall also remove the employee's home address, and home telephone and personal cell phone numbers from any mailing list maintained by the district unless the list is only used by the district to contact the employee.

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

To provide accurate information, the Superintendent or designee shall review the list of contact information for district employees at the beginning of each school year, or more often as appropriate.

Communications with Employees

Employee organizations may have access at reasonable times to areas in which employees work and may use district facilities at reasonable times for the purpose of meetings. Subject to reasonable regulation, employee organizations may also use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees. (Government Code 3543.1)

Access to district means of communication shall be limited in cases where such access would be disruptive to district operations.

Membership Dues or Other Payments to an Employee Organization

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount which has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

An employee organization that certifies that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the district, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and from which employees. The employee organization shall not be required to submit to the district a copy of the written authorization in order for the payroll deductions to be effective. However, when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the district. The employee organization shall indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization. (Education Code 45060, 45168)

When an employee organization which has declined to certify that it will handle and process employee written authorizations makes a request for payroll deductions, the district shall request a copy of the employee's written authorization before making the payroll deductions. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization rather than the district. The employee organization shall be responsible for processing these requests. The district shall rely on the information provided by

the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	Severance of established unit
Ed. Code 45060-45061.5	Deduction of fees from salary or wage payment; certificated employees - https://simbli.eboardsolutions.com/SU/MPsavrZ5c7fZDRzj1e1aQ==
Ed. Code 45100.5	Senior classified management positions - https://simbli.eboardsolutions.com/SU/1MXl18lCfbXgqGgFugrAvQ==
Ed. Code 45104.5	Abolishment of senior classified management positions - https://simbli.eboardsolutions.com/SU/o1kCnwoHgTAAFYA93MtmFw==
Ed. Code 45108.5	Definition of senior classified management employees - https://simbli.eboardsolutions.com/SU/shYYH8tslshQ8DpjVitAuqhDQ==
Ed. Code 45108.7	Waiver of provisions of 45108.5 - https://simbli.eboardsolutions.com/SU/E1cTTAtF2kfd4s3NkDCxrQ==
Ed. Code 45168	Deduction of fees from salary or wage payment; classified employees - https://simbli.eboardsolutions.com/SU/fLGvOTRVZd22uLP8v8njcg==
Ed. Code 45220-45320	Merit system; classified employees - https://simbli.eboardsolutions.com/SU/feAa91G68KTMlw0DYJ1N3w==
Gov. Code 3540-3549.3	Educational Employment Relations Act - https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwau7ug==
Gov. Code 3540.1	Public employment; definitions - https://simbli.eboardsolutions.com/SU/1rRSSt4h2qTslshGbO6ucvzcA==
Gov. Code 3543.4	Management and confidential positions; representation - https://simbli.eboardsolutions.com/SU/jBvftdZXpuAz0zDFfYqtFQ==
Gov. Code 3545	Appropriateness of unit; basis - https://simbli.eboardsolutions.com/SU/CORJlqw5N9cMRlqjAGv6Og==
Gov. Code 3550-3552	Prohibition on public employers deterring or discouraging union membership - https://simbli.eboardsolutions.com/SU/slshzKD4Aro9zKzEARJ6OqslshqA==
Gov. Code 3555-3559	Public employee communication, information and orientation - https://simbli.eboardsolutions.com/SU/ozJa7CMQINw0P8eyGFaLVw==
Gov. Code 53260-53264	Employment contracts - https://simbli.eboardsolutions.com/SU/erJtnEqGW6DdW4AygbnhrQ==
Gov. Code 6205-6210	Confidentiality of addresses for victims of domestic violence, sexual assault, or stalking - https://simbli.eboardsolutions.com/SU/slshNlpluspfwcFBmAniRplusqvJFiA==
Gov. Code 6215-6216	Address confidentiality for individuals who face threats or violence because of work for a public entity
Gov. Code 6503.5	Joint powers agencies; agreement - https://simbli.eboardsolutions.com/SU/Cc7QslshrM7g99FMq1ucjDhVg==
Gov. Code 7928.300	Disclosure of employee contact information to employee organization - https://simbli.eboardsolutions.com/SU/pLun3Xu6cE4iVDPI3u66uQ==

Management Resources References

Description

Court Decision	County of Los Angeles v. Los Angeles County Employee Relations Commission (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al. (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31 (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	East Whittier School District (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	City of Sacramento, (2019) PERB Dec. No. 2702m
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJInbikoQhGwsWiH4ztXQ==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==
Website	Association of California School Administrators - https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHxYbDPXeA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Policy 4141: Collective Bargaining Agreement

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes that collective bargaining agreements are legally binding, bilateral agreements with the exclusive representatives of employees pertaining to terms and conditions of employment. The Board is committed to carrying out the provisions of each agreement and expects the agreements to be consistently and uniformly administered.

Following adoption of the collective bargaining agreement, the Superintendent or designee shall review related Board policies and recommend to the Board any action needed to maintain consistency with the agreement. Whenever a Board policy conflicts with a provision in the collective bargaining agreement, the agreement shall be binding for those employees covered by the terms of the agreement. Whenever a law conflicts with a provision in the collective bargaining agreement, the law will prevail as to those employees for whom the law applies.

Upon request by the Public Employment Relations Board, the Superintendent or designee shall provide, within 15 days of the request, a copy of the written agreement and any amendments. (8 CCR 32120)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

8 CCR 31001-32997

Description

Regulations of employee relations boards

Ed. Code 35035

Powers and duties of the superintendent; transfer authority - <https://simbli.eboardsolutions.com/SU/U8vklOrJlenvguXkYb3glg==>

Ed. Code 35036

Voluntary transfers - <https://simbli.eboardsolutions.com/SU/5bvNAscWTty1PfkpY3jSEw==>

Ed. Code 35160

Authority of governing boards - <https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==>

Ed. Code 35160.1

Broad authority of school districts - <https://simbli.eboardsolutions.com/SU/ewe0Cc8cKGTgDzaAt5MKhw==>

Ed. Code 45220-45320

Merit system; classified employees - <https://simbli.eboardsolutions.com/SU/feAa91G68KTMLw0DYJ1N3w==>

Gov. Code 3540-3549.3

Educational Employment Relations Act - <https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwauN7ug==>

Management Resources References

Description

Court Decision

Round Valley Teachers Association (1996) 13 Cal. 4th 269

Court Decision

United Teachers of Los Angeles v. Los Angeles Unified School District (2012) 54 Cal. 4th 504

Court Decision

Janus v. American Federation of State, County and Municipal Employees, Council 31 (2018) 138 S.Ct. 2448

Website

CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Website

California Public Employee Relations - <https://simbli.eboardsolutions.com/SU/IZslsh4LzP6RelPSoiJPwjLPg==>

Website

California Public Employment Relations Board - <https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==>

Website

State Mediation and Conciliation Service (SMCS) - <https://simbli.eboardsolutions.com/SU/Hh5BRnaxsR9ickPFMBBCOPA==>

Website

Center for Collaborative Solutions - <https://simbli.eboardsolutions.com/SU/xYvpxt3MXVrzRslsh31fdlzZg==>

Website

CSBA -

<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Policy 4141.6: Concerted Action/Work Stoppage

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the importance of maintaining ongoing positive relations with employees and engaging in fair, respectful negotiations with employee organizations. The Board desires to reach agreement on employment contracts in a manner that prevents disruption to school operations and minimizes impact on student achievement.

The Board recognizes that advance planning is necessary to ensure that, in the event of a work stoppage, strike, or other concerted employee activity, students continue to receive educational services to which they are entitled. The Superintendent or designee shall develop a written plan which shall include strategies for the provision of internal and external communications, preservation of student and staff safety, maintenance of district operations, and appropriate student instruction and supervision during a work slowdown or stoppage.

Days of instruction lost due to a work stoppage may be made up following the end of the normal school year.

If an employee organization gives notice that it intends to strike, the Superintendent or designee shall notify the Public Employment Relations Board, Employment Development Department, employees in the striking unit, other district employees, parents/guardians, students, law enforcement, the media, and others as appropriate.

Employees should be held accountable for their behavior during any labor dispute. The district may take disciplinary action against any employee who engages in an unlawful concerted action or in unlawful behavior in an otherwise protected activity, taking into account the seriousness of the behavior and the district's efforts to rebuild relations following the withholding of services by employees.

However, the district shall not discontinue or threaten to discontinue employer contributions for health care or other medical coverage for any employee or their enrolled dependents for the duration of the employee's participation in an authorized strike, as defined in Government Code 3141 and specified in the accompanying administrative regulation.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 35204

Description

Contract with attorney in private practice -
<https://simbli.eboardsolutions.com/SU/irlX4qUNWLSPUplusIWDLQTXw==>

Ed. Code 35205

Contract for legal services -
<https://simbli.eboardsolutions.com/SU/5rr6panc1Wplus7ezW1NtfhKA==>

Ed. Code 37200

School calendar -
<https://simbli.eboardsolutions.com/SU/8MwyaORWh3PPOH8q2B6AZw==>

Gov. Code 3140-3142

Public Employee Health Protection Act -
<https://simbli.eboardsolutions.com/SU/5ZomwcN1rn8GplusD3qR9qp2A==>

Gov. Code 3540-3549.3

Educational Employment Relations Act -
<https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwaun7ug==>

Gov. Code 3543.5-3543.6

Unfair labor practices -
<https://simbli.eboardsolutions.com/SU/cl1siKyo2fslshVcCYXJSOwdA==>

Gov. Code 3548.3548.8

Impasse procedures -
<https://simbli.eboardsolutions.com/SU/4ISUFAQvc4Vi2A1kBvpNRA==>

Management Resources References

Public Employment Relations Board Decision

Description

Fresno Unified School District, 1982, PERB Dec. No. 208, 6 PERC 13110

Public Employment Relations Board Decision

Konocti Unified School District, 1982, PERB Dec. No. 217, 6 PERC 13152

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmpPETuDsIshXk6R5akQ==>

Website	State Mediation and Conciliation Service (SMCS) - https://simbli.eboardsolutions.com/SU/Hh5BRnaxsR9icKPFMBC0PA==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Regulation 4141.6: Concerted Action/Work Stoppage

Status: DRAFT

Original Adopted Date: Pending

Maintenance of District Operations

During any work stoppage, strike, or other concerted employee activity, the Superintendent or designee shall take measures to minimize disruption to district operations and student learning. At the discretion of the Superintendent or designee, employees reporting for duty may be temporarily assigned to other duties. In addition, the Superintendent or designee may hire qualified substitute and/or temporary employees as needed to maintain district operations and shall recommend to the Governing Board an appropriate rate of pay for such employees for the period of the work stoppage.

Strike Plan

The Superintendent or designee may establish a committee to develop a plan in the event of a work stoppage. This committee may include district-level staff, legal counsel, the district's negotiator and parents/guardians.

The strike plan shall address, at a minimum, the following elements:

1. Roles and responsibilities during a work stoppage, including roles of the Board, Superintendent, district-level staff, legal counsel, principals, certificated or classified staff when they are not participating in the strike, substitutes and other employees
2. Criteria for keeping schools open during a work stoppage, including potential costs, availability of qualified substitutes or other staffing, and the ability to maintain essential services and to ensure the safety of students and staff
3. Maintenance of the educational program, including availability of lesson plans and instructional materials, alternatives for handling special education and other programs as appropriate
4. Internal communications among district staff and the Board during a work stoppage
5. Plans for obtaining and paying for the services of and communicating with temporary or substitute employees
6. Status of district-paid benefits, including health care, insurance, vacation and sick leave benefits
7. Communications with parents/guardians, the media, business partners, public officials and other community members that identify key messages, strategies and district spokespersons
8. Equipment and supply needs
9. Desirability and feasibility of conducting extracurricular activities during a work stoppage including an analysis of the number of events and activities that would be affected, the availability of staffing, the degree of student and/or community participation and the ability to provide adequate security at events
10. Contingency plans for transportation
11. Contingency plans for the provision of food services
12. Identification of outside resources who may be called upon to help with school operations
13. Coordination with law enforcement and other agencies
14. Appropriate safeguards for the safety of students, working employees, substitutes, volunteers, parent/guardians and Board members
15. Provisions for safe, effective board meetings
16. Cost estimates for the various strategies to be implemented during a work stoppage

17. Legal remedies available to enjoin the work stoppage if possible or to file unfair labor practice charges against the employee organization
18. Continuation of negotiations during a work stoppage
19. Plans for resuming normal district operations, rebuilding relations and disciplining employees if necessary after the work stoppage

Activities of Employees

The district shall not impose or threaten to impose reprisals, discriminate or threaten to discriminate, or otherwise interfere with, restrain or coerce employees for the exercise of their rights. (Government Code 3543.5-3543.6)

Employees engaging in a work stoppage shall not prevent access to school facilities by other employees, substitutes or students; use or threaten physical violence or bodily injury; trespass; distribute malicious or defamatory leaflets or materials; or otherwise coerce or intimidate individuals in the conduct of school business.

During an actual or threatened work stoppage, an employee shall not retain any district property, including but not limited to student attendance and grading records, lesson plans, keys, equipment and supplies.

Employees shall not use students to distribute messages that promote or explain the position of any employee organization that is contemplating or engaged in a work stoppage. In addition, employees shall not use classroom or other duty time to promote an employee organization's position in negotiations or in a work stoppage.

When students raise questions related to a work stoppage, teachers shall approach the subject in accordance with the district's policy on controversial issues and shall not allow such discussions to interfere with their regular teaching responsibilities.

Salary and Benefits

Employees withholding services shall not receive salary or unemployment benefits during the period of the work stoppage.

Any employee withholding services may be subject to the loss of payroll deduction privileges.

Throughout the duration of any enrolled employee's participation in an authorized strike, the district shall not fail or refuse to maintain and pay for the employee's continued health care or other medical coverage or the coverage of their enrolled dependents, nor shall the district fail to collect and remit the employee's contributions to any such coverage. The district shall maintain the coverage at the same level and under the same conditions that the coverage would have been provided if the employee had continued to work in the employee's position for the duration of the strike. Health care or other medical coverage for this purpose includes coverage for medical, dental, vision, behavioral health, disability, accidental death and dismemberment, life, and supplemental health insurance benefits. (Government Code 3141-3142)

"Authorized strike" means a strike sanctioned by the central labor council or the membership of an employee organization that represents the striking employees, or one that is engaged in by unrepresented employees. (Government Code 3141)

Employees whose vacation leave has been authorized prior to the work stoppage shall receive vacation pay for the authorized period.

If an employee is on a paid sick or disability leave when the work stoppage begins, the employee shall be entitled to continued payment as long as the employee remains ill or disabled and is otherwise eligible according to Board policy and collective bargaining agreements.

The Superintendent or designee may determine that credit shall not be applied toward probationary service, salary schedule advancement, permanent status, vacation earnings, retirement credit or sick leave accrual during the period of time that employees withhold services.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority

for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 35204	Contract with attorney in private practice - https://simbli.eboardsolutions.com/SU/irlX4qUNWLsPUplusIWDLQTXw==
Ed. Code 35205	Contract for legal services - https://simbli.eboardsolutions.com/SU/5rr6panc1Wplus7ezW1NtfhKA==
Ed. Code 37200	School calendar - https://simbli.eboardsolutions.com/SU/8MwyaORWh3PPOH8q2B6AZw==
Gov. Code 3140-3142	Public Employee Health Protection Act - https://simbli.eboardsolutions.com/SU/5ZomwcN1rn8GplusD3qR9qp2A==
Gov. Code 3540-3549.3	Educational Employment Relations Act - https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwaun7ug==
Gov. Code 3543.5-3543.6	Unfair labor practices - https://simbli.eboardsolutions.com/SU/cl1siKyo2fslshVcCYXJSOWdA==
Gov. Code 3548.3548.8	Impasse procedures - https://simbli.eboardsolutions.com/SU/4ISUFAQvc4Vi2A1kBvpNRA==

Management Resources References

Public Employment Relations Board Decision	Fresno Unified School District, 1982, PERB Dec. No. 208, 6 PERC 13110
Public Employment Relations Board Decision	Konocti Unified School District, 1982, PERB Dec. No. 217, 6 PERC 13152
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	State Mediation and Conciliation Service (SMCS) - https://simbli.eboardsolutions.com/SU/Hh5BRnaxsR9icKPFMBBCOPA==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Policy 4143: Negotiations/Consultation

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes its responsibility to represent the public's interests in the collective bargaining process. In ratifying agreements on employee contracts, the Board shall balance the needs of staff and the priorities of the district in order to provide students with a high-quality instructional program based on a sound, realistic budget.

The Board and the Superintendent shall establish a bargaining team to assist in analyzing contract provisions and conducting contract negotiations. The Board shall provide its negotiator(s) with expected outcomes and clear parameters for acceptable contract provisions which promote the realization of district goals and priorities.

The Board and its bargaining team shall negotiate in good faith with exclusive employee representatives on wages, hours of employment, and other terms and conditions of employment identified in law as being within the scope of representation. (Government Code 3543.2)

When the district intends to make any change to matters within the scope of representation, it shall give reasonable written notice of its intent to the exclusive representative for the purpose of providing the exclusive representative a reasonable amount of time to negotiate with the district regarding the proposed changes. (Government Code 3543.2)

A reasonable number of representatives of the employee organization shall have the right to receive reasonable periods of released time without loss of district compensation when meeting and negotiating and/or for the processing of grievances. (Government Code 3543.1)

The Board and its bargaining team shall establish standards of conduct pertaining to the negotiations process for members of the bargaining team. Certain meetings related to negotiations shall not be open to the public in accordance with Government Code 3549.1 and 54957.6, except as otherwise required by law. Matters discussed in these meetings shall be kept in strict confidence in accordance with law.

The Board and its negotiator(s) shall not knowingly provide the employee organization with inaccurate information regarding the financial resources of the district. (Government Code 3543.5)

The Board shall monitor the progress of negotiations and carefully consider how proposed contract provisions would affect the district's short- and long-term fiscal, programmatic, instructional, and personnel goals.

The Board and/or Superintendent or designee shall keep the public informed about the progress of negotiations and the ways in which negotiations may affect district goals unless otherwise agreed upon by the district and exclusive representative.

Whenever the district has a qualified or negative certification on an interim fiscal report, it shall allow the county office of education at least 10 working days to review and comment on any proposed agreement with exclusive representatives of employees. The district shall provide the County Superintendent of Schools with all information relevant to gain an understanding of the financial impact of any final collective bargaining agreement. (Government Code 3540.2)

Once the final terms of the agreement have been ratified by the membership of the employee organization, the contract shall be presented to the Board at a public meeting for acceptance.

Any agreement adopted by the Board may be for a term not to exceed three years. (Government Code 3540.1)

In the event of an impasse in negotiations, the district shall participate in good faith in mediation and fact-finding procedures pursuant to Government Code 3548-3548.8. (Government Code 3543.5)

Following adoption of the collective bargaining agreement, any subsequent amendments shall be executed in writing and ratified by the Board and the employees' exclusive representative.

Consultation

The exclusive representative of certificated staff may consult with the Board on the definition of educational objectives, the determination of the content of courses and curriculum, and the selection of textbooks.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 44987

Description

Service as officer of employee organization; certificated -
<https://simbli.eboardsolutions.com/SU/y2SRxiaoEgtl2y5YlrR3A==>

Ed. Code 45210

Service as officer of employee organization; classified -
<https://simbli.eboardsolutions.com/SU/F3wr8ZfplusHiNBDwLB71ry5w==>

Gov. Code 3540-3549.3

Educational Employment Relations Act -
<https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwaun7ug==>

Management Resources References

Public Employment Relations Board Decision

Description

Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Website

Center for Collaborative Solutions -
<https://simbli.eboardsolutions.com/SU/XYy5ZtZ4MvUSDVUEfMPaoQ==>

Website

California Public Employee Relations -
<https://simbli.eboardsolutions.com/SU/lZslsh4LzP6RelPSoiJPwjLPg==>

Website

California Public Employment Relations Board -
<https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tsish2ew==>

Website

State Mediation and Conciliation Service (SMCS) -
<https://simbli.eboardsolutions.com/SU/Hh5BRnaxsR9icKPFMBBCOPA==>

Website

CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Policy 4143.1: Public Notice - Personnel Negotiations

Status: DRAFT

Original Adopted Date: Pending

Because the Governing Board has a responsibility to represent the public's interest in negotiations with employee organizations, the Board is committed to keeping the public informed about issues being negotiated, providing members of the public an opportunity to express their views, and disclosing the position of each Board member in accordance with law.

Public Notice/Sunshining of Initial Proposals

All initial contract proposals of the Board and an employee organization which relate to matters within the scope of representation shall be presented at a public Board meeting and shall thereafter be public records. (Government Code 3547)

Meeting and negotiating between district and employee organization representatives shall not take place on these initial proposals until a reasonable time has elapsed after the submission of these proposals to enable the public to become informed and to express itself regarding the proposals at a public Board meeting. (Government Code 3547)

After the public has had an opportunity to provide input, the Board shall adopt its initial proposal at a public meeting. (Government Code 3547)

New subjects of meeting and negotiating arising after the presentation of initial proposals shall be made public within 24 hours. If a vote is taken on any such subject by the Board, each Board member's vote also shall be made public within 24 hours. (Government Code 3547)

Public Disclosure of Proposed Agreement

Before entering into a written agreement covering matters within the scope of representation, the Board shall disclose, at a public meeting, the major provisions of the agreement, including, but not limited to, the costs that would be incurred by the district under the agreement for the current and subsequent fiscal years. (Government Code 3547.5)

The Superintendent and chief business official shall certify, in writing, that any costs incurred by the district under the agreement can be met by the district during the term of the agreement and shall submit the certification to the Board prior to the Board's approval of the agreement. The certification shall itemize any budget revision necessary to meet the costs of the agreement in each year of its term. (Government Code 3547.5)

A copy of the proposed agreement shall be made available to the public prior to the day of the Board meeting.

The Superintendent or designee shall prepare a summary of the major provisions and changes in the proposed agreement.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

8 CCR 32075

PERB regional office defined

Ed. Code 42130-42134

Financial reports and certifications -

<https://simbli.eboardsolutions.com/SU/gislshrA3TTePb0MdGcbplussShQ==>

Gov. Code 3540.2

Meeting and negotiating in public educational employment -

<https://simbli.eboardsolutions.com/SU/opluspuGIaAutoQsWU1hajyX3Q==>

Gov. Code 3547

Proposals relating to representation; informing public -

<https://simbli.eboardsolutions.com/SU/elqe9jSfU7plusKqTdKbl3WYg==>

Gov. Code 3547.5

Major provisions of agreement with exclusive representation -

<https://simbli.eboardsolutions.com/SU/1ZvdSJkslsh3T4PiaXJU2f83Q==>

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Website

California Public Employment Relations Board -
<https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==>

Website

CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Website

Fiscal Crisis and Management Assistance Team -
<https://simbli.eboardsolutions.com/SU/1KDBnxplus9GCiDTyFvbLOOxQ==>

Website

School Services of California, Inc. -
<https://simbli.eboardsolutions.com/SU/nzOINPGdklslshZR9e7VNuDXg==>

Website

California Department of Education -
<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>

Regulation 4143.1: Public Notice - Personnel Negotiations

Status: DRAFT

Original Adopted Date: Pending

Public Disclosure of Proposed Agreement

The Superintendent or designee shall prepare a summary of the proposed agreement which shall include, but may not necessarily be limited to:

1. Major provisions of the agreement that affect compensation, such as:
 - a. Direct increases in salaries and percentage change in on-schedule salaries
 - b. Changes in health and welfare benefits
 - c. Changes in health and welfare benefit dollar contributions by the district
 - d. Changes in step and column or longevity provisions
 - e. Changes in overtime, differential, callback, and standby pay provisions
 - f. Changes in staffing ratios
 - g. One-time bonuses or off-the-schedule increases
2. Other provisions that will result in increased costs to the district even if they do not involve an increase in employee compensation, such as class-size reduction or increased number of staff development days
3. Costs of the proposed agreement, for the current and subsequent fiscal years, categorized for salaries, benefits, other compensation, and other noncompensation costs, including percentage increase of total compensation (salaries, benefits, and other compensation provisions) for the average represented employee as a result of the agreement and the approximate cost to the district of providing a one percent increase in total compensation
4. Proposed source(s) of funding for the current and subsequent fiscal years including the assumptions used to determine available resources to meet the obligations of the proposed agreement
5. Other major provisions that do not directly affect the district's costs, such as binding arbitration or grievance procedures

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

8 CCR 32075	PERB regional office defined
Ed. Code 42130-42134	Financial reports and certifications - https://simbli.eboardsolutions.com/SU/gislshrA3TTePb0MdGcbplussShQ==
Gov. Code 3540.2	Meeting and negotiating in public educational employment - https://simbli.eboardsolutions.com/SU/opluspuGIAutoQsWU1hajyX3Q==
Gov. Code 3547	Proposals relating to representation; informing public - https://simbli.eboardsolutions.com/SU/elqe9jSfU7plusKqTdKbl3WYg==
Gov. Code 3547.5	Major provisions of agreement with exclusive representation - https://simbli.eboardsolutions.com/SU/1ZvdSJkslsh3T4PiaXJU2f83Q==

Management Resources References

Description

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	Fiscal Crisis and Management Assistance Team - https://simbli.eboardsolutions.com/SU/1KDBnxplus9GCiDTyFvbLOOxQ==
Website	School Services of California, Inc. - https://simbli.eboardsolutions.com/SU/nzOINPGdklslshZR9e7VNuDxg==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==

Policy 4144: Complaints

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the need to establish a process to allow employees and job applicants to have their concerns heard in an expeditious and unbiased manner. The Board expects that employees will make every effort to resolve complaints and disagreements informally before filing a formal complaint.

The Board prohibits retaliation against complainants. The Superintendent or designee may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint.

All matters related to a complaint shall be kept confidential and any document, communication, or record regarding the complaint shall be placed in a separate file and shall not be placed in an employee's personnel file.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Ed. Code 35186	Complaints regarding teacher vacancy or misassignment - https://simbli.eboardsolutions.com/SU/MDiv2vFqYgd1u6vWMYFnhA==
Ed. Code 44110-44114	Reporting by school employees of improper governmental activity - https://simbli.eboardsolutions.com/SU/4sbGHtoaKQKEpukCOPXGsQ==
Gov. Code 3543	Public school employees' rights - https://simbli.eboardsolutions.com/SU/zEF6CCJaxeqlplusvis6FeNQ6w==
Gov. Code 3543.1	Rights of employee organizations - https://simbli.eboardsolutions.com/SU/m7X7sU6S9KfjH0z33KIC6A==
Gov. Code 53296-53299	Disclosure of confidential information; whistleblower - https://simbli.eboardsolutions.com/SU/ZIBfiZeR4nqqRNyREPEoqg==
Gov. Code 54957	Complaints against employees; right to open session - https://simbli.eboardsolutions.com/SU/slshHI9rGplusU5KWWytZk9AyVpA==
Lab. Code 1102.5-1106	Whistleblower protections - https://simbli.eboardsolutions.com/SU/bWuMcu9DRZg9ylvRCpFVMw==

Management Resources References

Description

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Regulation 4144: Complaints

Status: DRAFT

Original Adopted Date: Pending

The procedure specified in this administrative regulation shall be used to investigate and resolve any complaint by an employee alleging misapplication of the district's policies, regulations, rules, or procedures or for "whistleblower" complaints by an employee or job applicant regarding an improper district activity including, but not limited to, an allegation of gross mismanagement, a significant waste of funds, an abuse of authority, or a specific danger to public health or safety.

Any of the time limits specified in the following procedure may be extended by written agreement between the district and complainant.

Step 1: Informal Complaint Process

Prior to instituting a formal, written complaint, the employee shall first discuss the issue with his/her supervisor or the principal of the school where the alleged act took place. Formal complaint procedures shall not be initiated until the employee has first attempted to resolve the complaint informally.

Step 2: Site Level Formal Complaint Process

If a complaint has not been satisfactorily resolved through the informal process in Step 1, the complainant may file a written complaint with his/her immediate supervisor or principal within 60 days of the act or event which is the subject of the complaint. If an employee fails to file a written complaint within 60 days, the complaint shall be considered resolved on the basis of the preceding step.

In the written complaint, the employee shall specify the nature of the problem, including names, dates, locations, witnesses, the remedy sought by the employee, and a description of informal efforts to resolve the issue.

Within 10 working days of receiving the complaint, the immediate supervisor or principal shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint. Within five working days after the meeting, he/she shall prepare and send a written response to the complainant.

Step 3: District Level Appeal

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file the written complaint with the Superintendent or designee within five working days of receiving the written response from the immediate supervisor or the principal. The complainant shall include all information presented to the immediate supervisor or principal at Step 2.

Within 10 working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation, including reviewing the investigation and written response by the immediate supervisor or principal at Step 2, and shall meet with the complainant in an effort to resolve the complaint. Within five working days after the meeting, he/she shall prepare and send a written response to the complainant.

Step 4: Appeal to the Governing Board

If a complaint has not been satisfactorily resolved at Step 3, the complainant may file a written appeal to the Board within five working days of receiving the Superintendent or designee's response. All information presented at Steps 1, 2, and 3 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a written report describing attempts to resolve the complaint and the district's response.

The Board may uphold the findings by the Superintendent or designee without hearing the complaint or the Board may hear the complaint at a regular or special Board meeting. The hearing shall be held in closed session if the complaint relates to matters that may be addressed in closed session in accordance with law.

The Board shall make its decision within 30 days of the hearing and shall send its decision to all concerned parties. The Board's decision shall be final.

Alternate Procedures

Complaints alleging unlawful discrimination on any basis specified in the district's nondiscrimination policies, including complaints of sexual harassment, shall be resolved in accordance with the district's procedure in BP/AR 4030 - Nondiscrimination in Employment.

Complaints regarding unlawful discrimination in district programs or the district's failure to comply with state or federal laws regarding educational programs shall be resolved in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. Complaints regarding sufficiency of textbook materials, teacher vacancy or misassignment, or an urgent or emergency facility condition shall be resolved in accordance with AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186; 5 CCR 4621)

For complaints regarding working conditions or other subjects of negotiation, the employee shall use the grievance procedure specified in the applicable collective bargaining agreement.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Ed. Code 35186	Complaints regarding teacher vacancy or misassignment - https://simbli.eboardsolutions.com/SU/MDiv2vFqYgd1u6vWMYFnhA==
Ed. Code 44110-44114	Reporting by school employees of improper governmental activity - https://simbli.eboardsolutions.com/SU/4sbGHtoaKQKEpukC0PXGsQ==
Gov. Code 3543	Public school employees' rights - https://simbli.eboardsolutions.com/SU/zEF6CCJaxeqlusvis6FeNQ6w==
Gov. Code 3543.1	Rights of employee organizations - https://simbli.eboardsolutions.com/SU/m7X7sU6S9KfjH0z33KIC6A==
Gov. Code 53296-53299	Disclosure of confidential information; whistleblower - https://simbli.eboardsolutions.com/SU/ZIBfiZeR4nqqRNyREPEoqg==
Gov. Code 54957	Complaints against employees; right to open session - https://simbli.eboardsolutions.com/SU/slshHI9rGplusU5KWWytZk9AyVpA==
Lab. Code 1102.5-1106	Whistleblower protections - https://simbli.eboardsolutions.com/SU/bWuMcu9DRZg9ylvRCpFVMw==

Management Resources References

	Description
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Policy 4156.2: Awards And Recognition

Status: DRAFT

Original Adopted Date: Pending

The Governing Board values its instructional and noninstructional staff and desires to recognize their outstanding service in order to increase employee morale and encourage creative and innovative performance.

The Board encourages recognition of all staff during days of significance designated by the Board, state law, or state resolution.

The Board authorizes awards to individual employees who: (Education Code 44015)

1. Propose procedures or ideas that result in eliminating or reducing district expenditures or improving district operations
2. Perform special acts or services in the public interest
3. By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in district operations

As the district budget permits, the Superintendent or designee may recognize such employees by issuing service pins, certificates, plaques, and/or other mementos. In addition, he/she may recommend employees to the Board for recognition at a public Board meeting.

The Superintendent or designee shall establish procedures for the selection of individual employees to receive awards.

The Superintendent or designee may appoint one or more merit award committees consisting of Board members, district employees, and/or private citizens to review employee contributions and recommend awards.

Monetary awards to employees shall not exceed \$200 unless expressly approved by the Board. (Education Code 44015)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 35160	Authority of governing boards - https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==
Ed. Code 35160.1	Broad authority of school districts - https://simbli.eboardsolutions.com/SU/ewe0Cc8cKGTgDzaAt5MKhw==
Ed. Code 35161	Board delegation of any powers or duties - https://simbli.eboardsolutions.com/SU/slsh1PplusGg7pf1zBSnE4YBslshMOQ==
Ed. Code 44015	Awards to employees - https://simbli.eboardsolutions.com/SU/XGslshRoXMbF8owRPmVP5CkGQ==
Ed. Code 45460	Classified School Employee Week - https://simbli.eboardsolutions.com/SU/PI7b4B21KoNcN9IFhNO9eQ==

Management Resources References

Description

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	Fiscal Crisis and Management Assistance Team - https://simbli.eboardsolutions.com/SU/1KDBnXplus9GCiDTyFvbLOOxQ==

Policy 4156.3: Employee Property Reimbursement

Status: DRAFT

Original Adopted Date: Pending

The Governing Board authorizes the Superintendent or designee to pay the cost of replacing or repairing employee personal property, except cash, which has been stolen or intentionally destroyed or damaged while being used for work-related purposes.

No reimbursement shall be made for accidental damage or for any loss due to lack of personal supervision or failure to keep property in a secured area.

The maximum payment shall be the amount specified by the district's insurance carrier for such loss or the amount specified in the applicable collective bargaining agreement, whichever is less.

Reimbursement for personal items used for work-related purposes shall be made only if: (Education Code 35213)

1. Use of the personal property was approved by the principal, site supervisor or designee before the property was brought to school or district premises
2. At that time, the employee and district representative agreed on the value of the property

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Civ. Code 1714.1

Ed. Code 35213

Ed. Code 48904

Description

Liability of parent or guardian for act of willful misconduct by a minor -
<https://simbli.eboardsolutions.com/SU/NSknePFduiYWusJFnU3r9Q==>

Reimbursement for loss or damage of personal property -
<https://simbli.eboardsolutions.com/SU/wOsFs53lgmoKZOWrqM6DZA==>

Liability of parent -
<https://simbli.eboardsolutions.com/SU/HuoUSHfesnOeJY8nP1JfrA==>

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Policy 4157: Employee Safety

Status: DRAFT

Original Adopted Date: Pending

The Governing Board is committed to maximizing employee safety and believes that workplace safety is the responsibility of every employee. Working conditions and equipment shall comply with standards prescribed by federal, state, and local laws and regulations.

No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful. (Labor Code 6402)

The Superintendent or designee shall promote safety and correct any unsafe work practices through education and enforcement.

All employees are expected to use safe work practices and, to the extent possible, correct any unsafe conditions which may occur. If an employee is unable to correct an unsafe condition, the employee shall immediately report the problem to the Superintendent or designee.

The Superintendent or designee shall establish and implement a written injury and illness prevention program, and provide employees with access to such program, in accordance with law. (Labor Code 6401.7; 8 CCR 3203)

The Superintendent or designee shall make first aid materials readily available at district workplaces and shall make effective provisions to prepare for prompt medical treatment in the event of an employee's serious injury or illness. (8 CCR 3400)

No employee shall be discharged or discriminated against for exercising any right regarding employee safety or health specified in Labor Code 6310, including:

1. Making a report or complaint
2. Instituting proceedings or causing proceedings to be instituted
3. Testifying with regard to employee safety or health
4. Participating in any occupational health and safety committee established pursuant to Labor Code 6401.7
5. Requesting access to injury or illness reports and records
6. Exercising any other right protected by the Occupational Safety and Health Act

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

17 CCR 2508	Reporting of communicable diseases
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	Injury and illness prevention program
8 CCR 3204	Access to employee exposure and medical records
8 CCR 3400	Medical services and first aid
8 CCR 5095-5100	Control of noise exposure
8 CCR 5193	Bloodborne pathogens
Ed. Code 32030-32034	Eye safety - https://simbli.eboardsolutions.com/SU/zSiKvuf0fsIshlOlisIshrUiiu6w==
Ed. Code 32225-32226	Communications devices in classrooms - https://simbli.eboardsolutions.com/SU/j4veUiFkkN7RRLslshslshZ6plus3rw==

Ed. Code 32280-32289.5	School safety plans - https://simbli.eboardsolutions.com/SU/gz33QjVcfk6ufvjfPS84Kw==
Ed. Code 44984	Required rules for industrial accident and illness leave - https://simbli.eboardsolutions.com/SU/ke4DWoaukfaaoJH5A01K1w==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Lab. Code 132a	Workers' compensation; nondiscrimination - https://simbli.eboardsolutions.com/SU/0dt23JsOI4slsh31plusSSOKbs3A==
Lab. Code 3300	Definition of employer - https://simbli.eboardsolutions.com/SU/BXLSRBjf9aGdFbl7WIEYQQ==
Lab. Code 6305	Occupational safety and health standards; special order - https://simbli.eboardsolutions.com/SU/55WjxorgZhT1Hvp4jz3qEw==
Lab. Code 6310	Retaliation for filing complaint prohibited - https://simbli.eboardsolutions.com/SU/ijRdWVyzKKGf0uB67vy5pg==
Lab. Code 6400-6413.5	Responsibilities and duties of employers and employees - https://simbli.eboardsolutions.com/SU/5ARHwU9sntKsGv146oDDoQ==
Lab. Code 6401.7	Injury and illness prevention program - https://simbli.eboardsolutions.com/SU/OLCkBLQtPasszuobFzmJvw==

Federal References

17 CFR 2508	Reporting of communicable diseases
29 CFR 1910.1030	Bloodborne pathogens
29 CFR 1910.95	Noise standards
29 CFR 651-678	Occupational safety and health
8 CFR 14000-14316	Occupational injury or illness reports and records
8 CFR 3204	Access to employee exposure and medical records
8 CFR 5193	Bloodborne pathogens

Management Resources References

Department of Industrial Relations Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2011
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxk6R5akQ==
Website	National Institute for Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/MsNFevsgqBuZsm1t2nD60A==
Website	U.S. Department of Labor, Occupational Safety and Health Administration - https://simbli.eboardsolutions.com/SU/3chzxaztydPHSslshAUF6PdVA==
Website	California Department of Industrial Relations, Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQIJEVTeFex4Q==
Website	National Hearing Conservation Association - https://simbli.eboardsolutions.com/SU/7tMEcYWajQ8WzRWT1oq6tw==
Website	Centers for Disease Control and Prevention - https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==

Regulation 4157: Employee Safety

Status: DRAFT

Original Adopted Date: Pending

The Superintendent or designee shall provide safety devices and implement safeguards, methods, and processes that are reasonably necessary for the safety and health of employees in the workplace. (Labor Code 6401)

Injury and Illness Prevention Program

The district's injury and illness prevention program shall cover all district employees and all other workers whom the district controls or directs and directly supervises on the job to the extent that the workers are exposed to hazards specific to their worksite and job assignment. The obligation of contractors or other employers who control or direct and supervise their own employees on the job shall not be affected by the district's injury and illness prevention program. (Labor Code 6401.7)

The district's injury and illness prevention program shall include: (Labor Code 6401.7; 8 CCR 3203)

1. The name/position of the person(s) with authority and responsibility for implementing the program.
2. A system for ensuring that employees comply with safe and healthful work practices, which may include, but not be limited to:
 - a. Recognition of employees who follow safe and healthful work practices
 - b. Training and retraining programs
 - c. Disciplinary actions
3. A system for communicating with employees, in a form readily understandable by all employees on matters related to occupational health and safety, including provisions designed to encourage employees to report hazards at the worksite without fear of reprisal. The communications system may include, but not be limited to:
 - a. Meetings
 - b. Training programs
 - c. Posting
 - d. Written communications
 - e. A system of anonymous notification by employees about hazards
 - f. A labor/management safety and health committee
4. Procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. Such inspections shall be made:
 - a. Whenever new substances, processes, procedures, or equipment that represents a new occupational safety or health hazard is introduced into the workplace
 - b. Whenever the district is made aware of a new or previously unrecognized hazard
5. A procedure for investigating occupational injury or illness.
6. Methods and/or procedures for correcting unsafe or unhealthful conditions, work practices, and work procedures in a timely manner, based on the severity of the hazard, when the hazard is observed or discovered.

When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, these procedures shall call for the removal of all exposed staff from the area except those necessary to correct the hazardous condition. Employees needed to correct the condition shall be provided

necessary safeguards.

7. Provision of training and instruction as follows:

- a. To all new employees
- b. To all employees given new job assignments for which training has not previously been received
- c. Whenever new substances, processes, procedures, or equipment is introduced into the workplace and represents a new hazard
- d. Whenever the district is made aware of a new or previously unrecognized hazard
- e. To supervisors, to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed

The Superintendent or designee shall provide employees, or their representative designated pursuant to 8 CCR 3203, with either of the following: (8 CCR 3203)

1. Access to the district's injury and illness prevention program in a reasonable time, place, and manner, but in no event later than five business days after the request for access is received from an employee or a designated representative of the employee

When an employee or designated representative requests a copy of the district's injury and illness prevention program, the Superintendent or designee shall provide the requester a printed copy unless the employee or designated representative agrees to receive an electronic copy.

The Superintendent or designee shall provide one printed copy free of charge. If the employee or designated representative requests additional copies within one year of the previous request and the district's injury and illness prevention program has not been updated with new information since the prior copy was provided, the district may charge reasonable reproduction costs pursuant to 8 CCR 3204 for the additional copies.

2. Unobstructed access to the district's injury and illness prevention program through the district's server or web site, which allows an employee to review, print, and email the current version of the district's injury and illness prevention program

The Superintendent or designee shall communicate the right and procedure to access the district's injury and illness prevention program to all employees. (8 CCR 3203)

Labor/Management Safety and Health Committee

The district's labor/management safety and health committee shall: (8 CCR 3203)

1. Meet regularly, but not less than quarterly.
2. Prepare and make available to affected employees written records of the safety and health issues discussed at committee meetings and maintained for review by the California Department of Industrial Relations' Division of Occupational Safety and Health (Cal/OSHA) upon request. These records shall be maintained for at least one year.
3. Review results of the periodic, scheduled worksite inspections.
4. Review investigations of occupational accidents and causes of incidents resulting in occupational injury or illness or exposure to hazardous substances. As appropriate, the committee may submit suggestions to the Superintendent or designee regarding the prevention of future incidents.
5. Review investigations of alleged hazardous conditions brought to the attention of any committee member. When determined necessary by the committee, it may conduct its own inspection and investigation to assist in remedial solutions.
6. Submit recommendations to assist in the evaluation of employee safety suggestions.

7. Upon request of Cal/OSHA, verify abatement action taken by the district to abate citations issued by Cal/OSHA.

Hearing Protection

Whenever employee noise exposure equals or exceeds the standards specified in law, the Superintendent or designee shall implement a hearing conservation program in accordance with state and federal regulations, including, when required, monitoring of sound levels, audiogram evaluation and audiometric testing of affected employees, the provision of hearing protectors, and employee training. (8 CCR 5095-5100; 29 CFR 1910.95)

Eye Safety Devices

Eye safety devices shall be worn by employees whenever they are engaged in or observing an activity involving hazards or hazardous substances likely to cause injury to the eyes. (Education Code 32030-32034)

First Aid and Medical Services

The Superintendent or designee shall ensure the ready availability of medical personnel for advice and consultation on matters of industrial health or injury. Whenever a district facility or district grounds are not in close proximity to an infirmary, clinic, or hospital where all injured employees may be treated, the Superintendent or designee shall ensure that at least one employee is adequately trained to provide first aid. (8 CCR 3400)

The Superintendent or designee shall make adequate first aid materials readily available for employees at every worksite. Such materials shall be approved by a consulting physician and shall be kept in a sanitary and usable condition. The Superintendent or designee shall frequently inspect all first aid materials and replenish them as necessary. (8 CCR 3400)

The Superintendent or designee shall ensure that suitable facilities for quick drenching or flushing of the eyes and body are provided within the work area for immediate emergency use when the eyes or body or any person may be exposed to injurious corrosive materials. (8 CCR 3400)

To avoid unnecessary delay in medical treatment in the event of an employee's serious injury or illness, the Superintendent or designee shall use one or more of the following: (8 CCR 3400)

1. A communication system for contacting a physician or emergency medical service, such as access to 911 or equivalent telephone system. The communication system or the employees using the system shall have the ability to direct emergency services to the location of the injured or ill employee.
2. Readily accessible and available on-site treatment facilities suitable for treatment of reasonably anticipated injury and illness.
3. Proper equipment for prompt medical transport when transportation of injured or ill employees is necessary and appropriate.

Protection from Communicable Diseases and Infections

The Superintendent or designee shall develop an exposure control plan for bloodborne pathogens that is consistent with the district's injury and illness prevention program. The plan shall include a determination of which job classifications have occupational exposure to blood or other potentially infectious materials; precautions to be implemented, including universal precautions, engineering and work practice controls, and personal protective equipment; availability of the hepatitis B vaccination; provision of information and training to employees; and follow-up actions to be taken if exposure occurs. The district shall ensure that a copy of the exposure control plan is accessible to employees in accordance with law. (8 CCR 5193; 29 CFR 1910.1030)

Strategies to prevent and mitigate the outbreak or spread of infectious diseases shall be followed for diseases that are communicated through airborne transmission, skin-to-skin contact, foodborne transmission, or other casual or noncasual means. Such strategies shall include, but are not limited to, communication and training about the disease(s); campus closures and alternative means of instruction when necessary; preventative measures, such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by law; and cleaning and sanitization of district facilities and equipment.

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable disease. (17 CCR 2508)

COVID-19 Exposure

If the district receives notice of potential exposure to COVID-19, the Superintendent or designee shall, within one business day of the notice, take all of the following actions: (Labor Code 6409.6)

1. Provide a written notice to all employees, and the employers of subcontracted employees, who were on the premises at the same worksite as the qualifying individual within the infectious period that they may have been exposed to COVID-19. The notice shall be provided in a manner normally used to communicate employment-related information, which may include, but is not limited to, personal service, email, or text message if it can reasonably be anticipated to be received by the employee within one business day of sending.
2. Provide a written notice to the exclusive representative, if any, of employees who were on the premises within the infectious period
3. Provide all employees who may have been exposed and the exclusive representative, if any, with information regarding:
 - a. COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws, including, but not limited to, workers' compensation
 - b. Available leave options for exposed employees
 - c. Antiretaliation and antidiscrimination protections of the employee
4. Notify all employees, and the employers of subcontracted employees and the exclusive representative, if any, of the disinfection and safety plan that the district plans to complete in accordance with Centers for Disease Control and Prevention guidelines

The above notifications shall be maintained for a period of at least three years. (Labor Code 6409.6)

If the district is notified of the number of cases that meet the definition of a COVID-19 outbreak, as defined by the California Department of Public Health, within 48 hours, the Superintendent or designee shall, within 48 hours of the notice, notify the local public health agency of the names, number, occupation, and worksite of employees who meet the definition of a qualifying individual. The Superintendent or designee shall continue to give notice to the local health department of any subsequent laboratory-confirmed cases of COVID-19 at the worksite. (Labor Code 6409.6)

In the event that Cal/OSHA prohibits entry into any district workplace or performance of a district operation or process based on a determination that the workplace exposes employees to the risk of COVID-19 infection and constitutes an imminent hazard to employees, the district shall post a notice thereof provided by Cal/OSHA in a conspicuous place at the work site. This notice shall not be removed except by an authorized representative of Cal/OSHA and only when the place of employment, operation, or process is made safe and the required safeguards or safety appliances or devices are provided. (Labor Code 6325)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

State References	Description
17 CCR 2508	Reporting of communicable diseases
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	Injury and illness prevention program
8 CCR 3204	Access to employee exposure and medical records
8 CCR 3400	Medical services and first aid

8 CCR 5095-5100	Control of noise exposure
8 CCR 5193	Bloodborne pathogens
Ed. Code 32030-32034	Eye safety - https://simbli.eboardsolutions.com/SU/zSiKvuf0fsishlOlislshrUiiu6w==
Ed. Code 32225-32226	Communications devices in classrooms - https://simbli.eboardsolutions.com/SU/j4veUiFkkN7RRlsishslshZ6plus3rw==
Ed. Code 32280-32289.5	School safety plans - https://simbli.eboardsolutions.com/SU/gz33QjVcfk6ufvjfPS84Kw==
Ed. Code 44984	Required rules for industrial accident and illness leave - https://simbli.eboardsolutions.com/SU/ke4DWOaukfaaoJH5A01K1w==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Lab. Code 132a	Workers' compensation; nondiscrimination - https://simbli.eboardsolutions.com/SU/Odt23JsOI4slsh31plusSS0Kbs3A==
Lab. Code 3300	Definition of employer - https://simbli.eboardsolutions.com/SU/BXLSRBjf9aGdFbl7WIEYQQ==
Lab. Code 6305	Occupational safety and health standards; special order - https://simbli.eboardsolutions.com/SU/55WjxorgZhT1Hvp4jz3qEw==
Lab. Code 6310	Retaliation for filing complaint prohibited - https://simbli.eboardsolutions.com/SU/ijRdWVyzKKGF0uB67vy5pg==
Lab. Code 6400-6413.5	Responsibilities and duties of employers and employees - https://simbli.eboardsolutions.com/SU/5ARHwU9sntKsGv146oDDoQ==
Lab. Code 6401.7	Injury and illness prevention program - https://simbli.eboardsolutions.com/SU/OLCkBLQtPasszuobFzmJvw==

Federal References

17 CFR 2508	Reporting of communicable diseases
29 CFR 1910.1030	Bloodborne pathogens
29 CFR 1910.95	Noise standards
29 CFR 651-678	Occupational safety and health
8 CFR 14000-14316	Occupational injury or illness reports and records
8 CFR 3204	Access to employee exposure and medical records
8 CFR 5193	Bloodborne pathogens

Management Resources References

Department of Industrial Relations Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2011
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==
Website	National Institute for Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/MsNFevsgqBuZsm1t2nD60A==
Website	U.S. Department of Labor, Occupational Safety and Health Administration - https://simbli.eboardsolutions.com/SU/3chzxaztydPHSslshAUF6PdVA==
Website	California Department of Industrial Relations, Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQIJEVTeFex4Q==
Website	National Hearing Conservation Association - https://simbli.eboardsolutions.com/SU/7tMEcYWajQ8WzRWT1oq6tw==

Website

Centers for Disease Control and Prevention -
<https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==>

Regulation 4157.1: Work-Related Injuries

Status: DRAFT

Original Adopted Date: Pending

In order to provide medical benefits, temporary or permanent disability benefits, wage replacement, retraining or skill enhancement, and/or death benefits in the event that an employee becomes injured or ill in the course of employment, the district shall provide all employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process that reduces costs and facilitates employee recovery.

The Superintendent or designee shall notify every new employee, at the time of hire or by the end of the first pay period, of the employee's right to receive workers' compensation benefits if injured at work. (Labor Code 3551; 8 CCR 15596)

In addition, a notice regarding workers' compensation benefits shall be posted in a conspicuous location frequented by employees, where the notice may be easily read during the workday. (Labor Code 3550)

In the event that an employee is injured or becomes ill in the course of employment, the employee shall report the work-related injury or illness to the Superintendent or designee as soon as practicable. The employee and appropriate district staff shall also promptly document the date and time of any incident, a description of the incident, and any persons present.

Within one working day of receiving notice or knowledge of any injury to an employee in the course of employment, the Superintendent or designee shall provide a claim form and notice of potential eligibility for workers' compensation benefits to the employee or, in the case of the employee's death, to the employee's dependents. The claim form and notice shall be provided personally or by first class mail. (Labor Code 5401)

The Superintendent or designee shall additionally ensure that any employee who is a victim of a crime that occurred at the place of employment is given written notice personally or by first class mail within one working day of the crime, or when the district reasonably should have known of the crime, that the employee is eligible for workers' compensation benefits for injuries, including psychiatric injuries, that may have resulted from the crime. (Labor Code 3553)

The Superintendent or designee shall ensure that all employee notices described above are in the form prescribed by the Department of Industrial Relations (DIR), Division of Workers Compensation.

Upon learning of a work-related injury or illness, or injury or illness alleged to have arisen out of and in the course of employment, the Superintendent or designee shall report the incident to the district's insurance carrier or DIR, as applicable, within five days after obtaining knowledge of the injury or illness. If a subsequent death arises as a result of the reported injury or illness, an amended report indicating the death shall be filed within five days after being notified of or learning about the death. (Labor Code 6409.1)

In addition, in every case involving death or serious injury or illness, the Superintendent or designee shall immediately make a report to the Division of Occupational Safety and Health (Cal/OSHA) by telephone or through an online mechanism made available by Cal/OSHA. (Labor Code 6409.1)

For the purpose of this report, serious injury or illness means any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement. (Labor Code 6302)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

8 CCR 15596

Ed. Code 44984

Description

Notice of employee rights to workers' compensation benefits

Required rules for industrial accident and illness leave -

<https://simbli.eboardsolutions.com/SU/ke4DWoaukfaaoJH5A01K1w==>

Ed. Code 45192	Industrial accident and illness leave for classified employees - https://simbli.eboardsolutions.com/SU/HTwslshO644wTLZxo0sXoYSiA==
Lab. Code 3200-4856	Workers' compensation - https://simbli.eboardsolutions.com/SU/29KVqRTlpu3spGvT4OslshslshplusQ==
Lab. Code 3212.86	COVID-19: critical workers pre-July 5, 2020 - https://simbli.eboardsolutions.com/SU/46SNIX3ikeplusJBUNjmaEEkQ==
Lab. Code 3212.88	COVID-19: critical workers post-July 5, 2020 - https://simbli.eboardsolutions.com/SU/ZsvtwWNGDdSnAEivJJ5gVQ==
Lab. Code 3550-3553	Notifications re: workers' compensation benefits - https://simbli.eboardsolutions.com/SU/iCiiTstncY6NjUJ19aRkNw==
Lab. Code 3600-3605	Conditions of liability - https://simbli.eboardsolutions.com/SU/1laXnIGubTbZdl0sz0KECQ==
Lab. Code 3760	Report of injury to insurer - https://simbli.eboardsolutions.com/SU/bv0lpSKmslsh4slshplusQeHTBh0RMg==
Lab. Code 4600	Provision of medical and hospital treatment by employer - https://simbli.eboardsolutions.com/SU/yTuM5M1RDTvThwlTHvJUg==
Lab. Code 4906	Disclosures and statements - https://simbli.eboardsolutions.com/SU/1Edjx8T7TkSkCEQ4QynHslshw==
Lab. Code 5400-5413	Notice of injury or death - https://simbli.eboardsolutions.com/SU/VH19H06yQHEVkcqzxlCCQ==
Lab. Code 6302	Definition of serious injury or illness - https://simbli.eboardsolutions.com/SU/3emf9K7Gz01kdF71SHycKQ==
Lab. Code 6409.1	Reports - https://simbli.eboardsolutions.com/SU/DyzHWRr11plusCOL9Y8YIXBslshQ==

Management Resources References

Description

Department of Industrial Relations Publication	Workers' Compensation in California: A Guidebook for Injured Workers, 2016
Department of Industrial Relations Publication	Workers' Compensation Claim Form (DWC 1) & Notice of Potential Eligibility
Department of Industrial Relations Publication	Notice to Employees - Injuries Caused by Work
Department of Industrial Relations Publication	Time of Hire Pamphlet
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==
Website	California Department of Industrial Relations, Division of Workers Compensation - https://simbli.eboardsolutions.com/SU/RyaOZCPLeaJxcwOryqLhUQ==
Website	California Department of Industrial Relations, Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQIJJEVTeFex4Q==
Website	California Department of Public Health - https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==

Regulation 4157.2: Ergonomics

Status: DRAFT

Original Adopted Date: Pending

The Superintendent or designee shall implement an ergonomics program to identify risk factors in the work environment that may result in injuries or illnesses to employees and shall design measures to mitigate such risk factors. The program shall include a study of body movements and positions used during work, the tools and equipment used, the physical environment (such as temperature, noise, and lighting), and the organizational environment (such as deadlines, teamwork, and supervision) in order to identify potential causes of stress on the body over time, such as exertion or strain, awkward or sustained posture, or repeated motions.

An employee who experiences pain, numbness, stiffness, swelling, tingling, weakness, or other symptom(s) of a repetitive motion injury (RMI) or other musculoskeletal disorder that may be caused or aggravated by workplace conditions shall report the problem to his/her supervisor.

When an RMI which is objectively identified and diagnosed by a licensed physician to be a musculoskeletal injury has been reported by two or more district employees within a 12-month period, and is determined to be predominantly caused by a repetitive job, process, or operation of an identical work activity, the Superintendent or designee shall: (8 CCR 5110)

1. Evaluate each job, process, or operation of identical work activity at the work site, or a representative number of such jobs, processes, or operations of identical work activities, for exposures which have caused RMIs
2. Correct in a timely manner, or minimize to the extent feasible if correction is not possible, any exposures that have caused RMIs, taking into consideration engineering controls such as work station redesign, adjustable fixtures, or tool redesign, and administrative controls such as job rotation, work pacing, or work breaks
3. Provide staff training that includes an explanation of:
 - a. The district's ergonomics program
 - b. The exposures that have been associated with RMIs
 - c. The symptoms and consequences of injuries caused by repetitive motion
 - d. The importance of reporting symptoms and injuries to the district
 - e. Methods used by the district to minimize RMIs

Strategies adopted for identifying and correcting workplace conditions or practices that may increase employees' risk of RMIs may be incorporated into the district's injury and illness prevention program developed pursuant to Labor Code 6401.7 and 8 CCR 3203.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

8 CCR 3203	Injury and illness prevention program
8 CCR 5110	Repetitive motion injuries
Ed. Code 44984	Required rules for industrial accident and illness leave - https://simbli.eboardsolutions.com/SU/ke4DWoaukfaoJH5A01K1w==
Ed. Code 45192	Industrial accident and illness leave for classified employees - https://simbli.eboardsolutions.com/SU/HTwslshO644wTLZxo0sXoYSiA==
Gov. Code 21153	Employer not to separate for disability members eligible to retire - https://simbli.eboardsolutions.com/SU/h58y6abDmPqhvGonW4Gz0w==
Lab. Code 142.3	Authority of Cal/OSHA to adopt standards - https://simbli.eboardsolutions.com/SU/qtK5bbJ47F5q49slshjslshfbb3g==

Lab. Code 3200-4856	Workers' compensation - https://simbli.eboardsolutions.com/SU/29KVqRTlpu3spGvT4OslshslshplusQ==
Lab. Code 3550-3553	Notifications re: workers' compensation benefits - https://simbli.eboardsolutions.com/SU/iCiiTstncY6NjUJ19aRkNw==
Lab. Code 3600-3605	Conditions of liability - https://simbli.eboardsolutions.com/SU/1laXnIGubTbZdl0sz0KECQ==
Lab. Code 3760	Report of injury to insurer - https://simbli.eboardsolutions.com/SU/bv0lpSKmslsh4slshplusQeHTBh0RMg==
Lab. Code 4600	Provision of medical and hospital treatment by employer - https://simbli.eboardsolutions.com/SU/yTuM5M1RDTvThwlnTHvJUg==
Lab. Code 4906	Disclosures and statements - https://simbli.eboardsolutions.com/SU/1Edjx8T7TkSkCEQ4QynHslshw==
Lab. Code 5400-5404	Notice of injury or death - https://simbli.eboardsolutions.com/SU/VH19H06yQHEVkcqzxlCCQ==
Lab. Code 6303	Place of employment; employment - https://simbli.eboardsolutions.com/SU/5hbSUHothff5RkYz3wKHvw==
Lab. Code 6305	Occupational safety and health standards; special order - https://simbli.eboardsolutions.com/SU/55WjxorgZhT1Hvp4jz3qEw==
Lab. Code 6310	Retaliation for filing complaint prohibited - https://simbli.eboardsolutions.com/SU/ijRdWVyzKKGF0uB67vy5pg==
Lab. Code 6357	Standards for workplace ergonomics - https://simbli.eboardsolutions.com/SU/FZUuZjXs8LXotGhlevPtUw==
Lab. Code 6401.7	Injury and illness prevention program - https://simbli.eboardsolutions.com/SU/OLCkBLQtPasszuobFzmJvw==
Lab. Code 6409.1	Reports - https://simbli.eboardsolutions.com/SU/DyzHWRr11plusCOL9Y8YIXBslshQ==

Management Resources References

Management Resources References	Description
DIR, Div. of Occup. Safety & Health Publication	Ergonomic Hazards, Fact Sheet H
DIR, Div. of Occup. Safety & Health Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. May 2011
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==
Website	California Department of Industrial Relations, Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQlJEVTeFex4Q==

Policy 4158: Employee Security

Status: DRAFT

Original Adopted Date: Pending

The Governing Board desires to provide a safe and orderly work environment for all employees. As part of the district's comprehensive safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for providing necessary assistance and support when emergency situations occur.

Any person who threatens the safety of others at any district facility may be removed by the Superintendent or designee in accordance with AR 3515.2 - Disruptions.

Any employee against whom violence or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. As appropriate, the Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace. Such measures may include seeking a temporary restraining order on behalf of the employee pursuant to Code of Civil Procedure 527.8 and/or a gun violence restraining order pursuant to Penal Code 18150 and 18170.

Upon request by an employee who is a victim of domestic violence, sexual assault, or stalking, the Superintendent or designee shall provide reasonable accommodations in accordance with Labor Code 230-230.1 and the accompanying administrative regulation to protect the employee's safety while at work.

The Superintendent or designee may pursue legal action on behalf of an employee against a student or the student's parent/guardian to recover damages for injury to the employee's person or property caused by the student's willful misconduct that occurred on district property, at a school or district activity, or in retaliation for lawful acts of the employee in the performance of the employee's duties. (Education Code 48904, 48905)

The Superintendent or designee shall provide staff development in crisis prevention and intervention techniques, which may include training in classroom management, effective communication techniques, procedures for responding to an active shooter situation, and crisis resolution.

In accordance with law, the Superintendent or designee shall inform teachers, administrators, and/or counselors of crimes and offenses committed by students who may pose a danger in the classroom. (Education Code 48201, 49079; Welfare and Institutions Code 827)

The Superintendent or designee may make available at appropriate locations, including, but not limited to, district and school offices, gyms, and classrooms, communication devices that would enable two-way communication with law enforcement and others when emergencies occur.

Use of Pepper Spray

Employees shall not carry or possess pepper spray on school property or at school activities except when authorized by the Superintendent or designee for self-defense purposes. When allowed, an employee may only possess pepper spray in accordance with administrative regulations and Penal Code 22810. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.

Reporting of Injurious Objects

Employees shall take immediate action upon being made aware that any person is in possession of a weapon or unauthorized injurious object on school grounds or at a school-related or school-sponsored activity. Employees shall exercise their best judgment as to the potential danger involved and shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately call 911 and the principal

When informing the principal about the possession or seizure of a weapon or dangerous device, an employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Civ. Code 51.7	Freedom from violence or intimidation - https://simbli.eboardsolutions.com/SU/biK5w5xHjaslshApluscWXhrJ7ZQ==
Code of Civil Procedure 527.8	Workplace violence safety - https://simbli.eboardsolutions.com/SU/zzBhO3hWGUr7lplusYiDNCP8A==
Ed. Code 32210-32212	Willful disturbance; public schools or meetings - https://simbli.eboardsolutions.com/SU/fVO0OHpeh6ozwKgKAIVaRg==
Ed. Code 32225-32226	Communications devices in classrooms - https://simbli.eboardsolutions.com/SU/j4veUiFkkN7RRlslshslshZ6plus3rw==
Ed. Code 35208	Liability insurance - https://simbli.eboardsolutions.com/SU/jbPgedY6klfN52VVVsM4Tg==
Ed. Code 35213	Reimbursement for loss or damage of personal property - https://simbli.eboardsolutions.com/SU/wOsFs53lgmoKZOWrqM6DZA==
Ed. Code 44014	Report of assault by pupil against school employee - https://simbli.eboardsolutions.com/SU/gEUlqoslshPjiqplusmnO8qU62vw==
Ed. Code 44807	Teachers' duty concerning conduct of students - https://simbli.eboardsolutions.com/SU/O1QplusZUrsishvuVCSGiVFI8hw==
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion - https://simbli.eboardsolutions.com/SU/elQocY4QEYKvslshVzhn7SJMA==
Ed. Code 48900-48926	Suspension and expulsion - https://simbli.eboardsolutions.com/SU/dt5KNUUnSlpER0iplusCaObRIQ==
Ed. Code 49079	Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion - https://simbli.eboardsolutions.com/SU/8tfoN4Gnt52xd4EGRPwysQ==
Ed. Code 49330-49335	Injurious objects - https://simbli.eboardsolutions.com/SU/4youhLXID32plus5eslshL5sQsAg==
Gov. Code 12926	Definitions - https://simbli.eboardsolutions.com/SU/fp6xQmGSukcAWJ60VowoVA==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Gov. Code 995-996.4	Defense of public employees - https://simbli.eboardsolutions.com/SU/3wdDqwwnYONWPBqypbUzbA==
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies - https://simbli.eboardsolutions.com/SU/ojkww2VyZDlee6QjANmZ8Q==
Pen. Code 18150	Gun violence restraining orders - https://simbli.eboardsolutions.com/SU/iLstQCplus1Sck8Sniy0UMcTg==
Pen. Code 18170	Gun violence restraining order issued after notice and hearing - https://simbli.eboardsolutions.com/SU/k0uplusBFgJ3AtxQRxslshypE64A==
Pen. Code 22810	Purchase, possession, and use of tear gas - https://simbli.eboardsolutions.com/SU/r5ANQFARodtpluspplussT4TuNA==
Pen. Code 240-246.3	Assault and battery - https://simbli.eboardsolutions.com/SU/Z7GmjTgGeP2Md903plus7twTQ==
Pen. Code 241.3	Assault against school bus drivers - https://simbli.eboardsolutions.com/SU/KkjFoBT7VOVczxnKloX5mA==
Pen. Code 241.6	Assault on school employee including board member - https://simbli.eboardsolutions.com/SU/bILtHA1G3uslshsd5uePvUeHw==

Pen. Code 243.3	Battery against school bus drivers - https://simbli.eboardsolutions.com/SU/Yx3sr1PAI0Uq6KvxAplusJXVg==
Pen. Code 243.6	Battery against school employee including board members - https://simbli.eboardsolutions.com/SU/yDw5NBxkplus5qy916slshNt0Wslshw==
Pen. Code 245.5	Assault with deadly weapon against school employee including board member - https://simbli.eboardsolutions.com/SU/BI8wUJS728Q31g56VsHbBw==
Pen. Code 290	Registration of sex offenders - https://simbli.eboardsolutions.com/SU/BC6kOdRC1cjbplusmxdA92Rug==
Pen. Code 601	Trespass by person making credible threat - https://simbli.eboardsolutions.com/SU/5M9cOKjsCEtX1JiuFV0hYA==
Pen. Code 626-626.11	Weapons on school grounds and other school crimes - https://simbli.eboardsolutions.com/SU/Xlslsh9slshcoCcD30HV7KfmPlhg==
Pen. Code 646.9	Stalking - https://simbli.eboardsolutions.com/SU/VSAXu39FNfBnvIKFdGCbbA==
Pen. Code 71	Threatening public officers and employees and school officials - https://simbli.eboardsolutions.com/SU/2SkgWQFslsh9AeJ6xZplusjD9ZAw==
W&I Code 827	Limited exception to juvenile court record - https://simbli.eboardsolutions.com/SU/DMr9MZDTgwkT0RmplushdHdBGg==
W&I Code 828.1	District police or security department; disclosure of juvenile records - https://simbli.eboardsolutions.com/SU/slshvQZwsYSsIJ7VX17q9dfbQ==

Management Resources References

	Description
Court Decision	City of San Jose v. William Garbett, (2010) 190 Cal. App. 4th 526
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==
Website	California Department of Education, Safe Schools - https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Regulation 4158: Employee Security

Status: DRAFT

Original Adopted Date: Pending

An employee may use reasonable and necessary force for self-defense or defense of another person, to quell a disturbance threatening physical injury to others or damage to property, or to obtain possession of weapons or other dangerous objects within the control of a student. (Education Code 44807, 49001)

An employee shall promptly report to the principal or other immediate supervisor any attack, assault, or physical threat made against the employee by a student or by any other individual in relation to the performance of the employee's duties, and any action the employee took in response. Reports of an attack, assault, or threat shall be forwarded immediately to the Superintendent or designee.

In addition, the employee and the principal or other immediate supervisor shall promptly report to local law enforcement authorities an attack, assault, or physical threat made against the employee by a student. (Education Code 44014)

Notice Regarding Student Offenses

When a student commits certain offenses that may endanger staff or others, the following procedures shall be implemented to notify staff members as appropriate:

1. Acts That Are Grounds for Suspension or Expulsion

- a. The Superintendent or designee shall inform the teacher(s) of each student who, during the previous three school years, has engaged in or is reasonably suspected to have engaged in any act, except the possession or use of tobacco products, that would constitute a ground for suspension or expulsion as specified in AR 5144.1 - Suspension and Expulsion/Due Process. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)
- b. Upon receiving a transfer student's record regarding acts committed by the student that resulted in suspension or expulsion, the Superintendent or designee shall inform the student's teacher(s) that the student was suspended from school or expelled from the former district and of the act that resulted in the suspension or expulsion. (Education Code 48201)
- c. Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 48201, 49079)

2. Offenses Reported to the District by a Court

- a. When informed by a court that a minor student has been found by the court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism, or graffiti, the Superintendent or designee shall expeditiously notify the school principal. (Welfare and Institutions Code 827)
- b. The principal shall expeditiously disseminate this information to any counselor who directly supervises or reports on the student's behavior or progress and to any teacher or administrator directly supervising or reporting on the student's behavior or progress whom the principal thinks may need the information in order to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code 827)
- c. Any court-initiated information that a teacher, counselor, or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff, and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)
- d. When a student is removed from school as a result of an offense, the Superintendent shall hold the

court's information in a separate confidential file until the student is returned to the district. If the student is returned to a different district, the Superintendent shall transmit the information provided by the student's parole or probation officer to the superintendent of the new district of attendance. (Welfare and Institutions Code 827)

- e. Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first, and shall then be destroyed. (Welfare and Institutions Code 827)

In order to maintain confidentiality when providing information about student offenses to a counselor or teacher, the principal or designee shall send the staff member a written notification that a student has committed an offense that requires review of a student's file in the school office. This notice shall not name or otherwise identify the student. The staff member shall initial the notification and shall also initial the student's file when reviewing it in the school office.

Accommodations for Victims of Domestic Violence, Sexual Assault, or Stalking

When requested by an employee who is a victim of domestic violence, sexual assault, or stalking, the district shall provide the employee reasonable accommodations which may include the implementation of safety measures, including: (Labor Code 230)

1. A transfer, reassignment, or modified schedule
2. A changed work telephone or work station
3. An installed lock
4. Assistance in documenting domestic violence, sexual assault, stalking, or other crime that occurs in the workplace
5. Referral to a victim assistance organization
6. Another safety procedure or adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other crime

The Superintendent or designee shall engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations that do not pose an undue hardship on the district. In determining whether an accommodation is reasonable, the Superintendent or designee shall consider any exigent circumstance or danger facing the employee. (Labor Code 230)

Upon the request of the Superintendent or designee, an employee requesting a reasonable accommodation shall provide a written statement, signed by the employee or an individual acting on the employee's behalf, certifying that the accommodation is for an authorized purpose. The Superintendent or designee may also request that the employee provide certification of the employee's status as a victim of domestic violence, sexual assault, or stalking. Such certification may include: (Labor Code 230)

1. A police report indicating that the employee was a victim
2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a licensed medical professional or health care provider, domestic violence or sexual assault counselor, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse
4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf

Any verbal or written statement, police or court record, or other documentation identifying an employee as a victim shall be confidential and shall not be disclosed by the district except as required by federal or state law or as necessary to protect the employee's safety in the workplace. The employee shall be notified before any authorized

disclosure. (Labor Code 230)

Every six months after the date of the certification, the Superintendent or designee may request recertification of the employee's status as a victim of domestic violence, sexual assault, or stalking or ongoing circumstances related to the crime or abuse. The employee shall notify the Superintendent or designee if, due to changing circumstances, the employee needs a new accommodation or no longer needs an accommodation. (Labor Code 230)

The district shall not retaliate against an employee because of the employee's status as a victim of crime or abuse or for requesting a reasonable accommodation, regardless of whether the request was granted. (Labor Code 230)

Use of Pepper Spray

The Superintendent or designee shall notify employees of the district's policy prohibiting the possession of pepper spray on school property or at school-related activities without prior approval of the Superintendent or designee. Employees wishing to carry pepper spray shall submit to the Superintendent or designee a written request setting forth the need for the pepper spray. The Superintendent or designee shall notify the employee in writing as to whether the request was approved or denied.

When approving an employee's request, the Superintendent or designee shall inform the employee of the following conditions:

1. The pepper spray shall be used only in self-defense pursuant to Penal Code 22810.
2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the district and, in accordance with law, a fine and/or imprisonment.
3. The pepper spray must be stored in a secure place and not be accessible to students or other individuals. Negligent storage of the pepper spray may subject the employee to disciplinary action.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References	Description
Civ. Code 51.7	Freedom from violence or intimidation - https://simbli.eboardsolutions.com/SU/biK5w5xHjaslshApluscWXhrJ7ZQ==
Code of Civil Procedure 527.8	Workplace violence safety - https://simbli.eboardsolutions.com/SU/zzBhO3hWGUr7lplusYiDNCP8A==
Ed. Code 32210-32212	Willful disturbance; public schools or meetings - https://simbli.eboardsolutions.com/SU/fVO0OHpeh6ozwKgKAIVaRg==
Ed. Code 32225-32226	Communications devices in classrooms - https://simbli.eboardsolutions.com/SU/j4veUiFkkN7RRlslshslshZ6plus3rw==
Ed. Code 35208	Liability insurance - https://simbli.eboardsolutions.com/SU/jbPgedY6klfN52VVSsM4Tg==
Ed. Code 35213	Reimbursement for loss or damage of personal property - https://simbli.eboardsolutions.com/SU/wOsFs53lgmoKZOWrqM6DZA==
Ed. Code 44014	Report of assault by pupil against school employee - https://simbli.eboardsolutions.com/SU/gEUIqoslshPjiqplusmnO8qU62vw==
Ed. Code 44807	Teachers' duty concerning conduct of students - https://simbli.eboardsolutions.com/SU/01QplusZUrsishvuVCSGiVfIm8hw==
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion - https://simbli.eboardsolutions.com/SU/elQocY4QEYKvslshVzhn7SJMA==
Ed. Code 48900-48926	Suspension and expulsion - https://simbli.eboardsolutions.com/SU/dt5KNUnSLpER0iplusCa0bRIQ==

Ed. Code 49079	Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion - https://simbli.eboardsolutions.com/SU/8tfoN4Gnt52xd4EGRPwysQ==
Ed. Code 49330-49335	Injurious objects - https://simbli.eboardsolutions.com/SU/4youhLXID32plus5eslshL5sQsAg==
Gov. Code 12926	Definitions - https://simbli.eboardsolutions.com/SU/fp6xQmGSukcAWJ60VowoVA==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Gov. Code 995-996.4	Defense of public employees - https://simbli.eboardsolutions.com/SU/3wdDqwwnYONWPBqypbUzbA==
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies - https://simbli.eboardsolutions.com/SU/ojkww2VyZDlee6QjANmZ8Q==
Pen. Code 18150	Gun violence restraining orders - https://simbli.eboardsolutions.com/SU/iLstQCplus1Sck8Snny0UMcTg==
Pen. Code 18170	Gun violence restraining order issued after notice and hearing - https://simbli.eboardsolutions.com/SU/k0uplusBFgJ3AtxQRxslshypE64A==
Pen. Code 22810	Purchase, possession, and use of tear gas - https://simbli.eboardsolutions.com/SU/r5ANQFARodtpluspplussT4TuNA==
Pen. Code 240-246.3	Assault and battery - https://simbli.eboardsolutions.com/SU/Z7GmjTgGeP2Md903plus7twTQ==
Pen. Code 241.3	Assault against school bus drivers - https://simbli.eboardsolutions.com/SU/KkjFoBT7VOVczxnKloX5mA==
Pen. Code 241.6	Assault on school employee including board member - https://simbli.eboardsolutions.com/SU/bILtHA1G3uslshsd5uePvUeHw==
Pen. Code 243.3	Battery against school bus drivers - https://simbli.eboardsolutions.com/SU/Yx3sr1PAI0Uq6KvxAplusJXVg==
Pen. Code 243.6	Battery against school employee including board members - https://simbli.eboardsolutions.com/SU/yDw5NBxkplus5qy916slshNt0Wslshw==
Pen. Code 245.5	Assault with deadly weapon against school employee including board member - https://simbli.eboardsolutions.com/SU/BI8wUJS728Q31g56VsHbBw==
Pen. Code 290	Registration of sex offenders - https://simbli.eboardsolutions.com/SU/BC6kOdRC1cjbplusmxdA92Rug==
Pen. Code 601	Trespass by person making credible threat - https://simbli.eboardsolutions.com/SU/5M9cOKjsCEtX1JiuFV0hYA==
Pen. Code 626-626.11	Weapons on school grounds and other school crimes - https://simbli.eboardsolutions.com/SU/Xlslsh9slshcoCcD30HV7KfmPlhg==
Pen. Code 646.9	Stalking - https://simbli.eboardsolutions.com/SU/VSAXu39FNfBnvIKFdGCbbA==
Pen. Code 71	Threatening public officers and employees and school officials - https://simbli.eboardsolutions.com/SU/2SkgWQFslsh9AeJ6xZplusjD9ZAw==
W&I Code 827	Limited exception to juvenile court record - https://simbli.eboardsolutions.com/SU/DMr9MZDTgwkT0RmplusgHdBKg==
W&I Code 828.1	District police or security department; disclosure of juvenile records - https://simbli.eboardsolutions.com/SU/slshvQZwsYSsIJ7VX17q9dfbQ==

Management Resources References

Court Decision	City of San Jose v. William Garbett, (2010) 190 Cal. App. 4th 526
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==

Website

California Department of Education, Safe Schools -

<https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==>

Website

CSBA -

<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Policy 4159: Employee Assistance Programs

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes that school district employees may have problems which can have detrimental effects upon job performance and student safety. The Board encourages employees to seek help when such problems exist and to take advantage of the resources that are available to assist them.

Employees shall have confidential access to information about the district's employee assistance program. This information shall be available to all employees and their spouses and dependents.

Management and supervisory staff shall be knowledgeable about the district's employee assistance program and may counsel employees about the program, as appropriate.

Participation in the assistance program shall not jeopardize an employee's employment or career advancement, nor will it protect the employee from disciplinary action for substandard job performance.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 35160	Authority of governing boards - https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==
Ed. Code 35160.1	Broad authority of school districts - https://simbli.eboardsolutions.com/SU/ewe0Cc8cKGTgDzaAt5MKhw==
Ed. Code 44962	Leaves of absence for certificated employees - https://simbli.eboardsolutions.com/SU/plusb0LCouxH2sFArO9uZqNRQ==
Ed. Code 44964	Power to grant leaves of absence for accident, illness, or quarantine - https://simbli.eboardsolutions.com/SU/ZbftAVQrxH4m3w7r6GH2jg==
Ed. Code 45190-45209	Resignations and leaves of absence for classified employees - https://simbli.eboardsolutions.com/SU/qLdfaWullkn1gLePDnRmkw==
Gov. Code 8355	Certification of drug-free workplace, including notification - https://simbli.eboardsolutions.com/SU/7NhMrF60wSawaA8bns8VmQ==
H&S Code 104420	Tobacco-free schools - https://simbli.eboardsolutions.com/SU/5QtcisLQ2vJZyHEEyrMn4g==

Federal References

41 USC 8101-8106	Drug-Free Workplace Act
------------------	-------------------------

Management Resources References

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
---------	--

Regulation 4161: Leaves

Status: DRAFT

Original Adopted Date: Pending

Failure to Return to Service After Leave

In the case of a certificated employee who was on leave of absence for 20 or more consecutive working days after April 30 of the previous school year, the district may terminate the employment of such an employee if all of the following circumstances exist: (Education Code 44842)

1. The employee fails to report for duty, without good cause, at the beginning of the school year after having notified the Governing Board of his/her intention to remain in service with the district in accordance with Education Code 44842.
2. The district had specifically notified the employee, at least five days in advance, of the time and place at which the employee was to report to work.
3. The employee did not request or was not granted a leave of absence authorized by the Board.

In any such case, the district may terminate the employee's employment on the day following 20 consecutive days of absence. (Education Code 44842)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 22850-22856	Pension benefits; STRS members on military leave - https://simbli.eboardsolutions.com/SU/0plusAJ2kYfo1t07UmXoD1w==
Ed. Code 44018	Compensation for employees on active military duty - https://simbli.eboardsolutions.com/SU/pgy2lhapVDsLSWvm3QQ1Lg==
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances - https://simbli.eboardsolutions.com/SU/tmAeKSEeFh30CVC1pzzvSA==
Ed. Code 44043.5	Catastrophic leave - https://simbli.eboardsolutions.com/SU/nKXHEXKnpYHvElsIshKAplusfsng==
Ed. Code 44800	Effect of active military service on status of employees - https://simbli.eboardsolutions.com/SU/tiexjf4486Net2nRqBikXg==
Ed. Code 44842	Reemployment notices; certificated employees - https://simbli.eboardsolutions.com/SU/6Cr6mASUlj0s7aFiIsuhQ==
Ed. Code 44940	Compulsory leave of absence for certificated persons - https://simbli.eboardsolutions.com/SU/TXIEslshPquo8Kz7N8psqEtqA==
Ed. Code 44962-44988	Leave of absence; certificated - https://simbli.eboardsolutions.com/SU/t58pmuN1UoBGqKr4eb7iEA==
Ed. Code 45059	Employee ordered to active military/naval duty; computation of salary - https://simbli.eboardsolutions.com/SU/Ti6O6zHBFhiuj7S1tf7xKw==
Ed. Code 45190-45210	Leaves of absence; classified - https://simbli.eboardsolutions.com/SU/qLdfaWullkn1gLePDnRmkw==
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners - https://simbli.eboardsolutions.com/SU/LJfCekZJhzs5Nas1GG1RHQ==
Gov. Code 12945.1-12945.2	California Family Rights Act - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENysIshz7iQH09yA==
Gov. Code 20990-21013	Pension benefits; PERS members on military leave - https://simbli.eboardsolutions.com/SU/Cio9z6yXAYfplusv98r4hP7aQ==
Gov. Code 3543.1	Rights of employee organizations - https://simbli.eboardsolutions.com/SU/m7X7sU6S9KfjH0z33KIC6A==

Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies - https://simbli.eboardsolutions.com/SU/ojkww2VyZDlee6QjANmZ8Q==
Lab. Code 230.3	Leave for emergency personnel - https://simbli.eboardsolutions.com/SU/5vvFJBsWNlogX9lOtdDc9A==
Lab. Code 230.4	Leave for volunteer firefighters - https://simbli.eboardsolutions.com/SU/JDHIDNKtVpTv63Eypa63eg==
Lab. Code 230.8	Time off to visit child's school - https://simbli.eboardsolutions.com/SU/XZfQTH7lC97oltryjC7Mhw==
Lab. Code 233	Leave to attend to family illness - https://simbli.eboardsolutions.com/SU/VRh2AA6YH1QSbEw4uslshydOQ==
M&V Code 395-395.9	Military leave - https://simbli.eboardsolutions.com/SU/OizdkeJGcd9lnkqUJD1kjA==
M&V Code 395.10	Leave when spouse on leave from military deployment - https://simbli.eboardsolutions.com/SU/sbu3cjpLRQmQnOSnpa6R6w==

Federal References

29 USC 2601-2654
38 USC 4301-4334

Description

Family Care and Medical Leave Act
Uniformed Services Employment and Reemployment Rights Act of 1994

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Regulation 4161.1: Personal Illness/Injury Leave

Status: DRAFT

Original Adopted Date: Pending

Certificated employees employed five school days per week are entitled to 10 days' leave of absence with full pay for personal illness or injury (sick leave) per school year of service. Employees who work less than five school days per week (part-time employees) shall be granted sick leave in proportion to the time they work. However, any part-time employees who are entitled to less than three days of paid sick leave per year due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246, if they are eligible. (Education Code 44978; Labor Code 245-249)

Use of Sick Leave

Certificated employees may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of and in the course of employment; quarantine which results from contact in the course of employment with other persons having a contagious disease; or temporary inability to perform assigned duties because of illness, accident, or quarantine (Education Code 44964)
2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 44965, 44978)
3. Personal necessity (Education Code 44981)
4. Medical and dental appointments, in increments of not less than one hour
5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)
6. Need of the employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 44977.5; Government Code 12945.2; 29 USC 2612; 29 CFR 825.112)
7. Need of the employee or employee's family member, including a designated person, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Government Code 12945.2; Labor Code 233, 246.5)
8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

For the purposes specified in Items #7-8, an employee may use, in any calendar year, the amount of sick leave that would be accrued during six months at the employee's then current rate of entitlement. (Labor Code 233)

An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (Education Code 44978)

An employee shall reimburse the district for any unearned sick leave used as of the date of termination.

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 44978)

The district shall not require new employees to waive leave accumulated in a previous district. (Education Code 44979, 44980)

The Superintendent or designee shall notify any certificated employee who leaves the district after at least one school year of employment that if the employee accepts a certificated position in another district, county office of education, or community college district within one year, the employee may request that the district transfer any accumulated sick leave to the new employer. (Education Code 44979, 44980)

Additional Leave for Disabled Military Veterans

In addition to any other entitlement for sick leave with pay, a certificated employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 10 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or more by the U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time worked. (Education Code 44978.2)

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the submission of the disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. When the employee receives the disability rating decision, the employee shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 10-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code 44978.2)

The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" below, that the employee used the leave to obtain treatment of a military service-connected disability.

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 44978.2)

Notification of Absence

An employee shall notify the Superintendent or designee of the need to be absent as soon as such need is known, so that substitute services may be secured. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which the employee intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

During each school year, when a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or accident, continues to be absent for an additional period of up to five school months, the district shall deduct from the employee's regular salary for that period the actual cost of a substitute to fill the position. If the district has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that would have been paid to a substitute shall be deducted from the employee's salary. (Education Code 44977)

An employee shall not be provided more than one five-month period per illness or accident. However, if the school year ends before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year. (Education Code 44977)

Absence Beyond Five-Month Period/Reemployment List

If a certificated employee is not medically able to return to work after the five-month period provided pursuant to Education Code 44977, the employee shall be placed either in another position or on a reemployment list. Placement on the reemployment list shall be for 24 months for probationary employees or 39 months for permanent employees and shall begin at the expiration of the five-month period. If during this time the employee becomes medically able, the employee shall be returned to employment in a position for which the employee is credentialed and qualified. (Education Code 44978.1)

Parental Leave

During each school year, a certificated employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period of up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code 44977.5)

Eligibility for such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 44977.5)

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay of at least 50 percent of the employee's regular salary for the remainder of the 12 work weeks. (Education Code 44977.5)

Parental leave taken pursuant to Education Code 44977.5 shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 or 12945.6, and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code 44977.5; Government Code 12945.2, 12945.6)

Verification Requirements

After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed district absence form to the employee's immediate supervisor.

The Superintendent or designee may require verification whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny further leave.

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information. Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and not be disclosed except in accordance with 29 CFR 1635.9.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from a physician stating that the employee is able to return to duty and stipulating any necessary restrictions or limitations.

Healthy Workplaces, Healthy Families Act Requirements

No employee shall be denied the right to use accrued sick days, and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249.

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The number of sick days provided by Labor Code 245-249
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against the employee
2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request

3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available
4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 5601	Transfer of accumulated sick leave
Ed. Code 44964	Power to grant leaves of absence for accident, illness, or quarantine - https://simbli.eboardsolutions.com/SU/ZbftAVQrxH4m3w7r6GH2jg==
Ed. Code 44965	Granting of leaves of absence for pregnancy and childbirth - https://simbli.eboardsolutions.com/SU/e7uNwjUiNYDEySWMAQCHpg==
Ed. Code 44976	Transfer of leave rights when school is transferred to another district - https://simbli.eboardsolutions.com/SU/cuSKX31dTSNAqR3hmKcSKA==
Ed. Code 44977	Salary schedule for substitute employees - https://simbli.eboardsolutions.com/SU/dK3f7RLmTXxqoTplus2vHbuGQ==
Ed. Code 44977.5	Differential pay during parental leave up to 12 weeks after sick leave is exhausted - https://simbli.eboardsolutions.com/SU/2AoVpYBuhuKN0WH79iXvsQ==
Ed. Code 44978	Sick leave; certificated employees - https://simbli.eboardsolutions.com/SU/xVHfJDcRqreQkXM9SAee6Q==
Ed. Code 44978.1	Inability to return to duty; placement in another position or on reemployment list - https://simbli.eboardsolutions.com/SU/tbzONF4ACeEYONf2Ej1nuw==
Ed. Code 44978.2	Leave for military service-connected disability - https://simbli.eboardsolutions.com/SU/4ZyAQTrPKjQUTGVwBYFOQ==
Ed. Code 44979	Transfer of accumulated sick leave to another district - https://simbli.eboardsolutions.com/SU/gYf4JjslshrGpyjeavSv6twA==
Ed. Code 44980	Transfer of accumulated sick leave to a county office of education - https://simbli.eboardsolutions.com/SU/dNv7hrxToE9ws8bvOraKhW==
Ed. Code 44981	Leave of absence for personal necessity - https://simbli.eboardsolutions.com/SU/kRkfePQAUS4OILbedslsh3plw==
Ed. Code 44983	Compensation during leave; certificated employees - https://simbli.eboardsolutions.com/SU/mplusK5gh5HVbd7pmmplusM0H7Mg==
Ed. Code 44984	Required rules for industrial accident and illness leave - https://simbli.eboardsolutions.com/SU/ke4DWOaukfaaoJH5A01K1w==
Ed. Code 44986	Leave of absence; state disability benefits - https://simbli.eboardsolutions.com/SU/3tAPM67nVM9kvoSTplusO5plusDw==
Gov. Code 12945.1-12945.2	California Family Rights Act - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQH9yA==
Gov. Code 12945.6	Parental leave
Lab. Code 220	Sections inapplicable to public employees - https://simbli.eboardsolutions.com/SU/mrs5MN2KFE1Wv2SFvHgX3Q==
Lab. Code 230	Accommodations and leave for victims of domestic violence - https://simbli.eboardsolutions.com/SU/YxjVw5yqtQF8dHAekvDUtA==
Lab. Code 230.1	Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off - https://simbli.eboardsolutions.com/SU/UOzkJ4wyy0240KOWuslshevQg==

Lab. Code 233	Leave to attend to family illness - https://simbli.eboardsolutions.com/SU/VRh2AA6YH1QSbEw4uslshydOQ==
Lab. Code 234	Absence control policy - https://simbli.eboardsolutions.com/SU/9tssm8e1G1UDokkweT4LGA==
Lab. Code 245-249	Healthy Workplaces, Healthy Families Act of 2014 - https://simbli.eboardsolutions.com/SU/7iixDazPenINv4Ye8wbp1A==

Federal References

29 CFR 1635.1-1635.12
29 CFR 825.100-825.702
29 USC 2601-2654
42 USC 2000ff-2000ff-11

Description

Genetic Information Nondiscrimination Act of 2008
Family and Medical Leave Act of 1993
Family Care and Medical Leave Act
Genetic Information Nondiscrimination Act of 2008

Management Resources References

Court Decision

Description

Veguez v. Governing Board of Long Beach Unified School District (2005)
127 Cal.App.4th 406

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Regulation 4161.11: Industrial Accident/Illness Leave

Status: DRAFT

Original Adopted Date: Pending

An eligible employee shall be entitled to a leave of absence for an industrial accident or illness arising in the course of his/her assigned duties. (Education Code 44984, 45192)

For such leave, the employee shall be granted no more than 60 working days in any one fiscal year for the same industrial accident or illness.

To be eligible for industrial accident or illness leave, a classified employee shall have served in the district continuously for at least three years.

Allowable industrial accident or illness leave shall not be accumulated from year to year. (Education Code 44984, 45192)

When an employee is absent from his/her duties because of an industrial accident or illness: (Education Code 44043, 44044, 44984, 45192)

1. The leave shall start on the first day of absence.
2. During the period of absence, the employee shall be paid such portion of his/her wage or salary that, when added to the award granted under state workers' compensation laws, will not exceed his/her normal wage or salary.
3. The leave shall be reduced by one day for each day of authorized absence, regardless of an award granted under workers' compensation laws.
4. When the leave overlaps into the next fiscal year, the employee is entitled to only the amount of unused leave due the employee for the same illness or injury.

During any paid leave of absence, the employee shall retain any workers' compensation check received on account of an industrial accident or illness. The employee shall notify the Superintendent or designee that he/she has received such check. The Superintendent or designee shall then issue payment of the employee's normal wage or salary less an amount equivalent to the face amount of the workers' compensation check and other appropriate deductions, including, but not limited to, employee retirement contributions. Employee benefits shall be computed on the basis of the employee's regular wage or salary prior to the deduction of any amounts for temporary disability payments. (Education Code 44044)

Absence for industrial accident or illness shall not be considered a break in service of the employee. An employee using such leave shall retain all status and benefits to which he/she would otherwise be entitled.

When available industrial accident or illness leave has been exhausted, the employee shall be so notified in writing and shall be offered an opportunity to request any additional paid or unpaid leave available to the employee. (Education Code 45192)

Upon expiration of allowable leave for an industrial accident or illness, the employee may use personal illness and injury leave provided pursuant to Education Code 44977, 44978, 44983, or 45191, as applicable, provided that such leave, when added to any continuing workers' compensation award, does not result in a payment to the employee of more than his/her full wage or salary. (Education Code 44984, 45192)

If a certificated employee is unable to resume the duties of his/her position after exhausting all accumulated sick leave, including the consecutive five-month period provided by Education Code 44977, he/she shall, if not placed in another position, be placed on a reemployment list for a period of 24 months if he/she is a probationary employee or 39 months if he/she is a permanent employee. If the employee becomes medically able to resume duties during the period of reemployment eligibility, he/she shall be returned to employment in a position for which he/she is credentialed and qualified. (Education Code 44978.1)

If a classified employee has exhausted all available leaves of absence, paid or unpaid, and is not medically able to resume the duties of his/her position, he/she shall, if not placed in another position, be placed on a reemployment list for a period of 39 months. If he/she becomes medically able to resume duties during the period of reemployment

eligibility, he/she shall be employed in a vacant position in the class of his/her previous assignment over all other candidates except those on a reemployment list established because of lack of work or lack of funds, in which case the employee shall be listed in accordance with seniority regulations. If the employee is medically released to return to duty but fails to accept an appropriate assignment, he/she shall be dismissed. (Education Code 45192)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 44043	Temporary disability - https://simbli.eboardsolutions.com/SU/jhMH9BAli7zUgm2SCFiKbA==
Ed. Code 44044	Temporary disability checks; waiver of endorsement to district - https://simbli.eboardsolutions.com/SU/2nkegf09ZLr5dZn2l97Wbw==
Ed. Code 44977	Salary schedule for substitute employees - https://simbli.eboardsolutions.com/SU/dK3f7RLmTXxqoTplus2vHbuGQ==
Ed. Code 44978	Sick leave; certificated employees - https://simbli.eboardsolutions.com/SU/xVHfJDcRqreQkXM9SAee6Q==
Ed. Code 44978.1	Inability to return to duty; placement in another position or on reemployment list - https://simbli.eboardsolutions.com/SU/tbzONF4ACeEYONf2Ej1nuw==
Ed. Code 44983	Compensation during leave; certificated employees - https://simbli.eboardsolutions.com/SU/mplusK5gh5HVBd7pmmplusM0H7Mg==
Ed. Code 44984	Required rules for industrial accident and illness leave - https://simbli.eboardsolutions.com/SU/ke4DWoaukfaaoJH5A01K1w==
Ed. Code 45191	Personal illness and injury leave; classified employees - https://simbli.eboardsolutions.com/SU/brYFpHVtCc3tRslshRuQZ6EAQ==
Ed. Code 45192	Industrial accident and illness leave for classified employees - https://simbli.eboardsolutions.com/SU/HTwslshO644wTLZxo0sXoYSiA==
Lab. Code 3200-6002	Workers' compensation and insurance - https://simbli.eboardsolutions.com/SU/29KVqRTlpu3spGvT4QslshslshplusQ==

Management Resources References

Description

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==
Website	California Department of Industrial Relations - https://simbli.eboardsolutions.com/SU/Lh5JVplusYhNJm5slshcgG07zsOQ==

Regulation 4161.2: Personal Leaves

Status: DRAFT

Original Adopted Date: Pending

Personal leaves granted to district employees shall be used as permitted in this administrative regulation, other Board-approved policy or district regulation, or applicable collective bargaining agreement.

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and any protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5)

Whenever possible, employees shall request personal leaves in advance and prepare suitable instructions, including lesson plans as applicable, for a substitute employee.

Bereavement

Employees are entitled to a leave of up to five days upon the death of any member of the employee's immediate family, as defined in Education Code 44985 and 45194. (Government Code 12945.7)

No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194; Government Code 12945.7)

Immediate Family means a parent, parent-in-law, grandparent, or grandchild of the employee or of the spouse of the employee, and the spouse, domestic partner, child, child-in-law, or sibling of the employee, or any relative living in the immediate household of the employee. (Education Code 44985, 45194)

At the employee's request, bereavement leave may be extended under personal necessity leave provisions as provided in the section "Personal Necessity" below. (Education Code 44981, 45207)

Personal Necessity

Employees may use a maximum of seven days of accrued personal illness/injury leave (sick leave) during each school year for reasons of personal necessity. (Education Code 44981, 45207)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207; Government Code 12945.7)
2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)
3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Government Code 12945.2; Labor Code 246.5)
4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)
5. Fire, flood, or other immediate danger to the home of the employee
6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, personal necessity leave shall not be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a request reflects personal necessity.

Advance permission shall not be required of an employee in any case involving the death of a member of the employee's immediate family, an accident involving the employee's person or property or the person or property of a member of the employee's immediate family, or the illness, preventive care, or other need of a member of the employee's family. (Education Code 44981, 45207)

For any leave that is planned, or for which the need is foreseeable, an employee shall notify the Superintendent or designee in advance. In all other circumstances, the employee shall notify the Superintendent or designee of the need for the leave as soon as practicable.

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed district absence form to the employee's immediate supervisor.

Leave to Perform Legal Duties

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the district office when requesting leave.

A classified employee called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury fees. (Education Code 44037)

A certificated employee who is called for jury duty also shall be granted leave with pay up to the difference between the employee's regular earnings and any jury fees received. (Education Code 44036)

Leaves for Crime Victims for Judicial Proceedings

An employee who is a victim of a crime or an immediate family member, registered domestic partner, or child of a registered domestic partner of such victim may be absent from work in order to attend related judicial proceedings, if the crime is any of the following: (Labor Code 230.2)

1. A violent felony as defined in Penal Code 667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

For these purposes, the employee may use vacation, personal leave, personal illness/injury leave, unpaid leave, or compensatory time off that is otherwise available to the employee. (Labor Code 230.2)

Prior to taking time off, an employee shall give the Superintendent or designee a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The district shall keep confidential any records pertaining to the employee's absence from work by reason of this leave. (Labor Code 230.2)

Leaves for Victims of Crime or Abuse

An employee who is a victim of domestic violence, sexual assault, stalking, or a crime that caused physical injury or mental injury with a threat of physical injury or an employee whose immediate family member, as defined, is deceased as the direct result of a crime may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to the employee to attend to the following activities: (Labor Code 230, 230.1, 246.5)

1. Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or the employee's child

2. Seek medical attention for injuries caused by crime or abuse
3. Obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse
4. Obtain psychological counseling or mental health services related to an experience of crime or abuse
5. Participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation

Prior to taking time off, an employee shall give reasonable notice to the Superintendent or designee, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide, within a reasonable period of time, certification of the absence in the form of any of the following: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim
2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a domestic violence or sexual assault counselor as defined in Evidence Code 1037.1 or 1035.2, licensed medical professional or health care provider, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse
4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf certifying that the absence is for a purpose authorized under Labor Code 230 or 230.1

The district shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

The Superintendent or designee shall inform employees of the rights provided employees pursuant to Labor Code 230 and 230.1 using a form developed by the Labor Commissioner or a substantially similar form developed by the district. Such information shall be provided to new employees upon hire and to other employees upon request. (Labor Code 230.1)

Personal Leave for Child-Related Activities

Any employee who is a parent/guardian of one or more children of an age to attend any of grades K-12 or a program offered by a licensed child care provider may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to: (Labor Code 230.8)

1. Find, enroll, or reenroll a child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.
2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:
 - a. A request by the school or child care provider that the child be picked up
 - b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider
 - c. Behavioral or discipline problems
 - d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays
 - e. A natural disaster, including, but not limited to, fire, earthquake, or flood

For purposes of this leave, parent/guardian includes a parent, guardian, stepparent, foster parent, grandparent, or

person who stands in loco parentis to a child. (Labor Code 230.8)

In lieu of using vacation, personal leave, or compensatory time off, eligible employees may take unpaid leave for this purpose.

If two or more parents/guardians of a child are employed at the same work site, this leave shall be allowed for the parent/guardian who first gives notice to the district. Simultaneous absence by another parent/guardian of the child may be granted by the Superintendent or designee. (Labor Code 230.8)

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or licensed child care provider that the employee engaged in permitted child-related activities on a specific date and at a particular time. (Labor Code 230.8)

Service on Education Boards and Committees

Upon request, a certificated employee shall be granted up to 20 school days of paid leave per school year for service performed within the state on any education board, commission, committee, or group authorized by Education Code 44987.3 provided that all of the following conditions are met: (Education Code 44987.3)

1. The service is performed within the state
2. The board, commission, organization, or group informs the district in writing of the service
3. The board, commission, organization, or group agrees, prior to the service, to reimburse the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs

Employee Organization Activities

Upon request, any certificated or classified employee shall be granted a leave of absence without loss of compensation, to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the employee organization is affiliated. Such leave shall be in addition to any other leave to which the employee may be entitled by other laws or a memorandum of understanding or collective bargaining agreement. (Education Code 44987, 45210)

The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special, or regular meetings of the body of the organization on which the employee serves as an officer. (Education Code 44987, 45210)

Upon request of an employee organization in the district or its state or national affiliate, a reasonable number of unelected classified employees shall be granted a leave of absence without loss of compensation for the purpose of attending important organizational activities authorized by the employee organization. The employee organization shall provide reasonable notification to the Superintendent or designee when requesting a leave of absence for employees for this purpose. (Education Code 45210)

When leave is granted for any of the above purposes, the employee organization shall reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. (Education Code 44987, 45210)

Religious Leave

The Superintendent or designee may grant an employee up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional district expenditures, the neglect of assigned duties, or any other unreasonable hardship on the district.

The Superintendent or designee shall deduct the cost of hiring a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

Spouse on Leave from Military Deployment

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that the employee's spouse is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10. (Military and Veterans Code 395.10)

Within two business days of receiving official notice that the employee's spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of the intention to take the leave. The employee shall submit written documentation certifying that the employee's spouse will be on leave from deployment during the time that the leave is requested. (Military and Veterans Code 395.10)

Leave for Emergency Duty

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

Any employee who performs duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training. (Labor Code 230.4)

Civil Air Patrol Leave

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to the employee, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the district for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)

The employee shall give the district as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification. (Labor Code 1503)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

CA Constitution Article 1, Section 8	Religious discrimination - https://simbli.eboardsolutions.com/SU/aVyer3HNWhenL24lj43Z8w==
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances - https://simbli.eboardsolutions.com/SU/tmAeKSEeFh30CVC1pzzvSA==
Ed. Code 44963	Power to grant leaves of absence; certificated - https://simbli.eboardsolutions.com/SU/2EDALtD6VUeLrdBh4nkUzw==
Ed. Code 44981	Leave of absence for personal necessity - https://simbli.eboardsolutions.com/SU/kRkfePQAUS4OILbedslsh3plw==
Ed. Code 44985	Leave of absence due to death in immediate family; certificated - https://simbli.eboardsolutions.com/SU/baSKHxaP1H0SPm9mB3keYw==
Ed. Code 44987	Service as officer of employee organization; certificated - https://simbli.eboardsolutions.com/SU/y2SRxiaoeEgtl2y5YlrR3A==
Ed. Code 44987.3	Leave of absence to serve on certain boards, commissions, etc. - https://simbli.eboardsolutions.com/SU/fWlvEq8tajzFxHz3TMclJw==
Ed. Code 45190	Leaves of absence and vacations; classified - https://simbli.eboardsolutions.com/SU/8AbGv2iNYiC1RbKVEsPqpw==
Ed. Code 45194	Bereavement leave of absence; classified - https://simbli.eboardsolutions.com/SU/SiSRVnbCNQFE7IsIshzfvsgmA==

Ed. Code 45198	Effect of provisions authorizing leaves of absence - https://simbli.eboardsolutions.com/SU/bCWDwplus4PXszRFplusRuuCERQQ==
Ed. Code 45207	Personal necessity; classified - https://simbli.eboardsolutions.com/SU/olZTTBvcKz5Jj955qyFufw==
Ed. Code 45210	Service as officer of employee organization; classified - https://simbli.eboardsolutions.com/SU/F3wr8ZfplusHiNBDwLB71ry5w==
Ed. Code 45240-45320	Merit system - https://simbli.eboardsolutions.com/SU/ZewEnmUlwNuv3WapgPmX5Q==
Evid. Code 1035.2	Sex assault counselor; definition - https://simbli.eboardsolutions.com/SU/qJOPtcrRdPhYLEhzLduo7Q==
Evid. Code 1037.1	Domestic violence counselor; definition - https://simbli.eboardsolutions.com/SU/2OO7AFpeplus6zZNlyhplum44Gg==
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners - https://simbli.eboardsolutions.com/SU/LJfCekZJhzs5Nas1GG1RHHQ==
Gov. Code 12945.1-12945.2	California Family Rights Act - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQH9yA==
Gov. Code 12945.7	Bereavement leave
Gov. Code 3543.1	Rights of employee organizations - https://simbli.eboardsolutions.com/SU/m7X7sU6S9KfjH0z33KIC6A==
Lab. Code 1500-1507	Civil Air Patrol leave - https://simbli.eboardsolutions.com/SU/Am7dQr5iEbolLmeWXXKlxVg==
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies - https://simbli.eboardsolutions.com/SU/ojkw2VyZDlee6QjANmZ8Q==
Lab. Code 230.3	Leave for emergency personnel - https://simbli.eboardsolutions.com/SU/5vvFJBsWNlogX9IOtdDc9A==
Lab. Code 230.4	Leave for volunteer firefighters - https://simbli.eboardsolutions.com/SU/JDHIDNKtVpTv63Eypa63eg==
Lab. Code 230.8	Time off to visit child's school - https://simbli.eboardsolutions.com/SU/XZfQTH7IC97oltryjC7Mhw==
Lab. Code 233	Leave to attend to family illness - https://simbli.eboardsolutions.com/SU/VRh2AA6YH1QsbEw4uslshydOQ==
Lab. Code 234	Absence control policy - https://simbli.eboardsolutions.com/SU/9tssm8e1G1UDokkweT4LGA==
Lab. Code 246.5	Paid sick days; purposes for use - https://simbli.eboardsolutions.com/SU/hsPPEoMgRbyMeslsh7UWdH3aw==
M&V Code 395.10	Leave when spouse on leave from military deployment - https://simbli.eboardsolutions.com/SU/sbu3cjpLROmQnOSnpa6R6w==
Pen. Code 1192.7	Plea bargaining limitation - https://simbli.eboardsolutions.com/SU/Y4tPzLWU9zUaPXfNAslshrcRA==
Pen. Code 667.5	Prior prison terms; enhancement of prison terms - https://simbli.eboardsolutions.com/SU/yS0sRxmSCVex2qplus3slsh4ab6A==

Federal References

29 USC 2601-2654
42 USC 2000d-2000d-7

Description

Family Care and Medical Leave Act
Title VI, Civil Rights Act of 1964

Management Resources References

Court Decision

Description

Rankin v. Commission on Professional Competence, (1988) 24 Cal.3d 167

Public Employment Relations Board Decision	Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Department of Industrial Relations - https://simbli.eboardsolutions.com/SU/Lh5JVplusYhNJm5slshcgG07zsOQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJlNbikoQhGwsWiH4ztXQ==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==

Regulation 4161.5: Military Leave

Status: DRAFT

Original Adopted Date: Pending

Military leave shall be granted in accordance with applicable state and federal law to employees performing military duties on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, examination to determine fitness for duty, and performance of funeral honors duty. (Education Code 44800; Military and Veterans Code 395, 395.01, 395.02, 395.05, 395.1, 395.2, 395.9; 38 USC 4301, 4303, 4316)

Any district employee who needs to be absent from the district service to fulfill military service shall provide advance written or verbal notice to the Superintendent or designee, unless the giving of such notice is precluded by military necessity or is otherwise impossible or unreasonable. (38 USC 4312; 20 CFR 1002.85, 1002.86)

Salary/Compensation

The district shall pay an employee's salary or compensation for the first 30 days of any one absence for military leave or during one fiscal year, under any of the following conditions:

1. **Active Military Training or Exercises:** The employee is granted a temporary military leave of absence to engage in ordered military duty for purposes of active military training, encampment, naval cruises, special exercises, or like activity as a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia, provided that: (Military and Veterans Code 389, 395, 395.01)
 - a. The employee has been employed by the district for at least one year immediately prior to the day the military leave begins.
 - b. The ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.
2. **Active Military Duty:** The employee is on military leave, other than a temporary military leave, to engage in active military duty as a member of the reserve corps or force of the United States Armed Forces, the National Guard, or the Naval Militia, provided that the employee has been employed by the district for at least one year immediately prior to the day the military leave begins. (Military and Veterans Code 389, 395.02)
3. **War or Other Emergency:** The employee, however long employed by the district, is a member of the National Guard who is engaged in military or naval duty during a state of extreme emergency as declared by the Governor, or during such time as the National Guard may be on active duty in situations described in Military and Veterans Code 146, including travel time to and from such duty. (Military and Veterans Code 395.05)
4. **Inactive Duty Training:** The employee is a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia who is engaged in temporary inactive duty training, provided that the employee has been employed by the district for at least one year immediately prior to the day the military leave begins and the ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.

In determining the length of district employment when necessary to determine eligibility for compensation for military leave, all recognized military service performed during and prior to district employment shall be included.

For classified employees, 30 days' compensation shall be one month's salary. For certificated employees, 30 days' compensation shall be one-tenth of the employee's annual salary. (Education Code 45059)

During the period of military leave, an employee may request to use any vacation or similar paid leave accrued before the commencement of the military leave in order to continue receiving compensation for the employee's employment with the district. The district shall not require the employee to use such leave. (38 USC 4316; 20 CFR 1002.153)

Benefits

An employee may elect to continue health plan coverage during the military leave. The maximum period of coverage for the employee and any dependents shall be either 24 months from the beginning of the leave or until the day after

the employee fails to apply for or return to employment, whichever is less. (38 USC 4317; 20 CFR 1002.164)

An employee on military leave may be required to pay the employee cost, if any, of any funded benefit to the extent that other employees on leave are so required. (38 USC 4316)

An employee absent for 30 days or fewer shall not be required to pay more than the employee share for such coverage. An employee absent for 31 days or more may be required to pay not more than 102 percent of the full premium under the plan. (38 USC 4317; 20 CFR 1002.166)

Any employee called into active military duty as a member of the California National Guard or a United States Military Reserve organization shall receive, for up to 180 days, the difference between the amount of the employee's military pay and the amount the employee would have received from the district and all benefits that the employee would have received had the employee not been called to active military duty, unless the benefits are prohibited or limited by vendor contracts. (Education Code 44018)

Vacation and Sick Leave Accrual

An employee on temporary military leave under the conditions described in Item #1 in the section entitled "Salary/Compensation" above, shall continue to accrue the same vacation, sick leave, and holiday privileges to which the employee would otherwise be entitled if not absent. (Military and Veterans Code 395)

An employee on military leave who is serving in active duty in time of war, national emergency, or United Nations military or police operation shall not accrue sick leave or vacation leave during the period of such leave. (Military and Veterans Code 395.1)

However, an employee who is a National Guard member on active duty as described in Item #3 in the section entitled "Salary/Compensation" above, shall not suffer any loss or diminution of vacation or holiday privileges because of the employee's leave of absence. (Military and Veterans Code 395.05)

Pension Plan Service Credit

Pension plan service credit and vesting shall continue during an employee's military leave as though no break in service had occurred. Payment of employer and employee contributions shall be made in accordance with law for members of the State Teachers' Retirement System or Public Employees' Retirement System. (Education Code 22850-22856; Government Code 20990-21013)

Employment Status

Absence for military leave shall not affect the classification of any employee. In the case of a probationary employee, the period of such absence shall not count as part of service required to obtain permanent status, but shall not be construed as a break in the continuity of service for any purpose. (Education Code 44800; Military and Veterans Code 395; 20 CFR 1002.149)

Reinstatement Rights

At the conclusion of the military duty, an employee shall be promptly reinstated in the position held at the beginning of the leave, at the salary to which the employee would otherwise have been entitled, except under the conditions noted below in this section. (Education Code 44800; Military and Veterans Code 395, 395.2; 38 USC 4304, 4313; 20 CFR 1002.180-1002.181)

Any employee who performs active military duty in time of war, national emergency, or United Nations military or police operation has a right to return to the position held prior to the military service, during terminal leave prior to the employee's discharge, separation, or release from the armed forces, or within six months of the employee's release, separation, honorable discharge, or placement on inactive duty. Reinstatement rights shall not be extended to any such employee who fails to return within 12 months after the first date upon which the employee could terminate or could cause to have terminated active service. (Education Code 44800; Military and Veterans Code 395.1)

When an employee has been on military leave for reasons other than war or national emergency, the time frame for seeking reinstatement shall depend on the length of military service as follows: (38 USC 4312; 20 CFR 1002.115, 1002.118)

1. For a leave of 30 days or fewer, the employee shall report for duty no later than the beginning of the first full work day following the completion of the military service plus a period of eight hours of rest following a period for safe transportation to the employee's residence.
2. For a leave of 31-180 days, the employee shall submit a written or verbal application for reinstatement not later than 14 days after the completion of military service.
3. For a leave of more than 180 days, the employee shall submit a written or verbal application for reinstatement within 90 days after the completion of military service.

Where an employee's reporting or application for reinstatement within the periods specified in Items #1 and #2 above is impossible or unreasonable through no fault of the employee, the report or application shall be made as soon as possible after the expiration of the period. In the case of Items #2 and #3 where an application is required, the employee's application may be made orally or in writing and need not follow any particular format. (38 USC 4312; 20 CFR 1002.115, 1002.117, 1002.118)

An employee who is hospitalized for, or convalescing from, an illness or injury incurred in or aggravated during the performance of military service shall report for duty or submit an application for reinstatement at the end of the period that is necessary to recover from such illness or injury, but no more than two years after the completion of military service unless circumstances beyond the employee's control make reporting within the two-year period impossible or unreasonable. (38 USC 4312; 20 CFR 1002.116)

Upon receiving an application for reinstatement, the Superintendent or designee shall reinstate the employee as soon as practicable under the circumstances of the case, but within a time period not to exceed two weeks, absent unusual circumstances. (20 CFR 1002.181)

If the employee's previous position has been abolished, the district shall reinstate the employee in a position of like seniority, status, and pay, if such position exists, or to a comparable vacant position for which the employee is qualified. (Military and Veterans Code 395, 395.1; 38 USC 4313; 20 CFR 1002.192)

An employee who fails to report or apply for reinstatement within the appropriate period does not automatically forfeit the entitlement to reinstatement but shall be subject to the district's rules and/or practices governing unexcused absences. (38 USC 4312)

The Superintendent or designee may elect not to reinstate an employee following military leave if any of the following conditions exists:

1. The district's circumstances have so changed as to make such re-employment impossible or unreasonable, such as a reduction in force that would have included the employee. (38 USC 4312; 20 CFR 1002.139)
2. The accommodation, training, or effort described in 38 USC 4313(a)(3), (a)(4), or (b)(2)(B) would impose an undue hardship on the district as defined in 20 CFR 1002.5 or 1002.198. (38 USC 4312; 20 CFR 1002.139)
3. The employee's position was for a brief, nonrecurrent period and there was no reasonable expectation that such employment will continue indefinitely or for a significant period. (38 USC 4312; 20 CFR 1002.139)
4. The employee's cumulative length of absence and length of all previous military leave while employed with the district exceeds five years, excluding those training and service obligations specified in 38 USC 4312(c). (38 USC 4312; 20 CFR 1002.99-1002.103)
5. The employee was separated from military service with a disqualifying discharge or under other than honorable conditions. (Military and Veterans Code 395.1; 20 USC 4304, 4312; 20 CFR 1002.134-1002.138)

Notices

The Superintendent or designee shall provide employees a notice of the rights, benefits, and obligations of employees granted military leave and of the district under the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC 4301-4334. (38 USC 4334)

This requirement may be met by posting the notice where the district customarily places notices for employees. (38 USC 4334)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
Ed. Code 22850-22856	Pension benefits; STRS members on military leave - https://simbli.eboardsolutions.com/SU/0plusAJ2kJgYfo1t07UmXoD1w==
Ed. Code 44018	Compensation for employees on active military duty - https://simbli.eboardsolutions.com/SU/pgy2lhapVDsLSWvm3QQ1Lg==
Ed. Code 44800	Effect of active military service on status of employees - https://simbli.eboardsolutions.com/SU/tiexjf4486Net2nRqBikXg==
Ed. Code 45059	Employee ordered to active military/naval duty; computation of salary - https://simbli.eboardsolutions.com/SU/Ti6O6zHBFhiuj7S1tf7xKw==
Gov. Code 18540	Definition of armed forces - https://simbli.eboardsolutions.com/SU/g29pUftbu1hLJfJXxFshuQ==
Gov. Code 18540.3	Recognized military service - https://simbli.eboardsolutions.com/SU/WwuL6Uho86X0GZpZakkzoQ==
Gov. Code 20990-21013	Pension benefits; PERS members on military leave - https://simbli.eboardsolutions.com/SU/Cio9z6yXAYfplusv98r4hP7aQ==
M&V Code 146	Events justifying calling of militia into active service - https://simbli.eboardsolutions.com/SU/ZyXofVyhuplusg3KtO1v1DZg==
M&V Code 389	Definitions; temporary military leave - https://simbli.eboardsolutions.com/SU/KPgTvvT7LFhMtjW36y66MQ==
M&V Code 394	Nondiscrimination based on military service - https://simbli.eboardsolutions.com/SU/mXNDxa9NVvsaVxKQmELtyA==
M&V Code 395-395.9	Military leave - https://simbli.eboardsolutions.com/SU/OizdkeJGcd9lnkqUJD1kja==

Federal References

	Description
20 CFR 1002.1-1002.314	Uniformed Services Employment and Reemployment Rights Act of 1994
38 USC 4301-4334	Uniformed Services Employment and Reemployment Rights Act of 1994

Management Resources References

	Description
Attorney General Opinion	18 Ops.Cal.Atty.Gen. 178 (1951)
Attorney General Opinion	63 Ops.Cal.Atty.Gen. 924 (1978)
Attorney General Opinion	69 Ops.Cal.Atty.Gen. 290 (1986)
Attorney General Opinion	77 Ops.Cal.Atty.Gen. 56 (1994)
Court Decision	Bowers v. San Buenaventura (1977) 75 Cal. App.3d 65
Court Decision	Wright v. City of Santa Clara (1989) 213 Cal. App.3d 1503
U.S. Department of Labor Publication	A Non-Technical Resource Guide to the Uniformed Services Employment and Reemployment Rights Act (USERRA), rev. April 2005
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==
Website	National Committee for Employer Support of the Guard and Reserve - https://simbli.eboardsolutions.com/SU/YYN378LPYzj3jvdJKbslshUUQ==
Website	U.S. Department of Labor, USERRA - https://simbli.eboardsolutions.com/SU/PNGGXVyMj8Zx0NMplus6qWUVA==
Website	National School Boards Association - https://simbli.eboardsolutions.com/SU/PGLybcP29yufJSot5FEGJg==

Regulation 4161.8: Family Care And Medical Leave

Status: DRAFT

Original Adopted Date: Pending

The district shall not deny any eligible employee the right to family care or medical leave pursuant to the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), or to Pregnancy Disability Leave (PDL), when an employee is disabled by a pregnancy, childbirth, or related medical condition. The district shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the district discharge, discriminate against, or retaliate against an employee for taking such leave, opposing or challenging an unlawful employment practice in relation to any of these laws, or being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child means a biological, adopted, or foster child; a stepchild; a legal ward; or a person to whom the employee stands in loco parentis. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

Designated person, for CFRA purposes, means any individual related by blood, or whose association with the employee is the equivalent of a family relationship. (Government Code 12945.2)

Eligible employee, for FMLA and CFRA purposes, means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

Eligible family member means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, sibling, or designated person. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

Employee disabled by pregnancy means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion
2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

Parent means a biological, foster, or adoptive parent; a parent-in-law; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child. However, for FMLA purposes, parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or an eligible family member of the employee that involves either inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity.

A person is considered an inpatient when formally admitted to a health care facility with the expectation of remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:
 - a. A period of incapacity of more than three consecutive full days
 - b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
 - c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
 - d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective
 - e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage. For purposes of CFRA leave, spouse also includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

Eligibility/Purposes of Leave

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)
2. The care of an eligible family member with a serious health condition
3. The employee's own serious health condition that makes the employee unable to perform the job functions of the position
4. A qualifying exigency arising out of the fact that the employee's spouse, child, parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)
5. The care of a covered servicemember with a serious injury or illness when the employee is a spouse, child, parent, or next of kin of the covered servicemember

In addition, the district shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

Terms of Leave

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945.2; 29 USC 2612)

The 12-month period shall coincide with the fiscal year. (29 CFR 825.200)

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth

of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the district.

Use/Substitution of Paid Leave

During any otherwise unpaid period of PDL or any FMLA or CFRA leave, the employee may elect to use accrued vacation leave, or any other paid time off negotiated with the district that the employee is eligible to use. If the leave is for the employee's own serious health condition or PDL, the employee may also elect to use accrued sick leave during the period of leave. (Government Code 12945, 12945.2; 2 CCR 11044; 11092; 29 USC 2612)

The district and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member
2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule
3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

Request for Leave

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, the employee must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

An eligible employee may request CFRA leave to care for a designated person with a serious health condition. The employee may identify the designated person at the time of the employee's request for the leave. The district may limit an employee to using CFRA leave to care for one designated person per 12-month period. (Government Code 12945.2; Labor Code 245.5)

Certification of Health Condition

Within five business days of an employee's request for family care and medical leave for the serious health condition of the employee or an eligible family member, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition
3. If the employee is requesting leave to care for an eligible family member with a serious health condition, both of the following:
 - a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the eligible family member during a period of the treatment or supervision
 - b. Estimated amount of time the health care provider believes the employee needs to care for the eligible family member
4. If the employee is requesting leave because of the employee's own serious health condition, a statement that due to the serious health condition, the employee is unable to work at all or is unable to perform one or more essential job functions of the position
5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, the Superintendent or designee may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

Certification for PDL

The Superintendent or designee shall request that an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if the Superintendent or designee has reason to question the appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days' notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

Release to Return to Work

Upon expiration of an employee's PDL or family care and medical leave taken for the employee's own serious health condition, the employee shall present certification from the health care provider of the employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of the position.

Rights to Reinstatement

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

The district may refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the district and the leave shall not constitute a break in service for purposes of longevity,

seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before the employee took the leave. The employee shall reimburse the district for premiums paid during the leave if the employee fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

Covered active duty means, for members of the Regular Armed forces, duty during the deployment of a member of the regular Armed Forces to a foreign country or, for members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign country includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

During the period of qualified exigency leave, the district's rule regarding an employee's use of accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is inclusive of the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Child of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or child for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents-in-law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to the covered servicemember, other than the spouse, parent, or child, unless designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating
2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:
 - a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating
 - b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or

mental condition

- c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran
- d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

During the period of military caregiver leave, the district's rule regarding an employee's use of accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Notifications

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the Fair Employment and Housing Act/PDL and FMLA/CFRA and employees' rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)
2. The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11049, 11050, 11091)
3. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)
4. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)
 - a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying
 - b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification
 - c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave
 - d. Any requirements for the employee to make premium payments necessary to maintain health benefits,

the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis

- e. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave
- f. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leaveAny time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

5. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, the Superintendent or designee shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

6. If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

The Superintendent or designee shall maintain records pertaining to an individual employee's use of FMLA or CFRA leave or PDL in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

Policy Reference Disclaimer:These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions - https://simbli.eboardsolutions.com/SU/GplusgYNhBplus6hlimWMyAuhwJw==
2 CCR 11087-11098	California Family Rights Act - https://simbli.eboardsolutions.com/SU/abM0slshHCKrMbGboplusCdDilag==
Ed. Code 44965	Granting of leaves of absence for pregnancy and childbirth - https://simbli.eboardsolutions.com/SU/e7uNwjUiINYDEySWMAQCHpg==
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners - https://simbli.eboardsolutions.com/SU/LJfCekZJhzs5Nas1GG1RHQ==
Fam. Code 300	Definition of marriage - https://simbli.eboardsolutions.com/SU/05rpsoloLBweplusb92Whyabw==
Gov. Code 12926	Definitions - https://simbli.eboardsolutions.com/SU/fp6xQmGSukcAWJ60VowoVA==
Gov. Code 12940	Unlawful discriminatory employment practices - https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==

Gov. Code 12945	Unlawful discrimination based on pregnancy, childbirth, or related medical conditions - https://simbli.eboardsolutions.com/SU/2DmzeI3sr9Q8BhxwgjWUtA==
Gov. Code 12945.1-12945.2	California Family Rights Act - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQHQ9yA==
Gov. Code 12945.6	Parental leave
Gov. Code 12946	Fair Employment and Housing Act: discrimination prohibited - https://simbli.eboardsolutions.com/SU/wjtLdzTqqwlov2Syc5bhMQ==

Federal References

1 USC 7	Definition of marriage and spouse - https://simbli.eboardsolutions.com/SU/znaI4bZkEoCQ5ILKxeKqGw==
29 CFR 825.100-825.702	Family and Medical Leave Act of 1993
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008

Management Resources References

Court Decision	Definition of marriage and spouse - https://simbli.eboardsolutions.com/SU/znaI4bZkEoCQ5ILKxeKqGw==
Court Decision	Family and Medical Leave Act of 1993
Court Decision	Family Care and Medical Leave Act
U.S. Department of Labor Publication	Genetic Information Nondiscrimination Act of 2008
Website	Description Faust v. California Portland Cement Company (2007) 150 Cal.App.4th 864
Website	Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045
Website	United States v. Windsor (2013) 699 F.3d 169
	Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers
	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
	U.S. Department of Labor, FMLA - https://simbli.eboardsolutions.com/SU/gTctHyc7Ra9nNTUgNmxAhw==
	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==

Policy 4200: Classified Personnel

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes that classified personnel provide essential services that support and enhance the district's educational program. The Board shall fill each of its classified positions with qualified persons, consistent with position requirements.

The Board shall classify all employees and positions not requiring certification qualifications as the classified service, except for those employees and positions specifically exempt from classified service. (Education Code 45103)

Individuals who possess certification qualifications shall not be prohibited from being employed in a classified position. (Education Code 45104)

Each classified position shall have a designated title and regular minimum number of assigned hours per day, days per week, and months per year.

Classified employees shall be assigned by their immediate supervisors with the approval of the Superintendent or designee. They shall be required to perform those duties prescribed by the Board for the position the employee holds, in accordance with applicable job descriptions and collective bargaining agreements.

Each classified employee shall be held accountable for duties assigned to him/her and shall undergo regular performance evaluations in accordance with collective bargaining agreements.

Substitute and Short-Term Employees

The district may employ a substitute employee to replace a classified employee who is temporarily absent from duty. (Education Code 45103)

If the district is in the process of hiring a permanent employee to fill a classified position, the Board may fill the vacancy with one or more substitute employees for no more than 60 calendar days, unless the applicable collective bargaining agreement provides for a different period of time. (Education Code 45103)

The district may employ a short-term employee to perform a service for the district when that service or similar services will not be extended or needed on a continuing basis. Before employing a short-term employee, the Board, at a regularly scheduled meeting, shall specify the service required to be performed by the employee and shall certify the ending date of the service. The Board may shorten or extend the ending date, but the date shall not be extended beyond 195 work days per year, including holidays, sick leave, vacation, and other leaves of absence, irrespective of the number of hours worked per day. (Education Code 45103)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 45100-45139	Employment of classified staff - https://simbli.eboardsolutions.com/SU/3omu1plusHvWH7ZhbTtfOsRHA==
Ed. Code 45160-45169	Salaries for classified employees - https://simbli.eboardsolutions.com/SU/oRMXvdynHEeZ7L4e4plusWX9Q==
Ed. Code 45190-45210	Leaves of absence; classified - https://simbli.eboardsolutions.com/SU/qLdfaWullkn1gLePDnRmkw==
Ed. Code 45220-45320	Merit system; classified employees - https://simbli.eboardsolutions.com/SU/feAa91G68KTMLw0DYJ1N3w==
Ed. Code 49406	Examination for tuberculosis - https://simbli.eboardsolutions.com/SU/1zMk9tKmBYJP1m6AfhBiag==
Ed. Code 51760-51769.5	Work experience education - https://simbli.eboardsolutions.com/SU/zjSVslsh8wmislshslshQgSmi6ISfYw==

Management Resources References**Description**

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Website

California School Employees Association -
<https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==>

Regulation 4200: Classified Personnel

Status: DRAFT

Original Adopted Date: Pending

Exemption from Classified Service

Persons hired solely for purposes which are exempted from the classified service shall nevertheless fulfill the obligations of classified employees related to physical examinations pursuant to Education Code 45122, fingerprinting pursuant to Education Code 45125, and tuberculosis tests pursuant to Education Code 49406. (Education Code 45106)

Individuals hired solely for the following purposes shall not be part of the classified service: (Education Code 45103)

1. Substitute or short-term employees who are employed and paid for fewer than 195 work days per year, including holidays, sick leave, vacation, and other leaves of absences, irrespective of the number of hours worked per day
2. Apprentices and professional experts employed on a temporary basis for a specific project regardless of length of employment
3. Full-time students employed part time
4. Part-time students employed part time in any college work study program, or in a work experience education program conducted by a community college district pursuant to Education Code 51760-51769.5 that is financed by state or federal funds

Restricted Positions

Persons employed in restricted positions pursuant to Education Code 45105 or 45108 shall be classified employees for all purposes except that they shall not be subject to the provisions of Education Code 45272 and 45273 related to promotional examinations and the filling of vacancies, and shall not acquire permanent status or seniority credit. Such persons shall be eligible for promotion into the regular classified service only after completing six months of satisfactory service and satisfactorily completing the qualifying examinations required of all other persons serving in the same class in the regular classified service. (Education Code 45105, 45108)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 45100-45139	Employment of classified staff - https://simbli.eboardsolutions.com/SU/3omu1plusHvWH7ZhTtfOsRHA==
Ed. Code 45160-45169	Salaries for classified employees - https://simbli.eboardsolutions.com/SU/oRMXvdynHEeZ7L4e4plusWX9Q==
Ed. Code 45190-45210	Leaves of absence; classified - https://simbli.eboardsolutions.com/SU/qLdfaWullkn1gLePDnRmkw==
Ed. Code 45220-45320	Merit system; classified employees - https://simbli.eboardsolutions.com/SU/feAa91G68KTMLw0DYJ1N3w==
Ed. Code 49406	Examination for tuberculosis - https://simbli.eboardsolutions.com/SU/1zMk9tKmBYJP1m6AfhBiag==
Ed. Code 51760-51769.5	Work experience education - https://simbli.eboardsolutions.com/SU/zjSVslsh8wmislshslshQgSmi6ISfYw==

Management Resources References

Description

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIsHxk6R5akQ==
---------	--

Website

California School Employees Association -

<https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==>

Policy 4211: Recruitment And Selection

Status: DRAFT

Original Adopted Date: Pending

The Governing Board is committed to employing suitable, qualified individuals to effectively carry out the district's vision, mission, and goals.

The Superintendent or designee shall develop equitable, fair, and transparent recruitment and selection processes and procedures that ensure individuals are selected based on demonstrated knowledge, skills, and competence and not on any bias, personal preference, or unlawful discrimination.

When a vacancy occurs, the Superintendent or designee shall review the job description for the position to ensure that it accurately describes the major functions and duties of the position. He/she shall also disseminate job announcements to ensure a wide range of candidates.

The district's selection procedures shall include screening processes, interviews, recommendations from previous employers, and observations when appropriate, as necessary to identify the best possible candidate for a position.

The Superintendent or designee may establish an interview committee to rank candidates and recommend finalists. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. All discussions and recommendations shall be confidential in accordance with law.

No inquiry shall be made with regard to any information prohibited by state or federal nondiscrimination laws.

The Superintendent or designee shall not inquire, orally or in writing, in regard to an applicant's salary history information, including compensation and benefits. He/she shall also not rely on salary history information as a factor in determining whether to offer employment to an applicant or the salary to offer. However, the Superintendent or designee may consider salary information that is disclosable under state or federal law or that the applicant discloses voluntarily and without prompting. Upon request, the Superintendent or designee shall provide the applicant the pay scale for the position to which he/she is applying. (Labor Code 432.3)

For each position, the Superintendent or designee shall present to the Board one candidate who meets all qualifications established by law and the Board for the position. No person shall be employed by the Board without the recommendation or endorsement of the Superintendent or designee.

Incentives

With Board approval and in accordance with district needs, the district may provide incentives to recruit teachers, administrators, or other employees, such as signing bonuses, assistance with beginning teacher induction and/or credential costs, mentoring and additional compensation.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Ed. Code 35035	Powers and duties of the superintendent; transfer authority - https://simbli.eboardsolutions.com/SU/U8vklOrjlenvguXkYb3glg==
Ed. Code 44066	Limitations on certification requirements - https://simbli.eboardsolutions.com/SU/OJDqvQtSDs3NVjaFjXyaCQ==
Ed. Code 44259	Teaching credential, exception; designated subjects; minimum requirements - https://simbli.eboardsolutions.com/SU/VJx8Luc221PUUygsishjNOplusSg==
Ed. Code 44750	Teacher recruitment resource center - https://simbli.eboardsolutions.com/SU/25pluscLmM0K9K6BvPWvW6Ocw==
Ed. Code 44830-44831	Employment of certificated persons - https://simbli.eboardsolutions.com/SU/ExuslshqmeslshmrL9IPMkfplus3Kbw==

Ed. Code 44858	Age or marital status in certificated positions - https://simbli.eboardsolutions.com/SU/c4YdqNnGaHeUY59KoVRYhg==
Ed. Code 44859	Prohibition against certain rules and regulations re: residency - https://simbli.eboardsolutions.com/SU/95oC2Mw2ifcoOI0v9MTbcw==
Ed. Code 45103-45139	Employment (classified employees) - https://simbli.eboardsolutions.com/SU/3omu1plusHvWH7ZhTtfOsRHA==
Ed. Code 49406	Examination for tuberculosis - https://simbli.eboardsolutions.com/SU/1zMk9tKmBYJP1m6AfhBiag==
Gov. Code 12900-12996	Fair Employment and Housing Act - https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==
Gov. Code 12940-12957	Discrimination prohibited; unlawful practices - https://simbli.eboardsolutions.com/SU/5uovzpjZ1cx0bzIG8RHk0A==
Gov. Code 7920.000-7930.170	California Public Records Act - https://simbli.eboardsolutions.com/SU/IBl6Ifok6zP3Bde1F55TFg==
Gov. Code 815.2	Liability of public entities and public employees - https://simbli.eboardsolutions.com/SU/c9Mu6nGpPvQPAFVLTm0EFw==
H&S Code 53570-53574	Teacher Housing Act of 2016 - https://simbli.eboardsolutions.com/SU/jplus4TYWmzmFk1quHFNH9VNA==
Lab. Code 432.3	Salary information - https://simbli.eboardsolutions.com/SU/fYIBzfnwCPMWUEuay1xg0w==

Federal References

20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
34 CFR 106.51-106.61	Nondiscrimination on the basis of sex in employment in education program or activities
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
5 USC 552	Freedom of Information Act
8 USC 1324a	Unlawful employment of aliens
8 USC 1324b	Unfair immigration related employment practices

Management Resources References

CCSESA Publication	Teacher Recruitment in California: An Analysis of Effective Strategies, Research Brief, Veritas Research and Evaluation Group, October 2017
Court Decision	C.A. v William S. Hart Union High School District et al., (2012) 138 Cal.Rptr.3d 1
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUulsaq7efc7aH4Q==
Website	Education Job Opportunities Information Network - https://simbli.eboardsolutions.com/SU/z9plusLac3YgrNsIshnXZjPokcgA==
Website	Teach USA - https://simbli.eboardsolutions.com/SU/OnwhbOPyG65DMPpX7UKLhA==
Website	California County Superintendents Educational Services Association - https://simbli.eboardsolutions.com/SU/Wyr1WplusZPL9SDth52IMoLrg==

Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==
Website	U.S. Equal Employment Opportunity Commission - https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==

Policy 4211.2: Legal Status Requirement

Status: DRAFT

Original Adopted Date: Pending

The Governing Board shall ensure that the district employs only those individuals who are lawfully authorized to work in the United States.

The Superintendent or designee shall verify the employment eligibility of all persons hired by completing the U.S. Citizenship and Immigration Services Form I-9, Employment Eligibility Verification, for each individual hired and ensure that the district does not knowingly hire or continue to employ any person not authorized to work in the United States. (8 USC 1324a)

In accordance with law, the Superintendent or designee shall ensure that district employment practices do not unlawfully discriminate on the basis of citizenship status or national origin, including, but not limited to, discrimination against any refugees, grantees of asylum, or persons qualified for permanent or temporary residency.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal References

8 CFR 274a.1-274a.14

8 USC 1324a

8 USC 1324b

Description

Control of Employment of Aliens

Unlawful employment of aliens

Unfair immigration related employment practices

Management Resources References

USCIS Publication

Website

Website

Description

Handbook for Employers: Instructions for Completing Form I-9, April 2009

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

U.S. Citizenship and Immigration Services -
<https://simbli.eboardsolutions.com/SU/2yd9f2ugp9aDqPAihj5fFg==>

Regulation 4211.2: Legal Status Requirement

Status: DRAFT

Original Adopted Date: Pending

Within three business days of hire, the Superintendent or designee shall physically examine the documentation presented by the employee establishing his/her identity and employment authorization as set forth in U.S. Citizenship and Immigration Services Form I-9. The employee may present either an original document which establishes both employment authorization and identity or two separate original documents which establish authorization and identity. Only unexpired documents are acceptable. (8 CFR 274a.2)

The Superintendent or designee shall: (8 CFR 274a.2)

1. Ensure that the documents presented appear to be genuine and relate to the individual
2. Complete the "Employer Review and Verification" section and sign the attestation with a handwritten signature or electronic signature on Form I-9

Persons employed for three business days or less must provide such documentation on their first day. (8 CFR 274a.2)

If unable to provide satisfactory documentation because the document was lost, stolen, or damaged, the employee shall furnish a receipt indicating that a replacement document has been requested. This receipt must be presented within three business days of the hire, and the replacement document must be provided within 90 days of the hire. (8 CFR 274a.2)

If an individual's employment authorization expires, the Superintendent or designee must reverify Form I-9, by noting the document's identification number and expiration date on the form, no later than the date the work authorization expires. The employee shall present a document that shows either continuing employment authorization or a new grant of work authorization. (8 CFR 274a.2)

The district shall retain an individual's Form I-9 for three years after the date of the hire or for one year after the date his/her employment is terminated, whichever is later. (8 CFR 274a.2)

The Superintendent or designee shall copy documents presented by an individual for verification and shall retain them with the individual's Form I-9. The documents shall be kept confidential and used only as needed to help justify the district's past decision to accept the documents as valid.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal References

8 CFR 274a.1-274a.14

8 USC 1324a

8 USC 1324b

Description

Control of Employment of Aliens

Unlawful employment of aliens

Unfair immigration related employment practices

Management Resources References

USCIS Publication

Website

Website

Description

Handbook for Employers: Instructions for Completing Form I-9, April 2009

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

U.S. Citizenship and Immigration Services -
<https://simbli.eboardsolutions.com/SU/2yd9f2ugp9aDqPAihj5fFg==>

Regulation 4212: Appointment And Conditions Of Employment

Status: DRAFT

Original Adopted Date: Pending

Upon recommendation of the Superintendent, the Governing Board shall approve the appointment of all classified employees. The position and the pay rate shall be reported to the Board at a regular meeting.

Individuals appointed to the classified staff shall, at a minimum:

1. Submit to fingerprinting as required by law (Education Code 45125)
2. Not have been convicted of a violent or serious felony (Education Code 45122.1)
3. Not have been convicted of any sex offense as defined in Education Code 44010 (Education Code 45123)
4. Not have been determined to be a sexual psychopath pursuant to Welfare and Institutions Code 6300-6332 (Education Code 45124)
5. If the individual will be working directly and in an unaccompanied setting with minor children on a more than incidental and occasional basis or will have supervision or disciplinary power over minor children, not be required to register as a sex offender pursuant to Penal Code 290 because of a conviction for a crime where the victim was a minor under the age of 16 (Penal Code 290.95)
6. Not have been convicted of any controlled substance offense as defined in Education Code 44011 (Education Code 45123)
7. Submit to a physical examination or provide proof thereof as required by law and Board policy (Education Code 45122, 49406)
8. File the oath or affirmation of allegiance required by Government Code 3100-3109
9. Fulfill any other requirements as specified by law, collective bargaining agreement, Board policy or administrative regulation

Notification of Classification and Compensation

When first employed and upon each subsequent change in classification, classified employees other than short-term, limited-term or provisional employees shall be given two copies of their class specification, salary data, assignment or work location, duty hours and prescribed work week. Salary data shall specify pay period (monthly, semimonthly or other) and applicable rates of compensation (daily, hourly, overtime and differential rates). Employees shall keep one copy of this information and shall sign and date the other copy and return it to their supervisor. (Education Code 45169)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 35161	Board delegation of any powers or duties - https://simbli.eboardsolutions.com/SU/slsh1PplusGg7pf1zBSnE4YBslshMOQ==
Ed. Code 44010	Sex offense; definitions - https://simbli.eboardsolutions.com/SU/kVoMSh2Y4cuufG1O45T35A==
Ed. Code 44011	Controlled substance offense - https://simbli.eboardsolutions.com/SU/yVslsh8HNplus6fH8Trsdpvo9h3w==
Ed. Code 44066	Limitations on certification requirements - https://simbli.eboardsolutions.com/SU/OJDqvQtSDs3NVjaFjXyaCQ==
Ed. Code 45103	Classified service in districts not incorporating the merit system - https://simbli.eboardsolutions.com/SU/NJ3x1mSOGslshplusdAG7Mgplus0dplusw==

Ed. Code 45104	Positions not requiring certification qualifications - https://simbli.eboardsolutions.com/SU/986efU554GAnsCOEIJY0A==
Ed. Code 45105	Positions under various acts not requiring certification qualifications - https://simbli.eboardsolutions.com/SU/MpoolN7GjspluslbHmcb9IRJQ==
Ed. Code 45113	Notification of charges; classified employees - https://simbli.eboardsolutions.com/SU/ipluslv7lKgJZqYaGNLdhSslshXw==
Ed. Code 45122	Physical examinations - https://simbli.eboardsolutions.com/SU/6W3NvRVCwhchfqBQ9xBcAQ==
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony - https://simbli.eboardsolutions.com/SU/myGZ7ELMxd40SfOAlE8F0w==
Ed. Code 45123	Employment after conviction of controlled substance offense - https://simbli.eboardsolutions.com/SU/slshrbHklUHjUJXaqFKhWdAig==
Ed. Code 45125	Use of personal identification cards to ascertain conviction of crime - https://simbli.eboardsolutions.com/SU/D6m92girQ75zn6l3AOR8plusw==
Ed. Code 45169	Employee salary data; classified employees - https://simbli.eboardsolutions.com/SU/KEgHD9a5rHqRYNxWbmXXWg==
Ed. Code 49406	Examination for tuberculosis - https://simbli.eboardsolutions.com/SU/1zMk9tKmBYJP1m6AfhBiag==
Ed. Code 54108	Restricted positions
Gov. Code 12940-12950	Unlawful employment practices - https://simbli.eboardsolutions.com/SU/yUqQ0xZbaENyslshz7iQHQ9yA==
Gov. Code 3100-3109	Oath or affirmation of allegiance - https://simbli.eboardsolutions.com/SU/wc53ykHj1dGv0704ZeFscg==
Pen. Code 1192.7	Plea bargaining limitation - https://simbli.eboardsolutions.com/SU/Y4tPzLWU9zUaPXfNAslshrcRA==
Pen. Code 1203.4	Dismissal of conviction - https://simbli.eboardsolutions.com/SU/YlQYhBecjMT2UOjvP1nYrQ==
Pen. Code 290	Registration of sex offenders - https://simbli.eboardsolutions.com/SU/BC6kOdRC1cjbplusmxdA92Rug==
Pen. Code 290.95	Disclosure by persons required to register as sex offenders - https://simbli.eboardsolutions.com/SU/Abju7FC2HBTyfsDieYQtSg==
Pen. Code 667.5	Prior prison terms; enhancement of prison terms - https://simbli.eboardsolutions.com/SU/yS0sRxmSCVex2qplus3slsh4ab6A==
W&I Code 6300-6332	Sexual psychopaths

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==>

Regulation 4212.3: Oath Or Affirmation

Status: DRAFT

Original Adopted Date: Pending

All district employees are declared by law to be disaster service workers and thus shall take the oath or affirmation required for disaster service workers before beginning employment with the district. In the event of natural, manmade or war-caused emergencies which result in conditions of disaster or extreme peril to life, property and resources, all district employees are subject to disaster service activities as assigned to them by their supervisors or by law. (Government Code 3100-3102)

Legally employed noncitizens shall be exempt from taking this oath. (Government Code 3101)

At the advice of legal counsel, the Superintendent or designee may exempt an employee from taking the oath if he/she raises a valid religious objection.

The Superintendent, deputy or assistant superintendent, principal or other person authorized in Education Code 60 shall administer the oath or affirmation when a district employee is hired.

In the case of intermittent, temporary, emergency or successive employments, the Superintendent or designee may determine that the oath shall be effective for all successive periods of employment which begin within one calendar year from the date that the oath was subscribed. (Government Code 3102)

The Superintendent or designee shall file the executed oath or affirmation within 30 days of the date on which it is taken and subscribed. An employee's oath or affirmation may be destroyed five years after the termination of employment. (Government Code 3105)

Reimbursement of Expenses for Disaster Service Workers

Whenever an employee seeks compensation or reimbursement of expenses as a disaster service worker, the Superintendent or designee shall ascertain and certify that the employee has taken the oath or affirmation. (Government Code 3107)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Management Resources References

Description

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Exhibit 4212.3-E(1): Oath Or Affirmation

Status: DRAFT

Original Adopted Date: Pending

I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

I understand that as a public employee I am a disaster service worker pursuant to Government Code 3100 and 3102 and that I am required to take this oath before entering the duties of my employment. In the event of natural, manmade or war-caused emergencies which result in conditions of disaster or extreme peril to life, property and resources, I am subject to disaster services activities assigned to me by my supervisor.

(Signature)

Certified by:

(Person who administers the oath)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Management Resources References

Description

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Regulation 4212.4: Health Examinations

Status: DRAFT

Original Adopted Date: Pending

Tuberculosis Tests

No applicant shall be initially employed by the district, or employed under contract, in a classified or certificated position unless he/she has submitted to a tuberculosis risk assessment within the past 60 days and, if tuberculosis risk factors are identified, has submitted to an intradermal or other approved tuberculosis examination to determine that he/she is free of infectious tuberculosis. If the results of the examination are positive, the applicant shall obtain an x-ray of the lungs. At his/her discretion, an applicant may choose to submit to the examination instead of the risk assessment. (Education Code 49406)

Prior to employment by the district, an applicant shall submit a certificate from an authorized health provider stating that the applicant was assessed and/or examined and found to be free of infectious tuberculosis. (Education Code 49406)

An applicant who was previously employed in another school district or private or parochial school shall be deemed to have fulfilled the tuberculosis testing requirement if he/she produces a certificate showing that he/she was found to be free of infectious tuberculosis within 60 days of initial hire or if his/her previous employer verifies that it has a certificate on file showing that the applicant is free from infectious tuberculosis. (Education Code 49406)

Thereafter, each district employee who was found free of infectious tuberculosis shall undergo a tuberculosis risk assessment, and an examination whenever risk factors are identified, at least once every four years or more often when required by the Governing Board upon recommendation of the county health officer. However, once an employee has a documented positive test for tuberculosis infection followed by an x-ray, he/she shall no longer be required to submit to the tuberculosis risk assessment but shall be referred to the county health officer within 30 days of the examination to determine the need for follow-up care. (Education Code 49406)

The cost of the pre-employment tuberculosis risk assessment and/or examination shall be paid by the applicant, unless the Board has determined that the district will reimburse an applicant who is subsequently hired by the district. The district shall reimburse the employee for the cost, if any, of subsequent tuberculosis risk assessments and examinations. The district may provide for the risk assessment and examination or may establish a reasonable fee for the examination that is reimbursable to the employee. (Education Code 49406)

Whenever the district contracts for the transportation of students, the contract shall require that all drivers who will be transporting students complete the tuberculosis risk assessment and, if indicated, the examination for infectious tuberculosis within 60 days of initial hire. (Education Code 49406)

The following applicants or employees shall be exempted from the requirement to submit to a tuberculosis risk assessment and/or examination: (Education Code 49406)

1. An applicant/employee who files an affidavit stating that he/she adheres to the faith or teachings of a well-recognized religious sect, denomination, or organization and, in accordance with its creed, tenets, or principles, depends for healing upon prayer in the practice of religion and that, to the best of his/her knowledge and belief, he/she is free from infectious tuberculosis

Such an exemption shall be allowed only if the Board determines by resolution, after a hearing, that the health of students would not be jeopardized. If at any time there is probable cause to believe that the applicant/employee is afflicted with infectious tuberculosis, he/she may be excluded from service until the Board is satisfied that he/she is not afflicted.

2. A classified employee who is employed for less than a school year and whose functions do not require frequent or prolonged contact with students
3. A pregnant employee who has positive results on a tuberculosis skin test, in which case she shall be exempted from the requirement to follow up with an x-ray of the lungs for a period not to exceed 60 days after the end of the pregnancy
4. A private contracted driver who transports students infrequently without prolonged contact with students

Examination of Certificated Employees for Disabling Diseases

To fill a certificated position with an applicant who has not previously been employed in a certificated position in California, or with a retirant who has not been employed as a retirant, the district shall have on file a medical certification indicating that the applicant or retirant is free from any disabling disease which would render him/her unfit to instruct or associate with children. (Education Code 44839, 44839.5)

The certificate shall be completed and submitted directly to the district by an authorized health care provider. The medical examination referenced in the certificate must have been conducted within six months of the date that the certificate is filed. (Education Code 44839, 44839.5; 5 CCR 5503)

Applicants and retirants shall pay for the cost of obtaining the medical certification. (Education Code 44849, 44839.5)

Certificated employees and/or retirants shall be required to periodically undergo, at district expense, a medical examination pursuant to Education Code 44839 or 44839.5 to determine that they are free from any communicable disease making them unfit to instruct or associate with children. (Education Code 44839, 44839.5)

Mental Examination for Certificated Employees

Whenever the Board is considering the suspension or transfer of a certificated employee based on its reasonable belief that the employee is suffering from mental illness of such a degree as to render him/her incompetent to perform his/her duties, the employee shall be offered the opportunity of being examined by a three-member panel of psychiatrists and psychologists in accordance with Education Code 44942. The employee shall select the members of the panel from a list of psychiatrists and psychologists provided by the district. The examination shall be conducted, at district expense, within 15 days of the ordered suspension or transfer. The employee shall submit to the examination, but shall also be entitled to present a report of any psychiatrist, psychologist, or physician of his/her own choice. (Education Code 44942)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 5502	Filing of notice of physical examination for employment of retired person
5 CCR 5503	Physical examination for employment of retired persons
5 CCR 5504	Medical certification procedures
Bus. Code 2700-2837	Nursing - https://simbli.eboardsolutions.com/SU/uCzErklfpGgLI9HTTI6yxg==
Bus. Code 3500-3546	Physician assistants - https://simbli.eboardsolutions.com/SU/DVwu5arEKuyPdOB2YXaplusEw==
Ed. Code 44839	Medical certificate; periodic medical examination - https://simbli.eboardsolutions.com/SU/7ifRt5ldtFyISRocGEB0AQ==
Ed. Code 44839.5	Requirements for employment of retirant - https://simbli.eboardsolutions.com/SU/9NiF7P8cplus6F5a9AwnxnXMQ==
Ed. Code 44932	Grounds for dismissal of permanent employees - https://simbli.eboardsolutions.com/SU/Hjuplus3jud6Dn34xkR8B7BhA==
Ed. Code 44942	Suspension or transfer of certificated employee on ground of mental illness - https://simbli.eboardsolutions.com/SU/4d649ukp1cbYfwkQVS4RJQ==
Ed. Code 45122	Physical examinations - https://simbli.eboardsolutions.com/SU/6W3NvRVCwhchfqBQ9xBcAQ==
Ed. Code 49406	Examination for tuberculosis - https://simbli.eboardsolutions.com/SU/1zMk9tKmBYJP1m6AfhBiag==
H&S Code 121525	Private and parochial school employees; examination for tuberculosis - https://simbli.eboardsolutions.com/SU/Hut2vQw3WDRGKrESwOVqQg==

Management Resources References

Court Decision

Court Decision

Court Decision

Website

Website

Website

Website

Description

Doe v. Lincoln Unified School District, (2010) 188 Cal.App.4th 758

Leonel v. American Airlines, Inc., (2005) 400 F.3d. 702

Raven v. Oakland Unified School District, (1989) 213 Cal.App.3d 1347

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

U.S. Food and Drug Administration -

<https://simbli.eboardsolutions.com/SU/u14Fx3Hqi74ZIsEmkKrr3Q==>

California Department of Public Health -

<https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==>

Centers for Disease Control and Prevention -

<https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==>

Policy 4212.41: Employee Drug Testing

Status: DRAFT

Original Adopted Date: Pending

The Governing Board maintains a drug- and alcohol-free workplace. In accordance with law, all employees shall render service without using, possessing, being impaired by, or being under the influence of alcohol or drugs.

Pre-Employment Drug/Alcohol Testing for Safety-Sensitive Positions

Because students and staff have the right to a safe and secure campus where they are free from physical and psychological harm, the Board authorizes the testing of prospective employees in safety-sensitive positions for drug and alcohol use. The following positions are safety-sensitive and are subject to the district's program:

Position	Safety-Sensitive Duties
Bus Drivers	Driving Children

Once a conditional offer of employment has been made, prospective employees in these identified positions shall undergo a pre-employment drug and alcohol screening for any substance which could impair their ability to safely and effectively perform their job functions. This screening shall be part of the employee's pre-employment physical examination.

Final selection of a job applicant for a position shall not be made until the applicant has successfully completed the screening.

All testing and medical examinations shall be conducted in accordance with state and federal law, Board policy, and administrative regulation.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 5504	Medical certification procedures
CA Constitution Article 1, Section 28	Right to Safe Schools - https://simbli.eboardsolutions.com/SU/4uKslshNFWJwiWPc9Z3j2hmaA==
Ed. Code 44011	Controlled substance offense - https://simbli.eboardsolutions.com/SU/yVslsh8HNplus6fH8Trsdpvo9h3w==
Ed. Code 44455	Conviction for controlled substance offenses as grounds for revocation of credential - https://simbli.eboardsolutions.com/SU/RxmkbNWB8mb157Yr0WjXA==
Ed. Code 44836	Employment of certificated persons convicted of controlled substance offenses - https://simbli.eboardsolutions.com/SU/5hHUN0BmtikFXTcnjWJvnA==
Ed. Code 44839	Medical certificate; periodic medical examination - https://simbli.eboardsolutions.com/SU/7ifRt5IdtFyISRocGEBoAQ==
Ed. Code 44940	Compulsory leave of absence for certificated persons - https://simbli.eboardsolutions.com/SU/TXIEslshPquo8Kz7N8psqEtqA==
Ed. Code 44940.5	Procedures when employees are placed on compulsory leave of absence - https://simbli.eboardsolutions.com/SU/x5z1UxpluspluskEsTDPQ3FynQZA==
Ed. Code 45122	Physical examinations - https://simbli.eboardsolutions.com/SU/6W3NvRVCwhchfqBQ9xBcAQ==
Ed. Code 45123	Employment after conviction of controlled substance offense - https://simbli.eboardsolutions.com/SU/slshrbHklUHjUJXaqFKhWdAig==
Ed. Code 45304	Compulsory leave of absence for classified persons - https://simbli.eboardsolutions.com/SU/JczG8hudjplusDjlPlz25Wwmw==

Gov. Code 12940	Unlawful discriminatory employment practices - https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==
Gov. Code 8350-8357	Drug-free workplace - https://simbli.eboardsolutions.com/SU/w9Tz3WapOcnEI8sUslplusAIQ==
Federal References	Description
41 USC 701-707	Drug-Free Workplace Act
Management Resources References	Description
Court Decision	International Brotherhood of Teamsters v. Department of Transportation (1991) 932 F.2d 1292
Court Decision	Knox County Education Association v. Knox County Board of Education, (1998, 6th Circuit) 158 F.3d 361
Court Decision	Lanier v. City of Woodburn, (2008, 9th Circuit) 518 F.3d 1147
Court Decision	Loder v. City of Glendale, (1997) 14 Cal. 4th 846
Court Decision	National Treasury Employees Union v. Von Raab, (1989) 489 U.S. 456
Court Decision	Skinner v. Railway Labor Executives' Assn, (1989) 489 U.S. 602
Court Decision	Vernonia School District 47J v. Acton, (1995) 115 S.Ct. 2386
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==

Policy 4212.42: Drug And Alcohol Testing For School Bus Drivers

Status: DRAFT

Original Adopted Date: Pending

The Governing Board desires to ensure that district-provided transportation is safe for students, staff, and the public. To that end, the Superintendent or designee shall establish a drug and alcohol testing program designed to prevent the operation of buses or the performance of other safety-sensitive functions by a driver who is under the influence of drugs or alcohol, including a driver of a school bus, student activity bus, or other school transportation vehicle or any other employee who holds a commercial driver's license which is necessary to perform duties related to district employment.

A driver shall not report for duty or remain on duty when the driver has used any drug listed in 21 CFR 1308.11. A driver is also prohibited from reporting for duty or remaining on duty when the driver has used any drug listed in 21 CFR 1308.12-1308.15, unless the driver is using the drug under the direction of a physician who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a bus. (49 CFR 382.213)

In addition, a driver shall not consume alcohol while on duty and/or performing safety-sensitive functions, or for four hours prior to on-duty time. (49 CFR 382.205, 382.207)

Drivers shall submit to drug and alcohol testing as required under federal law and specified in the accompanying administrative regulation. The district's testing program for drivers shall include pre-employment drug testing and reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing of drivers. (49 USC 31306; 49 CFR 382.301-382.311)

The Board shall contract for testing services upon verifying that the personnel are appropriately qualified and/or certified and that testing procedures conform to federal regulations.

Except as otherwise provided by law, the Superintendent or designee shall not release individual test results or medical information about a driver to a third party without the driver's specific written consent. (49 CFR 40.321)

Consequences Based on Test Results

No driver shall be temporarily removed from the performance of safety-sensitive functions based only on a laboratory report of a confirmed positive test for a drug or drug metabolite before the certified medical review officer has completed verification of the test results, unless the district has obtained a waiver from the Federal Motor Carrier Safety Administration. (49 CFR 40.3, 40.21, 382.107, 382.119)

Any driver for whom the district receives a verified positive drug test result or who is found to have a blood alcohol concentration of 0.04 or higher shall be immediately removed from performing safety-sensitive functions in accordance with 49 CFR 40.23 and 382.211. An alcohol concentration between 0.02 and 0.04 requires temporary removal of the bus driver for a 24-hour period following the test. Any driver who refuses to take a required drug or alcohol test shall not be permitted to perform or continue to perform safety-sensitive functions. (49 CFR 40.23, 382.211)

Not later than five days after receiving notification of the test result or refusal to comply, the Superintendent or designee shall report any refusal, failure to comply, or positive test result to the California Department of Motor Vehicles (DMV) using a form approved by the DMV. (Vehicle Code 13376)

A driver who has violated federal drug and alcohol regulations may be subject to disciplinary action up to and including dismissal in accordance with law, administrative regulations, and the district's collective bargaining agreement.

Any driver provided with an opportunity to return to a safety-sensitive duty following a violation shall be evaluated by a qualified substance abuse professional and complete the evaluation recommendations before returning to such duty. (49 CFR 40.289)

If the substance abuse professional recommends that further and ongoing services are needed to assist the driver to maintain sobriety or abstinence from drug use, the Superintendent or designee shall require the driver to participate in the recommended services as part of a return-to-duty agreement and shall monitor the driver's compliance. Any drop from a rehabilitation or return-to-duty program or a subsequent positive test result shall be reported to the

DMV. (Vehicle Code 13376; 49 CFR 40.285, 40.287, 40.303, 382.605)

Voluntary Self-Identification

Whenever a driver admits to alcohol or drug misuse under the district's voluntary self-identification program, the Superintendent or designee shall ensure all of the following: (49 CFR 382.121)

1. No adverse action shall be taken against the driver by the district.
2. The driver shall be allowed sufficient opportunity to seek evaluation, education, or treatment to establish control over the drug or alcohol problem.
3. The driver shall be permitted to participate in safety-sensitive functions only after:
 - a. Successfully completing an education or treatment program, as determined by a drug and alcohol abuse evaluation expert, such as an employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor
 - b. Undergoing a return-to-duty test with a result indicating an alcohol concentration of less than 0.02 and/or a verified negative result for drug use

A driver who admits to alcohol or drug misuse shall not be subject to federal requirements related to referral, evaluation, and treatment, provided that the driver does not self-identify in order to avoid drug or alcohol testing, makes the admission prior to performing a safety-sensitive function, and does not perform a safety-sensitive function until the driver has been evaluated and has successfully completed education or treatment requirements in accordance with program guidelines. (49 CFR 382.121)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
13 CCR 1200-1294	Motor carrier safety - https://simbli.eboardsolutions.com/SU/yQSHDNrNieMnhAVA3MDcgQ==
13 CCR 1213.1	Placing drivers out-of-service
Ed. Code 35160	Authority of governing boards - https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==
Gov. Code 8355	Certification of drug-free workplace, including notification - https://simbli.eboardsolutions.com/SU/7NhMrF6OwSawaA8bns8VmQ==
Veh. Code 13376	Driver certificates; revocation or suspension - https://simbli.eboardsolutions.com/SU/LarexslshHgfc3vBqz3gglTjg==
Veh. Code 34500-34520.5	Safety regulations - https://simbli.eboardsolutions.com/SU/QQyT3eFSXANcmAlplusk2Il7g==

Federal References

	Description
21 CFR 1308.11-1308.15	Controlled substances
41 USC 8101-8106	Drug-Free Workplace Act
49 CFR 382.101-382.727	Controlled substance and alcohol use and testing
49 CFR 382.205	On-duty use
49 CFR 382.207	Pre-duty use
49 CFR 382.209	Use following an accident
49 CFR 40.1-40.413	Procedures for transportation workplace drug and alcohol testing programs
49 USC 31306	Alcohol and drug testing

Management Resources References

California Highway Patrol Publication

California Highway Patrol Publication

Website

Website

Website

Website

Website

Website

Description

Controlled Substances and Alcohol Testing Compliance Checklist, 2007

What is CSAT? Controlled Substances and Alcohol Testing, 2005

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Commercial Driver's License Drug and Alcohol Clearinghouse -
<https://simbli.eboardsolutions.com/SU/cslsh63ln16q9v6pLplum3DWt4A==>

California Department of Motor Vehicles -
<https://simbli.eboardsolutions.com/SU/l0fZ9slshVVfMPPxgCslshmou5w==>

California Highway Patrol -
<https://simbli.eboardsolutions.com/SU/VrAIT7Su2t1yBbvext1plusdg==>

Federal Motor Carrier Safety Administration -
<https://simbli.eboardsolutions.com/SU/iUIDQ9Erq8GkPa5qRqIDAA==>

U.S. Department of Transportation, Office of Drug and Alcohol Policy and Compliance -
<https://simbli.eboardsolutions.com/SU/jf4E1c5VrQIECX3plushplusxUVg==>

Regulation 4212.42: Drug And Alcohol Testing For School Bus Drivers

Status: DRAFT

Original Adopted Date: Pending

Definitions

For purposes of drug testing required by the U.S. Department of Transportation (DOT), drugs include marijuana, cocaine, amphetamines, phencyclidine (PCP), and opioids. (49 CFR 40.3, 40.85, 382.107)

Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test. (49 CFR 40.3, 382.107)

Safety-sensitive function means all time from the time the driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. Safety-sensitive functions include, but are not limited to, all time driving or otherwise in the bus or other school transportation vehicle; waiting at a district facility to be dispatched; inspecting, servicing, or conditioning the vehicle or vehicle equipment; loading or unloading the vehicle; supervising or assisting in the loading or unloading of the vehicle; and repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. (49 CFR 382.107)

Designated Employer Representative

The Superintendent or designee shall identify a designated employer representative who is authorized to take immediate action to remove drivers from safety-sensitive functions and to make required decisions in the testing and evaluation processes. The designated employer representative shall also be responsible for receiving test results and other communications. The name and telephone number of the designated employer representative shall be provided to the testing contractor to contact about any problems or issues that may arise during the testing process. (49 CFR 40.35, 40.215)

Pre-employment Testing

When hiring a new driver, the Superintendent or designee shall, with the driver's written consent, conduct a pre-employment query using the Commercial Driver's License Drug and Alcohol Clearinghouse to obtain information about whether the driver has committed a violation of federal drug or alcohol regulations. (49 CFR 382.701)

The Superintendent or designee shall also, with the driver's consent, request the driver's past drug and alcohol testing record, as specified in 49 CFR 40.25 and 382.413, from any employer who has employed the driver at any time during the previous three years. To the extent practicable, the Superintendent or designee shall obtain and review such information before the driver first performs safety-sensitive functions. In addition, the Superintendent or designee shall ask the driver if there was a positive test, or a refusal to test, on any pre-employment drug or alcohol test that was administered during the past two years in the course of applying for another safety-sensitive transportation position that was not obtained. (49 CFR 40.25, 382.413)

The driver shall not be permitted to perform safety-sensitive functions if the driver refuses to provide consent to obtain the information from previous employers or from the Clearinghouse; the information from previous employers is not received within 30 days of the date on which the driver first performed safety-sensitive functions for the district; or the driver, the Clearinghouse, or a previous employer reports a violation of a drug or alcohol regulation without subsequent completion of the return-to-duty process. (49 CFR 40.25, 382.413, 382.701, 382.703)

A driver whom the district intends to hire or use shall undergo testing for drugs and receive a verified negative test result prior to the first time the driver performs safety-sensitive functions for the district. This testing requirement may be waived if all of the following conditions exist: (49 CFR 382.301)

1. The driver has participated in a qualified drug testing program within the previous 30 days.
2. While participating in the program, the driver either was tested within the past six months from the date of application or participated in a random drug testing program for the previous 12 months from the date of application.
3. No prior employer of the driver of whom the district has knowledge has records of the driver's violation of

federal drug testing regulations within the previous six months.

The Superintendent or designee shall contact the testing program(s) in which the driver has participated and obtain information about the program and the driver's participation as specified in 49 CFR 382.301.

In addition, the Superintendent or designee shall require the driver to undergo pre-employment alcohol testing in accordance with the procedures in 49 CFR 40.1-40.605 and to receive a test result indicating an alcohol concentration of less than 0.04. (49 CFR 382.301)

Post-Accident Testing

As soon as practicable following an accident involving a school bus or student activity bus, the Superintendent or designee shall ensure that the driver involved is tested for alcohol and/or drugs under either of the following conditions: (49 CFR 382.303)

1. The accident involved loss of human life.
2. The driver receives a citation for a moving traffic violation within eight hours of the accident and the accident involved bodily injury to a person who required immediate medical treatment away from the scene of the accident and/or disabling damage to one or more vehicles requiring towing.

The Superintendent or designee shall attempt to administer a required alcohol test up to eight hours following the accident and/or a drug test up to 32 hours following the accident. The results of an alcohol or drug test conducted by federal, state, or local officials having independent authority for the test shall be considered to meet this requirement. If the alcohol test is not administered within two hours following the accident, or the test for drugs is not administered within 32 hours following the accident, the Superintendent or designee shall make a record stating the reasons the test was not promptly administered. (49 CFR 382.303)

No driver required to take a post-accident alcohol test pursuant to 49 CFR 382.303 shall use alcohol for eight hours following the accident or until the driver undergoes a post-accident alcohol test, whichever occurs first. (49 CFR 382.209)

Random Testing

The Superintendent or designee shall ensure that random, unannounced drug and alcohol tests of bus drivers are conducted on testing dates reasonably spread throughout the year.

Such tests shall be unannounced and conducted during, immediately before, or immediately after the performance of safety-sensitive functions. (49 CFR 382.305)

The Superintendent or designee shall ensure that the percentage of district drivers randomly tested for drugs and alcohol meets or exceeds the minimum annual percentage rates specified in 49 CFR 382.305 or subsequently published in the Federal Register.

Each driver selected for random testing shall have an equal chance of being tested each time selections are made. (49 CFR 382.305)

Each driver who is selected for testing shall proceed to the test site immediately or, if performing a safety-sensitive function other than driving a bus, then as soon as possible after ceasing that function. (49 CFR 382.305)

Reasonable Suspicion Testing

A driver shall be required to submit to a drug or alcohol test whenever the Superintendent or designee has reasonable suspicion that the driver has violated the prohibitions against the use of drugs or alcohol. Such reasonable suspicion shall be based on specific, contemporaneous, articulable observations, conducted during, immediately before, or immediately after the performance of safety-sensitive functions, concerning the driver's appearance, behavior, speech, and/or body odors. Reasonable suspicion of drug use may also include indications of the chronic and withdrawal effects of drugs. (49 CFR 382.307)

The person who makes the required observations for reasonable suspicion testing for drugs or alcohol shall be trained in accordance with 49 CFR 382.603. The person who makes the determination that reasonable suspicion

exists to conduct an alcohol test shall not be the same person who conducts the alcohol test. (49 CFR 382.307)

Within 24 hours of the observed behavior or before the results of the drug or alcohol test are released, whichever is earlier, a written record of the observations leading to a reasonable suspicion test shall be made and signed by the person who made the observations. (49 CFR 382.307)

An alcohol test required as a result of reasonable suspicion shall be administered within eight hours following the determination of reasonable suspicion. If the test is not administered within two hours, the Superintendent or designee shall prepare and maintain on file a record stating the reasons the test was not promptly administered. (49 CFR 382.307)

In the absence of a reasonable suspicion alcohol test, the district shall take no action against a driver based solely on the driver's behavior and appearance, except that the driver shall not be allowed to report for or remain on safety-sensitive functions until an alcohol test is administered and the results show a concentration less than 0.02 or 24 hours have elapsed following the determination of reasonable suspicion. (49 CFR 382.307)

Return-to-Duty Testing

Note: Pursuant to 49 CFR 40.305, the district may return a driver to safety-sensitive functions after the driver completes required education and treatment services as described in the accompanying Board policy and a return-to-duty drug or alcohol test. Such personnel decisions may be subject to collective bargaining or other legal requirements.

The Superintendent or designee may permit a driver who has violated federal drug or alcohol regulations to return to safety-sensitive functions after the driver has successfully complied with the education and treatment services prescribed by a substance abuse professional and has taken a return-to-duty drug or alcohol test. The driver shall not resume performance of safety-sensitive functions unless the drug test shows a negative result and/or the alcohol test shows a concentration of less than 0.02. (49 CFR 40.305, 382.309)

Follow-Up Testing

Upon receiving a written follow-up testing plan from a substance abuse professional, the Superintendent or designee shall determine the actual dates for follow-up testing consistent with those recommendations and shall ensure that such tests are unannounced and follow no discernable pattern as to their timing. No additional tests beyond those included in the plan shall be imposed by the district. (49 CFR 40.307-40.309, 382.111)

Mandatory Reporting and Annual Queries to the Drug and Alcohol Clearinghouse

The Superintendent or designee shall report to the Clearinghouse any violation of federal drug and alcohol regulations, any refusal to test, and other required information by the close of the third business day following the date on which the information was obtained. (49 CFR 382.705)

The Superintendent or designee shall conduct a query using the Clearinghouse at least once a year for all drivers to determine whether information exists in the Clearinghouse about the drivers. (49 CFR 382.701)

In lieu of a full query, the Superintendent or designee may obtain the individual driver's consent to conduct a limited query that is effective for more than one year and informs the district about whether there is information about the driver in the Clearinghouse without releasing that information to the district. If the limited query shows that information exists in the Clearinghouse about the individual driver, the Superintendent or designee shall conduct a full query within 24 hours of conducting the limited query. If a full query is not conducted within 24 hours, the driver may not perform any safety-sensitive function until the results from a full query confirm that the driver may perform such functions. (49 CFR 382.701)

A driver may not perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has committed a violation of federal drug or alcohol regulations. (49 CFR 382.701)

Notifications

The Superintendent or designee shall provide each driver with materials explaining the federal regulations and the district's policy and procedure related to drug and alcohol testing and shall notify representatives of employee organizations of the availability of this information. This information shall include a detailed discussion of at least the

following: (49 CFR 382.113, 382.303, 382.601)

1. The identity of the person designated by the district to answer driver questions about the materials
2. The categories of drivers who are subject to drug and alcohol testing
3. Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the workday the driver is required to be in compliance
4. Specific information concerning prohibited driver conduct
5. The circumstances under which a driver will be tested for drugs and/or alcohol, including post-accident testing
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver
7. The requirement that a driver submit to drug and alcohol tests
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences
9. The consequences for drivers found to have violated the prohibitions against drug or alcohol use, including the circumstances under which drivers will be removed immediately from safety-sensitive functions and the requirements for education, treatment, and return-to-duty testing
10. The consequences for drivers found to have a blood alcohol concentration between 0.02 and 0.04
11. Information concerning the effects of drug and alcohol use on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management
12. The requirement that personal information collected and maintained pursuant to 49 CFR 382 shall be reported to the Clearinghouse

Each driver shall sign a statement certifying receipt of a copy of the above materials. The Superintendent or designee shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver. (49 CFR 382.601)

In addition, prior to administering each alcohol or drug test, the driver shall be notified that the test is required pursuant to Title 49, Part 382, of the Code of Federal Regulations. (49 CFR 382.113)

The driver shall be notified of the results of drug and alcohol tests in accordance with 49 CFR 382.411.

Records

The Superintendent or designee shall maintain records of the district's drug and alcohol testing program in accordance with 49 CFR 40.333 and 382.401. Such records shall be maintained in a secure location with controlled access and shall be disclosed only in accordance with 49 CFR 382.405.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

13 CCR 1200-1294

13 CCR 1213.1

Description

Motor carrier safety -

<https://simbli.eboardsolutions.com/SU/yQSHDNrNieMnhAVA3MDcgQ==>

Placing drivers out-of-service

Ed. Code 35160

Gov. Code 8355

Veh. Code 13376

Veh. Code 34500-34520.5

Federal References

21 CFR 1308.11-1308.15

41 USC 8101-8106

49 CFR 382.101-382.727

49 CFR 382.205

49 CFR 382.207

49 CFR 382.209

49 CFR 40.1-40.413

49 USC 31306

Management Resources References

California Highway Patrol Publication

California Highway Patrol Publication

Website

Website

Website

Website

Website

Website

Authority of governing boards -

<https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxyplus8DVSsrkQ==>

Certification of drug-free workplace, including notification -

<https://simbli.eboardsolutions.com/SU/7NhMrF60wSawaA8bns8VmQ==>

Driver certificates; revocation or suspension -

<https://simbli.eboardsolutions.com/SU/LarexslshHgfc3vBqz3gglTjg==>

Safety regulations -

<https://simbli.eboardsolutions.com/SU/QQvT3eFSXANcmAlplusk2Il7g==>

Description

Controlled substances

Drug-Free Workplace Act

Controlled substance and alcohol use and testing

On-duty use

Pre-duty use

Use following an accident

Procedures for transportation workplace drug and alcohol testing programs

Alcohol and drug testing

Description

Controlled Substances and Alcohol Testing Compliance Checklist, 2007

What is CSAT? Controlled Substances and Alcohol Testing, 2005

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Commercial Driver's License Drug and Alcohol Clearinghouse -

<https://simbli.eboardsolutions.com/SU/cslsh63ln16q9v6pLplum3DWt4A==>

California Department of Motor Vehicles -

<https://simbli.eboardsolutions.com/SU/l0fZ9slshVVfMPPxgClslshmu5w==>

California Highway Patrol -

<https://simbli.eboardsolutions.com/SU/VrAIT7Su2t1yBbvext1plusdg==>

Federal Motor Carrier Safety Administration -

<https://simbli.eboardsolutions.com/SU/iUIDQ9Erq8GkPa5qRqIDAA==>

U.S. Department of Transportation, Office of Drug and Alcohol Policy and Compliance -

<https://simbli.eboardsolutions.com/SU/jf4E1c5VrQIECX3plushplusxUVg==>

Regulation 4212.5: Criminal Record Check

Status: DRAFT

Original Adopted Date: Pending

The Superintendent or designee shall not hire or retain in employment, in a certificated or classified position, a person who has been convicted of a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c), a controlled substance offense as defined in Education Code 44011, or a sex offense as defined in Education Code 44010. However, the Superintendent or designee shall not deny or terminate employment if: (Education Code 44830.1, 44836, 45122.1, 45123)

1. The conviction for a violent or serious felony, controlled substance offense, or sex offense is reversed and the person is acquitted of the offense in a new trial or the charges against the person are dismissed, unless the sex offense for which the conviction is dismissed pursuant to Penal Code 1203.4 involves a victim who was a minor.
2. A person convicted of a violent or serious felony has obtained a certificate of rehabilitation or a pardon.
3. A person who has been convicted of a serious felony, that is not also a violent felony, proves to the sentencing court that he/she has been rehabilitated for purposes of school employment for at least one year.
4. A person who has been convicted of a controlled substance offense is applying for or is employed in a certificated position and has a credential issued by the Commission on Teacher Credentialing.
5. A person who has been convicted of a controlled substance offense is applying for or is employed in a classified position and has been determined by the Governing Board, from the evidence presented, to have been rehabilitated for at least five years.

A certificated employee may be hired by the district without obtaining a criminal record summary if that employee is employed as a certificated employee in another California school district and became a permanent employee of another California school district as of October 1, 1997. (Education Code 44830.1, 44836)

The Superintendent or designee shall not issue a temporary certificate of clearance to a person whose application for a credential, certificate, or permit is being processed by the Commission on Teacher Credentialing if that person has been convicted of a violent or serious felony, unless the person is otherwise exempt pursuant to Education Code 44332.6 or 44830.1. (Education Code 44332.5, 44332.6)

Pre-Employment Record Check

The Superintendent or designee shall require each person to be employed by the district to submit his/her fingerprints electronically through the Live Scan system so that a criminal record check may be conducted by the Department of Justice (DOJ). The Superintendent or designee shall provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

When a person is applying for a classified position, the Superintendent or designee shall request that the DOJ also obtain a criminal record check through the Federal Bureau of Investigation whenever the applicant meets one of the following conditions: (Education Code 45125)

1. The applicant has not resided in California for at least one year immediately preceding the application for employment.
2. The applicant has resided in California for more than one year, but less than seven years, and the DOJ has ascertained that the person was convicted of a sex offense where the victim was a minor or a drug offense where an element of the offense is either the distribution to or the use of a controlled substance by a minor.

The Superintendent or designee shall immediately notify the DOJ when an applicant who has submitted his/her fingerprints to the DOJ is not subsequently employed by the district. (Penal Code 11105.2)

Subsequent Arrest Notification

The Superintendent or designee shall enter into a contract with the DOJ to receive notification of subsequent arrests resulting in conviction of any person whose fingerprints have been submitted to the DOJ. (Education Code 44830.1,

45125; Penal Code 11105.2)

Upon telephone or email notification by the DOJ that a current temporary employee, substitute employee, or probationary employee serving before March 15 of his/her second probationary year has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 44830.1, 45122.1)

When the district receives written electronic notification by the DOJ of the fact of conviction, the temporary employee, substitute employee, or probationary employee serving before March 15 of his/her second probationary year shall be terminated automatically unless the employee challenges the DOJ record and the DOJ withdraws its notification in writing. Upon receipt of the written withdrawal of notification by the DOJ, the Superintendent or designee shall immediately reinstate that employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement if the employee is still employed by the district. (Education Code 44830.1, 45122.1)

The Superintendent or designee shall immediately notify the DOJ whenever a person whose fingerprints are maintained by the DOJ is terminated. (Penal Code 11105.2)

Notification of Applicant/Employee

The Superintendent or designee shall expeditiously furnish a copy of any DOJ notification to the applicant or employee to whom it relates if the information is a basis for an adverse employment decision. The copy shall be delivered in person or to the last contact information provided by the applicant or employee. (Penal Code 11105, 11105.2)

Maintenance of Records

The Superintendent shall designate at least one custodian of records who shall be responsible for the security, storage, dissemination, and destruction of all Criminal Offender Record Information (CORI) furnished to the district and shall serve as the primary contact for the DOJ for any related issues. (Penal Code 11102.2)

An employee designated as custodian of records shall receive a criminal background check clearance from the DOJ prior to serving in that capacity. (Penal Code 11102.2)

The custodian of records shall sign and return to the DOJ the Employee Statement Form acknowledging his/her understanding of the laws prohibiting misuse of CORI. In addition, the custodian of records shall ensure that any individual with access to CORI has on file a signed Employee Statement Form.

To ensure its confidentiality, CORI shall be accessible only to the custodian of records and shall be kept in a locked file separate from other files. CORI shall be used only for the purpose for which it is requested and its contents shall not be disclosed or reproduced. (Education Code 44830.1, 45125)

Once a hiring determination is made, the applicant's CORI shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained. (Education Code 44830.1, 45125; 11 CCR 708)

The Superintendent or designee shall immediately notify the DOJ whenever a designated custodian of records ceases to serve in that capacity. (Penal Code 11102.2)

Interagency Agreement

Subject to an interagency agreement with other school districts, the district shall submit and receive CORI on behalf of all participating districts. (Education Code 44830.2, 45125.01)

Upon receipt from the DOJ of a report of conviction of a serious or violent felony, the district shall communicate that fact to participating districts and shall remove the affected employee from the common list of persons eligible for employment. (Education Code 44830.2, 45125.01)

In addition, upon receipt from the DOJ of a criminal history record or report of subsequent arrest for any person on a common list of persons eligible for employment, the district shall give notice to the superintendent of any participating district, or the person designated in writing by that superintendent, that the report is available for inspection on a confidential basis by the superintendent or the authorized designee. The report shall be made

available at the district office for 30 days following the receipt of the notice. (Education Code 44830.2, 45125.01)

The district shall not release a copy of that information to any participating district or any other person. In addition, the district shall retain or dispose of the information in the manner specified in law and in this administrative regulation after all participating districts have had an opportunity to inspect it in accordance with law. (Education Code 44830.2, 45125.01)

The district shall maintain a record of all persons to whom the information has been shown and shall make this record available to the DOJ. (Education Code 44830.2, 45125.01)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

11 CCR 701-708	Criminal offender record information - https://simbli.eboardsolutions.com/SU/LpZWJtplusvPA1kzoYhGh5svw==
11 CCR 720-724	Incomplete criminal history information - https://simbli.eboardsolutions.com/SU/Y0rckUslshqqYSdarx6ZVQd9Q==
11 CCR 994-994.15	Certification of individuals who take fingerprint impressions - https://simbli.eboardsolutions.com/SU/mQOV5uRA3tJqfg6yRBrGsA==
Ed. Code 44010	Sex offense; definitions - https://simbli.eboardsolutions.com/SU/kVoMSh2Y4cuufG1O45T35A==
Ed. Code 44011	Controlled substance offense - https://simbli.eboardsolutions.com/SU/yVslsh8HNplus6fH8Trsdpvo9h3w==
Ed. Code 44332.44332.6	Temporary certificate of clearance - https://simbli.eboardsolutions.com/SU/ewqmiXUOvCIFsKS411GVaQ==
Ed. Code 44346.1	Applicants for credential; conviction of a violent or serious felony - https://simbli.eboardsolutions.com/SU/ifoGhPh4lg3lNBaHVSJLaA==
Ed. Code 44830.1	Criminal record summary certificated employees - https://simbli.eboardsolutions.com/SU/u9AgkfWslsh1QLiUogY34F8gA==
Ed. Code 44830.2	Certificated employees; interagency agreement for sharing criminal record information - https://simbli.eboardsolutions.com/SU/5r198TnCj0zOLYc7aF8vUA==
Ed. Code 44836	Employment of certificated persons convicted of controlled substance offenses - https://simbli.eboardsolutions.com/SU/5hHUN0BmtikFXTcnjWJvnA==
Ed. Code 44932	Grounds for dismissal of permanent employees - https://simbli.eboardsolutions.com/SU/Hjuplus3jud6Dn34xkR8B7BhA==
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony - https://simbli.eboardsolutions.com/SU/myGZ7ELMxd40SfOAlE8F0w==
Ed. Code 45125	Use of personal identification cards to ascertain conviction of crime - https://simbli.eboardsolutions.com/SU/D6m92girQ75zn6l3AOR8plusw==
Ed. Code 45125.01	Interagency agreements for criminal record information - https://simbli.eboardsolutions.com/SU/p0plusGJ0luVPDudcyAVB8E0w==
Ed. Code 45125.5	Automated records check - https://simbli.eboardsolutions.com/SU/GHmB1oTBxLxeL5plusloslshxecw==
Ed. Code 45126	Duty of Department of Justice to furnish information - https://simbli.eboardsolutions.com/SU/ytywu55uXcoxEZD7CD8gOg==
Ed. Code 49024	Activity Supervisor Clearance Certificate - https://simbli.eboardsolutions.com/SU/bPKibplusdM71m5nBUYCqYkKg==
Pen. Code 11075-11081	Criminal record dissemination - https://simbli.eboardsolutions.com/SU/9zvr9iamTUlrLnI7BE0Eslshw==

Pen. Code 11102.2	Maintenance of criminal offender records; custodian of records - https://simbli.eboardsolutions.com/SU/HypOuDGZOCJLCAfKIUJfew==
Pen. Code 11105	Access to criminal history information - https://simbli.eboardsolutions.com/SU/q4Hlc8zZET1xsYrxVn89lQ==
Pen. Code 11105.2	Subsequent arrest notification - https://simbli.eboardsolutions.com/SU/1RTS0ty22EXCsLAS7lgMbg==
Pen. Code 11105.3	Record of conviction involving sex crimes, drug crimes or crimes of violence - https://simbli.eboardsolutions.com/SU/n9Sml3YX7zZRvO7a8LaUZw==
Pen. Code 11140-11144	Furnishing of state criminal history information - https://simbli.eboardsolutions.com/SU/2JYu0xzFXeFE5U3KXfLZ4Q==
Pen. Code 1192.7	Plea bargaining limitation - https://simbli.eboardsolutions.com/SU/Y4tPzLWU9zUaPXfNAslshrRA==
Pen. Code 1203.4	Dismissal of conviction - https://simbli.eboardsolutions.com/SU/YlQYhBecjMT2UQjvP1nYrQ==
Pen. Code 13300-13305	Local summary criminal history information - https://simbli.eboardsolutions.com/SU/JSislshom3llJWMosHHPYHYcw==
Pen. Code 667.5	Prior prison terms; enhancement of prison terms - https://simbli.eboardsolutions.com/SU/yS0sRxmSCVex2qplus3slsh4ab6A==

Management Resources References

Court Decision	Central Valley Chapter of the 7th Step Foundation Inc. v. Evelle J. Younger, (1989) 214 Cal. App. 3d 145
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxk6R5akQ==
Website	Office of the Attorney General, Department of Justice, Background Checks - https://simbli.eboardsolutions.com/SU/T33cto0plusk9ZSg0jj8B94AA==

Exhibit 4212.5-E(1): Criminal Record Check

Status: DRAFT

Original Adopted Date: Pending

**SAMPLE EMPLOYEE STATEMENT FORM
USE OF CRIMINAL JUSTICE INFORMATION**

As an employee/volunteer of West Park School District, you may have access to confidential criminal record information which is controlled by state and federal statutes. Misuse of such information may adversely affect the individual's civil rights and violate constitutional rights of privacy. Penal Code 502 prescribes the penalties relating to computer crimes. Penal Code 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be disseminated. Penal Code 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information. Government Code 6200 prescribes felony penalties for misuse of public records. Penal Code 11142 and 13300 state:

"Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor."

Civil Code 1798.53, Invasion of Privacy, states:

"Any person who intentionally discloses information, not otherwise public, which they know or should reasonably know was obtained from personal or confidential information maintained by a state agency or from records within a system of records maintained by a federal government agency, shall be subject to a civil action, for invasion of privacy, by the individual."

CIVIL, CRIMINAL, AND ADMINISTRATIVE PENALTIES:

- Penal Code 11141: DOJ furnishing to unauthorized person (misdemeanor)
- Penal Code 11142: Authorized person furnishing to other (misdemeanor)
- Penal Code 11143: Unauthorized person in possession (misdemeanor)
- California Constitution, Article I, Section 1 (Right to Privacy)
- Civil Code 1798.53, Invasion of Privacy
- Title 18 USC 641, 1030, 1951, and 1952

Any employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may result in criminal and/or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION.

Signature _____ Date _____

Printed Name _____ Title _____

Name of District _____

PLEASE NOTE: Do not return this form to the DOJ. Your Custodian of Records should maintain these forms.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

11 CCR 701-708	Criminal offender record information - https://simbli.eboardsolutions.com/SU/LpZWJtplusvPA1kzoYhGh5svw==
11 CCR 720-724	Incomplete criminal history information - https://simbli.eboardsolutions.com/SU/Y0rckUsIshqqYSdarx6ZVQd9Q==
11 CCR 994-994.15	Certification of individuals who take fingerprint impressions - https://simbli.eboardsolutions.com/SU/mQOV5uRA3tJqfg6yRBrGsA==
Ed. Code 44010	Sex offense; definitions - https://simbli.eboardsolutions.com/SU/kVoMSh2Y4cuufG1O45T35A==
Ed. Code 44011	Controlled substance offense - https://simbli.eboardsolutions.com/SU/yVslsh8HNplus6fH8Trsdpvo9h3w==
Ed. Code 44332.44332.6	Temporary certificate of clearance - https://simbli.eboardsolutions.com/SU/ewqmiXUOvCIFsKS411GVaQ==
Ed. Code 44346.1	Applicants for credential; conviction of a violent or serious felony - https://simbli.eboardsolutions.com/SU/if0ghPh4lg3lNBaHVSJLaA==
Ed. Code 44830.1	Criminal record summary certificated employees - https://simbli.eboardsolutions.com/SU/u9AgkfWslsh1QLiUogY34F8gA==
Ed. Code 44830.2	Certificated employees; interagency agreement for sharing criminal record information - https://simbli.eboardsolutions.com/SU/5r198TnCj0zOLYc7aF8vUA==
Ed. Code 44836	Employment of certificated persons convicted of controlled substance offenses - https://simbli.eboardsolutions.com/SU/5hHUN0BmtikEXTcnjWJvnA==
Ed. Code 44932	Grounds for dismissal of permanent employees - https://simbli.eboardsolutions.com/SU/Hjplus3jud6Dn34xkR8B7BhA==
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony - https://simbli.eboardsolutions.com/SU/myGZ7ELMxd40SfOAlE8F0w==
Ed. Code 45125	Use of personal identification cards to ascertain conviction of crime - https://simbli.eboardsolutions.com/SU/D6m92girQ75zn6l3AOR8plusw==
Ed. Code 45125.01	Interagency agreements for criminal record information - https://simbli.eboardsolutions.com/SU/p0plusGJ0luVPDudcyAVB8E0w==
Ed. Code 45125.5	Automated records check - https://simbli.eboardsolutions.com/SU/GHmB1oTBxLxeL5pluslosIshxecw==
Ed. Code 45126	Duty of Department of Justice to furnish information - https://simbli.eboardsolutions.com/SU/tytwu55uXcoxEZD7CD8gOg==
Ed. Code 49024	Activity Supervisor Clearance Certificate - https://simbli.eboardsolutions.com/SU/bPKibplusdM71m5nBUYCqYkKg==
Pen. Code 11075-11081	Criminal record dissemination - https://simbli.eboardsolutions.com/SU/9zvr9iamTUlrLnI7BE0Eslshw==
Pen. Code 11102.2	Maintenance of criminal offender records; custodian of records - https://simbli.eboardsolutions.com/SU/HypOuDGZOCJLCAfKIUjfew==
Pen. Code 11105	Access to criminal history information - https://simbli.eboardsolutions.com/SU/q4Hlc8zZET1xsYrxVn89lIQ==
Pen. Code 11105.2	Subsequent arrest notification - https://simbli.eboardsolutions.com/SU/1RTS0ty22EXCsLAS7lgMbg==
Pen. Code 11105.3	Record of conviction involving sex crimes, drug crimes or crimes of violence - https://simbli.eboardsolutions.com/SU/n9Sml3YX7zZRvO7a8LaUZw==
Pen. Code 11140-11144	Furnishing of state criminal history information - https://simbli.eboardsolutions.com/SU/2JYu0xzFXeFE5U3KXfLZ4Q==
Pen. Code 1192.7	Plea bargaining limitation - https://simbli.eboardsolutions.com/SU/Y4tPzLWU9zUaPXfNAsIshrcRA==

Pen. Code 1203.4	Dismissal of conviction - https://simbli.eboardsolutions.com/SU/YlQYhBecjMT2UQjvP1nYrQ==
Pen. Code 13300-13305	Local summary criminal history information - https://simbli.eboardsolutions.com/SU/JSislshom3lIJWMosHHPYHYcw==
Pen. Code 667.5	Prior prison terms; enhancement of prison terms - https://simbli.eboardsolutions.com/SU/yS0sRxmSCVex2qplus3slsh4ab6A==

Management Resources References

Court Decision

Website

Website

Description

Central Valley Chapter of the 7th Step Foundation Inc. v. Evelle J. Younger, (1989) 214 Cal. App. 3d 145

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxk6R5akQ==>

Office of the Attorney General, Department of Justice, Background Checks - <https://simbli.eboardsolutions.com/SU/T33cto0plusk9ZSg0jj8B94AA==>

Regulation 4212.61: Employment References

Status: DRAFT

Original Adopted Date: Pending

The Superintendent or designee shall be responsible for processing requests for employment references, letters of recommendation, or information about the reasons for separation regarding all district employees other than himself/herself. All letters of recommendation to be issued on behalf of the district for current or former employees shall be approved by the Superintendent or designee. At his/her discretion, the Superintendent or designee may refuse to give a recommendation.

The Superintendent or designee may communicate information about the job performance or qualifications of a current or former district employee when such information is based upon credible evidence and is given to a prospective employer without malice and at the prospective employer's request. (Civil Code 47)

Any reference, letter of recommendation, or information provided about the reasons for separation issued on behalf of the district shall provide a truthful and accurate account of the employee's job performance and qualifications.

No certificated employee shall write or sign any letter or memorandum which intentionally omits significant facts, or which states as facts matters which the writer does not know of his/her own knowledge to be true, relating to the professional qualifications or personal fitness to perform certificated services of any person who the writer knows will use the letter or memorandum to obtain professional employment. (5 CCR 80332)

No certificated employee shall agree to provide a positive letter of recommendation which misrepresents facts as a condition of another employee's resigning or withdrawing action against the district. (5 CCR 80332)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 80332	Professional candor and honesty in letters or memoranda of employment recommendation
Civ. Code 47	Privileged communication - https://simbli.eboardsolutions.com/SU/UaEr9ZLNpDYok3lslshyDvE3w==
Lab. Code 1050-1054	Reemployment privileges - https://simbli.eboardsolutions.com/SU/k1AfhCyCAauM1plusykKslshIVEA==

Management Resources References

	Description
Court Decision	Board of Trustees of Leland Stanford Junior University v. Superior Court, (1981) 119 Cal. App. 3d 516
Court Decision	Randi W. v. Muroc Joint Unified School District et al., (1997) 14 Cal. 4th 1066
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==

Policy 4212.8: Employment Of Relatives

Status: DRAFT

Original Adopted Date: Pending

The Governing Board desires to maximize staff and community confidence in district hiring, promotion, and other employment decisions by promoting practices that are free of conflicts of interest or the appearance of impropriety.

The Board prohibits the appointment of any person to a position for which his/her relative maintains management, supervisory, evaluation, or promotion responsibilities and prohibits an employee from participating in any decision that singularly applies to any of his/her relatives.

For purposes of this policy, relative includes the individual's spouse, domestic partner, parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse or domestic partner.

In addition, the Superintendent or designee may determine, on a case-by-case basis, whether to appoint a person to a position in the same department or facility as an employee with whom he/she maintains a personal relationship when that relationship has the potential to create (1) an adverse impact on supervision, safety, security, or morale of other district employees or (2) a conflict of interest for the individuals involved which is greater because of the their relationship than it would be for another person.

An employee shall notify his/her supervisor within 30 days of any change in his/her circumstances that may constitute a violation of this policy.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

2 CCR 7292.0-7292.6	Marital status discrimination - https://simbli.eboardsolutions.com/SU/OYM2wETre8OJcLEpNJgsXg==
2 CCR 7292.5	Employee selection - https://simbli.eboardsolutions.com/SU/QvKUnBWZM9B1slshH6e8qzyKg==
Ed. Code 35107	School district employees - https://simbli.eboardsolutions.com/SU/oaGHmft5UN3vyLv1tRuTlw==
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners - https://simbli.eboardsolutions.com/SU/LJfCekZJhzs5Nas1GG1RHQ==
Gov. Code 1090-1098	Prohibitions applicable to specified officers - https://simbli.eboardsolutions.com/SU/f3JDDEPLuQqZQETrqELBpg==
Gov. Code 12940	Unlawful discriminatory employment practices - https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==

Management Resources References

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==
Website	League of California Cities - https://simbli.eboardsolutions.com/SU/TUf8jslshHeiQslshKJpHe2qEtug==
Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==

Policy 4212.9: Employee Notifications

Status: DRAFT

Original Adopted Date: Pending

The Governing Board believes that providing clear communications to staff is essential to establishing a professional, positive work environment and enhancing their job performance. The Superintendent or designee shall provide district employees all notifications required by law and any other notifications the Superintendent or designee believes will promote staff knowledge of the district's policies, programs, activities, and operations.

When required by law, Board policy, or administrative regulation, district employees shall be asked to sign an acknowledgment indicating receipt of the notification. Such acknowledgments shall be retained in each employee's personnel file.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

13 CCR 1234	Reports regarding school buses and bus drivers - https://simbli.eboardsolutions.com/SU/SQau3DbO6CrkhKYsUmPVoA==
13 CCR 2480	Vehicle idling; limitations - https://simbli.eboardsolutions.com/SU/fSf0ysaXD9tFEJN0131FOw==
2 CCR 11023	Harassment and discrimination prevention and correction - https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions - https://simbli.eboardsolutions.com/SU/GplusgYNhBplus6hlimWMyAuhwJw==
2 CCR 11087-11098	California Family Rights Act - https://simbli.eboardsolutions.com/SU/abM0slshHCKrMbGboplusCdDilag==
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security - https://simbli.eboardsolutions.com/SU/LBkkDX8OIBFu9JplusO9hdW9w==
Ed. Code 17612	Notification of pesticide use - https://simbli.eboardsolutions.com/SU/H5tr2sllxUTvYokVNC15GA==
Ed. Code 22455.5	STRS information to potential members - https://simbli.eboardsolutions.com/SU/OpjZXTfC5WyWcFrTPNSDXQ==
Ed. Code 22461	Postretirement compensation limitation - https://simbli.eboardsolutions.com/SU/Yao6NOqOUQArjVt0US6MwQ==
Ed. Code 231.5	Sexual harassment policy - https://simbli.eboardsolutions.com/SU/xc4N8izB3LAIHeKeL3IJdg==
Ed. Code 35031	Term of employment - https://simbli.eboardsolutions.com/SU/Dd2pNygL7slshTy35OP9AP1Lg==
Ed. Code 35171	Availability of rules and regulations for evaluation of performance - https://simbli.eboardsolutions.com/SU/8gCYAAmUllvWPvqOKh6aaQ==
Ed. Code 37616	Consultation regarding year-round schedule - https://simbli.eboardsolutions.com/SU/b8srVmtxJ9lIspekF1JrplusGQ==
Ed. Code 44663-44664	Evaluation of certificated employees - https://simbli.eboardsolutions.com/SU/SkISPsVN82xw4slshJqODSb2A==

Ed. Code 44842	Reemployment notices; certificated employees - https://simbli.eboardsolutions.com/SU/6Cr6mASUlj0s7aFilsuhQ==
Ed. Code 44896	Transfer of administrator or supervisor to teaching position - https://simbli.eboardsolutions.com/SU/yplus7XbOeHD62Ua0mHfF3WZg==
Ed. Code 44916	Written statement of employment status - https://simbli.eboardsolutions.com/SU/XmCPHsuWR7m01NGRhZplusBaA==
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more - https://simbli.eboardsolutions.com/SU/HINpslshxbyLwME3nPO6mb5IA==
Ed. Code 44929.23	Districts with less than 250 ADA - https://simbli.eboardsolutions.com/SU/sdwal87FoWQPz0j1slsh848GQ==
Ed. Code 44934	Notice of disciplinary action for cause - https://simbli.eboardsolutions.com/SU/YOdpDmEESUnJCt39UZQg7g==
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct - https://simbli.eboardsolutions.com/SU/75B2doHslshmwPKmFVKktuR5A==
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss - https://simbli.eboardsolutions.com/SU/t58pmuN1UoBGqKr4eb7iEA==
Ed. Code 44948.3-44948.5	Dismissal of probationary employees - https://simbli.eboardsolutions.com/SU/t58pmuN1UoBGqKr4eb7iEA==
Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA - https://simbli.eboardsolutions.com/SU/qotcBdQOslshAgIcYayqDcLUA==
Ed. Code 44949	Dismissal of probationary employees - https://simbli.eboardsolutions.com/SU/yo6JVtoftkl8mvYPJbeSWA==
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel - https://simbli.eboardsolutions.com/SU/2b8OO67UPqMCFZoSySt0RA==
Ed. Code 44954	Nonreelection of temporary employees - https://simbli.eboardsolutions.com/SU/Tn8xix2gcZSmGiaMplusX1tPQ==
Ed. Code 44955	Reduction in number of permanent employees - https://simbli.eboardsolutions.com/SU/MQslshxJln2uiAVe9Pljo6DqA==
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance - https://simbli.eboardsolutions.com/SU/pluslys02LslYiEat5fGXaaTQ==
Ed. Code 45113	Notification of charges; classified employees - https://simbli.eboardsolutions.com/SU/ipluslv7IKgiZqYaGNLdhSslshXw==
Ed. Code 45117	Notice of layoff; classified employees - https://simbli.eboardsolutions.com/SU/uAz1v3pTWd6FoatRP235XA==
Ed. Code 45169	Employee salary data; classified employees - https://simbli.eboardsolutions.com/SU/KEgHD9a5rHqRYNxWbmXXWg==
Ed. Code 45192	Industrial accident and illness leave for classified employees - https://simbli.eboardsolutions.com/SU/HTwslshO644wTLZxo0sXoYSiA==
Ed. Code 45195	Additional leave - https://simbli.eboardsolutions.com/SU/Ryl3ROIDs3Wpd6bXcwUadw==
Ed. Code 46162	Alternative schedule for junior high and high school; public hearing with notice - https://simbli.eboardsolutions.com/SU/769TKplusjA6VdzOgH8gEdKcQ==
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion - https://simbli.eboardsolutions.com/SU/elQocY4QEYkvsIshVzhn7SJMA==
Ed. Code 48851.3	Education of students in foster care and students who are homeless
Ed. Code 49013	Complaints regarding student fees - https://simbli.eboardsolutions.com/SU/b2wadA023lL35ATlslshnz6plusQ==

Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion - https://simbli.eboardsolutions.com/SU/8tfoN4Gnt52xd4EGRPwysQ==
Ed. Code 49414	Epinephrine auto-injectors - https://simbli.eboardsolutions.com/SU/9JuMr1vqNOCC5QbFqDv9Qw==
Ed. Code 49414.3	Administration of opioid antagonist - https://simbli.eboardsolutions.com/SU/jpluse7kBEekAxe3Bh0EEAWQA==
Gov. Code 1126	Incompatible activities of employees - https://simbli.eboardsolutions.com/SU/QKPtwnKDXZTLNeez6mprlg==
Gov. Code 12950	Sexual harassment - https://simbli.eboardsolutions.com/SU/h4EWslsh77h5LPVLOIU3XnZ3A==
Gov. Code 21029	Retirement credit for period of military service - https://simbli.eboardsolutions.com/SU/YM1QtJRBZG0wCeQIDslshkIGQ==
Gov. Code 54957	Complaints against employees; right to open session - https://simbli.eboardsolutions.com/SU/slshHI9rGplusU5KWWytZk9AyVpA==
Gov. Code 54963	Unauthorized disclosure of confidential information - https://simbli.eboardsolutions.com/SU/17hF4slshHe25WRtwf7Cqwxcg==
Gov. Code 8355	Certification of drug-free workplace, including notification - https://simbli.eboardsolutions.com/SU/7NhMrF60wSawaA8bns8VmQ==
H&S Code 104420	Tobacco-free schools - https://simbli.eboardsolutions.com/SU/5QtcisLQ2vJZyHEEyrMn4g==
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B - https://simbli.eboardsolutions.com/SU/38plusoh5urgpOqpluszq3f7akPg==
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B - https://simbli.eboardsolutions.com/SU/DnTo51VRfPSzvfGOSeoslskw==
H&S Code 1797.196	Automated external defibrillators; notification of use and locations - https://simbli.eboardsolutions.com/SU/OZEfsg1H8M5bW0OJBmKMCA==
Lab. Code 230	Accommodations and leave for victims of domestic violence - https://simbli.eboardsolutions.com/SU/YxjVw5yqtQF8dHAekvDUtA==
Lab. Code 2800.2	Notification of availability of continuation health coverage - https://simbli.eboardsolutions.com/SU/8zpT75rE0YXl8QDCqDoH9Q==
Lab. Code 3550-3553	Notifications re: workers' compensation benefits - https://simbli.eboardsolutions.com/SU/iCiiTstntCY6NjUJ19aRkNw==
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility - https://simbli.eboardsolutions.com/SU/i8dzTiFD0wZN4u8udoF8Pg==
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement - https://simbli.eboardsolutions.com/SU/plusQslshakMpTBWl6RIW8FtsR6Q==
Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect - https://simbli.eboardsolutions.com/SU/U8mUJwOdXcXc4Et3byslshQjg==
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits - https://simbli.eboardsolutions.com/SU/TZohU2KxaWriZO4wNO2mww==
W&I Code 827	Limited exception to juvenile court record - https://simbli.eboardsolutions.com/SU/DMr9MZDTgwkT0RmplusgHdBKg==

Federal References

20 USC 2354	Local application for career and technical education programs
29 CFR 825.300	Family and Medical Leave Act; notice requirement
34 CFR 100	Nondiscrimination under programs receiving federal assistance
34 CFR 104.8	Nondiscrimination

Description

34 CFR 106.9	Severability
34 CFR 84.205-84.210	Drug-free workplace statement
38 USC 4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
41 USC 8101-8106	Drug-Free Workplace Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
49 CFR 382.113	Controlled substance and alcohol use and testing notifications
49 CFR 382.303	Post-accident information, procedures, and instructions
49 CFR 382.601	Controlled substance and alcohol use and testing notification

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Policy 4213.4: Temporary Modified/Light-Duty Assignment

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes that, when employees have temporarily disabling medical conditions, temporary modified or light-duty assignments can allow the district to continue to use their valuable knowledge, skills, and abilities while minimizing time away from work. Temporary modified/light-duty assignments may also serve to facilitate the employee's transition back to his/her regular duties or full-time work.

Any employee may request a modified or light-duty assignment when he/she has a temporary medical condition which prevents the performance of the essential functions of his/her current assignment or position. The Superintendent or designee shall determine, on a case-by-case basis, whether a suitable temporary position currently exists to accommodate the physical restrictions specified by the employee's medical provider.

An employee's initial assignment to a temporary modified or light-duty position shall be for a limited duration, not to exceed 30 days. At the end of the initial assignment, the employee may request that the Superintendent or designee extend the assignment. When requesting any such extension, the employee shall submit documentation from his/her medical provider verifying that the employee is still temporarily disabled and is not medically able to return to his/her regular assignment. Temporary assignments generally shall not exceed 90 days, but may be extended at the discretion of the Superintendent or designee for an additional 90 days upon verification by the employee's medical provider that such an extension will allow the employee to return to unrestricted regular duties.

An employee who rejects a temporary modified/light-duty assignment may be subject to a loss of workers' compensation benefits in accordance with district's insurance policy.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

State References	Description
Ed. Code 44984	Required rules for industrial accident and illness leave - https://simbli.eboardsolutions.com/SU/ke4DWOaukfaaoJH5A01K1w==
Ed. Code 45192	Industrial accident and illness leave for classified employees - https://simbli.eboardsolutions.com/SU/HTwslshO644wTLZxo0sXoYSiA==
Gov. Code 12900-12996	Fair Employment and Housing Act - https://simbli.eboardsolutions.com/SU/kYDZnupluf3qJV95L7E0pUzw==
Gov. Code 12945.1-12945.2	California Family Rights Act - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQHQ9yA==

Federal References

Federal References	Description
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 12101-12213	Americans with Disabilities Act

Management Resources References

Management Resources References	Description
Court Decision	Raine v. City of Burbank, (2006) 135 Cal.App.4th 1215
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==
Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==
Website	U.S. Equal Employment Opportunity Commission - https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==

Policy 4213.5: Working Remotely

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes that working remotely at home or at another alternative location may be necessary at times when widespread illness, natural disaster, or other emergency condition makes the school or worksite unsafe or otherwise interrupts the district's ability to effectively conduct operations at the school or worksite. A full-time, part-time, or short-term remote work arrangement may also be granted by the Superintendent or designee to an individual employee, upon request, provided that the position is suitable for remote work, the employee has consistently demonstrated the ability to work independently and meet performance expectations, and the work arrangement does not hinder district operations.

The opportunity to work remotely shall be entirely at the district's discretion, and no grievance or appeal right may arise from district denial of any employee request for remote work.

Employees approved for remote work shall comply with all district policies, administrative regulations, work schedules, and job assignments. Except when specifically agreed, approval of remote work shall not change the compensation, benefits, or other terms and conditions of employment of an employee.

Unless otherwise approved in advance by the Superintendent or designee, employees working remotely shall do so within regular work hours established for the position. Employees are entitled and expected to take appropriate, uninterrupted meal and rest breaks, and shall keep accurate records of the hours they work. Employees shall notify their supervisor when unable to perform work assignments due to illness, equipment failure, or other unforeseen circumstances.

Employees working remotely are expected to conduct their work in a location that is safe and free of obstructions, hazards, and distractions. Such employees shall report to their supervisor any serious injury or illness occurring in the home workspace or in connection with their employment as soon as practically possible in accordance with Board policy.

The district shall provide to employees who work remotely all supplies, materials, apparatus, and equipment reasonably necessary to perform their jobs, including, as necessary, a technology device and Internet access. Employees shall use caution in accessing the Internet from public locations and in accessing information from networks outside of the district in order to safeguard confidential information. Employees shall be responsible for maintaining and protecting equipment on loan from the district and shall adhere to the district's Acceptable Use Agreement. The employee's personally owned equipment may only be used for district business when approved by the Superintendent or designee.

Work done at a remote work location is considered official public business. District records and communications shall be retained and safeguarded against damage or loss, and shall be kept confidential or made accessible to the public in accordance with law.

Any employee working remotely shall be available during work hours to the employee's supervisor and other staff, students, parents/guardians, and members of the public, as appropriate, via email, phone, or other means. Lack of responsiveness on the part of the employee may result in discipline and/or termination of remote work responsibilities. Employees shall be required to attend virtual or in-person meetings when directed by their supervisor.

Employee productivity shall be evaluated on the basis of time spent on tasks and projects, task completion, and quality of job performance in the same manner as all employees in the same position at the assigned school or office.

Remote work arrangements may be discontinued at any time at the discretion of the Superintendent or designee.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Gov. Code 12900-12996

Description

Fair Employment and Housing Act -
<https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==>

Gov. Code 6250-6270

Lab. Code 226.7

Lab. Code 6400

Lab. Code 6401

Federal References

42 USC 12101-12213

Management Resources References

Website

Website

California Public Records Act

Mandated meal, rest, or recovery periods -

<https://simbli.eboardsolutions.com/SU/K8B5zcqHRw4plusVfF3MOyTng==>

Safe and healthful employment and place of employment -

<https://simbli.eboardsolutions.com/SU/9OosCWsroJpOYuslshZDGSKoQ==>

Unsafe workplace -

<https://simbli.eboardsolutions.com/SU/qHwGWrSw1W2C5bVqwzWydQ==>

Description

Americans with Disabilities Act

Description

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

California Department of Industrial Relations -

<https://simbli.eboardsolutions.com/SU/Lh5JVplusYhNJm5slshcgG07zsOQ==>

Policy 4215: Evaluation/Supervision

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes that appropriate supervision and regular, comprehensive evaluations can help employees to continually improve in the performance of their responsibilities. Evaluations shall be made in accordance with procedures specified in negotiated contracts and based on job-specific standards of performance.

The Board expects supervisors to gauge employees' on-the-job effectiveness and skills in a fair, objective, and consistent manner. Evaluations shall address the competence and care with which the employee executes his/her assigned responsibilities. As appropriate, evaluations also may address the extent to which the employee works cooperatively with others and observes school or district rules and regulations.

The Superintendent or designee shall ensure that evaluation ratings have uniform meaning throughout the district.

Evaluations shall be used to recognize the exemplary skills and accomplishments of staff and to identify areas needing improvement. When the evaluation indicates areas needing improvement, the Board expects employees to accept responsibility and take initiative to improve their performance. The Superintendent or designee shall assist employees in obtaining needed job skills.

The evaluation shall be dated and signed by both the employee and the supervisor.

The Superintendent or designee shall ensure that classified employees have access to rules and procedures related to performance evaluations.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 45113	Notification of charges; classified employees - https://simbli.eboardsolutions.com/SU/ipluslv7IKgJzqYaGNLdhSslshXw==
Ed. Code 45261	Subjects of rules (merit system districts) - https://simbli.eboardsolutions.com/SU/uGD02b4av1P23D6uO9oslshPg==
Ed. Code 45262	Distribution of rules - https://simbli.eboardsolutions.com/SU/SRDIO4mfq3BTv4TZpL5tTQ==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==

Management Resources References

Description

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIsHxk6R5akQ==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Policy 4216: Probationary/Permanent Status

Status: DRAFT

Original Adopted Date: Pending

The Governing Board desires to employ and retain highly qualified classified personnel to support the district's educational program and operations. Newly hired classified employees shall serve a probationary period during which the Board shall determine their suitability for long-term district employment.

A probationary employee who has been employed by the district for six months or 130 days of paid service, whichever is longer, shall be classified as a permanent employee of the district. (Education Code 45113, 45301)

However, in order to receive permanent classified service status, a full-time district police officer or public safety dispatcher who operates a dispatch center certified by the Commission on Peace Officer Standards and Training shall serve in a probationary status for not less than one year from the date of appointment. (Education Code 45113, 45301)

Probationary employees shall receive written performance evaluations by their supervisor during the probationary period. These evaluations shall indicate whether the evaluator is satisfied or not satisfied with the employee's ability, performance, and compatibility with the job.

The district may, without cause, dismiss a new employee during the probationary period.

Permanent employees promoted to a higher classification shall be considered probationary in their new position until they have satisfactorily completed the probationary period.

A permanent employee who accepts a promotion and fails to complete the probationary period for that promotional position shall be employed in the classification from which the employee was promoted. (Education Code 45113, 45301)

This policy shall be made available to classified employees and the public. (Education Code 45113)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 45113

Notification of charges; classified employees -
<https://simbli.eboardsolutions.com/SU/ipluslv7IKgjZqYaGNLdhSslshXw==>

Ed. Code 45240-45320

Merit system -
<https://simbli.eboardsolutions.com/SU/ZewEnmUlwNuv3WapgPmX5Q==>

Management Resources References

Description

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmpETuDslshXk6R5akQ==>

Website

California School Employees Association -
<https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==>

Policy 4217.2: Resignation

Status: DRAFT

Original Adopted Date: Pending

Any district employee who desires to resign his/her position shall submit, in writing, a letter of resignation which indicates the date which the employee intends as his/her last day at work. The Governing Board encourages employees to provide advance notice that is appropriate for the position they hold.

An employee's written resignation shall be submitted to the Board in care of the Superintendent or designee. The Board shall set the date when the resignation takes effect. Once the date is formally set by the Board, the resignation may not thereafter be withdrawn by the employee.

The effective date of the resignation shall be a date not later than the close of the school year during which the resignation is received. However, an employee and the Board may agree that a resignation will be accepted at a mutually agreed upon date not later than two years beyond the close of the school year during which the resignation is received by the Board. (Education Code 44930, 45201)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80304	Notice of sexual misconduct
Ed. Code 35161	Board delegation of any powers or duties - https://simbli.eboardsolutions.com/SU/slsh1PplusGg7pf1zBSnE4YBslshMOQ==
Ed. Code 44420	Failure to fulfill contract as ground for suspension of diplomas and certificates - https://simbli.eboardsolutions.com/SU/qGbrmz0wdvy43qm1LbfOzA==
Ed. Code 44433	Unauthorized departure from service as unprofessional conduct - https://simbli.eboardsolutions.com/SU/K9CvfOXVY7RhM3iRDIIQQA==
Ed. Code 44930	Acceptance and date of resignation - https://simbli.eboardsolutions.com/SU/ixplusPeSRGwHCJBpRPxcQLbg==
Ed. Code 45201	Power to accept resignation - https://simbli.eboardsolutions.com/SU/yVi3i7oFAslshDFqPuCxPpt9g==

Management Resources References

Description

Court Decision	American Federation of Teachers, Local #1050 v. Board of Education of Pasadena Unified School District, (1980) 107 Cal.App.3d 829
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==

Regulation 4217.5: Termination Agreements

Status: DRAFT

Original Adopted Date: Pending

If a termination settlement agreement has been made with an employee, the Superintendent or designee shall inform prospective employers, upon request for an employment reference, that an agreement exists and that he/she may only provide information as provided for in the agreement.

Cash settlements made upon the termination of a contract shall never exceed an amount equal to the employee's monthly salary multiplied by the number of months, up to 18, in the unexpired term of the contract. This amount is a maximum ceiling, not to be construed as a target amount for settlement agreements. (Government Code 53260)

Settlement agreements shall not include noncash items other than health benefits, which the district may offer to continue for the unexpired term up to 18 months or until the employee finds other employment, whichever comes first. (Government Code 53261)

Copies of settlement agreements with a superintendent, deputy superintendent, assistant superintendent, associate superintendent or other similar chief administrative officer or chief executive officer shall be made available to the public upon request. (Government Code 53262)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80332	Professional candor and honesty in letters or memoranda of employment recommendation
Civ. Code 47	Privileged communication - https://simbli.eboardsolutions.com/SU/UaEr9ZLNpDYok3lslshyDvE3w==
Gov. Code 53260-53264	Employment contracts - https://simbli.eboardsolutions.com/SU/erJtnEqGW6DdW4AygbnhrQ==
Lab. Code 1198.5	Personnel records related to performance and grievance - https://simbli.eboardsolutions.com/SU/iplusuemky4rWRUn5xrfzUTCw==

Management Resources References

	Description
Court Decision	Board of Trustees of Leland Stanford Junior University v. Superior Court, (1981) 119 Cal. App. 3d 516
Court Decision	Randi W. v. Muroc Joint Unified School District et al., (1997) 14 Cal. 4th 1066
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==

Policy 4219.1: Civil And Legal Rights

Status: DRAFT

Original Adopted Date: Pending

The Governing Board believes that the personal life of an employee is not an appropriate concern of the district, except as it may directly relate to the performance of the employee's duties.

District employees may engage in private, personal activities, including the exercise of their religious, political, cultural, social or other beliefs or activities, during personal time including when employees are not on duty or engaged in the supervision or instruction of students.

The district shall make no inquiry concerning the personal values, attitudes, and beliefs of district employees or their sexual orientation or political or religious affiliations, beliefs, or opinions except when authorized by law. In addition, no district employee shall be required to provide critical appraisals of other individuals with whom the employee has a familial relationship. However, the district reserves the right to access any publicly available information about any employee.

No employee shall be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a student engaged in conduct authorized under Education Code 48907 or 48950.

When necessary to protect the health, welfare, or safety of students and staff, school officials may search district property under an employee's control.

Whistleblower Protection

An employee shall have the right to disclose to a Board member, a school administrator, a member of the County Board of Education, the County Superintendent of Schools, or the Superintendent of Public Instruction any improper governmental activity by the district or a district employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetency, or inefficiency. When the employee has reasonable cause to believe that the information discloses a violation of state or federal statute or a violation of or noncompliance with a state or federal rule or regulation, the employee has the right to disclose such information to a government or law enforcement agency or to refuse to participate in any such activity. (Education Code 44112, 44113; Labor Code 1102.5)

The Superintendent or designee shall prominently display in lettering larger than size 14 point type a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline maintained by the office of the California Attorney General. (Labor Code 1102.7, 1102.8)

No employee shall use or attempt to use official authority status or influence to intimidate, threaten, coerce, or command, or attempt to intimidate, threaten, coerce, or command, another employee for the purpose of interfering with that employee's right to disclose improper governmental activity. (Education Code 44113)

An employee who has disclosed improper governmental activity and believes that acts or attempted acts of reprisal have subsequently occurred shall file a written complaint in accordance with the district's complaint procedures. After filing a complaint with the district, the employee may also file a copy of the complaint with local law enforcement and/or seek civil law remedies against the supervisor or administrator who retaliated or attempted to retaliate against the employee, in accordance with Education Code 44114.

Protection Against Liability

No employee shall be liable for harm caused by the employee's act or omission when acting within the scope of employment or district responsibilities, the employee's act or omission is in conformity with federal, state, and local laws, district policy, or administrative regulation, and the employee's act or omission is in furtherance of an effort to control, discipline, expel, or suspend a student or to maintain order or control in the classroom or school. (20 USC 7946)

The protection against liability shall not apply when: (20 USC 7946)

1. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to rights or safety of the individual harmed.

2. The employee caused harm by operating a motor vehicle or other vehicle requiring license or insurance.
3. The employee was not properly licensed, if required, by state law for such activities.
4. The employee was found by a court to have violated a federal or state civil rights law.
5. The employee was under the influence of alcohol or any drug at the time of the misconduct.
6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court.
7. The misconduct involved a sexual offense for which the employee has been convicted in a court.
8. The misconduct occurred during background investigations, or other actions, involved in the employee's hiring.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

CA Constitution Article 1, Section 1	Inalienable rights - https://simbli.eboardsolutions.com/SU/v13IPOwHIRP78VvbipluskF8Q==
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Ed. Code 44040	Discrimination based on employee's appearance before certain boards or committees - https://simbli.eboardsolutions.com/SU/NTfT3fEqslshSSMgYD514KBEQ==
Ed. Code 44110-44114	Reporting by school employees of improper governmental activity - https://simbli.eboardsolutions.com/SU/4sbGHtoaKQKEpukC0PXGsQ==
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations - https://simbli.eboardsolutions.com/SU/KDSjnurlBlr2KdV5numJiQ==
Ed. Code 48950	Speech and other communication - https://simbli.eboardsolutions.com/SU/Q5itwgUPloTFejGslshDadJ4g==
Ed. Code 49091.24	Teacher rights to refuse evaluation/survey of personal life - https://simbli.eboardsolutions.com/SU/plusF9IMKQgXNnACsb8meXgxQ==
Ed. Code 7050-7058	Political activities of school officers and employees - https://simbli.eboardsolutions.com/SU/5YoLGlwWfbAw1M58GNpvRw==
Gov. Code 12650-12656	False claims actions - https://simbli.eboardsolutions.com/SU/jvslsh6plusslshCnB1t2uYvwepRqpg==
Gov. Code 12940-12953	Discrimination prohibited; unlawful practices - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQHQ9yA==
Gov. Code 3540.1	Public employment; definitions - https://simbli.eboardsolutions.com/SU/1rRSSt4h2qTslshGbO6ucvzcA==
Gov. Code 3543.5	Interference with employee's rights prohibited - https://simbli.eboardsolutions.com/SU/8kx3q2FKiV0klkpV0vLoEA==
Gov. Code 815.3	Intentional torts - https://simbli.eboardsolutions.com/SU/OeGL9gTCRG8UY1QJkVapvQ==
Gov. Code 820-823	Tort claims act - https://simbli.eboardsolutions.com/SU/DqxneLjjmOxepusXC4pU6Gg==
Gov. Code 825.6	Indemnification of public entity - https://simbli.eboardsolutions.com/SU/In88fGslshPvpluspluslmlTmAZdCQ==
Lab. Code 1102.5-1106	Whistleblower protections - https://simbli.eboardsolutions.com/SU/bWuMcu9DRZg9ylvRCpFVMw==

Federal References

18 USC 16
20 USC 1681-1688
20 USC 7941-7948
42 USC 12101-12213
42 USC 2000d-2000d-7
42 USC 2000e-2000e-17
U.S. Constitution

Management Resources References

Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Website
Website

Description

Crime of violence; definition
Title IX of the Education Amendments of 1972; discrimination based on sex
Teacher liability protection
Americans with Disabilities Act
Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended
Amendment 1; Free exercise, free speech, and establishment clauses -
<https://simbli.eboardsolutions.com/SU/iMUl98OyDFSCBGcGx5DwnA==>

Description

Kennedy v. Bremerton (2022) 142 S.Ct. 2407
New Jersey v. T.L.O. (1985) 469 U.S. 325
Garcetti v. Ceballos (2006) 547 U.S. 410
Hartnett v. Crosier (2012) 205 Cal.App.4th 685
Johnson v. Poway Unified School District (2011) 658 F.3d 954
O'Conner v. Ortega (1987) 480 U.S. 709
Ohton v. CSU San Diego (2007) 56 Cal.Rptr.3d 111
CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>
California Office of the Attorney General -
<https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==>

Policy 4219.11: Sexual Harassment

Status: DRAFT

Original Adopted Date: Pending

The following policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions.

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 employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to employees and others to whom the policy may apply
3. Ensuring prompt, thorough, fair, and equitable investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

Sexual Harassment Reports and Complaints

District employees who feel that they have been sexually harassed in the performance of their district responsibilities or who have knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to their direct supervisor, a district administrator, or the district's Title IX Coordinator. Employees may bypass their supervisor in filing a complaint if the supervisor is the subject of the complaint. A supervisor or administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or AR 4030 - Nondiscrimination in Employment, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 4119.12/4219.12/4319.12 concurrently meets the requirements of AR 4030.

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Upon investigation of a sexual harassment complaint, any district employee found to have engaged or participated in sexual harassment or to have aided, abetted, incited, compelled, or coerced another to commit sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the

policy.

State References

2 CCR 11006-11086

2 CCR 11009

2 CCR 11021

2 CCR 11023

2 CCR 11024

2 CCR 11034

5 CCR 4900-4965

Ed. Code 200-262.4

Gov. Code 12900-12996

Gov. Code 12940

Gov. Code 12950

Gov. Code 12950.1

Lab. Code 1101

Lab. Code 1102.1

Federal References

20 USC 1681-1688

34 CFR 106.1-106.9

34 CFR 106.51-106.61

42 USC 2000e-2000e-17

Management Resources References

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

U.S. Equal Employment Opportunity Com.
Publication

Description

Discrimination in employment -

<https://simbli.eboardsolutions.com/SU/jUNOUneBGplusu4fVMYTIWMKA==>

Employment discrimination

Discrimination in employment - retaliation -

<https://simbli.eboardsolutions.com/SU/iTztgujF38E1spcl6qvQZw==>

Harassment and discrimination prevention and correction -

<https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==>

Required training and education on harassment based on sex, gender identity
and expression, and sexual orientation -

<https://simbli.eboardsolutions.com/SU/WdslshVrKs4pluscfHplushNGLhCeQw==>

Terms, conditions, and privileges of employment -

<https://simbli.eboardsolutions.com/SU/jX8JHDplusuhtEPVPUCVlvsTA==>

Nondiscrimination in elementary and secondary educational programs receiving
state or federal financial assistance

Prohibition of discrimination -

<https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>

Fair Employment and Housing Act -

<https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==>

Unlawful discriminatory employment practices -

<https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==>

Sexual harassment -

<https://simbli.eboardsolutions.com/SU/h4EWslsh77h5LPVLOIU3XnZ3A==>

Sexual harassment training -

<https://simbli.eboardsolutions.com/SU/Qn3RaMj3XP2OFpBLMjWdJA==>

Political activities of employees -

<https://simbli.eboardsolutions.com/SU/6iMX1rL2slsh0UKf5WEsCqaZg==>

Discrimination: sexual orientation

Description

Title IX of the Education Amendments of 1972; discrimination based on sex

Nondiscrimination on the basis of sex in education programs or activities

Nondiscrimination on the basis of sex in employment in education program
or activities

Title VII, Civil Rights Act of 1964, as amended

Description

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

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

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

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

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

Promising Practices for Preventing Harassment, November 2017

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==
Website	U.S. Equal Employment Opportunity Commission - https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==

Regulation 4219.11: Sexual Harassment

Status: DRAFT

Original Adopted Date: Pending

The following administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

Definitions

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, regardless of whether or not the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or educational setting under any of the following conditions: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment.
4. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district.

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the person's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

Examples of Sexual Harassment

Examples of actions that might constitute sexual harassment under state or federal law in accordance with the definitions above, in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

Title IX Coordinator/Compliance Officer

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, as well as to oversee, investigate, and resolve sexual harassment complaints processed under AR 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be

contacted at:

Director of Human Resources
2695 S. Valentine Ave
Fresno, CA 93706
559-233-6501 ext. 139
tamita_b@wpesd.org

Training

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

A supervisory employee is any employee having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

Such training may be completed by employees individually or as part of a group presentation, may be completed in shorter segments as long as the applicable hourly requirement is met, and may be provided in conjunction with other training provided to the employees. The training shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1)

The district's sexual harassment training and education program shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws concerning the prohibition, prevention, and correction of sexual harassment
2. The types of conduct that constitute sexual harassment
3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability
4. Strategies to prevent harassment in the workplace
5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware
6. Practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
7. The limited confidentiality of the complaint process
8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment
9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the district's obligation to conduct an effective workplace investigation of a harassment complaint
10. What to do if the supervisor is personally accused of harassment
11. The essential elements of the district's anti-harassment policy, and how to use the policy if a harassment complaint is filed

Employees shall receive a copy of the district's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.

12. Information, including practical examples, of harassment based on gender identity, gender expression, and

sexual orientation

13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and other in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR 11024)

Notifications

The Superintendent or designee shall notify employees that the district does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

The district shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

A copy of the Board policy and this administrative regulation shall:

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired (Education Code 231.5)
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 (Education Code 231.5)
4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's web site (34 CFR 106.8)
5. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to employees or employee organizations (34 CFR 106.8)

All employees shall receive a copy of an information sheet prepared by the California Department of Fair Employment and Housing (DFEH) or the district that contains, 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 11021 for opposing harassment prohibited by law or for 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, the DFEH poster on discrimination in

employment and the illegality of sexual harassment and the DFEH poster regarding transgender rights. (Government Code 12950)

Complaint Procedures

All complaints and allegations of sexual harassment by and against employees shall be investigated and resolved in accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to AR 4030 - Nondiscrimination in Employment.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, and address any continuing effects.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

2 CCR 11006-11086	Discrimination in employment - https://simbli.eboardsolutions.com/SU/jUNOUneBGplusu4fVMYTIWMKA==
2 CCR 11009	Employment discrimination
2 CCR 11021	Discrimination in employment - retaliation - https://simbli.eboardsolutions.com/SU/iTztgujF38E1spcl6qvQZw==
2 CCR 11023	Harassment and discrimination prevention and correction - https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation - https://simbli.eboardsolutions.com/SU/WdslshVrKs4pluscfHplushNGLhCeQw==
2 CCR 11034	Terms, conditions, and privileges of employment - https://simbli.eboardsolutions.com/SU/jX8JHDplusuhtEPVPUCVlvsTA==
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Gov. Code 12900-12996	Fair Employment and Housing Act - https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==
Gov. Code 12940	Unlawful discriminatory employment practices - https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==
Gov. Code 12950	Sexual harassment - https://simbli.eboardsolutions.com/SU/h4EWslsh77h5LPVLOIU3XnZ3A==
Gov. Code 12950.1	Sexual harassment training - https://simbli.eboardsolutions.com/SU/Qn3RaMj3XP2OFPbLMjWdjA==
Lab. Code 1101	Political activities of employees - https://simbli.eboardsolutions.com/SU/6iMX1rL2slsh0UKf5WEsCqaZg==
Lab. Code 1102.1	Discrimination: sexual orientation

Federal References

Description

20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.9	Nondiscrimination on the basis of sex in education programs or activities

34 CFR 106.51-106.61

42 USC 2000e-2000e-17

Management Resources References

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

U.S. Equal Employment Opportunity Com.
Publication

Website

Website

Website

Website

Nondiscrimination on the basis of sex in employment in education program
or activities

Title VII, Civil Rights Act of 1964, as amended

Description

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

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

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

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

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

Promising Practices for Preventing Harassment, November 2017

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

California Civil Rights Department -
<https://simbli.eboardsolutions.com/SU/RIsIshmyzTCzMSVplus4uuCqYvZA==>

U.S. Department of Education, Office for Civil Rights -
<https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==>

U.S. Equal Employment Opportunity Commission -
<https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==>

Regulation 4219.12: Title IX Sexual Harassment Complaint Procedures

Status: DRAFT

Original Adopted Date: Pending

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity in which a district school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on a person's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

All other sexual harassment complaints or allegations shall be investigated and resolved in accordance with AR 4030 - Nondiscrimination in Employment. The determination of whether the allegations meet the definition of sexual harassment under Title IX shall be made by the district's Title IX Coordinator.

Because the complainant has a right to pursue a complaint under AR 4030 for any allegation that is dismissed or denied under the Title IX complaint procedure, the Title IX Coordinator shall ensure that all requirements and timelines for AR 4030 are concurrently met while implementing the Title IX procedure.

Reporting Allegations/Filing a Formal Complaint

An employee who is the alleged victim of sexual harassment may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in AR 4119.11/4219.11/4319.11 - Sexual Harassment or to the employee's direct supervisor or other district administrator, who shall forward the report to the Title IX Coordinator within one day of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint.

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations when a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations, including as part of the district's obligation to not be deliberately indifferent to known allegations of sexual harassment. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

The Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and not unreasonably burden the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines, modifications of work schedules, mutual restrictions on contact, changes in work locations, leaves of absence, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The district shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

If the respondent is a student, the district may, on an emergency basis, remove the student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

Dismissal of Complaint

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint in which the alleged conduct did not occur in the district's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal of a formal complaint or any allegation in the complaint in accordance with the appeal procedures described in the section "Appeals" below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to AR 4030 - Nondiscrimination in Employment as applicable.

Informal Resolution Process

When a formal complaint of sexual harassment is filed, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process

Written Notice

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time

for the parties to prepare a response before any initial interview.

If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

Investigation Procedures

During the investigation process, the district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. (34 CFR 106.45)

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be

applied to the extent they do not conflict with the Title IX requirements.

Written Decision

The Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

In making this determination, the decision-maker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the district's code of conduct or policies to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant
6. The district's procedures and permissible bases for the complainant and respondent to appeal

Appeals

Either party may appeal the district's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
4. Issue a written decision describing the result of the appeal and the rationale for the result

5. Provide the written decision simultaneously to both parties

An appeal must be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

Remedies

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Disciplinary Actions

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom.
2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances.
3. All materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 4600-4670

5 CCR 4900-4965

Description

Uniform complaint procedures

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor - https://simbli.eboardsolutions.com/SU/NSknepeFduiYWusJFnU3r9Q==
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships - https://simbli.eboardsolutions.com/SU/RFwiKgYI364luH8a6QAqdg==
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Ed. Code 48900	Grounds for suspension or expulsion - https://simbli.eboardsolutions.com/SU/ty00CSnFfkJelBt0Nh9REw==
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment - https://simbli.eboardsolutions.com/SU/KVa0jqNchW502GJLypluskkdg==
Ed. Code 48985	Notices to parents in language other than English - https://simbli.eboardsolutions.com/SU/LHS9yg0UBYa76W1AgydnA==
Gov. Code 12950.1	Sexual harassment training - https://simbli.eboardsolutions.com/SU/Qn3RaMj3XP2OFpBLmJWdjA==

Federal References

20 USC 1092
20 USC 1221
20 USC 1681-1688
34 CFR 106.1-106.82
34 CFR 99.1-99.67
34 USC 12291
42 USC 1983
42 USC 2000d-2000d-7
42 USC 2000e-2000e-17

Management Resources References

Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Website
Website
Website
Website

Description

Definition of sexual assault
Application of laws
Title IX of the Education Amendments of 1972; discrimination based on sex
Nondiscrimination on the basis of sex in education programs
Family Educational Rights and Privacy
Definition of dating violence, domestic violence, and stalking
Civil action for deprivation of rights
Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended

Description

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxk6R5akQ==>
CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>
California Department of Education - <https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>
U.S. Department of Education, Office for Civil Rights - <https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==>

Exhibit 4219.12-E(1): Title IX Sexual Harassment Complaint Procedures

Status: DRAFT

Original Adopted Date: Pending

NOTICE OF TITLE IX SEXUAL HARASSMENT POLICY

The Code of Federal Regulations, Title 34, Section 106.8 requires the district to issue the following notification to employees, job applicants, and employee organizations:

The district does not discriminate on the basis of sex in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to employment. The district also prohibits retaliation against any employee for filing a complaint or exercising any right granted under Title IX.

Title IX requires a school district to take immediate and appropriate action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

The district has designated and authorized the following employee as the district's Title IX Coordinator, to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking:

Director of Human Resources
2695 South Valentine Avenue
Fresno, CA 93706
(559) 233-6501
tamita_b@wpesd.org

Any individual may report sex discrimination, including sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon receiving an allegation of sexual harassment, the Title IX Coordinator will promptly notify the parties, in writing, of the applicable district complaint procedure.

To view an electronic copy of the district's policies and administrative regulations on sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment and AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures on the district's web site at <https://www.westpark.k12.ca.us/>.

To inspect or obtain a copy of the district's sexual harassment policies and administrative regulations, please contact: 2695 South Valentine Avenue Fresno, CA 93706, (559) 233-6501, tamita_b@wpesd.org.

Materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process are also publicly available on the district's web site or at the district office upon request.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 4600-4670

5 CCR 4900-4965

Civ. Code 1714.1

Civ. Code 51.9

Description

Uniform complaint procedures

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Liability of parent or guardian for act of willful misconduct by a minor - <https://simbli.eboardsolutions.com/SU/NSknePFduiYWusJFnU3r9Q==>

Liability for sexual harassment; business, service and professional relationships - <https://simbli.eboardsolutions.com/SU/RFwiKgYI364luH8a6QAqdg==>

Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Ed. Code 48900	Grounds for suspension or expulsion - https://simbli.eboardsolutions.com/SU/ty00CSnFfkJelBt0Nh9REw==
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment - https://simbli.eboardsolutions.com/SU/KVa0jqNchW502GJLypluskkdg==
Ed. Code 48985	Notices to parents in language other than English - https://simbli.eboardsolutions.com/SU/LHS9yg0UBYa76W1AygydnA==
Gov. Code 12950.1	Sexual harassment training - https://simbli.eboardsolutions.com/SU/Qn3RaMj3XP2OFpBLmJWdjA==

Federal References

20 USC 1092
20 USC 1221
20 USC 1681-1688
34 CFR 106.1-106.82
34 CFR 99.1-99.67
34 USC 12291
42 USC 1983
42 USC 2000d-2000d-7
42 USC 2000e-2000e-17

Management Resources References

Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision

Website

Website

Website

Website

Description

Definition of sexual assault
Application of laws
Title IX of the Education Amendments of 1972; discrimination based on sex
Nondiscrimination on the basis of sex in education programs
Family Educational Rights and Privacy
Definition of dating violence, domestic violence, and stalking
Civil action for deprivation of rights
Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended

Description

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==>
CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>
California Department of Education -
<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>
U.S. Department of Education, Office for Civil Rights -
<https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==>

Policy 4219.21: Professional Standards

Status: DRAFT

Original Adopted Date: Pending

The Governing Board expects district employees to maintain the highest ethical standards, behave professionally, follow district policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community. Employees shall engage in conduct that enhances the integrity of the district, advances the goals of the district's educational programs, and contributes to a positive school climate.

The Board encourages district employees to accept as guiding principles the professional standards and codes of ethics adopted by educational or professional associations to which they may belong.

Each employee is expected to acquire the knowledge and skills necessary to fulfill his/her responsibilities and to contribute to the learning and achievement of district students.

Inappropriate Conduct

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon
2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed
3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child
4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student
5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time
6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members
7. Willfully disrupting district or school operations by loud or unreasonable noise or other action
8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace, on district property, or at a school-sponsored activity
9. Being dishonest with students, parents/guardians, staff, or members of the public, including, but not limited to, falsifying information in employment records or other school records
10. Divulging confidential information about students, district employees, or district operations to persons or entities not authorized to receive the information
11. Using district equipment or other district resources for the employee's own commercial purposes or for political activities
12. Using district equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity

Employees shall be notified that computer files and all electronic communications, including, but not limited to, email and voice mail, are not private. To ensure proper use, the Superintendent or designee may monitor employee usage of district technological resources at any time without the employee's consent.

13. Causing damage to or engaging in theft of property belonging to students, staff, or the district

14. Wearing inappropriate attire

Reports of Misconduct

An employee who observes or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the principal or Superintendent or designee. An employee who has knowledge of or suspects child abuse or neglect shall file a report pursuant to the district's child abuse reporting procedures as detailed in AR 5141.4 - Child Abuse Prevention and Reporting.

Any reports of employee misconduct shall be promptly investigated. Any employee who is found to have engaged in inappropriate conduct in violation of law or Board policy shall be subject to disciplinary action and, in the case of a certificated employee, may be subject to a report to the Commission on Teacher Credentialing. The Superintendent or designee shall notify local law enforcement as appropriate.

An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

The district prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the district's complaint process shall be subject to discipline.

Notifications

The section(s) of the district's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or district web sites. (Education Code 44050)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80331-80338	Rules of conduct for professional educators
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==
Ed. Code 44050	Employee code of conduct; interaction with students - https://simbli.eboardsolutions.com/SU/PNtpd4THa36YECTORI1Zplusg==
Ed. Code 44242.5	Reports and review of alleged misconduct - https://simbli.eboardsolutions.com/SU/SL5BDvLdVAk9EMX75FbOHA==
Ed. Code 48980	Parent/Guardian notifications - https://simbli.eboardsolutions.com/SU/cpMsBKX1tOwUiWgEwSKp5g==
Pen. Code 11164-11174.4	Child Abuse and Neglect Reporting Act - https://simbli.eboardsolutions.com/SU/LXrSYQXKUmYy5slshAWDWWksw==

Management Resources References

	Description
Commission on Teacher Credentialing Publication	California Professional Standards for Educational Leaders, February 2014
Commission on Teacher Credentialing Publication	California Standards for the Teaching Profession (CSTP), October 2009
Council of Chief State School Officers Publication	Professional Standards for Educational Leaders, 2015
National Education Association Publication	Code of Ethics of the Education Profession, 1975
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==

Website	Council of Chief State School Officers - https://simbli.eboardsolutions.com/SU/DQca6f2Jts6S9lUCF6yTKQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJlnbikoQhGwsWiH4ztXQ==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUulsaq7efc7aH4Q==
Website	WestEd - https://simbli.eboardsolutions.com/SU/T0pumukb4iozXYflh5opZA==
Website	Association of California School Administrators - https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHyxBdPXeA==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
WestEd Publication	Moving Leadership Standards into Everyday Work: Descriptions of Practice, 2003

Exhibit 4219.21-E(1): Professional Standards

Status: DRAFT

Original Adopted Date: Pending

**CODE OF ETHICS
CLASSIFIED EMPLOYEES**

School employees who are in daily contact with many phases of educational work should be persons whose conduct is beyond reproach and who sincerely believe in the advancement of education and the betterment of working conditions; therefore, the California School Employees' Association proposes this Code of Ethics as a standard for its members.

AS A SCHOOL EMPLOYEE I WILL:

1. Be proud of my vocation in order that I may use my best endeavors to elevate the standards of my position so that I may merit a reputation for high quality of service -- to the end that others may emulate my example.
2. Be a person of integrity, clean speech, desirable personal habits, and physical fitness.
3. Be just in my criticism and be generous in my praise; to improve and not destroy.
4. At all times be courteous in my relations with students, parents, teachers and others.
5. Be a resourceful person who readily adapts himself to different kinds of work and changed conditions and finds better ways to do things.
6. Conduct myself in a spirit of friendly helpfulness to my fellow employees to the end that I will consider no personal success legitimate or ethical which is secured by taking unfair advantage of another.
7. Associate myself with employees of other districts for the purpose of discussing school problems and cooperating in the improvement of public school conditions.
8. Always uphold my obligations as a citizen to my nation, my state, my school district and my community, and give them unswerving loyalty.
9. Always bear in mind that the purpose of CSEA is to promote the efficiency and raise the standards of all school employees and that I shall be equally obligated to assist all my fellow workers.

SOURCE: CALIFORNIA SCHOOL EMPLOYEES' ASSOCIATION

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80331-80338	Rules of conduct for professional educators
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Ed. Code 44050	Employee code of conduct; interaction with students - https://simbli.eboardsolutions.com/SU/PNtpd4THa36YECTORI1Zplusg==
Ed. Code 44242.5	Reports and review of alleged misconduct - https://simbli.eboardsolutions.com/SU/SL5BDvLdVak9EMX75FbOHA==
Ed. Code 48980	Parent/Guardian notifications - https://simbli.eboardsolutions.com/SU/cpMsBKX1tOwUiWgEwSKp5g==
Pen. Code 11164-11174.4	Child Abuse and Neglect Reporting Act - https://simbli.eboardsolutions.com/SU/LXrSYQXKUmyY5slshAWDWKwsw==

Management Resources References

Commission on Teacher Credentialing
Publication

Commission on Teacher Credentialing
Publication

Council of Chief State School Officers
Publication

National Education Association Publication

Website

Website

Website

Website

Website

Website

Website

Website

Website

Website

WestEd Publication

Description

California Professional Standards for Educational Leaders, February 2014

California Standards for the Teaching Profession (CSTP), October 2009

Professional Standards for Educational Leaders, 2015

Code of Ethics of the Education Profession, 1975

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Council of Chief State School Officers -
<https://simbli.eboardsolutions.com/SU/DQca6f2Jts6S9IUCF6yTKQ==>

California Federation of Teachers -
<https://simbli.eboardsolutions.com/SU/6TJlnbikoQhGwsWiH4ztXQ==>

California School Employees Association -
<https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==>

California Teachers Association -
<https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==>

Commission on Teacher Credentialing -
<https://simbli.eboardsolutions.com/SU/cxWNiqRUulsaq7efc7aH4Q==>

WestEd -
<https://simbli.eboardsolutions.com/SU/T0pumukb4iozXYflh5opZA==>

Association of California School Administrators -
<https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHxYbDPXeA==>

California Department of Education -
<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>

CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Moving Leadership Standards into Everyday Work: Descriptions of Practice,
2003

Policy 4219.22: Dress And Grooming

Status: DRAFT

Original Adopted Date: Pending

The Governing Board believes that appropriate dress and grooming by district employees contribute to a productive learning environment and model positive behavior. During school hours and at school activities, employees shall maintain professional standards of dress and grooming that demonstrate their high regard for education, present an image consistent with their job responsibilities and assignment, and do not endanger the health or safety of employees or students. All employees shall be held to the same standards unless their assignment provides for modified dress as approved by their supervisor.

The district shall allow employees to appear and dress in a manner consistent with their gender identity or gender expression. (Government Code 12949)

The district shall not discriminate against employees based on hair texture and protective hairstyles, including, but not limited to, braids, locks, and twists. (Government Code 12926)

The district shall not dismiss an employee, discriminate against an employee in compensation or in terms, conditions, or privileges of employment, or refuse to hire a job applicant on the basis of religious dress or grooming practices. (Government Code 12926, 12940)

This policy shall be presented to employees upon employment, through the employee handbook or other appropriate means, and may be periodically reviewed with all employees as necessary.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 35160	Authority of governing boards - https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==
Ed. Code 35160.1	Broad authority of school districts - https://simbli.eboardsolutions.com/SU/ewe0Cc8cKGTgDzaAt5MKhw==
Gov. Code 12926	Definitions - https://simbli.eboardsolutions.com/SU/fp6xQmGSukcAWJ60VowoVA==
Gov. Code 12940	Unlawful discriminatory employment practices - https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==
Gov. Code 12949	Dress standards; consistency with gender identity - https://simbli.eboardsolutions.com/SU/liSPUvwxgQ3LJOU9AB1UNw==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==

Management Resources References

Description

CA Civil Rights Department Publication	Transgender Rights in the Workplace
Court Decision	Domico v. Rapides Parish School Board (5th Cir. 1982) 675 F.2d 100
Court Decision	East Hartford Education Assn. v. Board of Education (2d Cir. 1977) 562 F. 2d 856
Court Decision	Finot v. Pasadena Board of Education (1967) 250 Cal.App.2d 189
Court Decision	San Mateo City School District v. PERB (1983) 33 Cal. 3d 850
Public Employment Relations Board Decision	Inglewood United School District (1985) 10 PERC P17, 000
Public Employment Relations Board Decision	Santa Ana Unified School District (1998) 22 PERC P29, 136
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslishXk6R5akQ==

Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==

Policy 4219.23: Unauthorized Release Of Confidential/Privileged Information

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the importance of keeping confidential information confidential. 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.

Disclosure of Closed Session Information

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

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)

An employee who willfully discloses confidential information acquired during a closed session may be subject to disciplinary action if he/she has 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
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

An employee who willfully releases confidential/privileged information about the district, students or staff shall be subject to disciplinary action.

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.

Any action by an employee which inadvertently or carelessly results in release of confidential/privileged information shall be recorded, and the record shall be placed in the employee's personnel file. Depending on the circumstances, 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.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 35010

Ed. Code 35146

Description

Control of district; prescription and enforcement of rules -
<https://simbli.eboardsolutions.com/SU/OQVSplusCEZXMhIMKVyv3kBA==>

Closed sessions regarding suspensions -
<https://simbli.eboardsolutions.com/SU/faH69lw/LAJf8Pqslshf87uhg==>

Ed. Code 35160	Authority of governing boards - https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==
Ed. Code 44031	Personnel file contents and inspection - https://simbli.eboardsolutions.com/SU/fM4Aplus8QNx9VcNqdAnloxRw==
Ed. Code 44932	Grounds for dismissal of permanent employees - https://simbli.eboardsolutions.com/SU/Hjuplus3jud6Dn34xkR8B7BhA==
Ed. Code 44933	Other grounds for dismissal - https://simbli.eboardsolutions.com/SU/qjyaHdDoOWHO3TXIZg1Q5g==
Ed. Code 45113	Notification of charges; classified employees - https://simbli.eboardsolutions.com/SU/ipluslv7IKgjZqYaGNLdhSslshXw==
Ed. Code 49060-49079	Student records - https://simbli.eboardsolutions.com/SU/48PbpM8vuGlggyF7weQSbw==
Gov. Code 1098	Disclosure of confidential information - https://simbli.eboardsolutions.com/SU/KAjhoUBFjAdTPaUjBwTDLw==
Gov. Code 54950-54963	The Ralph M. Brown Act - https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==
Gov. Code 7920.000-7930.215	California Public Records Act - https://simbli.eboardsolutions.com/SU/IBl6lfok6zP3Bde1F55TFg==

Federal References

20 USC 1232g

Description

Family Educational Rights and Privacy Act (FERPA) of 1974

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Website

CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Policy 4219.24: Maintaining Appropriate Adult-Student Interactions

Status: DRAFT

Original Adopted Date: Pending

The Governing Board desires to provide a positive school environment that protects the safety and well-being of district students. The Board expects all adults with whom students may interact at school or in school-related activities, including employees, independent contractors, and volunteers, to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting. Such adults shall not engage in unlawful or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

Employees are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

Any employee who observes or has knowledge of another employee's violation of this policy shall report the information to the Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the Superintendent or designee. The Superintendent or designee shall protect anyone who reports a violation from retaliation. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

Employees who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from school grounds and activities in accordance with law. The Superintendent or designee may also notify law enforcement as appropriate.

The district's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or district web sites. (Education Code 44050)

Inappropriate Conduct

Employees shall remain vigilant of their position of authority and not abuse it when relating with students. Examples of employee conduct that can undermine professional adult-student interactions or create the appearance of impropriety include, but are not limited to:

1. Initiating inappropriate physical contact
2. Being alone with a student outside of the view of others
3. Visiting a student's home or inviting a student to visit the employee's home without parent/guardian consent
4. Maintaining personal contact with a student that has no legitimate educational purpose, by phone, letter, electronic communications, or other means, without including the student's parent/guardian or the principal

When communicating electronically with students, employees shall use district equipment or technological resources when available. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent.

5. Creating or participating in social networking sites for communication with students, other than those created by the district, without the prior written approval of the principal or designee
6. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business

7. Singling out a particular student for personal attention and friendship, including giving gifts and/or nicknames to individual students
8. Addressing a student in an overly familiar manner, such as by using a term of endearment
9. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities
10. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose
11. Transporting a student in a personal vehicle without prior authorization
12. Encouraging students to confide their personal or family problems and/or relationships
13. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80304	Notice of sexual misconduct
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct - https://simbli.eboardsolutions.com/SU/xkijVQVFAXQBAOXIYWplus7WA==
Ed. Code 44050	Employee code of conduct; interaction with students - https://simbli.eboardsolutions.com/SU/PNtpd4THa36YECTORI1Zplusg==
Ed. Code 44242.5	Reports and review of alleged misconduct - https://simbli.eboardsolutions.com/SU/SL5BDvLdVAk9EMX75FbOHA==
Ed. Code 44940	Compulsory leave of absence for certificated persons - https://simbli.eboardsolutions.com/SU/TXIEslshPquo8Kz7N8psqEtqA==
Ed. Code 48980	Parent/Guardian notifications - https://simbli.eboardsolutions.com/SU/cpMsBKX1tOwUiWgEwSKp5g==
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act - https://simbli.eboardsolutions.com/SU/d2kLxTbwlOmuFq7YpUplusplusqA==

Management Resources References

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDslshXk6R5akQ==
---------	---

Policy 4219.25: Political Activities Of Employees

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the importance of political activity, voting, and civic engagement, and respects the right of district employees to engage in political discussions and activities as individuals on their own time and at their own expense. When engaging in such activities, employees shall make it clear that they are acting on their own behalf and not as representatives of the district.

District employees, as members of the community, may use school facilities for meetings, including political activities, as permitted under the Civic Center Act and district policy.

Employees shall refrain from prohibited political activities identified in law, Board policy, and administrative regulations. Employees who engage in these activities shall be subject to disciplinary action and/or criminal penalties.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

State References	Description
Ed. Code 38130-38139	Civic Center Act - https://simbli.eboardsolutions.com/SU/tloM8gkAiBJoSSNvFbplum4w==
Ed. Code 51520	Prohibited solicitations on school premises - https://simbli.eboardsolutions.com/SU/OHINokWcmplusTbNcUoyiAtzQ==
Ed. Code 7050-7058	Political activities of school officers and employees - https://simbli.eboardsolutions.com/SU/5YoLGlwWfbAw1M58GNpvRw==
Elec. Code 18304	Prohibition against use of district seal in campaign literature - https://simbli.eboardsolutions.com/SU/EubHeswHbkpslsh3YNevv4XqA==
Gov. Code 3543.1	Rights of employee organizations - https://simbli.eboardsolutions.com/SU/m7X7sU6S9KfjH0z33KIC6A==
Gov. Code 82041.5	Mass mailing - https://simbli.eboardsolutions.com/SU/oltrqWfQNXlN10EAbalquw==
Gov. Code 8314	Unlawful use of state resources - https://simbli.eboardsolutions.com/SU/wxE0E3jai89V8gV1GsXZaA==
Pen. Code 424	Embezzlement and falsification of accounts by public officers - https://simbli.eboardsolutions.com/SU/s3ZdylxMXy8wUvUi62SN9Q==

Management Resources References

Management Resources References	Description
Attorney General Opinion	77 Ops.Cal.Atty.Gen. 56 (1994)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 106 (2001)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 52 (2001)
Court Decision	Pickering v. Board of Education Township High School District, (1968) 88 S. Ct. 1731
Court Decision	L.A. Teachers Union v. L.A. City Board of Education, (1969) 71 Cal.2d 551
Court Decision	San Leandro Teachers Association v. Governing Board of the San Leandro Unified School District, (2010) 46 Cal. 4th 822
Court Decision	Diquisto v. County of Santa Clara, (2010) 181 Cal. App. 4th 236
Court Decision	Heffernan v. City of Paterson, (2016) 136 S. Ct. 1412
Court Decision	California Teachers Association v. Governing Board of San Diego Unified School District, (1996) 45 Cal.App. 4th 1383
Court Decision	Downs v. Los Angeles Unified School District, (9th Cir. 2000) 228 F.3d 1003
Public Employment Relations Board Ruling	Turlock Joint Elementary School District, (2004) PERB Dec. No. 1490a

Public Employment Relations Board Ruling	East Whittier School District (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	Conejo Valley Unified School District, (2009) PERB Dec. No. 2054
Public Employment Relations Board Ruling	City of Sacramento, (2019) PERB Dec. No. 2702m
Public Employment Relations Board Ruling	San Diego Community College District, (2001) PERB Dec. No.1467
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Attorney General's Office - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Regulation 4219.25: Political Activities Of Employees

Status: DRAFT

Original Adopted Date: Pending

No employee shall be prohibited from soliciting or receiving political funds or contributions to promote the support or defeat of a ballot measure during nonworking time, including before and after school, the lunch period, or other scheduled work intermittency during the school day. (Education Code 7056)

District employees shall not:

1. Use district funds, services, supplies, equipment, work hours, or other public resources to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Governing Board (Education Code 7054, 7056; Government Code 8314)
2. Use the district's seal in any campaign literature or mass mailing with the intent to deceive voters, including, but not limited to, the use of a reproduction or facsimile of the seal in a manner that creates a misleading, erroneous, or false impression that the document is authorized by the Board, a Board member, or the district (Elections Code 18304)
3. During working hours, solicit or receive any political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service or other working conditions (Education Code 7056)
4. During working hours, solicit or receive any political funds or contributions to promote the passage or defeat of other types of ballot measures
5. Use district equipment for the preparation or reproduction of political campaign materials
6. Post or distribute political campaign materials in classrooms, through distance learning platforms, or on district property
7. Disseminate political campaign materials through the district's mail service, e-mail, or staff mailboxes
8. Use students to write, address, or distribute political campaign materials
9. Present viewpoints on particular candidates or ballot measures in the classroom without giving equal time to the presentation of all perspectives
10. Wear buttons, hats, or other articles of clothing that express political opinions on ballot measures or candidates during instructional time

Political Activities of Employee Organizations

Employee organizations shall not use district funds, services, supplies, or equipment, such as staff mailboxes or the district mail system, to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Board. (Education Code 7054)

No employee organization or its officers, agents, or representatives shall be prohibited from soliciting or receiving political funds or contributions to promote the passage or defeat of a ballot measure during nonworking time, including before and after school, the lunch period, or other scheduled work intermittency during the school day. (Education Code 7056)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 38130-38139

Description

Civic Center Act -
<https://simbli.eboardsolutions.com/SU/tloM8gkAiBJoSSNvFbplum4w==>

Ed. Code 51520	Prohibited solicitations on school premises - https://simbli.eboardsolutions.com/SU/OHINokWcmplusTbNcUoyiAtzQ==
Ed. Code 7050-7058	Political activities of school officers and employees - https://simbli.eboardsolutions.com/SU/5YoLGlwWfbAw1M58GNpvRw==
Elec. Code 18304	Prohibition against use of district seal in campaign literature - https://simbli.eboardsolutions.com/SU/EubHeswHbkpslsh3YNevv4XqA==
Gov. Code 3543.1	Rights of employee organizations - https://simbli.eboardsolutions.com/SU/m7X7sU6S9KfjH0z33KIC6A==
Gov. Code 82041.5	Mass mailing - https://simbli.eboardsolutions.com/SU/oltrqWfQNXIN10EAbalquw==
Gov. Code 8314	Unlawful use of state resources - https://simbli.eboardsolutions.com/SU/wxE0E3jai89V8gV1GsXZaA==
Pen. Code 424	Embezzlement and falsification of accounts by public officers - https://simbli.eboardsolutions.com/SU/s3ZdylxMXY8wUvUi62SN9Q==

Management Resources References

	Description
Attorney General Opinion	77 Ops.Cal.Atty.Gen. 56 (1994)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 106 (2001)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 52 (2001)
Court Decision	Pickering v. Board of Education Township High School District, (1968) 88 S. Ct. 1731
Court Decision	L.A. Teachers Union v. L.A. City Board of Education, (1969) 71 Cal.2d 551
Court Decision	San Leandro Teachers Association v. Governing Board of the San Leandro Unified School District, (2010) 46 Cal. 4th 822
Court Decision	Diquisto v. County of Santa Clara, (2010) 181 Cal. App. 4th 236
Court Decision	Heffernan v. City of Paterson, (2016) 136 S. Ct. 1412
Court Decision	California Teachers Association v. Governing Board of San Diego Unified School District, (1996) 45 Cal.App. 4th 1383
Court Decision	Downs v. Los Angeles Unified School District, (9th Cir. 2000) 228 F.3d 1003
Public Employment Relations Board Ruling	Turlock Joint Elementary School District, (2004) PERB Dec. No. 1490a
Public Employment Relations Board Ruling	East Whittier School District (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	Conejo Valley Unified School District, (2009) PERB Dec. No. 2054
Public Employment Relations Board Ruling	City of Sacramento, (2019) PERB Dec. No. 2702m
Public Employment Relations Board Ruling	San Diego Community College District, (2001) PERB Dec. No.1467
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Attorney General's Office - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Policy 4219.41: Employees With Infectious Disease

Status: DRAFT

Original Adopted Date: Pending

The Governing Board desires to promote the health of district students and staff in order to reduce absenteeism and enhance employee and student performance. The Superintendent or designee shall develop strategies to prevent the outbreak or spread of infectious diseases at district schools.

An infectious disease is one that is caused by a microorganism and is potentially transmittable to another individual, whether through airborne transmission, bloodborne transmission, skin-to-skin contact, foodborne transmission, or other casual or noncasual means. A communicable infectious disease, such as influenza or chicken pox, is contagious and can be readily transmitted by infectious bacteria or viral organisms.

In accordance with law, job applicants shall be required to provide evidence that they are free of tuberculosis or any other communicable infectious disease prior to beginning employment.

To prevent the outbreak or spread of infectious diseases, the Superintendent or designee may provide infection prevention supplies and information to employees, including information about recommended vaccinations. Employees also shall observe universal precautions to avoid contact with potentially infectious blood or other bodily fluids.

Plans for addressing a communicable infectious disease outbreak, including, but not limited to, plans for addressing employee shortages during such an outbreak, shall be included in the district's emergency preparedness plan.

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable infectious disease. In addition, a school nurse or other health care provider who knows of or is in attendance on a case or suspected case of any of the diseases or conditions listed in 17 CCR 2500 shall make a report to the local health officer. If no health care provider is in attendance, any individual having knowledge of a person who is suspected to be suffering from one of the specified diseases or conditions may make a report to the local health officer. (17 CCR 2500, 2508)

Nondiscrimination/Reasonable Accommodation

The district shall not discriminate against any employee or job applicant who has an infectious disease that meets the federal or state definition of a disability under the Americans with Disabilities Act, California Fair Employment and Housing Act, or Section 504 of the Federal Rehabilitation Act. (Government Code 12900-12996; 29 USC 794; 42 USC 12101-12213)

Upon request, any qualified person with a disability shall be provided reasonable accommodation to perform the essential duties of his/her position in accordance with the criteria and processes described in AR 4032 - Reasonable Accommodation.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

17 CCR 2500-2511

Communicable disease reporting requirements -
<https://simbli.eboardsolutions.com/SU/slshn47UxNYZiU6wNeVYbLg2w==>

2 CCR 7293.5-7294.2

Discrimination based on disability -
<https://simbli.eboardsolutions.com/SU/slshMo6xIOtmUID0MOOIRasoQ==>

5 CCR 5502-5504

Medical certification

Civ. Code 56-56.37

Confidentiality of medical information -
<https://simbli.eboardsolutions.com/SU/nr0sSxslshED3ehUQrXplusLmkA==>

Ed. Code 44839

Medical certificate; periodic medical examination -
<https://simbli.eboardsolutions.com/SU/7ifRt5ldtFyISRocGEBaAQ==>

Ed. Code 44839.5

Requirements for employment of retiree -
<https://simbli.eboardsolutions.com/SU/9NiF7P8cplus6F5a9AwnxnXMQ==>

Ed. Code 49406	Examination for tuberculosis - https://simbli.eboardsolutions.com/SU/1zMk9tKmBYJP1m6AfhBiag==
Gov. Code 12900-12996	Fair Employment and Housing Act - https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==
H&S Code 120975-121023	Mandated blood testing and confidentiality to protect public health - https://simbli.eboardsolutions.com/SU/alehOfEBIGj05bMsQwfFog==

Federal References

29 USC 794	Rehabilitation Act of 1973; Section 504
42 USC 12101-12213	Americans with Disabilities Act

Description

Management Resources References

California Department of Public Health Publication	California HIV/AIDS Laws, 2009, January 2010
Court Decision	School Board of Nassau County, Florida v. Arline, (1987) 408 U.S. 273
Court Decision	Chevron USA v. Echazabal, (2002) 536 U.S. 73, 122 S.Ct. 2045
CSBA Publication	H1N1 Influenza (Swine Flu), Fact Sheet, April 2009
CSBA Publication	Pandemic Influenza, Fact Sheet, September 2007
EEO Commission Publication	Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	U.S. Department of Health and Human Services - https://simbli.eboardsolutions.com/SU/4moM6wFhrVMvKDjOdGOMzw==
Website	California School Nurses Organization - https://simbli.eboardsolutions.com/SU/y9UnslshTdDn6hY1DMTI3f6eQ==
Website	Centers for Disease Control and Prevention - https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California Department of Public Health - https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==

Description

Policy 4219.42: Exposure Control Plan For Bloodborne Pathogens

Status: DRAFT

Original Adopted Date: Pending

As part of its commitment to provide a safe and healthy work environment, the Governing Board recognizes the importance of protecting employees from possible infection due to contact with bloodborne pathogens, including, but not limited to, hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV). The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace.

The exposure control plan shall be consistent with the district's injury and illness prevention program established pursuant to Labor Code 6401.7 and 8 CCR 3203. (8 CCR 5193)

The Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the district's exposure control plan, employees having occupational exposure shall receive training and be offered the hepatitis B vaccination. (8 CCR 5193; 29 CFR 1910.1030)

Any employee not identified by the Superintendent or designee as having occupational exposure may submit a request to the Superintendent or designee to be included in the training and hepatitis B vaccination program. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with any infectious material.

In the event that an employee has an exposure incident, the district shall implement follow-up procedures in accordance with the exposure control plan. All such incidents shall be evaluated to determine whether changes need to be made in district practices.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5193	Bloodborne pathogens
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Lab. Code 142.3	Authority of Cal/OSHA to adopt standards - https://simbli.eboardsolutions.com/SU/qtK5bbJ47F5q49slshjslshfbb3g==
Lab. Code 144.7	Requirement to amend standards - https://simbli.eboardsolutions.com/SU/29wp1Zt81JSslshHLif65dywA==
Lab. Code 6401.7	Injury and illness prevention program - https://simbli.eboardsolutions.com/SU/OLCkBLQtPasszuobFzmJvw==

Federal References

	Description
29 CFR 1910.1030	Bloodborne pathogens

Management Resources References

	Description
CA Department of Industrial Relations Publication	A Best Practices Approach for Reducing Bloodborne Pathogens Exposure, 2001
CA Department of Industrial Relations Publication	Exposure Control Plan for Bloodborne Pathogens, 2001
CA Department of Industrial Relations Publication	Frequently Asked Questions About the Bloodborne Pathogens Standard
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==

Website	California Department of Industrial Relations, Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQIJEVTeFex4Q==
Website	U.S. Department of Labor, Occupational Safety and Health Administration - https://simbli.eboardsolutions.com/SU/3chzxaztydPHSslshAUF6PdVA==
Website	Centers for Disease Control and Prevention - https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==

Notice References

Unique Policy

Description

This policy is unique to the district/COE and is not connected to an existing CSBA sample policy or included in regular quarterly updates from CSBA.

Regulation 4219.42: Exposure Control Plan For Bloodborne Pathogens

Status: DRAFT

Original Adopted Date: Pending

Definitions

Occupational exposure means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. (8 CCR 5193; 29 CFR 1910.1030)

Exposure incident means a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties. (8 CCR 5193; 29 CFR 1910.1030)

Parenteral contact means piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions. (8 CCR 5193; 29 CFR 1910.1030)

A sharp is any object that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident. (8 CCR 5193)

A sharps injury is any injury caused by a sharp, including, but not limited to, cuts, abrasions, or needlesticks. (8 CCR 5193)

Work practice controls are controls that reduce the likelihood of exposure by defining the manner in which a task is performed. (8 CCR 5193; 29 CFR 1910.1030)

Engineering controls are controls, such as sharps disposal containers, needleless systems, and sharps with engineered sharps injury protection, that isolate or remove the bloodborne pathogens hazard from the workplace. (8 CCR 5193; 29 CFR 1910.1030)

Engineered sharps injury protection is a physical attribute, such as a barrier, blunting, encapsulation, withdrawal, or other effective mechanism, built into a needle device or into a non-needle sharp which effectively reduces the risk of an exposure incident. (8 CCR 5193; 29 CFR 1910.1030)

Personal protective equipment is specialized clothing or equipment worn or used by an employee for protection against a hazard, such as gloves, gowns, laboratory coats, face shields or masks. (8 CCR 5193)

Exposure Control Plan

The district's written exposure control plan for bloodborne pathogens shall contain at least the following components: (8 CCR 5193; 29 CFR 1910.1030)

1. A determination of which employees have occupational exposure to blood or other potentially infectious materials, which shall be made without regard to employees' use of personal protective equipment and shall include a list of:
 - a. All job classifications in which all employees have occupational exposure
 - b. Job classifications in which some employees have occupational exposure
 - c. All tasks and procedures, or groups of closely related tasks and procedures, in which occupational exposure occurs and which are performed by employees listed in item #1b above
2. The schedule and method of implementing each of the following in accordance with 8 CCR 5193 and this administrative regulation:
 - a. Methods of compliance required by 8 CCR 5193(d) and 29 CFR 1910.1030, including universal precautions, general and specific engineering and work practice controls, and personal protective equipment

- b. Hepatitis B vaccination
 - c. Bloodborne pathogen post-exposure evaluation and follow-up
 - d. Communication of hazards to employees through information and training
 - e. Recordkeeping, including medical records, training records, and a log of sharps injuries
3. The district's procedure for documenting the route(s) of exposure and the circumstances under which exposure incidents occurred
 4. An effective procedure for gathering information about each exposure incident involving a sharp
 5. An effective procedure for periodically determining the frequency of use of the types and brands of sharps involved in exposure incidents
 6. An effective procedure for identifying currently available engineering controls and selecting such controls, as appropriate, for the procedures performed by employees in their work areas or departments
 7. An effective procedure for documenting instances when a licensed healthcare professional directly involved in an employee's care determines that the use of an engineering control would jeopardize the employee's safety or the success of a medical, dental, or nursing procedure involving the employee
 8. An effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed by employees in their respective work areas or departments

The exposure control plan shall be reviewed and updated at least annually and whenever necessary to: (8 CCR 5193; 29 CFR 1910.1030)

1. Reflect new or modified tasks and procedures affecting occupational exposure
2. Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens and, to the extent that sharps are used in the district, document consideration and implementation of appropriate commercially available needleless systems and needle devices and sharps with engineered sharps injury protection
3. Include new or revised employee positions with occupational exposure
4. Review and evaluate the exposure incidents which occurred since the previous update
5. Review and respond to information indicating that the exposure control plan is deficient in any area

The district's exposure control plan shall be accessible to employees upon request. (8 CCR 3204(e), 5193; 29 CFR 1910.1030)

Preventive Measures

The Superintendent or designee shall use engineering controls and work practice controls, as defined above, to eliminate or minimize employee exposure to bloodborne pathogens. Engineering controls and work practice controls shall be evaluated on a regular schedule and, as applicable, maintained, replaced, or updated to ensure their effectiveness. (8 CCR 5193; 29 CFR 1910.1030)

Whenever potential occupational exposure continues to exist after institution of engineering and work practice controls, the district shall provide, at no cost to the employee, appropriate personal protective equipment. (8 CCR 5193; 29 CFR 1910.1030)

Employees shall observe universal precautions to prevent contact with blood or other potentially infectious materials, including, but not limited to, handwashing, proper use of personal protective equipment, and proper disposal or washing of contaminated garments or objects. (8 CCR 5193; 29 CFR 1910.1030)

Any use of needleless systems, needle devices, or non-needle sharps shall adhere to the specific requirements of 8

CCR 5193(d) and 29 CFR 1910.1030.

Pre-Exposure Hepatitis B Vaccination

The hepatitis B vaccination and vaccination series shall be made available at no cost to all employees who have occupational exposure. The hepatitis B vaccination shall be made available after an employee with occupational exposure has received the required training and within 10 working days of initial assignment, unless the employee has previously received the complete hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or vaccination is contraindicated for medical reasons. (8 CCR 5193; 29 CFR 1910.1030)

Employees who decline to accept the vaccination shall sign the hepatitis B declination statement. (8 CCR 5193; 29 CFR 1910.1030)

The Superintendent or designee may exempt from the pre-exposure hepatitis B vaccine designated first aid providers whose primary job assignment is not the rendering of first aid, provided that the district implements the procedures in its exposure control plan for providing hepatitis B vaccine to all unvaccinated first aid providers who have rendered assistance in any situation involving the presence of blood or other potentially infectious materials and provides appropriate follow-up for those who experience an exposure incident. (8 CCR 5193)

Training

The Superintendent or designee shall ensure that all employees with occupational exposure participate in a training program at the time of initial assignment to tasks where occupational exposure may take place and at least annually thereafter. The training shall be offered during working hours and at no cost to the employee. (8 CCR 5193; 29 CFR 1910.1030)

The training shall address, at a minimum: (8 CCR 5193; 29 CFR 1910.1030)

1. The exposure control standard contained in 8 CCR 5193 and 29 CFR 1910.1030
2. The epidemiology and symptoms of bloodborne diseases
3. Modes of transmission of bloodborne pathogens
4. The district's exposure control plan and the means by which employees may obtain a copy of the written plan
5. Appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials
6. The use and limitations of methods to prevent or reduce exposure, including appropriate engineering controls, administrative or work practice controls, and personal protective equipment
7. The types, proper use, location, removal, handling, decontamination, and disposal of personal protective equipment
8. The basis for selecting personal protective equipment
9. The hepatitis B vaccine, including its efficacy, safety, and method of administration; the benefits of being vaccinated; and that the vaccine will be offered free of charge
10. Appropriate actions to take and persons to contact in an emergency or exposure incident involving blood or other potentially infectious materials
11. The post-exposure evaluation and follow-up that the district is required to provide for the employee following an exposure incident

Additional training shall be provided to affected employees whenever a change, such as the introduction or modification of tasks or procedures or the introduction of new engineering, administrative, or work practice controls, affects the employee's exposure. The additional training may be limited to addressing the new exposures created. (8 CCR 5193; 29 CFR 1910.1030)

Designated first aid providers shall receive training that includes the specifics of reporting first-aid incidents which involve blood or body fluids which are potentially infectious. (8 CCR 5193)

Reporting Incidents

All exposure incidents shall be reported as soon as possible to the Superintendent or designee.

Unvaccinated designated first aid providers must report any first aid incident involving the presence of blood or other potentially infectious material, regardless of whether an exposure incident occurred, by the end of the work shift. The full hepatitis B vaccination series shall be made available to such employees no later than 24 hours after the first aid incident. (8 CCR 5193)

Sharps Injury Log

The Superintendent or designee shall establish and maintain a log recording each exposure incident involving a sharp. (8 CCR 5193; 29 CFR 1910.1030)

The exposure incident shall be recorded within 14 working days of the date the incident is reported to the district. (8 CCR 5193)

The information recorded shall include the following, if known or reasonably available: (8 CCR 5193; 29 CFR 1910.1030)

1. Date and time of the exposure incident
2. Type and brand of sharp involved in the exposure incident
3. A description of the exposure incident, including:
 - a. Job classification of the exposed employee
 - b. Department or work area where the exposure incident occurred
 - c. The procedure that the exposed employee was performing at the time of the incident
 - d. How the incident occurred
 - e. The body part involved in the incident
 - f. If the sharp had engineered sharps injury protection, whether the protective mechanism was activated and whether the injury occurred before, during, or after the protective mechanism was activated
 - g. If the sharp had no engineered sharps injury protection, the injured employee's opinion as to whether and how such a mechanism could have prevented the injury
 - h. The employee's opinion about whether any other engineering, administrative, or work practice could have prevented the injury

Post-Exposure Evaluation and Follow-up

Following a report of an exposure incident, the Superintendent or designee shall immediately make available to the exposed employee, at no cost, a confidential medical evaluation, post-exposure evaluation, and follow-up. The Superintendent or designee shall, at a minimum: (8 CCR 5193; 29 CFR 1910.1030)

1. Document the route(s) of exposure and the circumstances under which the exposure incident occurred
2. Identify and document the source individual, unless that identification is not feasible or is prohibited by law
3. With the consent of the exposed employee, provide for the collection and testing of the employee's blood for hepatitis B, hepatitis C, and HIV serological status

4. Provide for post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service
5. Provide for counseling and evaluation of reported illnesses

The Superintendent or designee shall provide the health care professional responsible for the employee's hepatitis B vaccination with a copy of 8 CCR 5193 and 29 CFR 1910.1030; a description of the employee's duties as they relate to the exposure incident; documentation of the route(s) of exposure and circumstances under which exposure occurred; results of the source individual's blood testing, if available; and all medical records maintained by the district relevant to the appropriate treatment of the employee, including vaccination status. (8 CCR 5193; 29 CFR 1910.1030)

The district shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation. (8 CCR 5193)

Records

Upon an employee's initial employment and at least annually thereafter, the Superintendent or designee shall inform employees with occupational exposure of the existence, location, and availability of related records; the person responsible for maintaining and providing access to records; and the employee's right of access to these records. (8 CCR 3204)

The district shall maintain a medical record of each employee with occupational exposure, including the employee's hepatitis B vaccination status, the results of any post-exposure medical examinations and follow-up procedures, a copy of the information provided to the health care professional, and a copy of the health care professional's written opinion. The medical record shall be kept confidential and not disclosed or reported without the employee's written consent to any person within or outside the workplace except as required by law. (8 CCR 5193; 29 CFR 1910.1030)

Upon request by an employee, or a designated representative with the employee's written consent, the Superintendent or designee shall provide access to a record in a reasonable time, place, and manner, no later than 15 days after the request is made. (8 CCR 3204)

Records shall be maintained as follows: (8 CCR 3204, 5193; 29 CFR 1910.1030)

1. The medical records of each employee with occupational exposure shall be maintained for the duration of employment plus 30 years.
2. Training records shall be maintained for three years from the date of training.
3. The sharps injury log shall be maintained five years from the date the exposure incident occurred.
4. Exposure records shall be maintained for at least 30 years.
5. Each analysis using medical or exposure records shall be maintained for at least 30 years.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

State References	Description
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5193	Bloodborne pathogens
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHwwplusOHnqzplusGsOslshg==
Lab. Code 142.3	Authority of Cal/OSHA to adopt standards - https://simbli.eboardsolutions.com/SU/qtK5bbJ47F5q49slshjslshfbb3g==
Lab. Code 144.7	Requirement to amend standards - https://simbli.eboardsolutions.com/SU/29wp1Zt81JSslshHLif65dvwA==

Lab. Code 6401.7

Injury and illness prevention program -
<https://simbli.eboardsolutions.com/SU/OLCkBLQtPasszuobFzmJvw==>

Federal References

29 CFR 1910.1030

Description

Bloodborne pathogens

Management Resources References

CA Department of Industrial Relations Publication

Description

A Best Practices Approach for Reducing Bloodborne Pathogens Exposure, 2001

CA Department of Industrial Relations Publication

Exposure Control Plan for Bloodborne Pathogens, 2001

CA Department of Industrial Relations Publication

Frequently Asked Questions About the Bloodborne Pathogens Standard

Website

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Website

California Department of Industrial Relations, Occupational Safety and Health -

<https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQIJEVTeFex4Q==>

Website

U.S. Department of Labor, Occupational Safety and Health Administration -

<https://simbli.eboardsolutions.com/SU/3chzxaztydPHSslshAUF6PdVA==>

Website

Centers for Disease Control and Prevention -

<https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==>

Notice References

Unique Policy

Description

This policy is unique to the district/COE and is not connected to an existing CSBA sample policy or included in regular quarterly updates from CSBA.

Exhibit 4219.42-E(1): Exposure Control Plan For Bloodborne Pathogens

Status: DRAFT

Original Adopted Date: Pending

HEPATITIS B VACCINE DECLINATION

In accordance with 8 CCR 5193 and 29 CFR 1910.1030, the district makes the hepatitis B vaccine available to employees who may reasonably be expected to have contact with blood or other potentially infectious materials in the performance of their duties. Any employee who declines this vaccine is required to read and sign the following statement:

I understand that, due to my occupational exposure to blood or other potentially infectious materials, I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to myself.

Employee Name (Please print)

Signature

Date

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5193	Bloodborne pathogens
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Lab. Code 142.3	Authority of Cal/OSHA to adopt standards - https://simbli.eboardsolutions.com/SU/qtK5bbJ47F5q49slshjslshfbb3g==
Lab. Code 144.7	Requirement to amend standards - https://simbli.eboardsolutions.com/SU/29wp1Zt81JSslshHLif65dywA==
Lab. Code 6401.7	Injury and illness prevention program - https://simbli.eboardsolutions.com/SU/OLCkBLQtPasszuobFzmJvw==

Federal References

	Description
29 CFR 1910.1030	Bloodborne pathogens

Management Resources References

	Description
CA Department of Industrial Relations Publication	A Best Practices Approach for Reducing Bloodborne Pathogens Exposure, 2001
CA Department of Industrial Relations Publication	Exposure Control Plan for Bloodborne Pathogens, 2001
CA Department of Industrial Relations Publication	Frequently Asked Questions About the Bloodborne Pathogens Standard
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==

Website	California Department of Industrial Relations, Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQIJEVTeFex4Q==
Website	U.S. Department of Labor, Occupational Safety and Health Administration - https://simbli.eboardsolutions.com/SU/3chzxaztydPHSslshAUF6PdVA==
Website	Centers for Disease Control and Prevention - https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==

Notice References

Unique Policy

Description

This policy is unique to the district/COE and is not connected to an existing CSBA sample policy or included in regular quarterly updates from CSBA.

Policy 4219.43: Universal Precautions

Status: DRAFT

Original Adopted Date: Pending

In order to protect all employees from contact with potentially infectious blood or other body fluids, the Governing Board requires that universal precautions be observed throughout the district. Universal precautions are appropriate for preventing the spread of all infectious diseases and shall be used regardless of whether bloodborne pathogens are known to be present.

The Superintendent or designee shall distribute to employees information provided by the California Department of Education (CDE) regarding acquired immune deficiency syndrome (AIDS), AIDS-related conditions, and hepatitis B.

This information shall include, but not be limited to, any appropriate methods employees may use to prevent exposure to AIDS and hepatitis B, including information concerning the availability of a vaccine to prevent contraction of hepatitis B, and that the cost of this vaccination may be covered by the health plan of the employees.

Information shall be distributed annually, or more frequently if there is new information supplied by CDE. (Health and Safety Code 120875, 120880)

Employees shall immediately report any exposure incident or first aid incident in accordance with the district's exposure control plan for bloodborne pathogens or other safety procedures.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
8 CCR 3203	Injury and illness prevention program
8 CCR 5193	Bloodborne pathogens
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHwwplusOHnqzplusGsOslshg==
H&S Code 117600-118360	Handling and disposal of regulated waste - https://simbli.eboardsolutions.com/SU/IMsYQdPeKuoTnMy6Mqj1hQ==
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B - https://simbli.eboardsolutions.com/SU/38plusoh5urgpOdpluszq3f7akPg==
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B - https://simbli.eboardsolutions.com/SU/DnTo51VRfPSzvFGOSeoslshkw==
Lab. Code 6401.7	Injury and illness prevention program - https://simbli.eboardsolutions.com/SU/OLCkBLQtPasszuobFzmJvw==

Federal References

	Description
29 CFR 1910.1030	Bloodborne pathogens

Management Resources References

	Description
CDC and Prevention Publication	Hepatitis B Questions and Answers for the Public
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	American Federation of Teachers - https://simbli.eboardsolutions.com/SU/f8tXIPpEFKty5QFmgplusDDXQ==
Website	California Department of Industrial Relations, Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQIJEVTeFex4Q==
Website	U.S. Department of Labor, Occupational Safety and Health Administration - https://simbli.eboardsolutions.com/SU/3chzxaztydPHSslshAUF6PdVA==
Website	California Department of Public Health - https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==

Website

Centers for Disease Control and Prevention -
<https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==>

Regulation 4219.43: Universal Precautions

Status: DRAFT

Original Adopted Date: Pending

Definitions

Universal precautions are an approach to infection control. All human blood and certain human body fluids, including, but not limited to semen, vaginal secretions, and any body fluid that is visibly contaminated with blood, are treated as if known to be infectious for human immunodeficiency virus (HIV), hepatitis B virus (HBV), hepatitis C virus (HCV), and other bloodborne pathogens. (8 CCR 5193; 29 CFR 1910.1030)

Occupational exposure means reasonably anticipated contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. (8 CCR 5193; 29 CFR 1910.1030)

A sharp is any object that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident. (8 CCR 5193)

Infection Control Practices

For the prevention of infectious disease, the district shall:

1. Effectively maintain the worksite in a clean and sanitary condition, and implement an appropriate written schedule for cleaning and decontamination of the worksite
2. When necessary for employees with occupational exposure to bloodborne pathogens, provide appropriate personal protective equipment, such as gloves, masks, and outer garments, at no cost to the employee (8 CCR 5193)
3. Provide handwashing facilities which are readily accessible to employees, or, if not feasible, provide an appropriate antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes

Any employee who has contact with blood or other body fluid, regardless of whether bloodborne pathogens are known to be present, shall:

1. Use personal protective equipment as appropriate.
2. Wash hands and other skin surfaces thoroughly with soap and running water:
 - a. Immediately or as soon as feasible following contact with blood or other potentially infectious materials
 - b. Immediately after removing gloves or other personal protective equipment
3. When handwashing facilities are not available, use antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes. In such instances, hands shall be washed with soap and running water as soon as feasible.
4. Refrain from eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses in work areas with a reasonable likelihood of occupational exposure to bloodborne pathogens.
5. Clean and decontaminate all equipment and environmental and work surfaces after contact with blood or other potentially infectious material, no later than the end of the shift or more frequently as required by state regulations.
6. Rather than using the hands directly, use mechanical means such as a brush and dust pan, tongs, or forceps to clean up broken glassware which may be contaminated.
7. Use effective techniques designed to minimize the risk of a sharps injury in all procedures involving the use of sharps.
8. Handle, store, treat, and dispose of regulated waste in accordance with Health and Safety Code 117600-118360 and other applicable state and federal regulations.

- a. Immediately or as soon as possible after use, contaminated sharps shall be placed in containers meeting the requirements of 8 CCR 5193.
- b. Specimens of blood or other potentially infectious material shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport, or shipping.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
8 CCR 3203	Injury and illness prevention program
8 CCR 5193	Bloodborne pathogens
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
H&S Code 117600-118360	Handling and disposal of regulated waste - https://simbli.eboardsolutions.com/SU/IMsYQdPeKuoTnMy6Mqj1hQ==
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B - https://simbli.eboardsolutions.com/SU/38plusoh5urgpOdpluszq3f7akPg==
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B - https://simbli.eboardsolutions.com/SU/DnTo51VRfPSzvfGOSeoslskhk==
Lab. Code 6401.7	Injury and illness prevention program - https://simbli.eboardsolutions.com/SU/OLCkBLQtPasszuobFzmJvw==

Federal References

	Description
29 CFR 1910.1030	Bloodborne pathogens

Management Resources References

	Description
CDC and Prevention Publication	Hepatitis B Questions and Answers for the Public
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxk6R5akQ==
Website	American Federation of Teachers - https://simbli.eboardsolutions.com/SU/f8tXIPpEFKty5QFmgplusDDXQ==
Website	California Department of Industrial Relations, Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQlJEVTeFex4Q==
Website	U.S. Department of Labor, Occupational Safety and Health Administration - https://simbli.eboardsolutions.com/SU/3chzxaztydPHSslshAUF6PdVA==
Website	California Department of Public Health - https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==
Website	Centers for Disease Control and Prevention - https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGishp9oA==

Policy 4222: Teacher Aides/Paraprofessionals

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes that paraprofessionals support student learning by providing valuable assistance to teachers and other certificated personnel and enabling greater individualized instruction and supervision of students. Such employees may perform instructional and/or administrative tasks in accordance with law, Board policy and administrative regulation.

The Superintendent or designee shall ensure that paraprofessionals possess the qualifications required by law for their positions.

Paraprofessionals shall be under the immediate supervision and direction of certificated personnel.

In determining the assignment of paraprofessionals, the Superintendent or designee shall consider the greatest benefit to students based on such factors as class size, grade levels, student needs, subject matter and teacher workload.

Each paraprofessional shall be provided with a clear definition of his/her roles and responsibilities.

The Superintendent or designee shall ensure that all paraprofessionals receive ongoing support and regular performance assessments. Teachers shall receive training in how to collaborate effectively with an assistant and are expected to assign duties consistent with written job descriptions for paraprofessionals.

The Board encourages qualified paraprofessionals to pursue opportunities that lead to attainment of a teaching credential and enable them to increase their skills and experience in the classroom.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 12065-12075

Ed. Code 44833

Ed. Code 44835

Ed. Code 45330

Ed. Code 45340-45349

Ed. Code 45350-45354

Ed. Code 45360-45367

Ed. Code 54480-54486

Description

Teacher aides for Special Teacher Employment Programs

Postsecondary students as nonteaching aides -
<https://simbli.eboardsolutions.com/SU/b7j2KpOWpZpmzl4TFsYfQQ==>

Duties of nonteaching work study aides -
<https://simbli.eboardsolutions.com/SU/9TjPHqzlhU98cERt1YxFg==>

Paraprofessionals -
<https://simbli.eboardsolutions.com/SU/qvLRmOplus5LbRVsgNLcPqQg==>

Instructional aides -
<https://simbli.eboardsolutions.com/SU/ZewEnmUlWnuv3WapgPmX5Q==>

Teacher assistants -
<https://simbli.eboardsolutions.com/SU/Ko21LRS2HBCg6HGLxJ9orA==>

Teacher aides -
<https://simbli.eboardsolutions.com/SU/yYplus2aVf9TldJJam2lfzlvw==>

Special Teacher Employment Programs -
<https://simbli.eboardsolutions.com/SU/4qYplus438tfElsp897t6HrZA==>

Federal References

20 USC 6311

20 USC 6314

20 USC 6315

Description

State plan

Schoolwide programs

Targeted assistance schools

Management Resources References

Description

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	Commission on Teacher Credentialing, Paraprofessional Teacher Training Program - https://simbli.eboardsolutions.com/SU/4Ijzid9JPI84kh0Ej5eiaQ==
Website	National Clearinghouse for Paraeducator Resources - https://simbli.eboardsolutions.com/SU/brr1k92RpvhqzzAb7NTfplusg==
Website	National Resource Center for Paraeducators - https://simbli.eboardsolutions.com/SU/3cTVzjyTFplusfNxxtsCSFa5g==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==

Regulation 4222: Teacher Aides/Paraprofessionals

Status: DRAFT

Original Adopted Date: Pending

Qualifications

No person shall be initially assigned to assist in instruction as a paraprofessional unless he/she has demonstrated proficiency in reading, writing, and mathematics skills up to or exceeding that required for local high school seniors pursuant to Education Code 51220(a) and (f). (Education Code 45330, 45344.5, 45361.5)

A paraprofessional who has passed a proficiency test in another district and was employed in the same capacity shall be considered to have met the district's proficiency standards, unless the district determines that the other district's test is not comparable. (Education Code 45344.5, 45361.5)

Duties

A paraprofessional shall perform only such duties as, in the judgment of the certificated personnel to whom the paraprofessional is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. (Education Code 45330)

Instructional aides need not perform their duties only in the physical presence of the teacher, but the teacher shall retain responsibility for the instruction and supervision of the students in his/her charge. (Education Code 45344)

Parental Notification

At the beginning of each school year, parents/guardians shall be notified that they may request information regarding whether their child is provided services by a paraprofessional and, if so, the paraprofessional's qualifications. (20 USC 6312)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 12065-12075

Ed. Code 44833

Ed. Code 44835

Ed. Code 45330

Ed. Code 45340-45349

Ed. Code 45350-45354

Ed. Code 45360-45367

Ed. Code 54480-54486

Description

Teacher aides for Special Teacher Employment Programs

Postsecondary students as nonteaching aides -
<https://simbli.eboardsolutions.com/SU/b7j2KpOWpZpmzl4TFsYfQQ==>

Duties of nonteaching work study aides -
<https://simbli.eboardsolutions.com/SU/9TjPHqzlzhU98cERt1YxFg==>

Paraprofessionals -
<https://simbli.eboardsolutions.com/SU/qvLRmOplus5LbRVsgNLcPqOqg==>

Instructional aides -
<https://simbli.eboardsolutions.com/SU/ZewEnmUlwNuv3WapgPmX5Q==>

Teacher assistants -
<https://simbli.eboardsolutions.com/SU/Ko21LRS2HBCg6HGLxJ9orA==>

Teacher aides -
<https://simbli.eboardsolutions.com/SU/yYplus2aVf9TldJJam2lfzlvw==>

Special Teacher Employment Programs -
<https://simbli.eboardsolutions.com/SU/4qYplus438tfElsp897t6HrZA==>

Federal References

20 USC 6311

20 USC 6314

20 USC 6315

Description

State plan

Schoolwide programs

Targeted assistance schools

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Website

Commission on Teacher Credentialing, Paraprofessional Teacher Training Program - <https://simbli.eboardsolutions.com/SU/4ljzid9JPI84kh0Ej5eiaQ==>

Website

National Clearinghouse for Paraeducator Resources -
<https://simbli.eboardsolutions.com/SU/brr1k92RpvhqzzAb7NTfplusg==>

Website

National Resource Center for Paraeducators -
<https://simbli.eboardsolutions.com/SU/3cTVzjyTFplusfNxxtsCSFa5g==>

Website

California School Employees Association -
<https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==>

Website

U.S. Department of Education -
<https://simbli.eboardsolutions.com/SU/XcSsJimosIsh3XhJKy4tplus7wplusA==>

Website

CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Website

California Department of Education -
<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>

Policy 4227: Temporary Athletic Team Coaches

Status: DRAFT

Original Adopted Date: Pending

The Governing Board desires to employ highly qualified coaches for the district's sports and interscholastic athletic programs in order to enhance the knowledge, skills, motivation, and safety of student athletes.

The Superintendent or designee may hire a certificated or noncertificated employee, other than a substitute employee, to supervise or instruct interscholastic athletic activities as a temporary employee in a limited assignment capacity. (5 CCR 5590)

When hiring a person to fill a position as a temporary athletic team coach, the position shall first be made available to qualified certificated teachers currently employed by the district. (Education Code 44919)

All coaches shall be subject to Board policies, administrative regulations, and California Interscholastic Federation bylaws and codes of ethical conduct.

Noncertificated coaches shall have no authority to assign grades to students. (5 CCR 5591)

Qualifications and Training

The Superintendent or designee shall establish qualification criteria for all athletic coaches in accordance with law and district standards. These criteria shall ensure that coaches possess an appropriate level of competence, knowledge, and skill.

Any noncertificated employee or volunteer who works with students in a district-sponsored interscholastic athletic program shall, prior to beginning his/her duties, submit to the Superintendent or designee either an Activity Supervisor Clearance Certificate issued by the Commission on Teacher Credentialing or a Department of Justice and Federal Bureau of Investigation criminal background clearance. (Education Code 49024)

Following the selection of a temporary athletic team coach, the Superintendent or designee shall certify to the Board, at the next regular Board meeting or within 30 days, whichever is sooner, that the coach meets the qualifications and competencies required by 5 CCR 5593. By April 1 of each year, the Board shall certify to the State Board of Education that the provisions of 5 CCR 5593 have been met. (5 CCR 5594)

In addition, the Superintendent or designee shall regularly report to the Board regarding the extent to which the district's coaches have completed the trainings required by law, including those required pursuant to Education Code 33479.6 and 49032, and by district policy.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 5531	Supervision of extracurricular activities of students
5 CCR 5590-5596	Duties of temporary athletic team coaches
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act - https://simbli.eboardsolutions.com/SU/ALIQ3iERGX1NajjcmJDnaQ==
Ed. Code 35179-35179.7	Interscholastic athletics - https://simbli.eboardsolutions.com/SU/iYYfvWeS1ARFgmKacICcNA==
Ed. Code 44010	Sex offense; definitions - https://simbli.eboardsolutions.com/SU/kVoMSh2Y4cuufG1O45T35A==
Ed. Code 44011	Controlled substance offense - https://simbli.eboardsolutions.com/SU/yVslsh8HNplus6fH8Trsdpvo9h3w==
Ed. Code 44332-44332.5	Temporary certificates - https://simbli.eboardsolutions.com/SU/ewqmiXUOvCIFsK5411GVaQ==

Ed. Code 44424	Conviction of a crime - https://simbli.eboardsolutions.com/SU/KQ21D09kicgfZydeOWl6og==
Ed. Code 44808	Liability when students are not on school property - https://simbli.eboardsolutions.com/SU/QlplusslshrHDTFD4Lo433XhMScA==
Ed. Code 44916	Written statement of employment status - https://simbli.eboardsolutions.com/SU/XmCPHsuWR7m01NGRhZplusBaA==
Ed. Code 44919	Classification of temporary employees; classifications - https://simbli.eboardsolutions.com/SU/UJCJRK0pzcebkBr0dHx08w==
Ed. Code 45125.01	Interagency agreements for criminal record information - https://simbli.eboardsolutions.com/SU/p0plusGJ0luVPDudcyAVB8E0w==
Ed. Code 45347	Instructional aides subject to requirements for classified staff - https://simbli.eboardsolutions.com/SU/plusqCH4autjULPxLyGOsMZAQ==
Ed. Code 45349	Use of volunteers to supervise or instruct students - https://simbli.eboardsolutions.com/SU/slshY0S1EQ9Se8xrb2VC2MjLQ==
Ed. Code 49024	Activity Supervisor Clearance Certificate - https://simbli.eboardsolutions.com/SU/bPKibplusdM71m5nBUYCqYkKg==
Ed. Code 49030-49034	Performance enhancing substances - https://simbli.eboardsolutions.com/SU/pJ6vzF969vaslshheLslsh0M2G0w==
Ed. Code 49406	Examination for tuberculosis - https://simbli.eboardsolutions.com/SU/1zMk9tKmBYJP1m6AfhBiag==

Management Resources References

Description

California Interscholastic Federation Publication	California Interscholastic Federation Constitution and Bylaws
California Interscholastic Federation Publication	Pursuing Victory with Honor, 1999
Commission on Teacher Credentialing Publication	10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), July 20, 2010
Court Decision	CTA v. Rialto Unified School District, (1997) 14 Cal. 4th 627
Court Decision	Kavanaugh v. West Sonoma Union High School District, (2003) 29 Cal.4th 911
Court Decision	Neily v. Manhattan Beach Unified School District, (2011) 192 Cal.App.4th 187
CSBA Publication	Steroids and Students: What Boards Need to Know, Policy Brief, July 2005
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDslshXk6R5akQ==
Website	National Athletic Trainers' Association - https://simbli.eboardsolutions.com/SU/OFCZv0VJFMPRP5JiHCp0Zw==
Website	California Interscholastic Federation - https://simbli.eboardsolutions.com/SU/QthhhDMKplusJ3akAI8GRP72g==
Website	California Athletic Trainers' Association - https://simbli.eboardsolutions.com/SU/HEIHspluspGBfbDr2DajvVPAw==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efc7aH4Q==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==

Regulation 4227: Temporary Athletic Team Coaches

Status: DRAFT

Original Adopted Date: Pending

Qualifications

Minimum qualifications for temporary athletic team coaches shall include, but are not necessarily limited to, competencies in the following areas: (5 CCR 5593)

1. Care and prevention of athletic injuries, basic sports injury first aid, and emergency procedures, as evidenced by one or more of the following:
 - a. Completion of a college-level course in the care and prevention of athletic injuries and possession of a valid cardiopulmonary resuscitation (CPR) card
 - b. A valid sports injury certificate or first aid card, and a valid CPR card
 - c. A valid Emergency Medical Technician (EMT) I or II card
 - d. A valid trainer's certification issued by the National or California Athletic Trainers' Association (NATA/CATA)
 - e. Possession of both valid CPR and first aid cards and practical experience under the supervision of an athletic coach or trainer or experience assisting in team athletic training and conditioning
2. Coaching theory and techniques in the sport or game being coached, as evidenced by one or more of the following:
 - a. Completion of a college course in coaching theory and techniques
 - b. Completion of inservice programs arranged by a school district or county office of education
 - c. Prior service as a student coach or assistant athletic coach in the sport or game being coached
 - d. Prior coaching in community youth athletic programs in the sport being coached
 - e. Prior participation in organized competitive athletics at the high school level or above in the sport being coached
3. Knowledge of the rules and regulations pertaining to the sport or game being coached, the league rules, and, at the high school level, regulations of the California Interscholastic Federation (CIF)
4. Knowledge of child or adolescent psychology, as appropriate, as it relates to sport participation, as evidenced by one or more of the following:
 - a. Completion of a college-level course in child psychology for elementary school positions and adolescent or sports psychology for secondary school positions
 - b. Completion of a seminar or workshop on human growth and development of youth
 - c. Prior active involvement with youth in school or community sports program

The Superintendent or designee may waive competency requirements for persons enrolled in appropriate training courses leading to acquisition of the competency, provided such persons serve under the direct supervision of a fully qualified coach until the competencies are met. (5 CCR 5593)

Volunteers who supervise or direct an athletic program shall meet the qualification criteria specified in 5 CCR 5593 required for temporary athletic team coaches employed by the district. Any volunteer who does not meet such criteria shall serve only under the supervision of a fully qualified coach and shall not be given charge of an athletic program.

Additional Qualifications of Noncertificated Personnel and Volunteers

In addition to the qualifications listed above, any noncertificated employee or volunteer assigned as a temporary athletic team coach shall: (5 CCR 5592)

1. Be free from tuberculosis and any other contagious disease that would prohibit certificated teachers from teaching, as verified by a written statement, renewable every four years, from a licensed physician or other person approved by the district
2. Not have been convicted of any offense referred to in Education Code 44010, 44011, or 44424, or any offense involving moral turpitude or evidencing unfitness to associate with children

Any noncertificated employee or volunteer assigned as a temporary athletic team coach shall obtain an Activity Supervisor Clearance Certificate or a criminal background check in accordance with Board policy. (Education Code 49024)

Training

In addition, prior to coaching an athletic activity and every two years thereafter, athletic coaches shall complete an approved training course on the nature and warning signs of sudden cardiac arrest. (Education Code 33479.2, 33479.6, 33479.7)

Code of Ethical Conduct

Employees providing supervisory or instructional services in interscholastic athletic programs and activities shall: (5 CCR 5596)

1. Show respect for players, officials, and other coaches
2. Respect the integrity and judgment of game officials
3. Establish and model fair play, sportsmanship, and proper conduct
4. Establish player safety and welfare as the highest priority
5. Provide proper supervision of students at all times
6. Use discretion when providing constructive criticism and when reprimanding players
7. Maintain consistency in requiring all players to adhere to the established rules and standards of the game
8. Properly instruct players in the safe use of equipment
9. Avoid exerting undue influence on a student's decision to enroll in an athletic program at any public or private postsecondary educational institution
10. Avoid exerting undue influence on students to take lighter academic course(s) in order to be eligible to participate in athletics
11. Avoid suggesting, providing, or encouraging any athlete to use nonprescription drugs, anabolic steroids, or any substance to increase physical development or performance that is not approved by the U.S. Food and Drug Administration, U.S. Surgeon General, or the American Medical Association
12. Avoid recruitment of athletes from other schools
13. Follow the rules of behavior and the procedures for crowd control as established by the district and the league in which the district participates

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 5531

5 CCR 5590-5596

Ed. Code 33479-33479.9

Ed. Code 35179-35179.7

Ed. Code 44010

Ed. Code 44011

Ed. Code 44332-44332.5

Ed. Code 44424

Ed. Code 44808

Ed. Code 44916

Ed. Code 44919

Ed. Code 45125.01

Ed. Code 45347

Ed. Code 45349

Ed. Code 49024

Ed. Code 49030-49034

Ed. Code 49406

Description

Supervision of extracurricular activities of students

Duties of temporary athletic team coaches

The Eric Parades Sudden Cardiac Arrest Prevention Act -
<https://simbli.eboardsolutions.com/SU/ALIQ3iERGX1NajjcmJDnaQ==>

Interscholastic athletics -
<https://simbli.eboardsolutions.com/SU/iYYfvWeS1ARFgmKacICcNA==>

Sex offense; definitions -
<https://simbli.eboardsolutions.com/SU/kVoMSh2Y4cuufG1O45T35A==>

Controlled substance offense -
<https://simbli.eboardsolutions.com/SU/yVslsh8HNplus6fH8Trsdpvo9h3w==>

Temporary certificates -
<https://simbli.eboardsolutions.com/SU/ewqmiXUOvCIFsK5411GVaQ==>

Conviction of a crime -
<https://simbli.eboardsolutions.com/SU/KQ21D09kicgfZydeOWI6og==>

Liability when students are not on school property -
<https://simbli.eboardsolutions.com/SU/qlplusslshrHDTFD4Lo433XhMScA==>

Written statement of employment status -
<https://simbli.eboardsolutions.com/SU/XmCPHsuWR7m01NGRhZplusBaA==>

Classification of temporary employees; classifications -
<https://simbli.eboardsolutions.com/SU/UJCJRK0pzcebKBr0dHx08w==>

Interagency agreements for criminal record information -
<https://simbli.eboardsolutions.com/SU/p0plusGJ0luVPDudcyAVB8E0w==>

Instructional aides subject to requirements for classified staff -
<https://simbli.eboardsolutions.com/SU/plusqCH4autjULPxLyGOsMZAQ==>

Use of volunteers to supervise or instruct students -
<https://simbli.eboardsolutions.com/SU/slshY0S1EQ9Se8xrb2VC2MjLQ==>

Activity Supervisor Clearance Certificate -
<https://simbli.eboardsolutions.com/SU/bPKibpluSDM71m5nBUYCqYkKg==>

Performance enhancing substances -
<https://simbli.eboardsolutions.com/SU/pJ6vzF969vaslshheLslsh0M2G0w==>

Examination for tuberculosis -
<https://simbli.eboardsolutions.com/SU/1zMk9tKmBYJP1m6AfhBiag==>

Management Resources References

California Interscholastic Federation Publication

California Interscholastic Federation Publication

Commission on Teacher Credentialing Publication

Court Decision

Court Decision

Court Decision

CSBA Publication

Website

Description

California Interscholastic Federation Constitution and Bylaws

Pursuing Victory with Honor, 1999

10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), July 20, 2010

CTA v. Rialto Unified School District, (1997) 14 Cal. 4th 627

Kavanaugh v. West Sonoma Union High School District, (2003) 29 Cal.4th 911

Neily v. Manhattan Beach Unified School District, (2011) 192 Cal.App.4th 187

Steroids and Students: What Boards Need to Know, Policy Brief, July 2005

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsLshXk6R5akQ==>

Website	National Athletic Trainers' Association - https://simbli.eboardsolutions.com/SU/OFCZv0VJFMPRP5JiHCp0Zw==
Website	California Interscholastic Federation - https://simbli.eboardsolutions.com/SU/QthhhDMKplusJ3akAI8GRP72g==
Website	California Athletic Trainers' Association - https://simbli.eboardsolutions.com/SU/HEIHspluspGBfbDr2DajvVPAw==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efc7aH4Q==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==

Policy 4231: Staff Development

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes that classified staff does essential work that supports a healthy school environment and the educational program. Classified staff shall have opportunities to participate in staff development activities in order to improve job skills, learn best practices, retrain as appropriate in order to meet changing conditions in the district, and/or enhance personal growth.

The Superintendent or designee shall involve classified staff, site and district administrators, and others, as appropriate, in the development of the district's staff development program. He/she shall ensure that the district's staff development program is aligned with district goals, school improvement objectives, the local control and accountability plan, and other district and school plans.

Staff development may address general workplace skills and/or skills and knowledge specific to the duties of each classified position, including, but not limited to, the following topics: (Education Code 45391)

1. Student learning and achievement
 - a. How paraprofessionals can assist teachers and administrators to improve the academic achievement of students
 - b. Alignment of curriculum and instructional materials with Common Core State Standards
 - c. The management and use of state and local student data to improve student learning
 - d. Best practices in appropriate interventions and assistance to at-risk students
2. Student and campus safety
3. Education technology, including management strategies and best practices regarding the use of education technology to improve student performance
4. School facility maintenance and operations, including best practices in the operation and maintenance of school facilities, such as green technology and energy efficiency, that help reduce the use and cost of energy at school sites
5. Special education, including best practices to meet the needs of special education students and to comply with any new state and federal mandates
6. School transportation and bus safety
7. Parent involvement, including ways to increase parent involvement at school sites
8. Food service, including food preparation to provide nutritional meals, food safety, and food management
9. Health, counseling, and nursing services
10. Environmental safety, including pesticides and other possibly toxic substances so that they may be safely used at school sites

For classroom instructional aides or other classified staff involved in direct instruction of students, staff development activities may also include academic content of the core curriculum, teaching strategies, classroom management, or other training designed to improve student performance, conflict resolution, and relationships among students. Such professional learning opportunities shall be evaluated based on criteria specified in Education Code 44277 and BP 4131 - Staff Development.

The district's staff evaluation process may be used to recommend additional individualized staff development for individual employees.

The Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development

activities to staff and students and shall regularly report to the Board regarding the effectiveness of the staff development program.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 44032	Travel expense payment - https://simbli.eboardsolutions.com/SU/fKw3aguyKevIUcLLwE1wdw==
Ed. Code 44277	Professional growth programs for individual teachers - https://simbli.eboardsolutions.com/SU/6LGOSZnjS9KkuHUaplK07A==
Ed. Code 45380-45387	Retraining and study leave (classified employees) - https://simbli.eboardsolutions.com/SU/jXpnqSFsyodPagX57INLplusw==
Ed. Code 45390-45392	Professional development for classified school employees - https://simbli.eboardsolutions.com/SU/ouBOeSBcu8gW0c6AJih5ZQ==
Ed. Code 52060-52077	Local control and accountability plan - https://simbli.eboardsolutions.com/SU/kjlplusPzLslshlt7rPOBfXZYJuQ==
Ed. Code 56240-56245	Staff development; service to persons with disabilities - https://simbli.eboardsolutions.com/SU/k56HBTvl8jEHBj6GKaSqA==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==

Management Resources References

Description

Public Employment Relations Board Decision	United Faculty of Contra Costa Community College District v. Contra Costa Community College District, (1990) PERB Dec. No. 804, 14 PERC P21-085
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	California Association of School Business Officials - https://simbli.eboardsolutions.com/SU/vplusVmEFNjoJhGgV6PRTlb0g==

Policy 4232: Publication Or Creation Of Materials

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the importance of creating a work environment that encourages employee innovation in creating and developing high-quality materials to improve student achievement and the efficiency of district operations.

The Superintendent or designee shall oversee the development of instructional materials, computer programs, and other copyrightable materials by employees, independent contractors, and consultants. An employee, independent contractor, or consultant shall notify the Superintendent or designee of his/her intent to publish or register a work developed in whole or in part within the scope of his/her employment.

Instructional materials, computer programs, and other copyrightable materials developed by an employee within the scope of his/her employment shall be the property of the district.

If an employee has developed copyrightable material during both work and non-working hours, and the work was within the scope of his/her employment, the Superintendent or designee shall negotiate a contract with the employee to protect the district's right as to the ownership or partial ownership of the copyright.

The Superintendent or designee shall ensure that any contract with an independent contractor or consultant contains a provision specifying the district's right to ownership of the copyright of any work produced by the contractor or consultant for the district.

The Superintendent or designee may secure copyrights in the name of the district for all copyrightable works developed by the district. All royalties or revenues from these copyrights shall be used for the benefit of the district. (Education Code 35170)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 32360	Copyrights; use of funds - https://simbli.eboardsolutions.com/SU/Gte1SQS5hxAPkD501z46aA==
Ed. Code 32361	Copyrights; use of employee work time - https://simbli.eboardsolutions.com/SU/xkqgZIZcVGF5yc0VCEKkHw==
Ed. Code 35170	Authority to secure copyrights - https://simbli.eboardsolutions.com/SU/iDsEpkvOwMnNM01mKuDFwA==
Ed. Code 35182	Marketing or licensing noneducational mainframe electronic data-processing software - https://simbli.eboardsolutions.com/SU/AxJnfBodtRplus9Y7kJq9PYMg==
Ed. Code 60076	Royalties or other compensation - https://simbli.eboardsolutions.com/SU/84p2PBM0J4NFEExZ0H7plusJXw==
Lab. Code 2870-2872	Inventions made by an employee - https://simbli.eboardsolutions.com/SU/pfw2JcJhq5af5G2w45WjRw==

Federal References

17 USC 101-122	Subject matter and scope of copyright
17 USC 201	Copyright ownership and transfer

Management Resources References

Court Decision	Community for Creative Non-Violence v. Reid, (1989) 490 U.S. 730
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==

Website	Copyright Clearance Center - https://simbli.eboardsolutions.com/SU/1yyGI5lg9KRqfldQZP3yAA==
Website	Copyright Society of the USA - https://simbli.eboardsolutions.com/SU/5L9YIIXDs7i5sbaduubCVQ==
Website	U.S. Copyright Office - https://simbli.eboardsolutions.com/SU/V2vUUv9W7IGIA6JUMaKWNw==

Policy 4235: Soliciting And Selling

Status: DRAFT

Original Adopted Date: Pending

Employees shall not solicit district staff, students or their families with the intent to sell general merchandise, books, equipment or services for their own personal profit or benefit. Solicitation of students and staff on behalf of the school or other charitable organizations shall be conducted in accordance with applicable Board policy and administrative regulation.

Staff members shall respect the confidentiality of district employees and students and shall not use their status as district employees to secure information such as names, addresses, e-mail addresses, and telephone numbers for solicitations or use in personal profit-making or beneficial ventures.

Educational tours may be promoted on school premises only if they are sponsored by the district. Employees engaged in planning, organizing or leading tours as private, non-district-sponsored businesses shall make it clear that they do not represent the school or district. All activities related to such tours must be carried on outside of school hours and off school premises.

Staff participation in "flower funds," "anniversary funds" or other similar funds shall be voluntary.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 51520

Description

Prohibited solicitations on school premises -
<https://simbli.eboardsolutions.com/SU/OHINokWcmplusTbNcUoyiAtzQ==>

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Policy 4236: Nonschool Employment

Status: DRAFT

Original Adopted Date: Pending

In order to help maintain public trust in the integrity of district operations, the Governing Board expects all employees to give the responsibility of their positions precedence over any other outside employment. A district employee may receive compensation for outside activities as long as these activities are not inconsistent, incompatible, in conflict with, or inimical to his/her district duties.

An outside activity shall be considered inconsistent, incompatible, or inimical to district employment when such activity: (Government Code 1126)

1. Requires time periods that interfere with the proper, efficient discharge of the employee's duties
2. Entails compensation from an outside source for activities which are part of the employee's regular duties
3. Involves using the district's name, prestige, time, facilities, equipment, or supplies for private gain
4. Involves service which will be wholly or in part subject to the approval or control of another district employee or Board member

An employee wishing to accept outside employment that may be inconsistent, incompatible, in conflict with, or inimical to the employee's duties shall file a written request with his/her immediate supervisor describing the nature of the employment and the time required. The supervisor shall evaluate each request based on the employee's specific duties within the district and determine whether to grant authorization for such employment.

The supervisor shall inform the employee whether the outside employment is prohibited. The employee may appeal a supervisor's denial of authorization to the Superintendent or designee. An employee who continues to pursue a prohibited activity may be subject to disciplinary action.

Tutoring

A certificated employee shall not accept any compensation or other benefit for tutoring a student enrolled in his/her class(es). An employee who wishes to tutor another district student shall first request authorization from his/her supervisor in accordance with this Board policy. If authorization is granted, the employee shall not use district facilities, equipment, or supplies when providing the tutoring service.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
5 CCR 80334	Unauthorized private gain or advantage
Ed. Code 35160	Authority of governing boards - https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==
Ed. Code 35160.1	Broad authority of school districts - https://simbli.eboardsolutions.com/SU/ewe0Cc8cKGTgDzaAt5MKhw==
Ed. Code 51520	Prohibited solicitations on school premises - https://simbli.eboardsolutions.com/SU/OHINokWcmplusTbNcUoyiAtzQ==
Gov. Code 1126	Incompatible activities of employees - https://simbli.eboardsolutions.com/SU/QKPtnKDXZTLNeez6mprlg==
Gov. Code 1127	Incompatible activities; off duty work - https://simbli.eboardsolutions.com/SU/CiJDGThpvSBcpn1uzdNDjw==
Gov. Code 1128	Incompatible activities; attorney - https://simbli.eboardsolutions.com/SU/RplusAiOZ9fVNVBevnVv9QOCQ==

Management Resources References

Description

Attorney General Opinion

70 Ops.Cal.Atty.Gen. 157 (1987)

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Website

Fair Political Practices Commission -
<https://simbli.eboardsolutions.com/SU/C2dGDtcJnwsIshMnGhy8IJcbw==>

Website

CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Policy 4240: Bargaining Units

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the right of district employees to form a bargaining unit and to select an employee organization as the exclusive representative to represent the employees in the employees' employment relationship with the district. The Board is committed to negotiating in good faith with recognized employee organizations and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

Employees shall not be prohibited from wearing union buttons or other items that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

Formation of Bargaining Units

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of supervisory employees may be recognized if the bargaining unit includes all supervisory employees and is not represented by an employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, supervisory employee means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, such employees may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. An employee organization representing management or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Government Code 3543.4)

Management employee means an employee in a position having significant responsibilities for formulating district policies or administering district programs. Management positions shall be designated by the Board which may be subject to review by the Public Employment Relations Board. (Government Code 3540.1)

Confidential employee means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. (Government Code 3540.1)

Membership

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550, 3551.5)

The Superintendent or designee may communicate with district employees regarding their rights to join and/or support an officially recognized employee organization or to refrain from joining or supporting an officially recognized employee organization. Such communications shall be factual and accurate, and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

However, before disseminating to multiple employees any mass communication concerning employees' rights under

the law, such as a written document or script for oral or recorded presentation or message, the Superintendent or designee shall meet and confer with the employees' exclusive representative regarding the content of the communication. If the district and exclusive representative do not come to agreement on the content of the mass communication, the Superintendent or designee may disseminate the district's mass communication, provided that at the same time, copies of the exclusive representative's communication, which shall be of reasonable length, are also distributed. (Government Code 3553)

Access to New Employee Orientations

The district shall permit employee organizations access to new employee orientation or onboarding process where newly hired employees are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide employee organizations at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided if an unforeseeable, urgent need critical to the district's operation prevents the required 10 days' notice. (Government Code 3555.5, 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, matters related to access to the new employee orientation shall be subject to compulsory interest arbitration. The district and employee organization may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. The arbitrator selection process shall commence within 14 days of a party's demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The decision of the arbitrator shall be issued within 10 days and shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

Until June 30, 2025, in addition to above provisions regarding new employee orientations, the district shall ensure the following: (Government Code 3556)

1. When an inperson new employee orientation has not been conducted within 30 days of hiring any new employee who is working in person, the Superintendent or designee shall permit the exclusive representative to schedule an inperson meeting which newly hired employees shall have an opportunity to attend, at the employee's worksite and during employment hours. Each newly hired employee within the bargaining unit shall be provided at least 30 minutes of paid time to attend the meeting, during which the exclusive representative shall be permitted to communicate directly with the newly hired employees.

Within seven days of an exclusive representative's request to schedule such an inperson meeting, the Superintendent or designee shall provide an appropriate on-site meeting space.

2. When, by reason of a state or local public health order limiting the size of gatherings, the district is prohibited from organizing a new employee orientation, an exclusive representative may schedule multiple meetings to ensure that newly hired employees have an opportunity to attend without exceeding the maximum allowable number of people. If such an order prohibits all gatherings, the exclusive representative may schedule a meeting(s) once the order is lifted or modified to permit gatherings.

Alternative access to these meetings shall be determined through mutual agreement between the district and the exclusive representative.

Access to Employee Contact Information

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), personal email address(es) on file with the district, and home address of any newly hired employee within 30 days of hire or by the first pay period of the month following hire, unless the exclusive representative has agreed to a different interval for the provision of the information. In addition, the Superintendent or designee shall provide the exclusive representative the same

information in regard to all employees in the bargaining unit at least every 120 days, unless more frequent or detailed lists are required by agreement with the exclusive representative. (Government Code 3558, 7928.300)

However, the Superintendent or designee shall not disclose: (Government Code 3558, 6207, 6215, 6215.2, 7928.300)

1. The home address and any phone numbers on file for employees performing law enforcement-related functions
2. The home address, home telephone or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6207
3. The employee's home address, home telephone and personal cell phone numbers, and personal email address of an employee not performing law enforcement related functions if the employee has submitted a written request to keep such information private. In such instances, the Superintendent or designee shall also remove the employee's home address, and home telephone and personal cell phone numbers from any mailing list maintained by the district unless the list is only used by the district to contact the employee.

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

To provide accurate information, the Superintendent or designee shall review the list of contact information for district employees at the beginning of each school year, or more often as appropriate.

Communications with Employees

Employee organizations may have access at reasonable times to areas in which employees work and may use district facilities at reasonable times for the purpose of meetings. Subject to reasonable regulation, employee organizations may also use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees. (Government Code 3543.1)

Access to district means of communication shall be limited in cases where such access would be disruptive to district operations.

Membership Dues or Other Payments to an Employee Organization

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount which has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

An employee organization that certifies that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the district, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and from which employees. The employee organization shall not be required to submit to the district a copy of the written authorization in order for the payroll deductions to be effective. However, when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the district. The employee organization shall indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization. (Education Code 45060, 45168)

When an employee organization which has declined to certify that it will handle and process employee written authorizations makes a request for payroll deductions, the district shall request a copy of the employee's written authorization before making the payroll deductions. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization rather than the district. The employee organization shall be responsible for processing these requests. The district shall rely on the information provided by

the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	Severance of established unit
Ed. Code 45060-45061.5	Deduction of fees from salary or wage payment; certificated employees - https://simbli.eboardsolutions.com/SU/MPsavrZ5c7fZDRzj1e1aQ==
Ed. Code 45100.5	Senior classified management positions - https://simbli.eboardsolutions.com/SU/1MXl18lCfbXgqGgFugrAvQ==
Ed. Code 45104.5	Abolishment of senior classified management positions - https://simbli.eboardsolutions.com/SU/o1kCnwoHgTAAFYA93MtmFw==
Ed. Code 45108.5	Definition of senior classified management employees - https://simbli.eboardsolutions.com/SU/shYYH8tslshQ8DpjVitAuqhDQ==
Ed. Code 45108.7	Waiver of provisions of 45108.5 - https://simbli.eboardsolutions.com/SU/E1cTTAtF2kfd4s3NkDCxrQ==
Ed. Code 45168	Deduction of fees from salary or wage payment; classified employees - https://simbli.eboardsolutions.com/SU/fLGvOTRVZd22uLP8v8njcg==
Ed. Code 45220-45320	Merit system; classified employees - https://simbli.eboardsolutions.com/SU/feAa91G68KTMlw0DYJ1N3w==
Gov. Code 3540-3549.3	Educational Employment Relations Act - https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwau7ug==
Gov. Code 3540.1	Public employment; definitions - https://simbli.eboardsolutions.com/SU/1rRSSt4h2qTslshGbO6ucvzcA==
Gov. Code 3543.4	Management and confidential positions; representation - https://simbli.eboardsolutions.com/SU/jBvftdZXpuAz0zDFfYqtFQ==
Gov. Code 3545	Appropriateness of unit; basis - https://simbli.eboardsolutions.com/SU/CORJlqw5N9cMRlqjAGv6Og==
Gov. Code 3550-3552	Prohibition on public employers deterring or discouraging union membership - https://simbli.eboardsolutions.com/SU/slshzKD4Aro9zKzEARJ6OqslshqA==
Gov. Code 3555-3559	Public employee communication, information and orientation - https://simbli.eboardsolutions.com/SU/ozJa7CMQINw0P8eyGFaLVw==
Gov. Code 53260-53264	Employment contracts - https://simbli.eboardsolutions.com/SU/erJtnEqGW6DdW4AygbnhrQ==
Gov. Code 6205-6210	Confidentiality of addresses for victims of domestic violence, sexual assault, or stalking - https://simbli.eboardsolutions.com/SU/slshNlpluspfwcFBmAniRplusqvJFiA==
Gov. Code 6215-6216	Address confidentiality for individuals who face threats or violence because of work for a public entity
Gov. Code 6503.5	Joint powers agencies; agreement - https://simbli.eboardsolutions.com/SU/Cc7QslshrM7g99FMq1ucjDhVg==
Gov. Code 7928.300	Disclosure of employee contact information to employee organization - https://simbli.eboardsolutions.com/SU/pLun3Xu6cE4iVDPI3u66uQ==

Management Resources References

Description

Court Decision	County of Los Angeles v. Los Angeles County Employee Relations Commission (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al. (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31 (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	East Whittier School District (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	City of Sacramento, (2019) PERB Dec. No. 2702m
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJInbikoQhGwsWiH4ztXQ==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==
Website	Association of California School Administrators - https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHxYbDPXeA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Policy 4241: Collective Bargaining Agreement

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes that collective bargaining agreements are legally binding, bilateral agreements with the exclusive representatives of employees pertaining to terms and conditions of employment. The Board is committed to carrying out the provisions of each agreement and expects the agreements to be consistently and uniformly administered.

Following adoption of the collective bargaining agreement, the Superintendent or designee shall review related Board policies and recommend to the Board any action needed to maintain consistency with the agreement. Whenever a Board policy conflicts with a provision in the collective bargaining agreement, the agreement shall be binding for those employees covered by the terms of the agreement. Whenever a law conflicts with a provision in the collective bargaining agreement, the law will prevail as to those employees for whom the law applies.

Upon request by the Public Employment Relations Board, the Superintendent or designee shall provide, within 15 days of the request, a copy of the written agreement and any amendments. (8 CCR 32120)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

8 CCR 31001-32997

Description

Regulations of employee relations boards

Ed. Code 35035

Powers and duties of the superintendent; transfer authority -
<https://simbli.eboardsolutions.com/SU/U8vklOrJlenvguXkYb3glg==>

Ed. Code 35036

Voluntary transfers -
<https://simbli.eboardsolutions.com/SU/5bvNAscWTty1PfkpY3jSEw==>

Ed. Code 35160

Authority of governing boards -
<https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==>

Ed. Code 35160.1

Broad authority of school districts -
<https://simbli.eboardsolutions.com/SU/ewe0Cc8cKGTgDzaAt5MKhw==>

Ed. Code 45220-45320

Merit system; classified employees -
<https://simbli.eboardsolutions.com/SU/feAa91G68KTMLw0DYJ1N3w==>

Gov. Code 3540-3549.3

Educational Employment Relations Act -
<https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwauN7ug==>

Management Resources References

Description

Court Decision

Round Valley Teachers Association (1996) 13 Cal. 4th 269

Court Decision

United Teachers of Los Angeles v. Los Angeles Unified School District (2012) 54 Cal. 4th 504

Court Decision

Janus v. American Federation of State, County and Municipal Employees, Council 31 (2018) 138 S.Ct. 2448

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Website

California Public Employee Relations -
<https://simbli.eboardsolutions.com/SU/IZslsh4LzP6RelPSoiJPwjLPg==>

Website

California Public Employment Relations Board -
<https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==>

Website

State Mediation and Conciliation Service (SMCS) -
<https://simbli.eboardsolutions.com/SU/Hh5BRnaxsR9ickPFMBBCOPA==>

Website

Center for Collaborative Solutions -
<https://simbli.eboardsolutions.com/SU/xYvpxt3MXVrzRslsh31fdlzZg==>

Website

CSBA -

<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Policy 4241.6: Concerted Action/Work Stoppage

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the importance of maintaining ongoing positive relations with employees and engaging in fair, respectful negotiations with employee organizations. The Board desires to reach agreement on employment contracts in a manner that prevents disruption to school operations and minimizes impact on student achievement.

The Board recognizes that advance planning is necessary to ensure that, in the event of a work stoppage, strike, or other concerted employee activity, students continue to receive educational services to which they are entitled. The Superintendent or designee shall develop a written plan which shall include strategies for the provision of internal and external communications, preservation of student and staff safety, maintenance of district operations, and appropriate student instruction and supervision during a work slowdown or stoppage.

Days of instruction lost due to a work stoppage may be made up following the end of the normal school year.

If an employee organization gives notice that it intends to strike, the Superintendent or designee shall notify the Public Employment Relations Board, Employment Development Department, employees in the striking unit, other district employees, parents/guardians, students, law enforcement, the media, and others as appropriate.

Employees should be held accountable for their behavior during any labor dispute. The district may take disciplinary action against any employee who engages in an unlawful concerted action or in unlawful behavior in an otherwise protected activity, taking into account the seriousness of the behavior and the district's efforts to rebuild relations following the withholding of services by employees.

However, the district shall not discontinue or threaten to discontinue employer contributions for health care or other medical coverage for any employee or their enrolled dependents for the duration of the employee's participation in an authorized strike, as defined in Government Code 3141 and specified in the accompanying administrative regulation.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 35204

Description

Contract with attorney in private practice -
<https://simbli.eboardsolutions.com/SU/irlX4qUNWLsPUplusIWDLQTXw==>

Ed. Code 35205

Contract for legal services -
<https://simbli.eboardsolutions.com/SU/5rr6panc1Wplus7ezW1NtfhKA==>

Ed. Code 37200

School calendar -
<https://simbli.eboardsolutions.com/SU/8MwyaORWh3PPOH8q2B6AZw==>

Gov. Code 3140-3142

Public Employee Health Protection Act -
<https://simbli.eboardsolutions.com/SU/5ZomwcN1rn8GplusD3qR9qp2A==>

Gov. Code 3540-3549.3

Educational Employment Relations Act -
<https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwaun7ug==>

Gov. Code 3543.5-3543.6

Unfair labor practices -
<https://simbli.eboardsolutions.com/SU/cl1siKyo2fslshVcCYXJSOwdA==>

Gov. Code 3548.3548.8

Impasse procedures -
<https://simbli.eboardsolutions.com/SU/4ISUFAQvc4Vi2A1kBvpNRA==>

Management Resources References

Description

Public Employment Relations Board Decision

Fresno Unified School District, 1982, PERB Dec. No. 208, 6 PERC 13110

Public Employment Relations Board Decision

Konocti Unified School District, 1982, PERB Dec. No. 217, 6 PERC 13152

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==>

Website	State Mediation and Conciliation Service (SMCS) - https://simbli.eboardsolutions.com/SU/Hh5BRnaxsR9icKPFMBC0PA==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Regulation 4241.6: Concerted Action/Work Stoppage

Status: DRAFT

Original Adopted Date: Pending

Maintenance of District Operations

During any work stoppage, strike, or other concerted employee activity, the Superintendent or designee shall take measures to minimize disruption to district operations and student learning. At the discretion of the Superintendent or designee, employees reporting for duty may be temporarily assigned to other duties. In addition, the Superintendent or designee may hire qualified substitute and/or temporary employees as needed to maintain district operations and shall recommend to the Governing Board an appropriate rate of pay for such employees for the period of the work stoppage.

Strike Plan

The Superintendent or designee may establish a committee to develop a plan in the event of a work stoppage. This committee may include district-level staff, legal counsel, the district's negotiator and parents/guardians.

The strike plan shall address, at a minimum, the following elements:

1. Roles and responsibilities during a work stoppage, including roles of the Board, Superintendent, district-level staff, legal counsel, principals, certificated or classified staff when they are not participating in the strike, substitutes and other employees
2. Criteria for keeping schools open during a work stoppage, including potential costs, availability of qualified substitutes or other staffing, and the ability to maintain essential services and to ensure the safety of students and staff
3. Maintenance of the educational program, including availability of lesson plans and instructional materials, alternatives for handling special education and other programs as appropriate
4. Internal communications among district staff and the Board during a work stoppage
5. Plans for obtaining and paying for the services of and communicating with temporary or substitute employees
6. Status of district-paid benefits, including health care, insurance, vacation and sick leave benefits
7. Communications with parents/guardians, the media, business partners, public officials and other community members that identify key messages, strategies and district spokespersons
8. Equipment and supply needs
9. Desirability and feasibility of conducting extracurricular activities during a work stoppage including an analysis of the number of events and activities that would be affected, the availability of staffing, the degree of student and/or community participation and the ability to provide adequate security at events
10. Contingency plans for transportation
11. Contingency plans for the provision of food services
12. Identification of outside resources who may be called upon to help with school operations
13. Coordination with law enforcement and other agencies
14. Appropriate safeguards for the safety of students, working employees, substitutes, volunteers, parent/guardians and Board members
15. Provisions for safe, effective board meetings
16. Cost estimates for the various strategies to be implemented during a work stoppage

17. Legal remedies available to enjoin the work stoppage if possible or to file unfair labor practice charges against the employee organization
18. Continuation of negotiations during a work stoppage
19. Plans for resuming normal district operations, rebuilding relations and disciplining employees if necessary after the work stoppage

Activities of Employees

The district shall not impose or threaten to impose reprisals, discriminate or threaten to discriminate, or otherwise interfere with, restrain or coerce employees for the exercise of their rights. (Government Code 3543.5-3543.6)

Employees engaging in a work stoppage shall not prevent access to school facilities by other employees, substitutes or students; use or threaten physical violence or bodily injury; trespass; distribute malicious or defamatory leaflets or materials; or otherwise coerce or intimidate individuals in the conduct of school business.

During an actual or threatened work stoppage, an employee shall not retain any district property, including but not limited to student attendance and grading records, lesson plans, keys, equipment and supplies.

Employees shall not use students to distribute messages that promote or explain the position of any employee organization that is contemplating or engaged in a work stoppage. In addition, employees shall not use classroom or other duty time to promote an employee organization's position in negotiations or in a work stoppage.

When students raise questions related to a work stoppage, teachers shall approach the subject in accordance with the district's policy on controversial issues and shall not allow such discussions to interfere with their regular teaching responsibilities.

Salary and Benefits

Employees withholding services shall not receive salary or unemployment benefits during the period of the work stoppage.

Any employee withholding services may be subject to the loss of payroll deduction privileges.

Throughout the duration of any enrolled employee's participation in an authorized strike, the district shall not fail or refuse to maintain and pay for the employee's continued health care or other medical coverage or the coverage of their enrolled dependents, nor shall the district fail to collect and remit the employee's contributions to any such coverage. The district shall maintain the coverage at the same level and under the same conditions that the coverage would have been provided if the employee had continued to work in the employee's position for the duration of the strike. Health care or other medical coverage for this purpose includes coverage for medical, dental, vision, behavioral health, disability, accidental death and dismemberment, life, and supplemental health insurance benefits. (Government Code 3141-3142)

"Authorized strike" means a strike sanctioned by the central labor council or the membership of an employee organization that represents the striking employees, or one that is engaged in by unrepresented employees. (Government Code 3141)

Employees whose vacation leave has been authorized prior to the work stoppage shall receive vacation pay for the authorized period.

If an employee is on a paid sick or disability leave when the work stoppage begins, the employee shall be entitled to continued payment as long as the employee remains ill or disabled and is otherwise eligible according to Board policy and collective bargaining agreements.

The Superintendent or designee may determine that credit shall not be applied toward probationary service, salary schedule advancement, permanent status, vacation earnings, retirement credit or sick leave accrual during the period of time that employees withhold services.

for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 35204	Contract with attorney in private practice - https://simbli.eboardsolutions.com/SU/irlX4qUNWLsPUplusIWDLQTXw==
Ed. Code 35205	Contract for legal services - https://simbli.eboardsolutions.com/SU/5rr6panc1Wplus7ezW1NtfhKA==
Ed. Code 37200	School calendar - https://simbli.eboardsolutions.com/SU/8MwyaORWh3PPOH8q2B6AZw==
Gov. Code 3140-3142	Public Employee Health Protection Act - https://simbli.eboardsolutions.com/SU/5ZomwcN1rn8GplusD3qR9qp2A==
Gov. Code 3540-3549.3	Educational Employment Relations Act - https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwaun7ug==
Gov. Code 3543.5-3543.6	Unfair labor practices - https://simbli.eboardsolutions.com/SU/cl1siKyo2fslshVcCYXJSOWdA==
Gov. Code 3548.3548.8	Impasse procedures - https://simbli.eboardsolutions.com/SU/4ISUFAQvc4Vi2A1kBvpNRA==

Management Resources References

Public Employment Relations Board Decision	Fresno Unified School District, 1982, PERB Dec. No. 208, 6 PERC 13110
Public Employment Relations Board Decision	Konocti Unified School District, 1982, PERB Dec. No. 217, 6 PERC 13152
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	State Mediation and Conciliation Service (SMCS) - https://simbli.eboardsolutions.com/SU/Hh5BRnaxsR9icKPFMBBCOPA==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Policy 4243: Negotiations/Consultation

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes its responsibility to represent the public's interests in the collective bargaining process. In ratifying agreements on employee contracts, the Board shall balance the needs of staff and the priorities of the district in order to provide students with a high-quality instructional program based on a sound, realistic budget.

The Board and the Superintendent shall establish a bargaining team to assist in analyzing contract provisions and conducting contract negotiations. The Board shall provide its negotiator(s) with expected outcomes and clear parameters for acceptable contract provisions which promote the realization of district goals and priorities.

The Board and its bargaining team shall negotiate in good faith with exclusive employee representatives on wages, hours of employment, and other terms and conditions of employment identified in law as being within the scope of representation. (Government Code 3543.2)

When the district intends to make any change to matters within the scope of representation, it shall give reasonable written notice of its intent to the exclusive representative for the purpose of providing the exclusive representative a reasonable amount of time to negotiate with the district regarding the proposed changes. (Government Code 3543.2)

A reasonable number of representatives of the employee organization shall have the right to receive reasonable periods of released time without loss of district compensation when meeting and negotiating and/or for the processing of grievances. (Government Code 3543.1)

The Board and its bargaining team shall establish standards of conduct pertaining to the negotiations process for members of the bargaining team. Certain meetings related to negotiations shall not be open to the public in accordance with Government Code 3549.1 and 54957.6, except as otherwise required by law. Matters discussed in these meetings shall be kept in strict confidence in accordance with law.

The Board and its negotiator(s) shall not knowingly provide the employee organization with inaccurate information regarding the financial resources of the district. (Government Code 3543.5)

The Board shall monitor the progress of negotiations and carefully consider how proposed contract provisions would affect the district's short- and long-term fiscal, programmatic, instructional, and personnel goals.

The Board and/or Superintendent or designee shall keep the public informed about the progress of negotiations and the ways in which negotiations may affect district goals unless otherwise agreed upon by the district and exclusive representative.

Whenever the district has a qualified or negative certification on an interim fiscal report, it shall allow the county office of education at least 10 working days to review and comment on any proposed agreement with exclusive representatives of employees. The district shall provide the County Superintendent of Schools with all information relevant to gain an understanding of the financial impact of any final collective bargaining agreement. (Government Code 3540.2)

Once the final terms of the agreement have been ratified by the membership of the employee organization, the contract shall be presented to the Board at a public meeting for acceptance.

Any agreement adopted by the Board may be for a term not to exceed three years. (Government Code 3540.1)

In the event of an impasse in negotiations, the district shall participate in good faith in mediation and fact-finding procedures pursuant to Government Code 3548-3548.8. (Government Code 3543.5)

Following adoption of the collective bargaining agreement, any subsequent amendments shall be executed in writing and ratified by the Board and the employees' exclusive representative.

Consultation

The exclusive representative of certificated staff may consult with the Board on the definition of educational objectives, the determination of the content of courses and curriculum, and the selection of textbooks.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 44987

Description

Service as officer of employee organization; certificated -
<https://simbli.eboardsolutions.com/SU/y2SRxiaoEgtl2y5YlrR3A==>

Ed. Code 45210

Service as officer of employee organization; classified -
<https://simbli.eboardsolutions.com/SU/F3wr8ZfplusHiNBDwLB71ry5w==>

Gov. Code 3540-3549.3

Educational Employment Relations Act -
<https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwaun7ug==>

Management Resources References

Public Employment Relations Board Decision

Description

Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Website

Center for Collaborative Solutions -
<https://simbli.eboardsolutions.com/SU/XYy5ZtZ4MvUSDVUEfMPaoQ==>

Website

California Public Employee Relations -
<https://simbli.eboardsolutions.com/SU/lZslsh4LzP6RelPSoiPwjLPg==>

Website

California Public Employment Relations Board -
<https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tsish2ew==>

Website

State Mediation and Conciliation Service (SMCS) -
<https://simbli.eboardsolutions.com/SU/Hh5BRnaxsR9icKPFMBBCOPA==>

Website

CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Policy 4243.1: Public Notice - Personnel Negotiations

Status: DRAFT

Original Adopted Date: Pending

Because the Governing Board has a responsibility to represent the public's interest in negotiations with employee organizations, the Board is committed to keeping the public informed about issues being negotiated, providing members of the public an opportunity to express their views, and disclosing the position of each Board member in accordance with law.

Public Notice/Sunshining of Initial Proposals

All initial contract proposals of the Board and an employee organization which relate to matters within the scope of representation shall be presented at a public Board meeting and shall thereafter be public records. (Government Code 3547)

Meeting and negotiating between district and employee organization representatives shall not take place on these initial proposals until a reasonable time has elapsed after the submission of these proposals to enable the public to become informed and to express itself regarding the proposals at a public Board meeting. (Government Code 3547)

After the public has had an opportunity to provide input, the Board shall adopt its initial proposal at a public meeting. (Government Code 3547)

New subjects of meeting and negotiating arising after the presentation of initial proposals shall be made public within 24 hours. If a vote is taken on any such subject by the Board, each Board member's vote also shall be made public within 24 hours. (Government Code 3547)

Public Disclosure of Proposed Agreement

Before entering into a written agreement covering matters within the scope of representation, the Board shall disclose, at a public meeting, the major provisions of the agreement, including, but not limited to, the costs that would be incurred by the district under the agreement for the current and subsequent fiscal years. (Government Code 3547.5)

The Superintendent and chief business official shall certify, in writing, that any costs incurred by the district under the agreement can be met by the district during the term of the agreement and shall submit the certification to the Board prior to the Board's approval of the agreement. The certification shall itemize any budget revision necessary to meet the costs of the agreement in each year of its term. (Government Code 3547.5)

A copy of the proposed agreement shall be made available to the public prior to the day of the Board meeting.

The Superintendent or designee shall prepare a summary of the major provisions and changes in the proposed agreement.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

8 CCR 32075	PERB regional office defined
Ed. Code 42130-42134	Financial reports and certifications - https://simbli.eboardsolutions.com/SU/gislshrA3TTePb0MdGcbplussShQ==
Gov. Code 3540.2	Meeting and negotiating in public educational employment - https://simbli.eboardsolutions.com/SU/opluspuGIaAutoQsWU1hajyX3Q==
Gov. Code 3547	Proposals relating to representation; informing public - https://simbli.eboardsolutions.com/SU/elqe9jSfU7plusKqTdKbl3WYg==
Gov. Code 3547.5	Major provisions of agreement with exclusive representation - https://simbli.eboardsolutions.com/SU/1ZvdSJkslsh3T4PiaXJU2f83Q==

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Website

California Public Employment Relations Board -
<https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==>

Website

CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Website

Fiscal Crisis and Management Assistance Team -
<https://simbli.eboardsolutions.com/SU/1KDBnxplus9GCiDTyFvbLOOxQ==>

Website

School Services of California, Inc. -
<https://simbli.eboardsolutions.com/SU/nzOINPGdklslshZR9e7VNuDXg==>

Website

California Department of Education -
<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>

Regulation 4243.1: Public Notice - Personnel Negotiations

Status: DRAFT

Original Adopted Date: Pending

Public Disclosure of Proposed Agreement

The Superintendent or designee shall prepare a summary of the proposed agreement which shall include, but may not necessarily be limited to:

1. Major provisions of the agreement that affect compensation, such as:
 - a. Direct increases in salaries and percentage change in on-schedule salaries
 - b. Changes in health and welfare benefits
 - c. Changes in health and welfare benefit dollar contributions by the district
 - d. Changes in step and column or longevity provisions
 - e. Changes in overtime, differential, callback, and standby pay provisions
 - f. Changes in staffing ratios
 - g. One-time bonuses or off-the-schedule increases
2. Other provisions that will result in increased costs to the district even if they do not involve an increase in employee compensation, such as class-size reduction or increased number of staff development days
3. Costs of the proposed agreement, for the current and subsequent fiscal years, categorized for salaries, benefits, other compensation, and other noncompensation costs, including percentage increase of total compensation (salaries, benefits, and other compensation provisions) for the average represented employee as a result of the agreement and the approximate cost to the district of providing a one percent increase in total compensation
4. Proposed source(s) of funding for the current and subsequent fiscal years including the assumptions used to determine available resources to meet the obligations of the proposed agreement
5. Other major provisions that do not directly affect the district's costs, such as binding arbitration or grievance procedures

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

State References	Description
8 CCR 32075	PERB regional office defined
Ed. Code 42130-42134	Financial reports and certifications - https://simbli.eboardsolutions.com/SU/gislshrA3TTePb0MdGcbplussShQ==
Gov. Code 3540.2	Meeting and negotiating in public educational employment - https://simbli.eboardsolutions.com/SU/opluspuGIAutoQsWU1hajyX3Q==
Gov. Code 3547	Proposals relating to representation; informing public - https://simbli.eboardsolutions.com/SU/elqe9jSfU7plusKqTdKbl3WYg==
Gov. Code 3547.5	Major provisions of agreement with exclusive representation - https://simbli.eboardsolutions.com/SU/1ZvdSJkslsh3T4PiaXJU2f83Q==

Management Resources References

Description

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	Fiscal Crisis and Management Assistance Team - https://simbli.eboardsolutions.com/SU/1KDBnxplus9GCiDTyFvbLOOxQ==
Website	School Services of California, Inc. - https://simbli.eboardsolutions.com/SU/nzOINPGdklsishZR9e7VNuDxg==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==

Policy 4244: Complaints

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the need to establish a process to allow employees and job applicants to have their concerns heard in an expeditious and unbiased manner. The Board expects that employees will make every effort to resolve complaints and disagreements informally before filing a formal complaint.

The Board prohibits retaliation against complainants. The Superintendent or designee may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint.

All matters related to a complaint shall be kept confidential and any document, communication, or record regarding the complaint shall be placed in a separate file and shall not be placed in an employee's personnel file.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==
Ed. Code 35186	Complaints regarding teacher vacancy or misassignment - https://simbli.eboardsolutions.com/SU/MDiv2vFqYgd1u6vWMYFnhA==
Ed. Code 44110-44114	Reporting by school employees of improper governmental activity - https://simbli.eboardsolutions.com/SU/4sbGHtoaKQKEpukCOPXGsQ==
Gov. Code 3543	Public school employees' rights - https://simbli.eboardsolutions.com/SU/zEF6CCJaxeqlplusvis6FeNQ6w==
Gov. Code 3543.1	Rights of employee organizations - https://simbli.eboardsolutions.com/SU/m7X7sU6S9KfjH0z33KIC6A==
Gov. Code 53296-53299	Disclosure of confidential information; whistleblower - https://simbli.eboardsolutions.com/SU/ZIBfiZeR4nqqRNyREPEoqg==
Gov. Code 54957	Complaints against employees; right to open session - https://simbli.eboardsolutions.com/SU/slshHI9rGplusU5KWWytZk9AyVpA==
Lab. Code 1102.5-1106	Whistleblower protections - https://simbli.eboardsolutions.com/SU/bWuMcu9DRZg9ylvRCpFVMw==

Management Resources References

Description

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Regulation 4244: Complaints

Status: DRAFT

Original Adopted Date: Pending

The procedure specified in this administrative regulation shall be used to investigate and resolve any complaint by an employee alleging misapplication of the district's policies, regulations, rules, or procedures or for "whistleblower" complaints by an employee or job applicant regarding an improper district activity including, but not limited to, an allegation of gross mismanagement, a significant waste of funds, an abuse of authority, or a specific danger to public health or safety.

Any of the time limits specified in the following procedure may be extended by written agreement between the district and complainant.

Step 1: Informal Complaint Process

Prior to instituting a formal, written complaint, the employee shall first discuss the issue with his/her supervisor or the principal of the school where the alleged act took place. Formal complaint procedures shall not be initiated until the employee has first attempted to resolve the complaint informally.

Step 2: Site Level Formal Complaint Process

If a complaint has not been satisfactorily resolved through the informal process in Step 1, the complainant may file a written complaint with his/her immediate supervisor or principal within 60 days of the act or event which is the subject of the complaint. If an employee fails to file a written complaint within 60 days, the complaint shall be considered resolved on the basis of the preceding step.

In the written complaint, the employee shall specify the nature of the problem, including names, dates, locations, witnesses, the remedy sought by the employee, and a description of informal efforts to resolve the issue.

Within 10 working days of receiving the complaint, the immediate supervisor or principal shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint. Within five working days after the meeting, he/she shall prepare and send a written response to the complainant.

Step 3: District Level Appeal

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file the written complaint with the Superintendent or designee within five working days of receiving the written response from the immediate supervisor or the principal. The complainant shall include all information presented to the immediate supervisor or principal at Step 2.

Within 10 working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation, including reviewing the investigation and written response by the immediate supervisor or principal at Step 2, and shall meet with the complainant in an effort to resolve the complaint. Within five working days after the meeting, he/she shall prepare and send a written response to the complainant.

Step 4: Appeal to the Governing Board

If a complaint has not been satisfactorily resolved at Step 3, the complainant may file a written appeal to the Board within five working days of receiving the Superintendent or designee's response. All information presented at Steps 1, 2, and 3 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a written report describing attempts to resolve the complaint and the district's response.

The Board may uphold the findings by the Superintendent or designee without hearing the complaint or the Board may hear the complaint at a regular or special Board meeting. The hearing shall be held in closed session if the complaint relates to matters that may be addressed in closed session in accordance with law.

The Board shall make its decision within 30 days of the hearing and shall send its decision to all concerned parties. The Board's decision shall be final.

Alternate Procedures

Complaints alleging unlawful discrimination on any basis specified in the district's nondiscrimination policies, including complaints of sexual harassment, shall be resolved in accordance with the district's procedure in BP/AR 4030 - Nondiscrimination in Employment.

Complaints regarding unlawful discrimination in district programs or the district's failure to comply with state or federal laws regarding educational programs shall be resolved in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. Complaints regarding sufficiency of textbook materials, teacher vacancy or misassignment, or an urgent or emergency facility condition shall be resolved in accordance with AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186; 5 CCR 4621)

For complaints regarding working conditions or other subjects of negotiation, the employee shall use the grievance procedure specified in the applicable collective bargaining agreement.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Ed. Code 35186	Complaints regarding teacher vacancy or misassignment - https://simbli.eboardsolutions.com/SU/MDiv2vFqYgd1u6vWMYFnhA==
Ed. Code 44110-44114	Reporting by school employees of improper governmental activity - https://simbli.eboardsolutions.com/SU/4sbGHtoaKQKEpukC0PXGsQ==
Gov. Code 3543	Public school employees' rights - https://simbli.eboardsolutions.com/SU/zEF6CCJaxeqlusvis6FeNQ6w==
Gov. Code 3543.1	Rights of employee organizations - https://simbli.eboardsolutions.com/SU/m7X7sU6S9KfjH0z33KIC6A==
Gov. Code 53296-53299	Disclosure of confidential information; whistleblower - https://simbli.eboardsolutions.com/SU/ZIBfiZeR4nqqRNyREPEoqg==
Gov. Code 54957	Complaints against employees; right to open session - https://simbli.eboardsolutions.com/SU/slshHI9rGplusU5KWWytZk9AyVpA==
Lab. Code 1102.5-1106	Whistleblower protections - https://simbli.eboardsolutions.com/SU/bWuMcu9DRZg9ylvRCpFVMw==

Management Resources References

	Description
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Policy 4256.2: Awards And Recognition

Status: DRAFT

Original Adopted Date: Pending

The Governing Board values its instructional and noninstructional staff and desires to recognize their outstanding service in order to increase employee morale and encourage creative and innovative performance.

The Board encourages recognition of all staff during days of significance designated by the Board, state law, or state resolution.

The Board authorizes awards to individual employees who: (Education Code 44015)

1. Propose procedures or ideas that result in eliminating or reducing district expenditures or improving district operations
2. Perform special acts or services in the public interest
3. By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in district operations

As the district budget permits, the Superintendent or designee may recognize such employees by issuing service pins, certificates, plaques, and/or other mementos. In addition, he/she may recommend employees to the Board for recognition at a public Board meeting.

The Superintendent or designee shall establish procedures for the selection of individual employees to receive awards.

The Superintendent or designee may appoint one or more merit award committees consisting of Board members, district employees, and/or private citizens to review employee contributions and recommend awards.

Monetary awards to employees shall not exceed \$200 unless expressly approved by the Board. (Education Code 44015)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 35160	Authority of governing boards - https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==
Ed. Code 35160.1	Broad authority of school districts - https://simbli.eboardsolutions.com/SU/ewe0Cc8cKGTgDzaAt5MKhw==
Ed. Code 35161	Board delegation of any powers or duties - https://simbli.eboardsolutions.com/SU/slsh1PplusGg7pf1zBSnE4YBslshMOQ==
Ed. Code 44015	Awards to employees - https://simbli.eboardsolutions.com/SU/XGslshRoXMbF8owRPmVP5CkGQ==
Ed. Code 45460	Classified School Employee Week - https://simbli.eboardsolutions.com/SU/PI7b4B21KoNcN9IFhNO9eQ==

Management Resources References

Description

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	Fiscal Crisis and Management Assistance Team - https://simbli.eboardsolutions.com/SU/1KDBnxplus9GCiDTyFvbLOOxQ==

Policy 4256.3: Employee Property Reimbursement

Status: DRAFT

Original Adopted Date: Pending

The Governing Board authorizes the Superintendent or designee to pay the cost of replacing or repairing employee personal property, except cash, which has been stolen or intentionally destroyed or damaged while being used for work-related purposes.

No reimbursement shall be made for accidental damage or for any loss due to lack of personal supervision or failure to keep property in a secured area.

The maximum payment shall be the amount specified by the district's insurance carrier for such loss or the amount specified in the applicable collective bargaining agreement, whichever is less.

Reimbursement for personal items used for work-related purposes shall be made only if: (Education Code 35213)

1. Use of the personal property was approved by the principal, site supervisor or designee before the property was brought to school or district premises
2. At that time, the employee and district representative agreed on the value of the property

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Civ. Code 1714.1

Ed. Code 35213

Ed. Code 48904

Description

Liability of parent or guardian for act of willful misconduct by a minor - <https://simbli.eboardsolutions.com/SU/NSknePFduiYWusJFnU3r9Q==>

Reimbursement for loss or damage of personal property - <https://simbli.eboardsolutions.com/SU/wOsFs53lgmoKZOWrqM6DZA==>

Liability of parent - <https://simbli.eboardsolutions.com/SU/HuoUSHfesnOeJY8nP1JfrA==>

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Policy 4257: Employee Safety

Status: DRAFT

Original Adopted Date: Pending

The Governing Board is committed to maximizing employee safety and believes that workplace safety is the responsibility of every employee. Working conditions and equipment shall comply with standards prescribed by federal, state, and local laws and regulations.

No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful. (Labor Code 6402)

The Superintendent or designee shall promote safety and correct any unsafe work practices through education and enforcement.

All employees are expected to use safe work practices and, to the extent possible, correct any unsafe conditions which may occur. If an employee is unable to correct an unsafe condition, the employee shall immediately report the problem to the Superintendent or designee.

The Superintendent or designee shall establish and implement a written injury and illness prevention program, and provide employees with access to such program, in accordance with law. (Labor Code 6401.7; 8 CCR 3203)

The Superintendent or designee shall make first aid materials readily available at district workplaces and shall make effective provisions to prepare for prompt medical treatment in the event of an employee's serious injury or illness. (8 CCR 3400)

No employee shall be discharged or discriminated against for exercising any right regarding employee safety or health specified in Labor Code 6310, including:

1. Making a report or complaint
2. Instituting proceedings or causing proceedings to be instituted
3. Testifying with regard to employee safety or health
4. Participating in any occupational health and safety committee established pursuant to Labor Code 6401.7
5. Requesting access to injury or illness reports and records
6. Exercising any other right protected by the Occupational Safety and Health Act

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

17 CCR 2508	Reporting of communicable diseases
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	Injury and illness prevention program
8 CCR 3204	Access to employee exposure and medical records
8 CCR 3400	Medical services and first aid
8 CCR 5095-5100	Control of noise exposure
8 CCR 5193	Bloodborne pathogens
Ed. Code 32030-32034	Eye safety - https://simbli.eboardsolutions.com/SU/zSiKvuf0fsIshlOlisIshrUiiu6w==
Ed. Code 32225-32226	Communications devices in classrooms - https://simbli.eboardsolutions.com/SU/j4veUiFkkN7RRLslshslshZ6plus3rw==

Ed. Code 32280-32289.5	School safety plans - https://simbli.eboardsolutions.com/SU/gz33QjVcfk6ufvjfPS84Kw==
Ed. Code 44984	Required rules for industrial accident and illness leave - https://simbli.eboardsolutions.com/SU/ke4DWoaukfaaoJH5A01K1w==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Lab. Code 132a	Workers' compensation; nondiscrimination - https://simbli.eboardsolutions.com/SU/0dt23JsOI4slsh31plusSSOKbs3A==
Lab. Code 3300	Definition of employer - https://simbli.eboardsolutions.com/SU/BXLSRBjf9aGdFbl7WIEYQQ==
Lab. Code 6305	Occupational safety and health standards; special order - https://simbli.eboardsolutions.com/SU/55WjxorgZhT1Hvp4jz3qEw==
Lab. Code 6310	Retaliation for filing complaint prohibited - https://simbli.eboardsolutions.com/SU/ijRdWVyzKKGf0uB67vy5pg==
Lab. Code 6400-6413.5	Responsibilities and duties of employers and employees - https://simbli.eboardsolutions.com/SU/5ARHwU9sntKsGv146oDDoQ==
Lab. Code 6401.7	Injury and illness prevention program - https://simbli.eboardsolutions.com/SU/OLCkBLQtPasszuobFzmJvw==

Federal References

17 CFR 2508	Reporting of communicable diseases
29 CFR 1910.1030	Bloodborne pathogens
29 CFR 1910.95	Noise standards
29 CFR 651-678	Occupational safety and health
8 CFR 14000-14316	Occupational injury or illness reports and records
8 CFR 3204	Access to employee exposure and medical records
8 CFR 5193	Bloodborne pathogens

Management Resources References

Department of Industrial Relations Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2011
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslishXk6R5akQ==
Website	National Institute for Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/MsNFevsgqBuZsm1t2nD60A==
Website	U.S. Department of Labor, Occupational Safety and Health Administration - https://simbli.eboardsolutions.com/SU/3chzxaztydPHSslshAUF6PdVA==
Website	California Department of Industrial Relations, Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQIJEVTeFex4Q==
Website	National Hearing Conservation Association - https://simbli.eboardsolutions.com/SU/7tMEcYWajQ8WzRWT1oq6tw==
Website	Centers for Disease Control and Prevention - https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==

Regulation 4257: Employee Safety

Status: DRAFT

Original Adopted Date: Pending

The Superintendent or designee shall provide safety devices and implement safeguards, methods, and processes that are reasonably necessary for the safety and health of employees in the workplace. (Labor Code 6401)

Injury and Illness Prevention Program

The district's injury and illness prevention program shall cover all district employees and all other workers whom the district controls or directs and directly supervises on the job to the extent that the workers are exposed to hazards specific to their worksite and job assignment. The obligation of contractors or other employers who control or direct and supervise their own employees on the job shall not be affected by the district's injury and illness prevention program. (Labor Code 6401.7)

The district's injury and illness prevention program shall include: (Labor Code 6401.7; 8 CCR 3203)

1. The name/position of the person(s) with authority and responsibility for implementing the program.
2. A system for ensuring that employees comply with safe and healthful work practices, which may include, but not be limited to:
 - a. Recognition of employees who follow safe and healthful work practices
 - b. Training and retraining programs
 - c. Disciplinary actions
3. A system for communicating with employees, in a form readily understandable by all employees on matters related to occupational health and safety, including provisions designed to encourage employees to report hazards at the worksite without fear of reprisal. The communications system may include, but not be limited to:
 - a. Meetings
 - b. Training programs
 - c. Posting
 - d. Written communications
 - e. A system of anonymous notification by employees about hazards
 - f. A labor/management safety and health committee
4. Procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. Such inspections shall be made:
 - a. Whenever new substances, processes, procedures, or equipment that represents a new occupational safety or health hazard is introduced into the workplace
 - b. Whenever the district is made aware of a new or previously unrecognized hazard
5. A procedure for investigating occupational injury or illness.
6. Methods and/or procedures for correcting unsafe or unhealthful conditions, work practices, and work procedures in a timely manner, based on the severity of the hazard, when the hazard is observed or discovered.

When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, these procedures shall call for the removal of all exposed staff from the area except those necessary to correct the hazardous condition. Employees needed to correct the condition shall be provided

necessary safeguards.

7. Provision of training and instruction as follows:

- a. To all new employees
- b. To all employees given new job assignments for which training has not previously been received
- c. Whenever new substances, processes, procedures, or equipment is introduced into the workplace and represents a new hazard
- d. Whenever the district is made aware of a new or previously unrecognized hazard
- e. To supervisors, to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed

The Superintendent or designee shall provide employees, or their representative designated pursuant to 8 CCR 3203, with either of the following: (8 CCR 3203)

1. Access to the district's injury and illness prevention program in a reasonable time, place, and manner, but in no event later than five business days after the request for access is received from an employee or a designated representative of the employee

When an employee or designated representative requests a copy of the district's injury and illness prevention program, the Superintendent or designee shall provide the requester a printed copy unless the employee or designated representative agrees to receive an electronic copy.

The Superintendent or designee shall provide one printed copy free of charge. If the employee or designated representative requests additional copies within one year of the previous request and the district's injury and illness prevention program has not been updated with new information since the prior copy was provided, the district may charge reasonable reproduction costs pursuant to 8 CCR 3204 for the additional copies.

2. Unobstructed access to the district's injury and illness prevention program through the district's server or web site, which allows an employee to review, print, and email the current version of the district's injury and illness prevention program

The Superintendent or designee shall communicate the right and procedure to access the district's injury and illness prevention program to all employees. (8 CCR 3203)

Labor/Management Safety and Health Committee

The district's labor/management safety and health committee shall: (8 CCR 3203)

1. Meet regularly, but not less than quarterly.
2. Prepare and make available to affected employees written records of the safety and health issues discussed at committee meetings and maintained for review by the California Department of Industrial Relations' Division of Occupational Safety and Health (Cal/OSHA) upon request. These records shall be maintained for at least one year.
3. Review results of the periodic, scheduled worksite inspections.
4. Review investigations of occupational accidents and causes of incidents resulting in occupational injury or illness or exposure to hazardous substances. As appropriate, the committee may submit suggestions to the Superintendent or designee regarding the prevention of future incidents.
5. Review investigations of alleged hazardous conditions brought to the attention of any committee member. When determined necessary by the committee, it may conduct its own inspection and investigation to assist in remedial solutions.
6. Submit recommendations to assist in the evaluation of employee safety suggestions.

7. Upon request of Cal/OSHA, verify abatement action taken by the district to abate citations issued by Cal/OSHA.

Hearing Protection

Whenever employee noise exposure equals or exceeds the standards specified in law, the Superintendent or designee shall implement a hearing conservation program in accordance with state and federal regulations, including, when required, monitoring of sound levels, audiogram evaluation and audiometric testing of affected employees, the provision of hearing protectors, and employee training. (8 CCR 5095-5100; 29 CFR 1910.95)

Eye Safety Devices

Eye safety devices shall be worn by employees whenever they are engaged in or observing an activity involving hazards or hazardous substances likely to cause injury to the eyes. (Education Code 32030-32034)

First Aid and Medical Services

The Superintendent or designee shall ensure the ready availability of medical personnel for advice and consultation on matters of industrial health or injury. Whenever a district facility or district grounds are not in close proximity to an infirmary, clinic, or hospital where all injured employees may be treated, the Superintendent or designee shall ensure that at least one employee is adequately trained to provide first aid. (8 CCR 3400)

The Superintendent or designee shall make adequate first aid materials readily available for employees at every worksite. Such materials shall be approved by a consulting physician and shall be kept in a sanitary and usable condition. The Superintendent or designee shall frequently inspect all first aid materials and replenish them as necessary. (8 CCR 3400)

The Superintendent or designee shall ensure that suitable facilities for quick drenching or flushing of the eyes and body are provided within the work area for immediate emergency use when the eyes or body or any person may be exposed to injurious corrosive materials. (8 CCR 3400)

To avoid unnecessary delay in medical treatment in the event of an employee's serious injury or illness, the Superintendent or designee shall use one or more of the following: (8 CCR 3400)

1. A communication system for contacting a physician or emergency medical service, such as access to 911 or equivalent telephone system. The communication system or the employees using the system shall have the ability to direct emergency services to the location of the injured or ill employee.
2. Readily accessible and available on-site treatment facilities suitable for treatment of reasonably anticipated injury and illness.
3. Proper equipment for prompt medical transport when transportation of injured or ill employees is necessary and appropriate.

Protection from Communicable Diseases and Infections

The Superintendent or designee shall develop an exposure control plan for bloodborne pathogens that is consistent with the district's injury and illness prevention program. The plan shall include a determination of which job classifications have occupational exposure to blood or other potentially infectious materials; precautions to be implemented, including universal precautions, engineering and work practice controls, and personal protective equipment; availability of the hepatitis B vaccination; provision of information and training to employees; and follow-up actions to be taken if exposure occurs. The district shall ensure that a copy of the exposure control plan is accessible to employees in accordance with law. (8 CCR 5193; 29 CFR 1910.1030)

Strategies to prevent and mitigate the outbreak or spread of infectious diseases shall be followed for diseases that are communicated through airborne transmission, skin-to-skin contact, foodborne transmission, or other casual or noncasual means. Such strategies shall include, but are not limited to, communication and training about the disease(s); campus closures and alternative means of instruction when necessary; preventative measures, such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by law; and cleaning and sanitization of district facilities and equipment.

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable disease. (17 CCR 2508)

COVID-19 Exposure

If the district receives notice of potential exposure to COVID-19, the Superintendent or designee shall, within one business day of the notice, take all of the following actions: (Labor Code 6409.6)

1. Provide a written notice to all employees, and the employers of subcontracted employees, who were on the premises at the same worksite as the qualifying individual within the infectious period that they may have been exposed to COVID-19. The notice shall be provided in a manner normally used to communicate employment-related information, which may include, but is not limited to, personal service, email, or text message if it can reasonably be anticipated to be received by the employee within one business day of sending.
2. Provide a written notice to the exclusive representative, if any, of employees who were on the premises within the infectious period
3. Provide all employees who may have been exposed and the exclusive representative, if any, with information regarding:
 - a. COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws, including, but not limited to, workers' compensation
 - b. Available leave options for exposed employees
 - c. Antiretaliation and antidiscrimination protections of the employee
4. Notify all employees, and the employers of subcontracted employees and the exclusive representative, if any, of the disinfection and safety plan that the district plans to complete in accordance with Centers for Disease Control and Prevention guidelines

The above notifications shall be maintained for a period of at least three years. (Labor Code 6409.6)

If the district is notified of the number of cases that meet the definition of a COVID-19 outbreak, as defined by the California Department of Public Health, within 48 hours, the Superintendent or designee shall, within 48 hours of the notice, notify the local public health agency of the names, number, occupation, and worksite of employees who meet the definition of a qualifying individual. The Superintendent or designee shall continue to give notice to the local health department of any subsequent laboratory-confirmed cases of COVID-19 at the worksite. (Labor Code 6409.6)

In the event that Cal/OSHA prohibits entry into any district workplace or performance of a district operation or process based on a determination that the workplace exposes employees to the risk of COVID-19 infection and constitutes an imminent hazard to employees, the district shall post a notice thereof provided by Cal/OSHA in a conspicuous place at the work site. This notice shall not be removed except by an authorized representative of Cal/OSHA and only when the place of employment, operation, or process is made safe and the required safeguards or safety appliances or devices are provided. (Labor Code 6325)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

17 CCR 2508	Reporting of communicable diseases
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	Injury and illness prevention program
8 CCR 3204	Access to employee exposure and medical records
8 CCR 3400	Medical services and first aid

8 CCR 5095-5100	Control of noise exposure
8 CCR 5193	Bloodborne pathogens
Ed. Code 32030-32034	Eye safety - https://simbli.eboardsolutions.com/SU/zSiKvuf0fsIshlOlislshrUiiu6w==
Ed. Code 32225-32226	Communications devices in classrooms - https://simbli.eboardsolutions.com/SU/j4veUiFkkN7RRlsIshslshZ6plus3rw==
Ed. Code 32280-32289.5	School safety plans - https://simbli.eboardsolutions.com/SU/gz33QjVcfk6ufvjfPS84Kw==
Ed. Code 44984	Required rules for industrial accident and illness leave - https://simbli.eboardsolutions.com/SU/ke4DWOaukfaaoJH5A01K1w==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Lab. Code 132a	Workers' compensation; nondiscrimination - https://simbli.eboardsolutions.com/SU/Odt23JsOI4slsh31plusSS0Kbs3A==
Lab. Code 3300	Definition of employer - https://simbli.eboardsolutions.com/SU/BXLSRBjf9aGdFbl7WIEYQQ==
Lab. Code 6305	Occupational safety and health standards; special order - https://simbli.eboardsolutions.com/SU/55WjxorgZhT1Hvp4jz3qEw==
Lab. Code 6310	Retaliation for filing complaint prohibited - https://simbli.eboardsolutions.com/SU/ijRdWVyzKKGf0uB67vy5pg==
Lab. Code 6400-6413.5	Responsibilities and duties of employers and employees - https://simbli.eboardsolutions.com/SU/5ARHwU9sntKsGv146oDDoQ==
Lab. Code 6401.7	Injury and illness prevention program - https://simbli.eboardsolutions.com/SU/OLCkBLQtPasszuobFzmJvw==

Federal References

17 CFR 2508	Reporting of communicable diseases
29 CFR 1910.1030	Bloodborne pathogens
29 CFR 1910.95	Noise standards
29 CFR 651-678	Occupational safety and health
8 CFR 14000-14316	Occupational injury or illness reports and records
8 CFR 3204	Access to employee exposure and medical records
8 CFR 5193	Bloodborne pathogens

Management Resources References

Department of Industrial Relations Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2011
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==
Website	National Institute for Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/MsNFevsgqBuZsm1t2nD60A==
Website	U.S. Department of Labor, Occupational Safety and Health Administration - https://simbli.eboardsolutions.com/SU/3chzxaztydPHSslshAUF6PdVA==
Website	California Department of Industrial Relations, Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQIJEVTeFex4Q==
Website	National Hearing Conservation Association - https://simbli.eboardsolutions.com/SU/7tMEcYWajQ8WzRWT1oq6tw==

Website

Centers for Disease Control and Prevention -
<https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==>

Regulation 4257.1: Work-Related Injuries

Status: DRAFT

Original Adopted Date: Pending

In order to provide medical benefits, temporary or permanent disability benefits, wage replacement, retraining or skill enhancement, and/or death benefits in the event that an employee becomes injured or ill in the course of employment, the district shall provide all employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process that reduces costs and facilitates employee recovery.

The Superintendent or designee shall notify every new employee, at the time of hire or by the end of the first pay period, of the employee's right to receive workers' compensation benefits if injured at work. (Labor Code 3551; 8 CCR 15596)

In addition, a notice regarding workers' compensation benefits shall be posted in a conspicuous location frequented by employees, where the notice may be easily read during the workday. (Labor Code 3550)

In the event that an employee is injured or becomes ill in the course of employment, the employee shall report the work-related injury or illness to the Superintendent or designee as soon as practicable. The employee and appropriate district staff shall also promptly document the date and time of any incident, a description of the incident, and any persons present.

Within one working day of receiving notice or knowledge of any injury to an employee in the course of employment, the Superintendent or designee shall provide a claim form and notice of potential eligibility for workers' compensation benefits to the employee or, in the case of the employee's death, to the employee's dependents. The claim form and notice shall be provided personally or by first class mail. (Labor Code 5401)

The Superintendent or designee shall additionally ensure that any employee who is a victim of a crime that occurred at the place of employment is given written notice personally or by first class mail within one working day of the crime, or when the district reasonably should have known of the crime, that the employee is eligible for workers' compensation benefits for injuries, including psychiatric injuries, that may have resulted from the crime. (Labor Code 3553)

The Superintendent or designee shall ensure that all employee notices described above are in the form prescribed by the Department of Industrial Relations (DIR), Division of Workers Compensation.

Upon learning of a work-related injury or illness, or injury or illness alleged to have arisen out of and in the course of employment, the Superintendent or designee shall report the incident to the district's insurance carrier or DIR, as applicable, within five days after obtaining knowledge of the injury or illness. If a subsequent death arises as a result of the reported injury or illness, an amended report indicating the death shall be filed within five days after being notified of or learning about the death. (Labor Code 6409.1)

In addition, in every case involving death or serious injury or illness, the Superintendent or designee shall immediately make a report to the Division of Occupational Safety and Health (Cal/OSHA) by telephone or through an online mechanism made available by Cal/OSHA. (Labor Code 6409.1)

For the purpose of this report, serious injury or illness means any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement. (Labor Code 6302)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

8 CCR 15596

Ed. Code 44984

Description

Notice of employee rights to workers' compensation benefits

Required rules for industrial accident and illness leave -

<https://simbli.eboardsolutions.com/SU/ke4DWoaukfaaoJH5A01K1w==>

Ed. Code 45192	Industrial accident and illness leave for classified employees - https://simbli.eboardsolutions.com/SU/HTwslshO644wTLZxo0sXoYSiA==
Lab. Code 3200-4856	Workers' compensation - https://simbli.eboardsolutions.com/SU/29KVqRTlpu3spGvT4OslshslshplusQ==
Lab. Code 3212.86	COVID-19: critical workers pre-July 5, 2020 - https://simbli.eboardsolutions.com/SU/46SNIX3ikeplusJBUNjmaEEkQ==
Lab. Code 3212.88	COVID-19: critical workers post-July 5, 2020 - https://simbli.eboardsolutions.com/SU/ZsvtwWNGDdSnAEivJJ5gVQ==
Lab. Code 3550-3553	Notifications re: workers' compensation benefits - https://simbli.eboardsolutions.com/SU/iCiiTstncY6NjUJ19aRkNw==
Lab. Code 3600-3605	Conditions of liability - https://simbli.eboardsolutions.com/SU/1laXnIGubTbZdl0sz0KECQ==
Lab. Code 3760	Report of injury to insurer - https://simbli.eboardsolutions.com/SU/bv0lpSKmslsh4slshplusQeHTBh0RMg==
Lab. Code 4600	Provision of medical and hospital treatment by employer - https://simbli.eboardsolutions.com/SU/yTuM5M1RDTvThwlnTHvJUg==
Lab. Code 4906	Disclosures and statements - https://simbli.eboardsolutions.com/SU/1Edjx8T7TkSkCEQ4QynHslshw==
Lab. Code 5400-5413	Notice of injury or death - https://simbli.eboardsolutions.com/SU/VH19H06yQHEVkcqzxlCCQ==
Lab. Code 6302	Definition of serious injury or illness - https://simbli.eboardsolutions.com/SU/3emf9K7Gz01kdF71SHycKQ==
Lab. Code 6409.1	Reports - https://simbli.eboardsolutions.com/SU/DyzHWRr11plusCOL9Y8YIXBslshQ==

Management Resources References

Description

Department of Industrial Relations Publication	Workers' Compensation in California: A Guidebook for Injured Workers, 2016
Department of Industrial Relations Publication	Workers' Compensation Claim Form (DWC 1) & Notice of Potential Eligibility
Department of Industrial Relations Publication	Notice to Employees - Injuries Caused by Work
Department of Industrial Relations Publication	Time of Hire Pamphlet
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==
Website	California Department of Industrial Relations, Division of Workers Compensation - https://simbli.eboardsolutions.com/SU/RyaOZCPLeaJxcwOryqLhUQ==
Website	California Department of Industrial Relations, Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQIJJEVTeFex4Q==
Website	California Department of Public Health - https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==

Regulation 4257.2: Ergonomics

Status: DRAFT

Original Adopted Date: Pending

The Superintendent or designee shall implement an ergonomics program to identify risk factors in the work environment that may result in injuries or illnesses to employees and shall design measures to mitigate such risk factors. The program shall include a study of body movements and positions used during work, the tools and equipment used, the physical environment (such as temperature, noise, and lighting), and the organizational environment (such as deadlines, teamwork, and supervision) in order to identify potential causes of stress on the body over time, such as exertion or strain, awkward or sustained posture, or repeated motions.

An employee who experiences pain, numbness, stiffness, swelling, tingling, weakness, or other symptom(s) of a repetitive motion injury (RMI) or other musculoskeletal disorder that may be caused or aggravated by workplace conditions shall report the problem to his/her supervisor.

When an RMI which is objectively identified and diagnosed by a licensed physician to be a musculoskeletal injury has been reported by two or more district employees within a 12-month period, and is determined to be predominantly caused by a repetitive job, process, or operation of an identical work activity, the Superintendent or designee shall: (8 CCR 5110)

1. Evaluate each job, process, or operation of identical work activity at the work site, or a representative number of such jobs, processes, or operations of identical work activities, for exposures which have caused RMIs
2. Correct in a timely manner, or minimize to the extent feasible if correction is not possible, any exposures that have caused RMIs, taking into consideration engineering controls such as work station redesign, adjustable fixtures, or tool redesign, and administrative controls such as job rotation, work pacing, or work breaks
3. Provide staff training that includes an explanation of:
 - a. The district's ergonomics program
 - b. The exposures that have been associated with RMIs
 - c. The symptoms and consequences of injuries caused by repetitive motion
 - d. The importance of reporting symptoms and injuries to the district
 - e. Methods used by the district to minimize RMIs

Strategies adopted for identifying and correcting workplace conditions or practices that may increase employees' risk of RMIs may be incorporated into the district's injury and illness prevention program developed pursuant to Labor Code 6401.7 and 8 CCR 3203.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

8 CCR 3203	Injury and illness prevention program
8 CCR 5110	Repetitive motion injuries
Ed. Code 44984	Required rules for industrial accident and illness leave - https://simbli.eboardsolutions.com/SU/ke4DWoaukfaoJH5A01K1w==
Ed. Code 45192	Industrial accident and illness leave for classified employees - https://simbli.eboardsolutions.com/SU/HTwslshO644wTLZxo0sXoYSiA==
Gov. Code 21153	Employer not to separate for disability members eligible to retire - https://simbli.eboardsolutions.com/SU/h58y6abDmPqhvGonW4Gz0w==
Lab. Code 142.3	Authority of Cal/OSHA to adopt standards - https://simbli.eboardsolutions.com/SU/qtK5bbJ47F5q49slshjslshfbb3g==

Lab. Code 3200-4856	Workers' compensation - https://simbli.eboardsolutions.com/SU/29KVqRTlpu3spGvT4OslshslshplusQ==
Lab. Code 3550-3553	Notifications re: workers' compensation benefits - https://simbli.eboardsolutions.com/SU/iCiiTstncY6NjUJ19aRkNw==
Lab. Code 3600-3605	Conditions of liability - https://simbli.eboardsolutions.com/SU/1laXnIGubTbZdl0sz0KECQ==
Lab. Code 3760	Report of injury to insurer - https://simbli.eboardsolutions.com/SU/bv0lpSKmslsh4slshplusQeHTBh0RMg==
Lab. Code 4600	Provision of medical and hospital treatment by employer - https://simbli.eboardsolutions.com/SU/yTuM5M1RDTvThwlnThvJUg==
Lab. Code 4906	Disclosures and statements - https://simbli.eboardsolutions.com/SU/1Edjx8T7TkSkCEQ4QynHslshw==
Lab. Code 5400-5404	Notice of injury or death - https://simbli.eboardsolutions.com/SU/VH19H06yQHEVkcqzxlCCQ==
Lab. Code 6303	Place of employment; employment - https://simbli.eboardsolutions.com/SU/5hbSUHothff5RkYz3wKHvw==
Lab. Code 6305	Occupational safety and health standards; special order - https://simbli.eboardsolutions.com/SU/55WjxorgZhT1Hvp4jz3qEw==
Lab. Code 6310	Retaliation for filing complaint prohibited - https://simbli.eboardsolutions.com/SU/ijRdWVyzKKGF0uB67vy5pg==
Lab. Code 6357	Standards for workplace ergonomics - https://simbli.eboardsolutions.com/SU/FZUuZjXs8LXotGhlevPtUw==
Lab. Code 6401.7	Injury and illness prevention program - https://simbli.eboardsolutions.com/SU/OLCkBLQtPasszuobFzmJvw==
Lab. Code 6409.1	Reports - https://simbli.eboardsolutions.com/SU/DyzHWRr11plusCOL9Y8YIXBslshQ==

Management Resources References

Management Resources References	Description
DIR, Div. of Occup. Safety & Health Publication	Ergonomic Hazards, Fact Sheet H
DIR, Div. of Occup. Safety & Health Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. May 2011
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==
Website	California Department of Industrial Relations, Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQlJEVTeFex4Q==

Policy 4258: Employee Security

Status: DRAFT

Original Adopted Date: Pending

The Governing Board desires to provide a safe and orderly work environment for all employees. As part of the district's comprehensive safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for providing necessary assistance and support when emergency situations occur.

Any person who threatens the safety of others at any district facility may be removed by the Superintendent or designee in accordance with AR 3515.2 - Disruptions.

Any employee against whom violence or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. As appropriate, the Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace. Such measures may include seeking a temporary restraining order on behalf of the employee pursuant to Code of Civil Procedure 527.8 and/or a gun violence restraining order pursuant to Penal Code 18150 and 18170.

Upon request by an employee who is a victim of domestic violence, sexual assault, or stalking, the Superintendent or designee shall provide reasonable accommodations in accordance with Labor Code 230-230.1 and the accompanying administrative regulation to protect the employee's safety while at work.

The Superintendent or designee may pursue legal action on behalf of an employee against a student or the student's parent/guardian to recover damages for injury to the employee's person or property caused by the student's willful misconduct that occurred on district property, at a school or district activity, or in retaliation for lawful acts of the employee in the performance of the employee's duties. (Education Code 48904, 48905)

The Superintendent or designee shall provide staff development in crisis prevention and intervention techniques, which may include training in classroom management, effective communication techniques, procedures for responding to an active shooter situation, and crisis resolution.

In accordance with law, the Superintendent or designee shall inform teachers, administrators, and/or counselors of crimes and offenses committed by students who may pose a danger in the classroom. (Education Code 48201, 49079; Welfare and Institutions Code 827)

The Superintendent or designee may make available at appropriate locations, including, but not limited to, district and school offices, gyms, and classrooms, communication devices that would enable two-way communication with law enforcement and others when emergencies occur.

Use of Pepper Spray

Employees shall not carry or possess pepper spray on school property or at school activities except when authorized by the Superintendent or designee for self-defense purposes. When allowed, an employee may only possess pepper spray in accordance with administrative regulations and Penal Code 22810. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.

Reporting of Injurious Objects

Employees shall take immediate action upon being made aware that any person is in possession of a weapon or unauthorized injurious object on school grounds or at a school-related or school-sponsored activity. Employees shall exercise their best judgment as to the potential danger involved and shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately call 911 and the principal

When informing the principal about the possession or seizure of a weapon or dangerous device, an employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Civ. Code 51.7	Freedom from violence or intimidation - https://simbli.eboardsolutions.com/SU/biK5w5xHjaslshApluscWXhrJ7ZQ==
Code of Civil Procedure 527.8	Workplace violence safety - https://simbli.eboardsolutions.com/SU/zzBhO3hWGUr7lplusYiDNCP8A==
Ed. Code 32210-32212	Willful disturbance; public schools or meetings - https://simbli.eboardsolutions.com/SU/fVO0OHpeh6ozwKgKAIVaRg==
Ed. Code 32225-32226	Communications devices in classrooms - https://simbli.eboardsolutions.com/SU/j4veUiFkkN7RRlslshslshZ6plus3rw==
Ed. Code 35208	Liability insurance - https://simbli.eboardsolutions.com/SU/jbPgedY6klfN52VVSSM4Tg==
Ed. Code 35213	Reimbursement for loss or damage of personal property - https://simbli.eboardsolutions.com/SU/wOsFs53lgmoKZOWrqM6DZA==
Ed. Code 44014	Report of assault by pupil against school employee - https://simbli.eboardsolutions.com/SU/gEUlqoslshPjiqplusmnO8qU62vw==
Ed. Code 44807	Teachers' duty concerning conduct of students - https://simbli.eboardsolutions.com/SU/O1QplusZUrsishvuVCSGiVFI8hw==
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion - https://simbli.eboardsolutions.com/SU/elQocY4QEYKvslshVzhn7SJMA==
Ed. Code 48900-48926	Suspension and expulsion - https://simbli.eboardsolutions.com/SU/dt5KNUUnSlpER0iplusCaObRIQ==
Ed. Code 49079	Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion - https://simbli.eboardsolutions.com/SU/8tfoN4Gnt52xd4EGRPwysQ==
Ed. Code 49330-49335	Injurious objects - https://simbli.eboardsolutions.com/SU/4youhLXID32plus5eslshL5sQsAg==
Gov. Code 12926	Definitions - https://simbli.eboardsolutions.com/SU/fp6xQmGSukcAWJ60VowoVA==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Gov. Code 995-996.4	Defense of public employees - https://simbli.eboardsolutions.com/SU/3wdDqwwnYONWPBqypbUzbA==
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies - https://simbli.eboardsolutions.com/SU/ojkww2VyZDlee6QjANmZ8Q==
Pen. Code 18150	Gun violence restraining orders - https://simbli.eboardsolutions.com/SU/iLstQCplus1Sck8Sniy0UMcTg==
Pen. Code 18170	Gun violence restraining order issued after notice and hearing - https://simbli.eboardsolutions.com/SU/k0uplusBFgJ3AtxQRxslshypE64A==
Pen. Code 22810	Purchase, possession, and use of tear gas - https://simbli.eboardsolutions.com/SU/r5ANQFARodtpluspplussT4TuNA==
Pen. Code 240-246.3	Assault and battery - https://simbli.eboardsolutions.com/SU/Z7GmjTgGeP2Md903plus7twTQ==
Pen. Code 241.3	Assault against school bus drivers - https://simbli.eboardsolutions.com/SU/KkjFoBT7VOVczxnKloX5mA==
Pen. Code 241.6	Assault on school employee including board member - https://simbli.eboardsolutions.com/SU/bILtHA1G3uslshsd5uePvUeHw==

Pen. Code 243.3	Battery against school bus drivers - https://simbli.eboardsolutions.com/SU/Yx3sr1PAI0Uq6KvxAplusJXVg==
Pen. Code 243.6	Battery against school employee including board members - https://simbli.eboardsolutions.com/SU/yDw5NBxkplus5qy916slshNt0Wslshw==
Pen. Code 245.5	Assault with deadly weapon against school employee including board member - https://simbli.eboardsolutions.com/SU/BI8wUJS728Q31g56VsHbBw==
Pen. Code 290	Registration of sex offenders - https://simbli.eboardsolutions.com/SU/BC6kOdRC1cjbplusmxdA92Rug==
Pen. Code 601	Trespass by person making credible threat - https://simbli.eboardsolutions.com/SU/5M9cOKjsCEtX1JiuFV0hYA==
Pen. Code 626-626.11	Weapons on school grounds and other school crimes - https://simbli.eboardsolutions.com/SU/Xlslsh9slshcoCcD30HV7KfmPlhg==
Pen. Code 646.9	Stalking - https://simbli.eboardsolutions.com/SU/VSAXu39FNfBnvIKFdGCbbA==
Pen. Code 71	Threatening public officers and employees and school officials - https://simbli.eboardsolutions.com/SU/2SkgWQFslsh9AeJ6xZplusjD9ZAw==
W&I Code 827	Limited exception to juvenile court record - https://simbli.eboardsolutions.com/SU/DMr9MZDTgwkT0RmplushdHdBKg==
W&I Code 828.1	District police or security department; disclosure of juvenile records - https://simbli.eboardsolutions.com/SU/slshvQZwsYSsIJ7VX17q9dfbQ==

Management Resources References

Court Decision	Description City of San Jose v. William Garbett, (2010) 190 Cal. App. 4th 526
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==
Website	California Department of Education, Safe Schools - https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Regulation 4258: Employee Security

Status: DRAFT

Original Adopted Date: Pending

An employee may use reasonable and necessary force for self-defense or defense of another person, to quell a disturbance threatening physical injury to others or damage to property, or to obtain possession of weapons or other dangerous objects within the control of a student. (Education Code 44807, 49001)

An employee shall promptly report to the principal or other immediate supervisor any attack, assault, or physical threat made against the employee by a student or by any other individual in relation to the performance of the employee's duties, and any action the employee took in response. Reports of an attack, assault, or threat shall be forwarded immediately to the Superintendent or designee.

In addition, the employee and the principal or other immediate supervisor shall promptly report to local law enforcement authorities an attack, assault, or physical threat made against the employee by a student. (Education Code 44014)

Notice Regarding Student Offenses

When a student commits certain offenses that may endanger staff or others, the following procedures shall be implemented to notify staff members as appropriate:

1. Acts That Are Grounds for Suspension or Expulsion

- a. The Superintendent or designee shall inform the teacher(s) of each student who, during the previous three school years, has engaged in or is reasonably suspected to have engaged in any act, except the possession or use of tobacco products, that would constitute a ground for suspension or expulsion as specified in AR 5144.1 - Suspension and Expulsion/Due Process. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)
- b. Upon receiving a transfer student's record regarding acts committed by the student that resulted in suspension or expulsion, the Superintendent or designee shall inform the student's teacher(s) that the student was suspended from school or expelled from the former district and of the act that resulted in the suspension or expulsion. (Education Code 48201)
- c. Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 48201, 49079)

2. Offenses Reported to the District by a Court

- a. When informed by a court that a minor student has been found by the court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism, or graffiti, the Superintendent or designee shall expeditiously notify the school principal. (Welfare and Institutions Code 827)
- b. The principal shall expeditiously disseminate this information to any counselor who directly supervises or reports on the student's behavior or progress and to any teacher or administrator directly supervising or reporting on the student's behavior or progress whom the principal thinks may need the information in order to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code 827)
- c. Any court-initiated information that a teacher, counselor, or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff, and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)
- d. When a student is removed from school as a result of an offense, the Superintendent shall hold the

court's information in a separate confidential file until the student is returned to the district. If the student is returned to a different district, the Superintendent shall transmit the information provided by the student's parole or probation officer to the superintendent of the new district of attendance. (Welfare and Institutions Code 827)

- e. Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first, and shall then be destroyed. (Welfare and Institutions Code 827)

In order to maintain confidentiality when providing information about student offenses to a counselor or teacher, the principal or designee shall send the staff member a written notification that a student has committed an offense that requires review of a student's file in the school office. This notice shall not name or otherwise identify the student. The staff member shall initial the notification and shall also initial the student's file when reviewing it in the school office.

Accommodations for Victims of Domestic Violence, Sexual Assault, or Stalking

When requested by an employee who is a victim of domestic violence, sexual assault, or stalking, the district shall provide the employee reasonable accommodations which may include the implementation of safety measures, including: (Labor Code 230)

1. A transfer, reassignment, or modified schedule
2. A changed work telephone or work station
3. An installed lock
4. Assistance in documenting domestic violence, sexual assault, stalking, or other crime that occurs in the workplace
5. Referral to a victim assistance organization
6. Another safety procedure or adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other crime

The Superintendent or designee shall engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations that do not pose an undue hardship on the district. In determining whether an accommodation is reasonable, the Superintendent or designee shall consider any exigent circumstance or danger facing the employee. (Labor Code 230)

Upon the request of the Superintendent or designee, an employee requesting a reasonable accommodation shall provide a written statement, signed by the employee or an individual acting on the employee's behalf, certifying that the accommodation is for an authorized purpose. The Superintendent or designee may also request that the employee provide certification of the employee's status as a victim of domestic violence, sexual assault, or stalking. Such certification may include: (Labor Code 230)

1. A police report indicating that the employee was a victim
2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a licensed medical professional or health care provider, domestic violence or sexual assault counselor, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse
4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf

Any verbal or written statement, police or court record, or other documentation identifying an employee as a victim shall be confidential and shall not be disclosed by the district except as required by federal or state law or as necessary to protect the employee's safety in the workplace. The employee shall be notified before any authorized

disclosure. (Labor Code 230)

Every six months after the date of the certification, the Superintendent or designee may request recertification of the employee's status as a victim of domestic violence, sexual assault, or stalking or ongoing circumstances related to the crime or abuse. The employee shall notify the Superintendent or designee if, due to changing circumstances, the employee needs a new accommodation or no longer needs an accommodation. (Labor Code 230)

The district shall not retaliate against an employee because of the employee's status as a victim of crime or abuse or for requesting a reasonable accommodation, regardless of whether the request was granted. (Labor Code 230)

Use of Pepper Spray

The Superintendent or designee shall notify employees of the district's policy prohibiting the possession of pepper spray on school property or at school-related activities without prior approval of the Superintendent or designee. Employees wishing to carry pepper spray shall submit to the Superintendent or designee a written request setting forth the need for the pepper spray. The Superintendent or designee shall notify the employee in writing as to whether the request was approved or denied.

When approving an employee's request, the Superintendent or designee shall inform the employee of the following conditions:

1. The pepper spray shall be used only in self-defense pursuant to Penal Code 22810.
2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the district and, in accordance with law, a fine and/or imprisonment.
3. The pepper spray must be stored in a secure place and not be accessible to students or other individuals. Negligent storage of the pepper spray may subject the employee to disciplinary action.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Civ. Code 51.7	Freedom from violence or intimidation - https://simbli.eboardsolutions.com/SU/biK5w5xHjaslshApluscWXhrJ7ZQ==
Code of Civil Procedure 527.8	Workplace violence safety - https://simbli.eboardsolutions.com/SU/zzBhO3hWGUr7lplusYiDNCP8A==
Ed. Code 32210-32212	Willful disturbance; public schools or meetings - https://simbli.eboardsolutions.com/SU/fVO0OHpeh6ozwKgKAlVaRg==
Ed. Code 32225-32226	Communications devices in classrooms - https://simbli.eboardsolutions.com/SU/j4veUiFkkN7RRlslshslshZ6plus3rw==
Ed. Code 35208	Liability insurance - https://simbli.eboardsolutions.com/SU/jbPgedY6klfN52VVSsM4Tg==
Ed. Code 35213	Reimbursement for loss or damage of personal property - https://simbli.eboardsolutions.com/SU/wOsFs53lgmoKZOWrqM6DZA==
Ed. Code 44014	Report of assault by pupil against school employee - https://simbli.eboardsolutions.com/SU/gEUIqoslshPjiqplusmnO8qU62vw==
Ed. Code 44807	Teachers' duty concerning conduct of students - https://simbli.eboardsolutions.com/SU/01QplusZUrsishvuVCSGiVfIm8hw==
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion - https://simbli.eboardsolutions.com/SU/elQocY4QEYKvslshVzhn7SJMA==
Ed. Code 48900-48926	Suspension and expulsion - https://simbli.eboardsolutions.com/SU/dt5KNUnSLpER0iplusCa0bRIQ==

Ed. Code 49079	Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion - https://simbli.eboardsolutions.com/SU/8tfoN4Gnt52xd4EGRPwysQ==
Ed. Code 49330-49335	Injurious objects - https://simbli.eboardsolutions.com/SU/4youhLXID32plus5eslshL5sQsAg==
Gov. Code 12926	Definitions - https://simbli.eboardsolutions.com/SU/fp6xQmGSukcAWJ60VowoVA==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Gov. Code 995-996.4	Defense of public employees - https://simbli.eboardsolutions.com/SU/3wdDqwwnYONWPBqypbUzbA==
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies - https://simbli.eboardsolutions.com/SU/ojkww2VyZDlee6QjANmZ8Q==
Pen. Code 18150	Gun violence restraining orders - https://simbli.eboardsolutions.com/SU/iLstQCplus1Sck8Snny0UMcTg==
Pen. Code 18170	Gun violence restraining order issued after notice and hearing - https://simbli.eboardsolutions.com/SU/k0uplusBFgJ3AtxQRxslshypE64A==
Pen. Code 22810	Purchase, possession, and use of tear gas - https://simbli.eboardsolutions.com/SU/r5ANQFARodtpluspplussT4TuNA==
Pen. Code 240-246.3	Assault and battery - https://simbli.eboardsolutions.com/SU/Z7GmjTgGeP2Md903plus7twTQ==
Pen. Code 241.3	Assault against school bus drivers - https://simbli.eboardsolutions.com/SU/KkjFoBT7VOVczxnKloX5mA==
Pen. Code 241.6	Assault on school employee including board member - https://simbli.eboardsolutions.com/SU/bILtHA1G3uslshsd5uePvUeHw==
Pen. Code 243.3	Battery against school bus drivers - https://simbli.eboardsolutions.com/SU/Yx3sr1PAI0Uq6KvxAplusJXVg==
Pen. Code 243.6	Battery against school employee including board members - https://simbli.eboardsolutions.com/SU/yDw5NBxkplus5qy916slshNt0Wslshw==
Pen. Code 245.5	Assault with deadly weapon against school employee including board member - https://simbli.eboardsolutions.com/SU/BI8wUJS728Q31g56VsHbBw==
Pen. Code 290	Registration of sex offenders - https://simbli.eboardsolutions.com/SU/BC6kOdRC1cjbplusmxdA92Rug==
Pen. Code 601	Trespass by person making credible threat - https://simbli.eboardsolutions.com/SU/5M9cOKjsCEtX1JiuFV0hYA==
Pen. Code 626-626.11	Weapons on school grounds and other school crimes - https://simbli.eboardsolutions.com/SU/Xlslsh9slshcoCcD30HV7KfmPlhg==
Pen. Code 646.9	Stalking - https://simbli.eboardsolutions.com/SU/VSAXu39FNfBnvIKFdGCbbA==
Pen. Code 71	Threatening public officers and employees and school officials - https://simbli.eboardsolutions.com/SU/2SkgWQFslsh9AeJ6xZplusjD9ZAw==
W&I Code 827	Limited exception to juvenile court record - https://simbli.eboardsolutions.com/SU/DMr9MZDTgwkT0RmplusgHdBKg==
W&I Code 828.1	District police or security department; disclosure of juvenile records - https://simbli.eboardsolutions.com/SU/slshvQZwsYSsIJ7VX17q9dfbQ==

Management Resources References

Court Decision	City of San Jose v. William Garbett, (2010) 190 Cal. App. 4th 526
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==

Description

Website

California Department of Education, Safe Schools -
<https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==>

Website

CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Policy 4259: Employee Assistance Programs

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes that school district employees may have problems which can have detrimental effects upon job performance and student safety. The Board encourages employees to seek help when such problems exist and to take advantage of the resources that are available to assist them.

Employees shall have confidential access to information about the district's employee assistance program. This information shall be available to all employees and their spouses and dependents.

Management and supervisory staff shall be knowledgeable about the district's employee assistance program and may counsel employees about the program, as appropriate.

Participation in the assistance program shall not jeopardize an employee's employment or career advancement, nor will it protect the employee from disciplinary action for substandard job performance.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 35160

Description

Authority of governing boards -
<https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==>

Ed. Code 35160.1

Broad authority of school districts -
<https://simbli.eboardsolutions.com/SU/ewe0Cc8cKGTgDzaAt5MKhw==>

Ed. Code 44962

Leaves of absence for certificated employees -
<https://simbli.eboardsolutions.com/SU/plusb0LCouxH2sFArO9uZqNRQ==>

Ed. Code 44964

Power to grant leaves of absence for accident, illness, or quarantine -
<https://simbli.eboardsolutions.com/SU/ZbftAVQrxH4m3w7r6GH2jg==>

Ed. Code 45190-45209

Resignations and leaves of absence for classified employees -
<https://simbli.eboardsolutions.com/SU/qLdfaWullkn1gLePDnRmkw==>

Gov. Code 8355

Certification of drug-free workplace, including notification -
<https://simbli.eboardsolutions.com/SU/7NhMrF60wSawaA8bns8VmQ==>

H&S Code 104420

Tobacco-free schools -
<https://simbli.eboardsolutions.com/SU/5QtcisLQ2vJZyHEEyrMn4g==>

Federal References

41 USC 8101-8106

Description

Drug-Free Workplace Act

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Regulation 4261: Leaves

Status: DRAFT

Original Adopted Date: Pending

Failure to Return to Service After Leave

In the case of a certificated employee who was on leave of absence for 20 or more consecutive working days after April 30 of the previous school year, the district may terminate the employment of such an employee if all of the following circumstances exist: (Education Code 44842)

1. The employee fails to report for duty, without good cause, at the beginning of the school year after having notified the Governing Board of his/her intention to remain in service with the district in accordance with Education Code 44842.
2. The district had specifically notified the employee, at least five days in advance, of the time and place at which the employee was to report to work.
3. The employee did not request or was not granted a leave of absence authorized by the Board.

In any such case, the district may terminate the employee's employment on the day following 20 consecutive days of absence. (Education Code 44842)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 22850-22856	Pension benefits; STRS members on military leave - https://simbli.eboardsolutions.com/SU/0plusAJ2kYfo1t07UmXoD1w==
Ed. Code 44018	Compensation for employees on active military duty - https://simbli.eboardsolutions.com/SU/pgy2lhapVDsLSWvm3QQ1Lg==
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances - https://simbli.eboardsolutions.com/SU/tmAeKSEeFh30CVC1pzzvSA==
Ed. Code 44043.5	Catastrophic leave - https://simbli.eboardsolutions.com/SU/nKXHEXKnpYHvElsIshKAplusfsng==
Ed. Code 44800	Effect of active military service on status of employees - https://simbli.eboardsolutions.com/SU/tiexjf4486Net2nRqBikXg==
Ed. Code 44842	Reemployment notices; certificated employees - https://simbli.eboardsolutions.com/SU/6Cr6mASUlj0s7aFilsuhQ==
Ed. Code 44940	Compulsory leave of absence for certificated persons - https://simbli.eboardsolutions.com/SU/TXIEslshPquo8Kz7N8psqEtqA==
Ed. Code 44962-44988	Leave of absence; certificated - https://simbli.eboardsolutions.com/SU/t58pmuN1UoBGqKr4eb7iEA==
Ed. Code 45059	Employee ordered to active military/naval duty; computation of salary - https://simbli.eboardsolutions.com/SU/Ti6O6zHBFhiuj7S1tf7xKw==
Ed. Code 45190-45210	Leaves of absence; classified - https://simbli.eboardsolutions.com/SU/qLdfaWullkn1gLePDnRmkw==
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners - https://simbli.eboardsolutions.com/SU/LJfCekZJhzs5Nas1GG1RHQ==
Gov. Code 12945.1-12945.2	California Family Rights Act - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENysIshz7iQH09yA==
Gov. Code 20990-21013	Pension benefits; PERS members on military leave - https://simbli.eboardsolutions.com/SU/Cio9z6yXAYfplusv98r4hP7aQ==
Gov. Code 3543.1	Rights of employee organizations - https://simbli.eboardsolutions.com/SU/m7X7sU6S9KfjH0z33KIC6A==

Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies - https://simbli.eboardsolutions.com/SU/ojkww2VyZDlee6QjANmZ8Q==
Lab. Code 230.3	Leave for emergency personnel - https://simbli.eboardsolutions.com/SU/5vvFJBsWNlogX9lOtdDc9A==
Lab. Code 230.4	Leave for volunteer firefighters - https://simbli.eboardsolutions.com/SU/JDHIDNKtVpTv63Eypa63eg==
Lab. Code 230.8	Time off to visit child's school - https://simbli.eboardsolutions.com/SU/XZfQTH7lC97oltryjC7Mhw==
Lab. Code 233	Leave to attend to family illness - https://simbli.eboardsolutions.com/SU/VRh2AA6YH1QSbEw4uslshydOQ==
M&V Code 395-395.9	Military leave - https://simbli.eboardsolutions.com/SU/OizdkeJGcd9lnkqUJD1kjA==
M&V Code 395.10	Leave when spouse on leave from military deployment - https://simbli.eboardsolutions.com/SU/sbu3cjpLRQmQnOSnpa6R6w==

Federal References

29 USC 2601-2654
38 USC 4301-4334

Description

Family Care and Medical Leave Act
Uniformed Services Employment and Reemployment Rights Act of 1994

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Regulation 4261.1: Personal Illness/Injury Leave

Status: DRAFT

Original Adopted Date: Pending

Classified employees employed five days a week are entitled to 12 days' leave of absence with full pay for personal illness or injury (sick leave) per fiscal year. Employees who work less than a full fiscal year or fewer than five days a week (part-time employees) shall be granted sick leave in proportion to the time they work. However, part-time employees who are entitled to less than 24 hours of paid sick leave per fiscal year due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246, if they are eligible. (Education Code 45191; Labor Code 245-249)

Use of Sick Leave

A classified employee may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact in the course of employment with other persons having a contagious disease (Education Code 45199)
2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 45193)
3. Personal necessity (Education Code 45207)
4. Medical and dental appointments, in increments of not less than one hour
5. Industrial accident or illness when leave granted specifically for that purpose has been exhausted (Education Code 45192)
6. Need of an employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 45196.1; Government Code 12945.2; 29 USC 2612; 29 CFR 825.112)
7. Need of the employee or the employee's family member, including a designated person, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Government Code 12945.2; Labor Code 233, 246.5)
8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

For the purposes specified in Items #7-8, an employee may use, in any calendar year, the amount of sick leave that would be accrued during six months at the employee's then current rate of entitlement. (Labor Code 233)

An employee may take leave for personal illness or injury at any time during the year, even if credit for such leave has not yet been accrued. However, a new full-time classified employee shall not be entitled to more than six days of sick leave, or the proportionate amount to which the employee may be entitled, until the first day of the month after the employee has completed six months of active service with the district. (Education Code 45191)

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 45191)

An employee shall reimburse the district for any unearned sick leave used as of the date of termination.

The district shall not require newly employed classified employees to waive leave accumulated in a previous district. However, if the employee's previous employment was terminated for cause, the transfer of the accumulated leave shall be made only if approved by the Governing Board. (Education Code 45202)

The Superintendent or designee shall notify any classified employee whose employment with the district is terminated after at least one calendar year for reasons other than for cause that, if the employee accepts employment in another district, county office of education, or community college district within one year of the termination of employment, the employee may request that the district transfer any accumulated sick leave to the new employer. (Education Code 45202)

Additional Leave for Disabled Military Veterans

In addition to any other entitlement for sick leave with pay, a classified employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 12 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or higher by the U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time worked. (Education Code 45191.5)

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the submission of the disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. When the employee receives the disability rating decision, the employee shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 12-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code 45191.5)

The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" below, that the employee used the leave to obtain treatment of a military service-connected disability.

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 45191.5)

Notification of Absence

An employee shall notify the Superintendent or the designated manager or supervisor of the need to be absent as soon as such need is known so that the services of a substitute may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which the employee intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

Each year, each regular classified employee shall be credited with no fewer than 100 working days of paid leave for personal illness or injury, including current year and accumulated days of leave. When the current year and accumulated days at full pay are exhausted, the remainder of the 100 days shall be compensated at least 50 percent of the employee's regular salary. Any of the 100 days of leave not used during the year in which they are credited shall be forfeited and shall not accumulate from year to year. This paid leave shall be exclusive of any other paid leave, holidays, vacation, or compensatory time to which the employee may be entitled. (Education Code 45196)

Parental Leave

During each school year, a classified employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period of up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code 45196.1)

Eligibility for such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 45196.1)

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay of at least 50 percent of the employee's regular salary for the remainder of the 12 work weeks. (Education Code 45196.1)

Parental leave taken pursuant to Education Code 45196.1 shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 or 12945.6, and the aggregate amount of parental leave shall not exceed 12

work weeks in a 12-month period. (Education Code 45196.1; Government Code 12945.2, 12945.6)

Extension of Leave

A permanent employee who is absent because of a personal illness or injury and who has exhausted all available sick leave, vacation, compensatory overtime, and any other paid leave shall be so notified, in writing, and offered an opportunity to request additional leave. The Board may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. The total additional leave granted shall not exceed 18 months. (Education Code 45195)

If the employee is still unable to return to work after all available paid and unpaid leaves have been exhausted, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes medically able, the employee shall be offered reemployment in the first vacancy in the classification of the employee's previous assignment. During the 39 months, the employee's reemployment shall take preference over all other applicants except those laid off for lack of work or lack of funds, in which case the employee shall be ranked according to seniority. (Education Code 45195)

Verification Requirements

After any absence due to illness or injury, the employee shall submit a completed and signed district absence form to the employee's immediate supervisor.

The Superintendent or designee may require verification whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for additional leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny the request for additional leave.

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information. Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from a physician stating that the employee is able to return to work and stipulating any necessary restrictions or limitations.

Short-Term and Substitute Employees

Except for a retired annuitant who is not reinstated to the retirement system, short-term or substitute employees who work for 30 or more days within a year of their employment shall be credited with 24 hours or three days of paid sick leave for that year. Unused sick leave shall not carry over to the following year of employment. (Labor Code 246)

Short-term or substitute employees may begin to use accrued paid sick days on the 90th day of their employment, after which they may use the sick days as they are accrued. (Labor Code 246)

A short-term or substitute employee may use accrued sick leave for absences due to: (Labor Code 246.5)

1. The employee's own need or the need of a family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking

Healthy Workplaces, Healthy Families Act Requirements

No employee, including a short-term or substitute employee, shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249.

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The number of sick days provided by Labor Code 245-249
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against the employee
2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available
4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References	Description
Ed. Code 45103	Classified service in districts not incorporating the merit system - https://simbli.eboardsolutions.com/SU/NJ3x1mSOGslshplUSDAG7Mgplus0dplusw==
Ed. Code 45190	Leaves of absence and vacations; classified - https://simbli.eboardsolutions.com/SU/8AbGv2iNYiC1RbKVEsPqpw==
Ed. Code 45191	Personal illness and injury leave; classified employees - https://simbli.eboardsolutions.com/SU/brYFpHVtCc3tRslshRuQZ6EAQ==
Ed. Code 45191.5	Leave for military service-connected disability - https://simbli.eboardsolutions.com/SU/zmHmDeDrSh9MdQ7JryePQA==
Ed. Code 45193	Leave of absence for pregnancy; use of sick leave under certain circumstance - https://simbli.eboardsolutions.com/SU/VFCX6NOo4bgzKsP7Eu1AsA==
Ed. Code 45195	Additional leave - https://simbli.eboardsolutions.com/SU/Ryl3ROIDs3Wpd6bXcwUadw==
Ed. Code 45196	Salary deductions during sick leave; classified employees - https://simbli.eboardsolutions.com/SU/oW4RejghdX8GPN0GaslshevPA==
Ed. Code 45196.1	Differential pay during parental leave up to 12 weeks after sick leave is exhausted - https://simbli.eboardsolutions.com/SU/slshh5W6iqkFbfA4OT8ystCIA==
Ed. Code 45202	Transfer of accumulated sick leave and other benefits - https://simbli.eboardsolutions.com/SU/pUUuAjD7ZvTp0mWNR9WCWA==
Gov. Code 12945.1-12945.2	California Family Rights Act - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQH9yA==
Gov. Code 12945.6	Parental leave

Lab. Code 230	Accommodations and leave for victims of domestic violence - https://simbli.eboardsolutions.com/SU/YxjVw5yqtQF8dHAekvDUtA==
Lab. Code 230.1	Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off - https://simbli.eboardsolutions.com/SU/UOzkJ4wyY0240KOWuslshevQg==
Lab. Code 233	Leave to attend to family illness - https://simbli.eboardsolutions.com/SU/VRh2AA6YH1QSbEw4uslshydOQ==
Lab. Code 245-249	Healthy Workplaces, Healthy Families Act of 2014 - https://simbli.eboardsolutions.com/SU/7iixDazPenINv4Ye8wbp1A==

Federal References

29 CFR 1635.1-1635.12	Genetic Information Nondiscrimination Act of 2008
29 CFR 825.100-825.702	Family and Medical Leave Act of 1993
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008

Management Resources References

	Description
Court Decision	California School Employees Association v. Colton Joint Unified School District, (2009) 170 Cal.App.4th 957
Court Decision	California School Employees Association v. Tustin Unified School District, (2007) 148 Cal.App.4th 510
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==

Regulation 4261.11: Industrial Accident/Illness Leave

Status: DRAFT

Original Adopted Date: Pending

An eligible employee shall be entitled to a leave of absence for an industrial accident or illness arising in the course of his/her assigned duties. (Education Code 44984, 45192)

For such leave, the employee shall be granted no more than 60 working days in any one fiscal year for the same industrial accident or illness.

To be eligible for industrial accident or illness leave, a classified employee shall have served in the district continuously for at least three years.

Allowable industrial accident or illness leave shall not be accumulated from year to year. (Education Code 44984, 45192)

When an employee is absent from his/her duties because of an industrial accident or illness: (Education Code 44043, 44044, 44984, 45192)

1. The leave shall start on the first day of absence.
2. During the period of absence, the employee shall be paid such portion of his/her wage or salary that, when added to the award granted under state workers' compensation laws, will not exceed his/her normal wage or salary.
3. The leave shall be reduced by one day for each day of authorized absence, regardless of an award granted under workers' compensation laws.
4. When the leave overlaps into the next fiscal year, the employee is entitled to only the amount of unused leave due the employee for the same illness or injury.

During any paid leave of absence, the employee shall retain any workers' compensation check received on account of an industrial accident or illness. The employee shall notify the Superintendent or designee that he/she has received such check. The Superintendent or designee shall then issue payment of the employee's normal wage or salary less an amount equivalent to the face amount of the workers' compensation check and other appropriate deductions, including, but not limited to, employee retirement contributions. Employee benefits shall be computed on the basis of the employee's regular wage or salary prior to the deduction of any amounts for temporary disability payments. (Education Code 44044)

Absence for industrial accident or illness shall not be considered a break in service of the employee. An employee using such leave shall retain all status and benefits to which he/she would otherwise be entitled.

When available industrial accident or illness leave has been exhausted, the employee shall be so notified in writing and shall be offered an opportunity to request any additional paid or unpaid leave available to the employee. (Education Code 45192)

Upon expiration of allowable leave for an industrial accident or illness, the employee may use personal illness and injury leave provided pursuant to Education Code 44977, 44978, 44983, or 45191, as applicable, provided that such leave, when added to any continuing workers' compensation award, does not result in a payment to the employee of more than his/her full wage or salary. (Education Code 44984, 45192)

If a certificated employee is unable to resume the duties of his/her position after exhausting all accumulated sick leave, including the consecutive five-month period provided by Education Code 44977, he/she shall, if not placed in another position, be placed on a reemployment list for a period of 24 months if he/she is a probationary employee or 39 months if he/she is a permanent employee. If the employee becomes medically able to resume duties during the period of reemployment eligibility, he/she shall be returned to employment in a position for which he/she is credentialed and qualified. (Education Code 44978.1)

If a classified employee has exhausted all available leaves of absence, paid or unpaid, and is not medically able to resume the duties of his/her position, he/she shall, if not placed in another position, be placed on a reemployment list for a period of 39 months. If he/she becomes medically able to resume duties during the period of reemployment

eligibility, he/she shall be employed in a vacant position in the class of his/her previous assignment over all other candidates except those on a reemployment list established because of lack of work or lack of funds, in which case the employee shall be listed in accordance with seniority regulations. If the employee is medically released to return to duty but fails to accept an appropriate assignment, he/she shall be dismissed. (Education Code 45192)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 44043	Temporary disability - https://simbli.eboardsolutions.com/SU/jhMH9BAli7zUgm2SCFiKbA==
Ed. Code 44044	Temporary disability checks; waiver of endorsement to district - https://simbli.eboardsolutions.com/SU/2nkegf09ZLr5dZn2l97Wbw==
Ed. Code 44977	Salary schedule for substitute employees - https://simbli.eboardsolutions.com/SU/dK3f7RLmTXxqoTplus2vHbuGQ==
Ed. Code 44978	Sick leave; certificated employees - https://simbli.eboardsolutions.com/SU/xVHfJDcRqreQkXM9SAee6Q==
Ed. Code 44978.1	Inability to return to duty; placement in another position or on reemployment list - https://simbli.eboardsolutions.com/SU/tbzONF4ACeEYONf2Ej1nuw==
Ed. Code 44983	Compensation during leave; certificated employees - https://simbli.eboardsolutions.com/SU/mplusK5gh5HVBd7pmmplusM0H7Mg==
Ed. Code 44984	Required rules for industrial accident and illness leave - https://simbli.eboardsolutions.com/SU/ke4DWoaukfaaoJH5A01K1w==
Ed. Code 45191	Personal illness and injury leave; classified employees - https://simbli.eboardsolutions.com/SU/brYFpHVtCc3tRslshRuQZ6EAQ==
Ed. Code 45192	Industrial accident and illness leave for classified employees - https://simbli.eboardsolutions.com/SU/HTwslshO644wTLZxo0sXoYSiA==
Lab. Code 3200-6002	Workers' compensation and insurance - https://simbli.eboardsolutions.com/SU/29KVqRTlpu3spGvT4QslshslshplusQ==

Management Resources References

Description

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==
Website	California Department of Industrial Relations - https://simbli.eboardsolutions.com/SU/Lh5JVplusYhNJm5slshcgG07zsOQ==

Regulation 4261.2: Personal Leaves

Status: DRAFT

Original Adopted Date: Pending

Personal leaves granted to district employees shall be used as permitted in this administrative regulation, other Board-approved policy or district regulation, or applicable collective bargaining agreement.

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and any protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5)

Whenever possible, employees shall request personal leaves in advance and prepare suitable instructions, including lesson plans as applicable, for a substitute employee.

Bereavement

Employees are entitled to a leave of up to five days upon the death of any member of the employee's immediate family, as defined in Education Code 44985 and 45194. (Government Code 12945.7)

No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194; Government Code 12945.7)

Immediate Family means a parent, parent-in-law, grandparent, or grandchild of the employee or of the spouse of the employee, and the spouse, domestic partner, child, child-in-law, or sibling of the employee, or any relative living in the immediate household of the employee. (Education Code 44985, 45194)

At the employee's request, bereavement leave may be extended under personal necessity leave provisions as provided in the section "Personal Necessity" below. (Education Code 44981, 45207)

Personal Necessity

Employees may use a maximum of seven days of accrued personal illness/injury leave (sick leave) during each school year for reasons of personal necessity. (Education Code 44981, 45207)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207; Government Code 12945.7)
2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)
3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Government Code 12945.2; Labor Code 246.5)
4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)
5. Fire, flood, or other immediate danger to the home of the employee
6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, personal necessity leave shall not be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a request reflects personal necessity.

Advance permission shall not be required of an employee in any case involving the death of a member of the employee's immediate family, an accident involving the employee's person or property or the person or property of a member of the employee's immediate family, or the illness, preventive care, or other need of a member of the employee's family. (Education Code 44981, 45207)

For any leave that is planned, or for which the need is foreseeable, an employee shall notify the Superintendent or designee in advance. In all other circumstances, the employee shall notify the Superintendent or designee of the need for the leave as soon as practicable.

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed district absence form to the employee's immediate supervisor.

Leave to Perform Legal Duties

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the district office when requesting leave.

A classified employee called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury fees. (Education Code 44037)

A certificated employee who is called for jury duty also shall be granted leave with pay up to the difference between the employee's regular earnings and any jury fees received. (Education Code 44036)

Leaves for Crime Victims for Judicial Proceedings

An employee who is a victim of a crime or an immediate family member, registered domestic partner, or child of a registered domestic partner of such victim may be absent from work in order to attend related judicial proceedings, if the crime is any of the following: (Labor Code 230.2)

1. A violent felony as defined in Penal Code 667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

For these purposes, the employee may use vacation, personal leave, personal illness/injury leave, unpaid leave, or compensatory time off that is otherwise available to the employee. (Labor Code 230.2)

Prior to taking time off, an employee shall give the Superintendent or designee a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The district shall keep confidential any records pertaining to the employee's absence from work by reason of this leave. (Labor Code 230.2)

Leaves for Victims of Crime or Abuse

An employee who is a victim of domestic violence, sexual assault, stalking, or a crime that caused physical injury or mental injury with a threat of physical injury or an employee whose immediate family member, as defined, is deceased as the direct result of a crime may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to the employee to attend to the following activities: (Labor Code 230, 230.1, 246.5)

1. Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or the employee's child

2. Seek medical attention for injuries caused by crime or abuse
3. Obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse
4. Obtain psychological counseling or mental health services related to an experience of crime or abuse
5. Participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation

Prior to taking time off, an employee shall give reasonable notice to the Superintendent or designee, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide, within a reasonable period of time, certification of the absence in the form of any of the following: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim
2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a domestic violence or sexual assault counselor as defined in Evidence Code 1037.1 or 1035.2, licensed medical professional or health care provider, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse
4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf certifying that the absence is for a purpose authorized under Labor Code 230 or 230.1

The district shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

The Superintendent or designee shall inform employees of the rights provided employees pursuant to Labor Code 230 and 230.1 using a form developed by the Labor Commissioner or a substantially similar form developed by the district. Such information shall be provided to new employees upon hire and to other employees upon request. (Labor Code 230.1)

Personal Leave for Child-Related Activities

Any employee who is a parent/guardian of one or more children of an age to attend any of grades K-12 or a program offered by a licensed child care provider may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to: (Labor Code 230.8)

1. Find, enroll, or reenroll a child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.
2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:
 - a. A request by the school or child care provider that the child be picked up
 - b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider
 - c. Behavioral or discipline problems
 - d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays
 - e. A natural disaster, including, but not limited to, fire, earthquake, or flood

For purposes of this leave, parent/guardian includes a parent, guardian, stepparent, foster parent, grandparent, or

person who stands in loco parentis to a child. (Labor Code 230.8)

In lieu of using vacation, personal leave, or compensatory time off, eligible employees may take unpaid leave for this purpose.

If two or more parents/guardians of a child are employed at the same work site, this leave shall be allowed for the parent/guardian who first gives notice to the district. Simultaneous absence by another parent/guardian of the child may be granted by the Superintendent or designee. (Labor Code 230.8)

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or licensed child care provider that the employee engaged in permitted child-related activities on a specific date and at a particular time. (Labor Code 230.8)

Service on Education Boards and Committees

Upon request, a certificated employee shall be granted up to 20 school days of paid leave per school year for service performed within the state on any education board, commission, committee, or group authorized by Education Code 44987.3 provided that all of the following conditions are met: (Education Code 44987.3)

1. The service is performed within the state
2. The board, commission, organization, or group informs the district in writing of the service
3. The board, commission, organization, or group agrees, prior to the service, to reimburse the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs

Employee Organization Activities

Upon request, any certificated or classified employee shall be granted a leave of absence without loss of compensation, to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the employee organization is affiliated. Such leave shall be in addition to any other leave to which the employee may be entitled by other laws or a memorandum of understanding or collective bargaining agreement. (Education Code 44987, 45210)

The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special, or regular meetings of the body of the organization on which the employee serves as an officer. (Education Code 44987, 45210)

Upon request of an employee organization in the district or its state or national affiliate, a reasonable number of unelected classified employees shall be granted a leave of absence without loss of compensation for the purpose of attending important organizational activities authorized by the employee organization. The employee organization shall provide reasonable notification to the Superintendent or designee when requesting a leave of absence for employees for this purpose. (Education Code 45210)

When leave is granted for any of the above purposes, the employee organization shall reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. (Education Code 44987, 45210)

Religious Leave

The Superintendent or designee may grant an employee up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional district expenditures, the neglect of assigned duties, or any other unreasonable hardship on the district.

The Superintendent or designee shall deduct the cost of hiring a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

Spouse on Leave from Military Deployment

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that the employee's spouse is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10. (Military and Veterans Code 395.10)

Within two business days of receiving official notice that the employee's spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of the intention to take the leave. The employee shall submit written documentation certifying that the employee's spouse will be on leave from deployment during the time that the leave is requested. (Military and Veterans Code 395.10)

Leave for Emergency Duty

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

Any employee who performs duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training. (Labor Code 230.4)

Civil Air Patrol Leave

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to the employee, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the district for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)

The employee shall give the district as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification. (Labor Code 1503)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

CA Constitution Article 1, Section 8	Religious discrimination - https://simbli.eboardsolutions.com/SU/aVyer3HNWwhenL24lj43Z8w==
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances - https://simbli.eboardsolutions.com/SU/tmAeKSEeFh30CVC1pzzvSA==
Ed. Code 44963	Power to grant leaves of absence; certificated - https://simbli.eboardsolutions.com/SU/2EDALtD6VUeLrdBh4nkUzw==
Ed. Code 44981	Leave of absence for personal necessity - https://simbli.eboardsolutions.com/SU/kRkfePQAUS4OILbedslsh3plw==
Ed. Code 44985	Leave of absence due to death in immediate family; certificated - https://simbli.eboardsolutions.com/SU/baSKHxaP1H0SPm9mB3keYw==
Ed. Code 44987	Service as officer of employee organization; certificated - https://simbli.eboardsolutions.com/SU/y2SRxiaoeEgtl2y5YlrR3A==
Ed. Code 44987.3	Leave of absence to serve on certain boards, commissions, etc. - https://simbli.eboardsolutions.com/SU/fWlvEq8tajzFxHz3TMclJw==
Ed. Code 45190	Leaves of absence and vacations; classified - https://simbli.eboardsolutions.com/SU/8AbGv2iNYiC1RbKVEsPqpw==
Ed. Code 45194	Bereavement leave of absence; classified - https://simbli.eboardsolutions.com/SU/SiSRVnbCNQFE7IsIshzfvsgmA==

Ed. Code 45198	Effect of provisions authorizing leaves of absence - https://simbli.eboardsolutions.com/SU/bCWDwplus4PXszRFplusRuuCERQQ==
Ed. Code 45207	Personal necessity; classified - https://simbli.eboardsolutions.com/SU/olZTTBvcKz5Jj955qyFufw==
Ed. Code 45210	Service as officer of employee organization; classified - https://simbli.eboardsolutions.com/SU/F3wr8ZfplusHiNBDwLB71ry5w==
Ed. Code 45240-45320	Merit system - https://simbli.eboardsolutions.com/SU/ZewEnmUlwNuv3WapgPmX5Q==
Evid. Code 1035.2	Sex assault counselor; definition - https://simbli.eboardsolutions.com/SU/qJOPtcrRdPhYLEhzLduo7Q==
Evid. Code 1037.1	Domestic violence counselor; definition - https://simbli.eboardsolutions.com/SU/2OO7AFpeplus6zZNlyhplum44Gg==
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners - https://simbli.eboardsolutions.com/SU/LJfCekZJhzs5Nas1GG1RHHQ==
Gov. Code 12945.1-12945.2	California Family Rights Act - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQH9yA==
Gov. Code 12945.7	Bereavement leave
Gov. Code 3543.1	Rights of employee organizations - https://simbli.eboardsolutions.com/SU/m7X7sU6S9KfjH0z33KIC6A==
Lab. Code 1500-1507	Civil Air Patrol leave - https://simbli.eboardsolutions.com/SU/Am7dQr5iEbolLmeWXXKlxVg==
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies - https://simbli.eboardsolutions.com/SU/ojkw2VvZDlee6QjANmZ8Q==
Lab. Code 230.3	Leave for emergency personnel - https://simbli.eboardsolutions.com/SU/5vvFJBsWNlogX9IOtdDc9A==
Lab. Code 230.4	Leave for volunteer firefighters - https://simbli.eboardsolutions.com/SU/JDHIDNKtVpTv63Eypa63eg==
Lab. Code 230.8	Time off to visit child's school - https://simbli.eboardsolutions.com/SU/XZfQTH7IC97oltryjC7Mhw==
Lab. Code 233	Leave to attend to family illness - https://simbli.eboardsolutions.com/SU/VRh2AA6YH1QsbEw4uslshydOQ==
Lab. Code 234	Absence control policy - https://simbli.eboardsolutions.com/SU/9tssm8e1G1UDokkweT4LGA==
Lab. Code 246.5	Paid sick days; purposes for use - https://simbli.eboardsolutions.com/SU/hsPPEoMgRbyMeslsh7UWdH3aw==
M&V Code 395.10	Leave when spouse on leave from military deployment - https://simbli.eboardsolutions.com/SU/sbu3cjpLROmQnOSnpa6R6w==
Pen. Code 1192.7	Plea bargaining limitation - https://simbli.eboardsolutions.com/SU/Y4tPzLWU9zUaPXfNAslshrcRA==
Pen. Code 667.5	Prior prison terms; enhancement of prison terms - https://simbli.eboardsolutions.com/SU/yS0sRxmSCVex2qplus3slsh4ab6A==

Federal References

29 USC 2601-2654
42 USC 2000d-2000d-7

Description

Family Care and Medical Leave Act
Title VI, Civil Rights Act of 1964

Management Resources References

Court Decision

Description

Rankin v. Commission on Professional Competence, (1988) 24 Cal.3d 167

Public Employment Relations Board Decision	Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Department of Industrial Relations - https://simbli.eboardsolutions.com/SU/Lh5JVplusYhNJm5slshcgG07zsOQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJlNbikoQhGwsWiH4ztXQ==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==

Regulation 4261.5: Military Leave

Status: DRAFT

Original Adopted Date: Pending

Military leave shall be granted in accordance with applicable state and federal law to employees performing military duties on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, examination to determine fitness for duty, and performance of funeral honors duty. (Education Code 44800; Military and Veterans Code 395, 395.01, 395.02, 395.05, 395.1, 395.2, 395.9; 38 USC 4301, 4303, 4316)

Any district employee who needs to be absent from the district service to fulfill military service shall provide advance written or verbal notice to the Superintendent or designee, unless the giving of such notice is precluded by military necessity or is otherwise impossible or unreasonable. (38 USC 4312; 20 CFR 1002.85, 1002.86)

Salary/Compensation

The district shall pay an employee's salary or compensation for the first 30 days of any one absence for military leave or during one fiscal year, under any of the following conditions:

1. **Active Military Training or Exercises:** The employee is granted a temporary military leave of absence to engage in ordered military duty for purposes of active military training, encampment, naval cruises, special exercises, or like activity as a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia, provided that: (Military and Veterans Code 389, 395, 395.01)
 - a. The employee has been employed by the district for at least one year immediately prior to the day the military leave begins.
 - b. The ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.
2. **Active Military Duty:** The employee is on military leave, other than a temporary military leave, to engage in active military duty as a member of the reserve corps or force of the United States Armed Forces, the National Guard, or the Naval Militia, provided that the employee has been employed by the district for at least one year immediately prior to the day the military leave begins. (Military and Veterans Code 389, 395.02)
3. **War or Other Emergency:** The employee, however long employed by the district, is a member of the National Guard who is engaged in military or naval duty during a state of extreme emergency as declared by the Governor, or during such time as the National Guard may be on active duty in situations described in Military and Veterans Code 146, including travel time to and from such duty. (Military and Veterans Code 395.05)
4. **Inactive Duty Training:** The employee is a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia who is engaged in temporary inactive duty training, provided that the employee has been employed by the district for at least one year immediately prior to the day the military leave begins and the ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.

In determining the length of district employment when necessary to determine eligibility for compensation for military leave, all recognized military service performed during and prior to district employment shall be included.

For classified employees, 30 days' compensation shall be one month's salary. For certificated employees, 30 days' compensation shall be one-tenth of the employee's annual salary. (Education Code 45059)

During the period of military leave, an employee may request to use any vacation or similar paid leave accrued before the commencement of the military leave in order to continue receiving compensation for the employee's employment with the district. The district shall not require the employee to use such leave. (38 USC 4316; 20 CFR 1002.153)

Benefits

An employee may elect to continue health plan coverage during the military leave. The maximum period of coverage for the employee and any dependents shall be either 24 months from the beginning of the leave or until the day after

the employee fails to apply for or return to employment, whichever is less. (38 USC 4317; 20 CFR 1002.164)

An employee on military leave may be required to pay the employee cost, if any, of any funded benefit to the extent that other employees on leave are so required. (38 USC 4316)

An employee absent for 30 days or fewer shall not be required to pay more than the employee share for such coverage. An employee absent for 31 days or more may be required to pay not more than 102 percent of the full premium under the plan. (38 USC 4317; 20 CFR 1002.166)

Any employee called into active military duty as a member of the California National Guard or a United States Military Reserve organization shall receive, for up to 180 days, the difference between the amount of the employee's military pay and the amount the employee would have received from the district and all benefits that the employee would have received had the employee not been called to active military duty, unless the benefits are prohibited or limited by vendor contracts. (Education Code 44018)

Vacation and Sick Leave Accrual

An employee on temporary military leave under the conditions described in Item #1 in the section entitled "Salary/Compensation" above, shall continue to accrue the same vacation, sick leave, and holiday privileges to which the employee would otherwise be entitled if not absent. (Military and Veterans Code 395)

An employee on military leave who is serving in active duty in time of war, national emergency, or United Nations military or police operation shall not accrue sick leave or vacation leave during the period of such leave. (Military and Veterans Code 395.1)

However, an employee who is a National Guard member on active duty as described in Item #3 in the section entitled "Salary/Compensation" above, shall not suffer any loss or diminution of vacation or holiday privileges because of the employee's leave of absence. (Military and Veterans Code 395.05)

Pension Plan Service Credit

Pension plan service credit and vesting shall continue during an employee's military leave as though no break in service had occurred. Payment of employer and employee contributions shall be made in accordance with law for members of the State Teachers' Retirement System or Public Employees' Retirement System. (Education Code 22850-22856; Government Code 20990-21013)

Employment Status

Absence for military leave shall not affect the classification of any employee. In the case of a probationary employee, the period of such absence shall not count as part of service required to obtain permanent status, but shall not be construed as a break in the continuity of service for any purpose. (Education Code 44800; Military and Veterans Code 395; 20 CFR 1002.149)

Reinstatement Rights

At the conclusion of the military duty, an employee shall be promptly reinstated in the position held at the beginning of the leave, at the salary to which the employee would otherwise have been entitled, except under the conditions noted below in this section. (Education Code 44800; Military and Veterans Code 395, 395.2; 38 USC 4304, 4313; 20 CFR 1002.180-1002.181)

Any employee who performs active military duty in time of war, national emergency, or United Nations military or police operation has a right to return to the position held prior to the military service, during terminal leave prior to the employee's discharge, separation, or release from the armed forces, or within six months of the employee's release, separation, honorable discharge, or placement on inactive duty. Reinstatement rights shall not be extended to any such employee who fails to return within 12 months after the first date upon which the employee could terminate or could cause to have terminated active service. (Education Code 44800; Military and Veterans Code 395.1)

When an employee has been on military leave for reasons other than war or national emergency, the time frame for seeking reinstatement shall depend on the length of military service as follows: (38 USC 4312; 20 CFR 1002.115, 1002.118)

1. For a leave of 30 days or fewer, the employee shall report for duty no later than the beginning of the first full work day following the completion of the military service plus a period of eight hours of rest following a period for safe transportation to the employee's residence.
2. For a leave of 31-180 days, the employee shall submit a written or verbal application for reinstatement not later than 14 days after the completion of military service.
3. For a leave of more than 180 days, the employee shall submit a written or verbal application for reinstatement within 90 days after the completion of military service.

Where an employee's reporting or application for reinstatement within the periods specified in Items #1 and #2 above is impossible or unreasonable through no fault of the employee, the report or application shall be made as soon as possible after the expiration of the period. In the case of Items #2 and #3 where an application is required, the employee's application may be made orally or in writing and need not follow any particular format. (38 USC 4312; 20 CFR 1002.115, 1002.117, 1002.118)

An employee who is hospitalized for, or convalescing from, an illness or injury incurred in or aggravated during the performance of military service shall report for duty or submit an application for reinstatement at the end of the period that is necessary to recover from such illness or injury, but no more than two years after the completion of military service unless circumstances beyond the employee's control make reporting within the two-year period impossible or unreasonable. (38 USC 4312; 20 CFR 1002.116)

Upon receiving an application for reinstatement, the Superintendent or designee shall reinstate the employee as soon as practicable under the circumstances of the case, but within a time period not to exceed two weeks, absent unusual circumstances. (20 CFR 1002.181)

If the employee's previous position has been abolished, the district shall reinstate the employee in a position of like seniority, status, and pay, if such position exists, or to a comparable vacant position for which the employee is qualified. (Military and Veterans Code 395, 395.1; 38 USC 4313; 20 CFR 1002.192)

An employee who fails to report or apply for reinstatement within the appropriate period does not automatically forfeit the entitlement to reinstatement but shall be subject to the district's rules and/or practices governing unexcused absences. (38 USC 4312)

The Superintendent or designee may elect not to reinstate an employee following military leave if any of the following conditions exists:

1. The district's circumstances have so changed as to make such re-employment impossible or unreasonable, such as a reduction in force that would have included the employee. (38 USC 4312; 20 CFR 1002.139)
2. The accommodation, training, or effort described in 38 USC 4313(a)(3), (a)(4), or (b)(2)(B) would impose an undue hardship on the district as defined in 20 CFR 1002.5 or 1002.198. (38 USC 4312; 20 CFR 1002.139)
3. The employee's position was for a brief, nonrecurrent period and there was no reasonable expectation that such employment will continue indefinitely or for a significant period. (38 USC 4312; 20 CFR 1002.139)
4. The employee's cumulative length of absence and length of all previous military leave while employed with the district exceeds five years, excluding those training and service obligations specified in 38 USC 4312(c). (38 USC 4312; 20 CFR 1002.99-1002.103)
5. The employee was separated from military service with a disqualifying discharge or under other than honorable conditions. (Military and Veterans Code 395.1; 20 USC 4304, 4312; 20 CFR 1002.134-1002.138)

Notices

The Superintendent or designee shall provide employees a notice of the rights, benefits, and obligations of employees granted military leave and of the district under the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC 4301-4334. (38 USC 4334)

This requirement may be met by posting the notice where the district customarily places notices for employees. (38 USC 4334)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
Ed. Code 22850-22856	Pension benefits; STRS members on military leave - https://simbli.eboardsolutions.com/SU/0plusAJ2kJgYfo1t07UmXoD1w==
Ed. Code 44018	Compensation for employees on active military duty - https://simbli.eboardsolutions.com/SU/pgy2lhapVDsLSWvm3QQ1Lg==
Ed. Code 44800	Effect of active military service on status of employees - https://simbli.eboardsolutions.com/SU/tiexjf4486Net2nRqBikXg==
Ed. Code 45059	Employee ordered to active military/naval duty; computation of salary - https://simbli.eboardsolutions.com/SU/Ti6O6zHBFhiuj7S1tf7xKw==
Gov. Code 18540	Definition of armed forces - https://simbli.eboardsolutions.com/SU/g29pUftbu1hLJfJXxFshuQ==
Gov. Code 18540.3	Recognized military service - https://simbli.eboardsolutions.com/SU/WwuL6Uho86X0GZpZakkzoQ==
Gov. Code 20990-21013	Pension benefits; PERS members on military leave - https://simbli.eboardsolutions.com/SU/Cio9z6yXAYfplusv98r4hP7aQ==
M&V Code 146	Events justifying calling of militia into active service - https://simbli.eboardsolutions.com/SU/ZyXofVyhuplusg3KtO1v1DZg==
M&V Code 389	Definitions; temporary military leave - https://simbli.eboardsolutions.com/SU/KPgTvvT7LFhMtjW36y66MQ==
M&V Code 394	Nondiscrimination based on military service - https://simbli.eboardsolutions.com/SU/mXNDxa9NVvsaVxKQmELtyA==
M&V Code 395-395.9	Military leave - https://simbli.eboardsolutions.com/SU/OizdkeJGcd9lnkqUJD1kja==

Federal References

	Description
20 CFR 1002.1-1002.314	Uniformed Services Employment and Reemployment Rights Act of 1994
38 USC 4301-4334	Uniformed Services Employment and Reemployment Rights Act of 1994

Management Resources References

	Description
Attorney General Opinion	18 Ops.Cal.Atty.Gen. 178 (1951)
Attorney General Opinion	63 Ops.Cal.Atty.Gen. 924 (1978)
Attorney General Opinion	69 Ops.Cal.Atty.Gen. 290 (1986)
Attorney General Opinion	77 Ops.Cal.Atty.Gen. 56 (1994)
Court Decision	Bowers v. San Buenaventura (1977) 75 Cal. App.3d 65
Court Decision	Wright v. City of Santa Clara (1989) 213 Cal. App.3d 1503
U.S. Department of Labor Publication	A Non-Technical Resource Guide to the Uniformed Services Employment and Reemployment Rights Act (USERRA), rev. April 2005
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==
Website	National Committee for Employer Support of the Guard and Reserve - https://simbli.eboardsolutions.com/SU/YYN378LPYzj3jvdJKbslshUUQ==
Website	U.S. Department of Labor, USERRA - https://simbli.eboardsolutions.com/SU/PNGGXVyMj8Zx0NMplus6qWUVA==
Website	National School Boards Association - https://simbli.eboardsolutions.com/SU/PGLybcP29yufJSot5FEGJg==

Regulation 4261.8: Family Care And Medical Leave

Status: DRAFT

Original Adopted Date: Pending

The district shall not deny any eligible employee the right to family care or medical leave pursuant to the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), or to Pregnancy Disability Leave (PDL), when an employee is disabled by a pregnancy, childbirth, or related medical condition. The district shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the district discharge, discriminate against, or retaliate against an employee for taking such leave, opposing or challenging an unlawful employment practice in relation to any of these laws, or being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child means a biological, adopted, or foster child; a stepchild; a legal ward; or a person to whom the employee stands in loco parentis. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

Designated person, for CFRA purposes, means any individual related by blood, or whose association with the employee is the equivalent of a family relationship. (Government Code 12945.2)

Eligible employee, for FMLA and CFRA purposes, means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

Eligible family member means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, sibling, or designated person. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

Employee disabled by pregnancy means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion
2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

Parent means a biological, foster, or adoptive parent; a parent-in-law; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child. However, for FMLA purposes, parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or an eligible family member of the employee that involves either inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity.

A person is considered an inpatient when formally admitted to a health care facility with the expectation of remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:
 - a. A period of incapacity of more than three consecutive full days
 - b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
 - c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
 - d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective
 - e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage. For purposes of CFRA leave, spouse also includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

Eligibility/Purposes of Leave

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)
2. The care of an eligible family member with a serious health condition
3. The employee's own serious health condition that makes the employee unable to perform the job functions of the position
4. A qualifying exigency arising out of the fact that the employee's spouse, child, parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)
5. The care of a covered servicemember with a serious injury or illness when the employee is a spouse, child, parent, or next of kin of the covered servicemember

In addition, the district shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

Terms of Leave

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945.2; 29 USC 2612)

The 12-month period shall coincide with the fiscal year. (29 CFR 825.200)

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth

of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the district.

Use/Substitution of Paid Leave

During any otherwise unpaid period of PDL or any FMLA or CFRA leave, the employee may elect to use accrued vacation leave, or any other paid time off negotiated with the district that the employee is eligible to use. If the leave is for the employee's own serious health condition or PDL, the employee may also elect to use accrued sick leave during the period of leave. (Government Code 12945, 12945.2; 2 CCR 11044; 11092; 29 USC 2612)

The district and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member
2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule
3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

Request for Leave

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, the employee must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

An eligible employee may request CFRA leave to care for a designated person with a serious health condition. The employee may identify the designated person at the time of the employee's request for the leave. The district may limit an employee to using CFRA leave to care for one designated person per 12-month period. (Government Code 12945.2; Labor Code 245.5)

Certification of Health Condition

Within five business days of an employee's request for family care and medical leave for the serious health condition of the employee or an eligible family member, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition
3. If the employee is requesting leave to care for an eligible family member with a serious health condition, both of the following:
 - a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the eligible family member during a period of the treatment or supervision
 - b. Estimated amount of time the health care provider believes the employee needs to care for the eligible family member
4. If the employee is requesting leave because of the employee's own serious health condition, a statement that due to the serious health condition, the employee is unable to work at all or is unable to perform one or more essential job functions of the position
5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, the Superintendent or designee may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

Certification for PDL

The Superintendent or designee shall request that an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if the Superintendent or designee has reason to question the appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days' notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

Release to Return to Work

Upon expiration of an employee's PDL or family care and medical leave taken for the employee's own serious health condition, the employee shall present certification from the health care provider of the employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of the position.

Rights to Reinstatement

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

The district may refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the district and the leave shall not constitute a break in service for purposes of longevity,

seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before the employee took the leave. The employee shall reimburse the district for premiums paid during the leave if the employee fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

Covered active duty means, for members of the Regular Armed forces, duty during the deployment of a member of the regular Armed Forces to a foreign country or, for members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign country includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

During the period of qualified exigency leave, the district's rule regarding an employee's use of accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is inclusive of the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Child of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or child for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents-in-law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to the covered servicemember, other than the spouse, parent, or child, unless designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating
2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:
 - a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating
 - b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or

mental condition

- c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran
- d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

During the period of military caregiver leave, the district's rule regarding an employee's use of accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Notifications

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the Fair Employment and Housing Act/PDL and FMLA/CFRA and employees' rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)
2. The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11049, 11050, 11091)
3. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)
4. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)
 - a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying
 - b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification
 - c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave
 - d. Any requirements for the employee to make premium payments necessary to maintain health benefits,

the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis

- e. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave
- f. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leaveAny time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

5. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, the Superintendent or designee shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

6. If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

The Superintendent or designee shall maintain records pertaining to an individual employee's use of FMLA or CFRA leave or PDL in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

Policy Reference Disclaimer:These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions - https://simbli.eboardsolutions.com/SU/GplusgYNhBplus6hlimWMyAuhwJw==
2 CCR 11087-11098	California Family Rights Act - https://simbli.eboardsolutions.com/SU/abM0slshHCKrMbGboplusCdDilag==
Ed. Code 44965	Granting of leaves of absence for pregnancy and childbirth - https://simbli.eboardsolutions.com/SU/e7uNwjUiINYDEySWMAQCHpg==
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners - https://simbli.eboardsolutions.com/SU/LJfCekZJhzs5Nas1GG1RHQ==
Fam. Code 300	Definition of marriage - https://simbli.eboardsolutions.com/SU/05rpsoloLBweplusb92Whyabw==
Gov. Code 12926	Definitions - https://simbli.eboardsolutions.com/SU/fp6xQmGSukcAWJ60VowoVA==
Gov. Code 12940	Unlawful discriminatory employment practices - https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==

Gov. Code 12945	Unlawful discrimination based on pregnancy, childbirth, or related medical conditions - https://simbli.eboardsolutions.com/SU/2DmzeI3sr9Q8BhxwgjWUtA==
Gov. Code 12945.1-12945.2	California Family Rights Act - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQHQ9yA==
Gov. Code 12945.6	Parental leave
Gov. Code 12946	Fair Employment and Housing Act: discrimination prohibited - https://simbli.eboardsolutions.com/SU/wjtLdzTqqwlov2Syc5bhMQ==

Federal References

1 USC 7	Definition of marriage and spouse - https://simbli.eboardsolutions.com/SU/znaI4bZkEoCQ5ILKxeKqGw==
29 CFR 825.100-825.702	Family and Medical Leave Act of 1993
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008

Management Resources References

Court Decision	Description Faust v. California Portland Cement Company (2007) 150 Cal.App.4th 864
Court Decision	Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045
Court Decision	United States v. Windsor (2013) 699 F.3d 169
U.S. Department of Labor Publication	Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	U.S. Department of Labor, FMLA - https://simbli.eboardsolutions.com/SU/gTctHyc7Ra9nNTUgNmxAhw==
Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==

Policy 4300: Administrative And Supervisory Personnel

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes that effective management is vital to the success of district students and programs. Management personnel are expected to demonstrate initiative and good judgment in the development, implementation, and oversight of district programs. Supervisors shall promote the productivity, professional growth, and teamwork of district staff.

The Board shall adopt policies related to administrative and supervisory personnel insofar as they are needed to comply with law and describe terms of employment within the district.

The Board may, by resolution, establish or abolish any or all positions of the senior management of the classified service. Any employee occupying a senior management position abolished by Board action shall become a member of the classified or certificated service in a position to which he/she would otherwise be entitled if he/she had not been in a senior management position. (Education Code 45104.5)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 35031	Term of employment - https://simbli.eboardsolutions.com/SU/Dd2pNygL7slshTy35OP9AP1Lg==
Ed. Code 45100.5	Senior classified management positions - https://simbli.eboardsolutions.com/SU/1MXl18lCfbXgqGgFugrAvQ==
Ed. Code 45104.5	Abolishment of senior classified management positions - https://simbli.eboardsolutions.com/SU/o1kCnwoHgTAAFYA93MtmFw==
Ed. Code 45108.5	Definition of senior classified management employees - https://simbli.eboardsolutions.com/SU/shYYH8tslshQ8DpjVitAuqhDQ==
Ed. Code 45108.7	Waiver of provisions of 45108.5 - https://simbli.eboardsolutions.com/SU/E1cTTAtF2kfd4s3NkDCxrQ==
Ed. Code 45128	Overtime - https://simbli.eboardsolutions.com/SU/NMo323Krmwx3GplusplusjoA6N7A==
Ed. Code 45130	Exclusion from overtime provisions - https://simbli.eboardsolutions.com/SU/QubNsUz25q93mKbFFR1Cyg==
Ed. Code 45256.5	Designation of certain senior classified management positions - https://simbli.eboardsolutions.com/SU/ghmvHTnWu7hiehMAB3SZkow==
Gov. Code 3540	Purpose - https://simbli.eboardsolutions.com/SU/PplusYPDZX8AgAwWoUwt7PBTQ==
Gov. Code 3540.1	Public employment; definitions - https://simbli.eboardsolutions.com/SU/1rSSSt4h2qTslshGbO6ucvzcA==
Gov. Code 3543.4	Management and confidential positions; representation - https://simbli.eboardsolutions.com/SU/jBvftdZXpuAzOzDFfYqtFQ==
Gov. Code 3545	Appropriateness of unit; basis - https://simbli.eboardsolutions.com/SU/CORJlqw5N9cMRIqjAGv6Og==

Management Resources References

Description

Court Decision	Auer v. Robbins, (1997) 117 S.Ct. 905
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIsHxk6R5akQ==

Regulation 4300: Administrative And Supervisory Personnel

Status: DRAFT

Original Adopted Date: Pending

Classified Senior Management and Supervisory Employees

A senior management employee is either a fiscal advisor to the Superintendent or an employee in the highest position not requiring certification in a principal district program area, with districtwide responsibility for formulating policy or administering the program. (Education Code 45108.5)

Employees holding positions designated as classified senior management and supervisory positions are entitled to all of the rights, benefits, and burdens of other classified employees, except that each senior management and supervisory employees shall not obtain permanent status in a senior management position. (Education Code 45100.5, 45256.5)

If assigned to a position within a bargaining unit, classified management and supervisory employees shall be reclassified at the discretion of the Governing Board subject to provisions of the applicable collective bargaining agreement or, for districts incorporating the merit system, the rules of the personnel commission.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 35031	Term of employment - https://simbli.eboardsolutions.com/SU/Dd2pNygL7slshTy35OP9AP1Lg==
Ed. Code 45100.5	Senior classified management positions - https://simbli.eboardsolutions.com/SU/1MXl18lCfbXgqGgFugrAvQ==
Ed. Code 45104.5	Abolishment of senior classified management positions - https://simbli.eboardsolutions.com/SU/o1kCnwoHgTAaFYA93MtmFw==
Ed. Code 45108.5	Definition of senior classified management employees - https://simbli.eboardsolutions.com/SU/shYYH8tshQ8DpjVitAuqhDQ==
Ed. Code 45108.7	Waiver of provisions of 45108.5 - https://simbli.eboardsolutions.com/SU/E1cTTAtF2kfd4s3NkDCxrQ==
Ed. Code 45128	Overtime - https://simbli.eboardsolutions.com/SU/NMo323Krmwx3GplusplusjoA6N7A==
Ed. Code 45130	Exclusion from overtime provisions - https://simbli.eboardsolutions.com/SU/QubNsUz25q93mKbFFR1Cyg==
Ed. Code 45256.5	Designation of certain senior classified management positions - https://simbli.eboardsolutions.com/SU/ghmvHTnWu7zhIHMAb3SZkow==
Gov. Code 3540	Purpose - https://simbli.eboardsolutions.com/SU/PplusYPDZX8AgAwWoUwt7PBTQ==
Gov. Code 3540.1	Public employment; definitions - https://simbli.eboardsolutions.com/SU/1rSSSt4h2qTslshGbO6ucvzcA==
Gov. Code 3543.4	Management and confidential positions; representation - https://simbli.eboardsolutions.com/SU/jBvftdZXpuAz0zDFfYqtFQ==
Gov. Code 3545	Appropriateness of unit; basis - https://simbli.eboardsolutions.com/SU/CORJlqw5N9cMRIqjAGv6Og==

Management Resources References

Description

Court Decision	Auer v. Robbins, (1997) 117 S.Ct. 905
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsllshXk6R5akQ==

Policy 4301: Administrative Staff Organization

Status: DRAFT

Original Adopted Date: Pending

The Governing Board authorizes the Superintendent to organize the administrative and supervisory staff in a manner that best supports student achievement, the educational program, and efficient operations.

The Superintendent shall establish and define job responsibilities for supervisory and administrative personnel. (Education Code 44662)

The Superintendent or designee may adjust staff responsibilities temporarily or permanently as needed to accommodate the workload and/or individual capabilities.

The Superintendent shall maintain a current district organization chart which designates lines of primary responsibility and the relationships among all district positions. Lines of responsibility shall in no way prevent staff members at all levels from collaborating, communicating, and cooperating to develop the best possible programs and provide efficient services.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 35010	Control of district; prescription and enforcement of rules - https://simbli.eboardsolutions.com/SU/OQVSpplusCEZXMHlMKVYv3kBA==
Ed. Code 35020	Duties of employees fixed by governing board - https://simbli.eboardsolutions.com/SU/EvurCplusXTldwZkG6Fmkq2pw==
Ed. Code 35035	Powers and duties of the superintendent; transfer authority - https://simbli.eboardsolutions.com/SU/U8vklOrjlenvguXkYb3glg==
Ed. Code 44662	Evaluation of certificated employees - https://simbli.eboardsolutions.com/SU/2ws2OvRSYJDZLI16PnMuDw==

Management Resources References

Description

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDslshXk6R5akQ==
Website	Association of California School Administrators - https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHyxBdPXeA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Policy 4311: Recruitment And Selection

Status: DRAFT

Original Adopted Date: Pending

The Governing Board is committed to employing suitable, qualified individuals to effectively carry out the district's vision, mission, and goals.

The Superintendent or designee shall develop equitable, fair, and transparent recruitment and selection processes and procedures that ensure individuals are selected based on demonstrated knowledge, skills, and competence and not on any bias, personal preference, or unlawful discrimination.

When a vacancy occurs, the Superintendent or designee shall review the job description for the position to ensure that it accurately describes the major functions and duties of the position. He/she shall also disseminate job announcements to ensure a wide range of candidates.

The district's selection procedures shall include screening processes, interviews, recommendations from previous employers, and observations when appropriate, as necessary to identify the best possible candidate for a position.

The Superintendent or designee may establish an interview committee to rank candidates and recommend finalists. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. All discussions and recommendations shall be confidential in accordance with law.

No inquiry shall be made with regard to any information prohibited by state or federal nondiscrimination laws.

The Superintendent or designee shall not inquire, orally or in writing, in regard to an applicant's salary history information, including compensation and benefits. He/she shall also not rely on salary history information as a factor in determining whether to offer employment to an applicant or the salary to offer. However, the Superintendent or designee may consider salary information that is disclosable under state or federal law or that the applicant discloses voluntarily and without prompting. Upon request, the Superintendent or designee shall provide the applicant the pay scale for the position to which he/she is applying. (Labor Code 432.3)

For each position, the Superintendent or designee shall present to the Board one candidate who meets all qualifications established by law and the Board for the position. No person shall be employed by the Board without the recommendation or endorsement of the Superintendent or designee.

Incentives

With Board approval and in accordance with district needs, the district may provide incentives to recruit teachers, administrators, or other employees, such as signing bonuses, assistance with beginning teacher induction and/or credential costs, mentoring and additional compensation.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 200-262.4

Prohibition of discrimination -
<https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>

Ed. Code 35035

Powers and duties of the superintendent; transfer authority -
<https://simbli.eboardsolutions.com/SU/U8vklOrjlenvguXkYb3glg==>

Ed. Code 44066

Limitations on certification requirements -
<https://simbli.eboardsolutions.com/SU/OJDqvQtSDs3NVjaFjXyaCQ==>

Ed. Code 44259

Teaching credential, exception; designated subjects; minimum requirements -
<https://simbli.eboardsolutions.com/SU/VJx8Luc221PUUygsishjNOplusSg==>

Ed. Code 44750

Teacher recruitment resource center -
<https://simbli.eboardsolutions.com/SU/25pluscLmM0K9K6BvPWvW6Ocw==>

Ed. Code 44830-44831

Employment of certificated persons -
<https://simbli.eboardsolutions.com/SU/ExuslshqmeslshmrL9IPMkfplus3Kbw==>

Ed. Code 44858	Age or marital status in certificated positions - https://simbli.eboardsolutions.com/SU/c4YdqNnGaHeUY59KoVRYhg==
Ed. Code 44859	Prohibition against certain rules and regulations re: residency - https://simbli.eboardsolutions.com/SU/95oC2Mw2ifcoOI0v9MTbcw==
Ed. Code 45103-45139	Employment (classified employees) - https://simbli.eboardsolutions.com/SU/3omu1plusHvWH7ZhTtfOsRHA==
Ed. Code 49406	Examination for tuberculosis - https://simbli.eboardsolutions.com/SU/1zMk9tKmBYJP1m6AfhBiag==
Gov. Code 12900-12996	Fair Employment and Housing Act - https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==
Gov. Code 12940-12957	Discrimination prohibited; unlawful practices - https://simbli.eboardsolutions.com/SU/5uovzpjZ1cx0bzIG8RHk0A==
Gov. Code 7920.000-7930.170	California Public Records Act - https://simbli.eboardsolutions.com/SU/IBl6Ifok6zP3Bde1F55TFg==
Gov. Code 815.2	Liability of public entities and public employees - https://simbli.eboardsolutions.com/SU/c9Mu6nGpPvQPAFVLTm0EFw==
H&S Code 53570-53574	Teacher Housing Act of 2016 - https://simbli.eboardsolutions.com/SU/jplus4TYWmzmFk1quHFNH9VNA==
Lab. Code 432.3	Salary information - https://simbli.eboardsolutions.com/SU/fYIBzfnwCPMWUEuay1xg0w==

Federal References

20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
34 CFR 106.51-106.61	Nondiscrimination on the basis of sex in employment in education program or activities
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
5 USC 552	Freedom of Information Act
8 USC 1324a	Unlawful employment of aliens
8 USC 1324b	Unfair immigration related employment practices

Management Resources References

CCSESA Publication	Teacher Recruitment in California: An Analysis of Effective Strategies, Research Brief, Veritas Research and Evaluation Group, October 2017
Court Decision	C.A. v William S. Hart Union High School District et al., (2012) 138 Cal.Rptr.3d 1
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUulsaq7efc7aH4Q==
Website	Education Job Opportunities Information Network - https://simbli.eboardsolutions.com/SU/z9plusLac3YgrNslshnXZjPokcgA==
Website	Teach USA - https://simbli.eboardsolutions.com/SU/OnwhbOPyG65DMPpX7UKLhA==
Website	California County Superintendents Educational Services Association - https://simbli.eboardsolutions.com/SU/Wyr1WplusZPL9SDth52IMoLrg==

Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==
Website	U.S. Equal Employment Opportunity Commission - https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==

Policy 4311.2: Legal Status Requirement

Status: DRAFT

Original Adopted Date: Pending

The Governing Board shall ensure that the district employs only those individuals who are lawfully authorized to work in the United States.

The Superintendent or designee shall verify the employment eligibility of all persons hired by completing the U.S. Citizenship and Immigration Services Form I-9, Employment Eligibility Verification, for each individual hired and ensure that the district does not knowingly hire or continue to employ any person not authorized to work in the United States. (8 USC 1324a)

In accordance with law, the Superintendent or designee shall ensure that district employment practices do not unlawfully discriminate on the basis of citizenship status or national origin, including, but not limited to, discrimination against any refugees, grantees of asylum, or persons qualified for permanent or temporary residency.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal References

8 CFR 274a.1-274a.14

8 USC 1324a

8 USC 1324b

Description

Control of Employment of Aliens

Unlawful employment of aliens

Unfair immigration related employment practices

Management Resources References

USCIS Publication

Website

Website

Description

Handbook for Employers: Instructions for Completing Form I-9, April 2009

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

U.S. Citizenship and Immigration Services -
<https://simbli.eboardsolutions.com/SU/2yd9f2ugp9aDqPAihj5fFg==>

Regulation 4311.2: Legal Status Requirement

Status: DRAFT

Original Adopted Date: Pending

Within three business days of hire, the Superintendent or designee shall physically examine the documentation presented by the employee establishing his/her identity and employment authorization as set forth in U.S. Citizenship and Immigration Services Form I-9. The employee may present either an original document which establishes both employment authorization and identity or two separate original documents which establish authorization and identity. Only unexpired documents are acceptable. (8 CFR 274a.2)

The Superintendent or designee shall: (8 CFR 274a.2)

1. Ensure that the documents presented appear to be genuine and relate to the individual
2. Complete the "Employer Review and Verification" section and sign the attestation with a handwritten signature or electronic signature on Form I-9

Persons employed for three business days or less must provide such documentation on their first day. (8 CFR 274a.2)

If unable to provide satisfactory documentation because the document was lost, stolen, or damaged, the employee shall furnish a receipt indicating that a replacement document has been requested. This receipt must be presented within three business days of the hire, and the replacement document must be provided within 90 days of the hire. (8 CFR 274a.2)

If an individual's employment authorization expires, the Superintendent or designee must reverify Form I-9, by noting the document's identification number and expiration date on the form, no later than the date the work authorization expires. The employee shall present a document that shows either continuing employment authorization or a new grant of work authorization. (8 CFR 274a.2)

The district shall retain an individual's Form I-9 for three years after the date of the hire or for one year after the date his/her employment is terminated, whichever is later. (8 CFR 274a.2)

The Superintendent or designee shall copy documents presented by an individual for verification and shall retain them with the individual's Form I-9. The documents shall be kept confidential and used only as needed to help justify the district's past decision to accept the documents as valid.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal References

8 CFR 274a.1-274a.14

8 USC 1324a

8 USC 1324b

Description

Control of Employment of Aliens

Unlawful employment of aliens

Unfair immigration related employment practices

Management Resources References

USCIS Publication

Website

Website

Description

Handbook for Employers: Instructions for Completing Form I-9, April 2009

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

U.S. Citizenship and Immigration Services -
<https://simbli.eboardsolutions.com/SU/2yd9f2ugp9aDqPAihj5fFg==>

Policy 4312.1: Contracts

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the importance of employing qualified and competent individuals to manage district programs and to assist the Superintendent in coordinating efforts to achieve district goals and objectives. To that end, the Board may fill certificated administrative and supervisory positions and classified senior management positions on a contract basis.

The Board may offer a continuing contract of up to four years to any deputy, associate, or assistant superintendent; any certificated employee holding a position requiring a supervision or administration credential; or any senior manager of the classified service. (Education Code 35031, 44929.20)

Prior to entering into any such contract, the Board and Superintendent shall consider the financial impact of the contract on the district. The proposed contract shall also be reviewed by legal counsel to ensure that all legally required provisions are included in the contract and to address any potentially adverse obligations for the district.

The Board may deliberate in the closed session of a regular meeting about the terms of an employment contract for a deputy, associate, or assistant superintendent; other certificated employee holding a position requiring a supervision or administration credential; or a senior manager of the classified service. Discussions regarding salary, salary schedule, or other compensation may occur in the closed session of a regular meeting only between the Board and its designated representative(s), as permitted under Government Code 54957.6 (the "labor exception") for the purpose of reviewing the Board's position and/or instructing the designated representative(s) prior to or during bona fide negotiations with the employee. Such deliberations shall not be held during a special meeting. (Government Code 54956, 54957, 54957.6)

The Board shall take final action on an employment contract during an open session of a regularly scheduled Board meeting, and that action shall be reflected in the Board's minutes. At that meeting, prior to taking action, the Board shall orally report a summary of the recommendation for the final action on salary or compensation in the form of fringe benefits. (Government Code 3511.1, 53262, 54953)

Copies of any contract and other public records created or received in the process of developing the recommendation related to the salary, benefits, and other compensation shall be available to the public upon request. (Government Code 53262, 54953)

Extension of Contract/Reemployment

A contract shall be extended only by Board action and subsequent to a satisfactory evaluation of the employee's performance. No employment contract shall include a provision for automatic renewal of the contract.

During the term of the contract and with the consent of the employee involved, the Board may reelect or reemploy the employee starting on the next succeeding first day of July and based on terms and conditions mutually agreed upon by the Board and the employee. (Education Code 35031)

If the Board decides not to reelect or reemploy a deputy, associate, or assistant superintendent or a senior manager of the classified service upon the expiration of his/her term, it shall notify the employee in writing 45 calendar days prior to the expiration of the term of the contract. (Education Code 35031)

Termination of Contract

The Board may terminate an employment contract prior to its expiration date in accordance with the conditions and process specified in the contract.

Every employment contract shall include a provision specifying the legal maximum cash settlement that the employee may receive in the event that the contract is terminated prior to its expiration date. (Government Code 3511.2, 53260)

In addition, all employment contracts shall include a provision that, if the employee is convicted of a crime involving an abuse of his/her office or position, he/she shall fully reimburse the district for payments he/she receives as paid leave salary pending investigation or as cash settlement upon his/her termination and for any funds expended by the

district in his/her criminal legal defense. (Government Code 53243-53243.4, 53260)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
Ed. Code 35030	Title of deputy, associate or assistant superintendent for certain positions - https://simbli.eboardsolutions.com/SU/Fb3eEjWTRWq6fAW4WXE5aw==
Ed. Code 35031	Term of employment - https://simbli.eboardsolutions.com/SU/Dd2pNygL7slshTy35OP9AP1Lg==
Ed. Code 44842	Reemployment notices; certificated employees - https://simbli.eboardsolutions.com/SU/6Cr6mASUlj0s7aFilsuhQ==
Ed. Code 44843	Notice of employment to county superintendent - https://simbli.eboardsolutions.com/SU/LhxFDx7NAesPdfaGzvrY6A==
Ed. Code 44929.20	Continuing contracts (not to exceed four years - ADA under 250) - https://simbli.eboardsolutions.com/SU/J3sLdfkapTAWEDrz1HxaPA==
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel - https://simbli.eboardsolutions.com/SU/2b8OO67UPqMCFZoSySt0RA==
Gov. Code 3511.1-3511.2	Local agency executives - https://simbli.eboardsolutions.com/SU/u0d1AzQ2dsejTlKpgDFCbg==
Gov. Code 53260-53264	Employment contracts - https://simbli.eboardsolutions.com/SU/erJtnEqGW6DdW4AygbnhrQ==
Gov. Code 54953	Oral summary of recommended salary and benefits of superintendent - https://simbli.eboardsolutions.com/SU/tKyXcAOYfHSmEfDaslshsAQng==
Gov. Code 54954	Time and place of regular meetings - https://simbli.eboardsolutions.com/SU/VfWpXvZdZ1PMI4GM6Vr1eg==
Gov. Code 54956	Special Meetings - https://simbli.eboardsolutions.com/SU/nxgDWlo6fSp4U2WiriRPkA==
Gov. Code 54957	Complaints against employees; right to open session - https://simbli.eboardsolutions.com/SU/slshHI9rGplusU5KWWytZk9AyVpA==

Management Resources References

	Description
Attorney General Opinion	57 Ops. Cal. Atty. Gen. 209 (1974)
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==
Website	California Office of the Attorney General - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==
Website	Association of California School Administrators - https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHyxBdPXeA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Regulation 4312.3: Oath Or Affirmation

Status: DRAFT

Original Adopted Date: Pending

All district employees are declared by law to be disaster service workers and thus shall take the oath or affirmation required for disaster service workers before beginning employment with the district. In the event of natural, manmade or war-caused emergencies which result in conditions of disaster or extreme peril to life, property and resources, all district employees are subject to disaster service activities as assigned to them by their supervisors or by law. (Government Code 3100-3102)

Legally employed noncitizens shall be exempt from taking this oath. (Government Code 3101)

At the advice of legal counsel, the Superintendent or designee may exempt an employee from taking the oath if he/she raises a valid religious objection.

The Superintendent, deputy or assistant superintendent, principal or other person authorized in Education Code 60 shall administer the oath or affirmation when a district employee is hired.

In the case of intermittent, temporary, emergency or successive employments, the Superintendent or designee may determine that the oath shall be effective for all successive periods of employment which begin within one calendar year from the date that the oath was subscribed. (Government Code 3102)

The Superintendent or designee shall file the executed oath or affirmation within 30 days of the date on which it is taken and subscribed. An employee's oath or affirmation may be destroyed five years after the termination of employment. (Government Code 3105)

Reimbursement of Expenses for Disaster Service Workers

Whenever an employee seeks compensation or reimbursement of expenses as a disaster service worker, the Superintendent or designee shall ascertain and certify that the employee has taken the oath or affirmation. (Government Code 3107)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Management Resources References

Description

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Exhibit 4312.3-E(1): Oath Or Affirmation

Status: DRAFT

Original Adopted Date: Pending

I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

I understand that as a public employee I am a disaster service worker pursuant to Government Code 3100 and 3102 and that I am required to take this oath before entering the duties of my employment. In the event of natural, manmade or war-caused emergencies which result in conditions of disaster or extreme peril to life, property and resources, I am subject to disaster services activities assigned to me by my supervisor.

(Signature)

Certified by:

(Person who administers the oath)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Regulation 4312.4: Health Examinations

Status: DRAFT

Original Adopted Date: Pending

Tuberculosis Tests

No applicant shall be initially employed by the district, or employed under contract, in a classified or certificated position unless he/she has submitted to a tuberculosis risk assessment within the past 60 days and, if tuberculosis risk factors are identified, has submitted to an intradermal or other approved tuberculosis examination to determine that he/she is free of infectious tuberculosis. If the results of the examination are positive, the applicant shall obtain an x-ray of the lungs. At his/her discretion, an applicant may choose to submit to the examination instead of the risk assessment. (Education Code 49406)

Prior to employment by the district, an applicant shall submit a certificate from an authorized health provider stating that the applicant was assessed and/or examined and found to be free of infectious tuberculosis. (Education Code 49406)

An applicant who was previously employed in another school district or private or parochial school shall be deemed to have fulfilled the tuberculosis testing requirement if he/she produces a certificate showing that he/she was found to be free of infectious tuberculosis within 60 days of initial hire or if his/her previous employer verifies that it has a certificate on file showing that the applicant is free from infectious tuberculosis. (Education Code 49406)

Thereafter, each district employee who was found free of infectious tuberculosis shall undergo a tuberculosis risk assessment, and an examination whenever risk factors are identified, at least once every four years or more often when required by the Governing Board upon recommendation of the county health officer. However, once an employee has a documented positive test for tuberculosis infection followed by an x-ray, he/she shall no longer be required to submit to the tuberculosis risk assessment but shall be referred to the county health officer within 30 days of the examination to determine the need for follow-up care. (Education Code 49406)

The cost of the pre-employment tuberculosis risk assessment and/or examination shall be paid by the applicant, unless the Board has determined that the district will reimburse an applicant who is subsequently hired by the district. The district shall reimburse the employee for the cost, if any, of subsequent tuberculosis risk assessments and examinations. The district may provide for the risk assessment and examination or may establish a reasonable fee for the examination that is reimbursable to the employee. (Education Code 49406)

Whenever the district contracts for the transportation of students, the contract shall require that all drivers who will be transporting students complete the tuberculosis risk assessment and, if indicated, the examination for infectious tuberculosis within 60 days of initial hire. (Education Code 49406)

The following applicants or employees shall be exempted from the requirement to submit to a tuberculosis risk assessment and/or examination: (Education Code 49406)

1. An applicant/employee who files an affidavit stating that he/she adheres to the faith or teachings of a well-recognized religious sect, denomination, or organization and, in accordance with its creed, tenets, or principles, depends for healing upon prayer in the practice of religion and that, to the best of his/her knowledge and belief, he/she is free from infectious tuberculosis

Such an exemption shall be allowed only if the Board determines by resolution, after a hearing, that the health of students would not be jeopardized. If at any time there is probable cause to believe that the applicant/employee is afflicted with infectious tuberculosis, he/she may be excluded from service until the Board is satisfied that he/she is not afflicted.

2. A classified employee who is employed for less than a school year and whose functions do not require frequent or prolonged contact with students
3. A pregnant employee who has positive results on a tuberculosis skin test, in which case she shall be exempted from the requirement to follow up with an x-ray of the lungs for a period not to exceed 60 days after the end of the pregnancy
4. A private contracted driver who transports students infrequently without prolonged contact with students

Examination of Certificated Employees for Disabling Diseases

To fill a certificated position with an applicant who has not previously been employed in a certificated position in California, or with a retirant who has not been employed as a retirant, the district shall have on file a medical certification indicating that the applicant or retirant is free from any disabling disease which would render him/her unfit to instruct or associate with children. (Education Code 44839, 44839.5)

The certificate shall be completed and submitted directly to the district by an authorized health care provider. The medical examination referenced in the certificate must have been conducted within six months of the date that the certificate is filed. (Education Code 44839, 44839.5; 5 CCR 5503)

Applicants and retirants shall pay for the cost of obtaining the medical certification. (Education Code 44849, 44839.5)

Certificated employees and/or retirants shall be required to periodically undergo, at district expense, a medical examination pursuant to Education Code 44839 or 44839.5 to determine that they are free from any communicable disease making them unfit to instruct or associate with children. (Education Code 44839, 44839.5)

Mental Examination for Certificated Employees

Whenever the Board is considering the suspension or transfer of a certificated employee based on its reasonable belief that the employee is suffering from mental illness of such a degree as to render him/her incompetent to perform his/her duties, the employee shall be offered the opportunity of being examined by a three-member panel of psychiatrists and psychologists in accordance with Education Code 44942. The employee shall select the members of the panel from a list of psychiatrists and psychologists provided by the district. The examination shall be conducted, at district expense, within 15 days of the ordered suspension or transfer. The employee shall submit to the examination, but shall also be entitled to present a report of any psychiatrist, psychologist, or physician of his/her own choice. (Education Code 44942)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 5502	Filing of notice of physical examination for employment of retired person
5 CCR 5503	Physical examination for employment of retired persons
5 CCR 5504	Medical certification procedures
Bus. Code 2700-2837	Nursing - https://simbli.eboardsolutions.com/SU/uCzErklfpGgLI9HTTI6yxg==
Bus. Code 3500-3546	Physician assistants - https://simbli.eboardsolutions.com/SU/DVwu5arEKuyPdOB2YXapluEw==
Ed. Code 44839	Medical certificate; periodic medical examination - https://simbli.eboardsolutions.com/SU/7ifRt5ldtFyISRocGEB0AQ==
Ed. Code 44839.5	Requirements for employment of retirant - https://simbli.eboardsolutions.com/SU/9NiF7P8cplus6F5a9AwnxnXMQ==
Ed. Code 44932	Grounds for dismissal of permanent employees - https://simbli.eboardsolutions.com/SU/Hjuplus3jud6Dn34xkR8B7BhA==
Ed. Code 44942	Suspension or transfer of certificated employee on ground of mental illness - https://simbli.eboardsolutions.com/SU/4d649ukp1cbYfwkQVS4RJQ==
Ed. Code 45122	Physical examinations - https://simbli.eboardsolutions.com/SU/6W3NvRVCwhchfqBQ9xBcAQ==
Ed. Code 49406	Examination for tuberculosis - https://simbli.eboardsolutions.com/SU/1zMk9tKmBYJP1m6AfhBiag==
H&S Code 121525	Private and parochial school employees; examination for tuberculosis - https://simbli.eboardsolutions.com/SU/Hut2vQw3WDRGKrESwOVqQg==

Management Resources References

Court Decision

Court Decision

Court Decision

Website

Website

Website

Website

Description

Doe v. Lincoln Unified School District, (2010) 188 Cal.App.4th 758

Leonel v. American Airlines, Inc., (2005) 400 F.3d. 702

Raven v. Oakland Unified School District, (1989) 213 Cal.App.3d 1347

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

U.S. Food and Drug Administration -
<https://simbli.eboardsolutions.com/SU/u14Fx3Hqi74ZIsEmkKrr3Q==>

California Department of Public Health -
<https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==>

Centers for Disease Control and Prevention -
<https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==>

Policy 4312.41: Employee Drug Testing

Status: DRAFT

Original Adopted Date: Pending

The Governing Board maintains a drug- and alcohol-free workplace. In accordance with law, all employees shall render service without using, possessing, being impaired by, or being under the influence of alcohol or drugs.

Pre-Employment Drug/Alcohol Testing for Safety-Sensitive Positions

Because students and staff have the right to a safe and secure campus where they are free from physical and psychological harm, the Board authorizes the testing of prospective employees in safety-sensitive positions for drug and alcohol use. The following positions are safety-sensitive and are subject to the district's program:

Position	Safety-Sensitive Duties
Bus Drivers	Driving Children

Once a conditional offer of employment has been made, prospective employees in these identified positions shall undergo a pre-employment drug and alcohol screening for any substance which could impair their ability to safely and effectively perform their job functions. This screening shall be part of the employee's pre-employment physical examination.

Final selection of a job applicant for a position shall not be made until the applicant has successfully completed the screening.

All testing and medical examinations shall be conducted in accordance with state and federal law, Board policy, and administrative regulation.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 5504	Medical certification procedures
CA Constitution Article 1, Section 28	Right to Safe Schools - https://simbli.eboardsolutions.com/SU/4uKslshNFWJwiWPc9Z3j2hmaA==
Ed. Code 44011	Controlled substance offense - https://simbli.eboardsolutions.com/SU/yVslsh8HNplus6fH8Trsdpvo9h3w==
Ed. Code 44455	Conviction for controlled substance offenses as grounds for revocation of credential - https://simbli.eboardsolutions.com/SU/RxmkbNWB8mb157Yr0WjXA==
Ed. Code 44836	Employment of certificated persons convicted of controlled substance offenses - https://simbli.eboardsolutions.com/SU/5hHUN0BmtikFXTcnjWJvnA==
Ed. Code 44839	Medical certificate; periodic medical examination - https://simbli.eboardsolutions.com/SU/7ifRt5IdtFyISRocGEBoAQ==
Ed. Code 44940	Compulsory leave of absence for certificated persons - https://simbli.eboardsolutions.com/SU/TXIEslshPquo8Kz7N8psqEtqA==
Ed. Code 44940.5	Procedures when employees are placed on compulsory leave of absence - https://simbli.eboardsolutions.com/SU/x5z1UxpluspluskEsTDPQ3FynQZA==
Ed. Code 45122	Physical examinations - https://simbli.eboardsolutions.com/SU/6W3NvRVCwhchfqBQ9xBcAQ==
Ed. Code 45123	Employment after conviction of controlled substance offense - https://simbli.eboardsolutions.com/SU/slshrbHklUHjUJXaqFKhWdAig==
Ed. Code 45304	Compulsory leave of absence for classified persons - https://simbli.eboardsolutions.com/SU/JczG8hudjplusDjlPlz25Wwmw==

Gov. Code 12940	Unlawful discriminatory employment practices - https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==
Gov. Code 8350-8357	Drug-free workplace - https://simbli.eboardsolutions.com/SU/w9Tz3WapOcnEI8sUslplusAIQ==
Federal References	Description
41 USC 701-707	Drug-Free Workplace Act
Management Resources References	Description
Court Decision	International Brotherhood of Teamsters v. Department of Transportation (1991) 932 F.2d 1292
Court Decision	Knox County Education Association v. Knox County Board of Education, (1998, 6th Circuit) 158 F.3d 361
Court Decision	Lanier v. City of Woodburn, (2008, 9th Circuit) 518 F.3d 1147
Court Decision	Loder v. City of Glendale, (1997) 14 Cal. 4th 846
Court Decision	National Treasury Employees Union v. Von Raab, (1989) 489 U.S. 456
Court Decision	Skinner v. Railway Labor Executives' Assn, (1989) 489 U.S. 602
Court Decision	Vernonia School District 47J v. Acton, (1995) 115 S.Ct. 2386
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==

Policy 4312.42: Drug And Alcohol Testing For School Bus Drivers

Status: DRAFT

Original Adopted Date: Pending

The Governing Board desires to ensure that district-provided transportation is safe for students, staff, and the public. To that end, the Superintendent or designee shall establish a drug and alcohol testing program designed to prevent the operation of buses or the performance of other safety-sensitive functions by a driver who is under the influence of drugs or alcohol, including a driver of a school bus, student activity bus, or other school transportation vehicle or any other employee who holds a commercial driver's license which is necessary to perform duties related to district employment.

A driver shall not report for duty or remain on duty when the driver has used any drug listed in 21 CFR 1308.11. A driver is also prohibited from reporting for duty or remaining on duty when the driver has used any drug listed in 21 CFR 1308.12-1308.15, unless the driver is using the drug under the direction of a physician who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a bus. (49 CFR 382.213)

In addition, a driver shall not consume alcohol while on duty and/or performing safety-sensitive functions, or for four hours prior to on-duty time. (49 CFR 382.205, 382.207)

Drivers shall submit to drug and alcohol testing as required under federal law and specified in the accompanying administrative regulation. The district's testing program for drivers shall include pre-employment drug testing and reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing of drivers. (49 USC 31306; 49 CFR 382.301-382.311)

The Board shall contract for testing services upon verifying that the personnel are appropriately qualified and/or certified and that testing procedures conform to federal regulations.

Except as otherwise provided by law, the Superintendent or designee shall not release individual test results or medical information about a driver to a third party without the driver's specific written consent. (49 CFR 40.321)

Consequences Based on Test Results

No driver shall be temporarily removed from the performance of safety-sensitive functions based only on a laboratory report of a confirmed positive test for a drug or drug metabolite before the certified medical review officer has completed verification of the test results, unless the district has obtained a waiver from the Federal Motor Carrier Safety Administration. (49 CFR 40.3, 40.21, 382.107, 382.119)

Any driver for whom the district receives a verified positive drug test result or who is found to have a blood alcohol concentration of 0.04 or higher shall be immediately removed from performing safety-sensitive functions in accordance with 49 CFR 40.23 and 382.211. An alcohol concentration between 0.02 and 0.04 requires temporary removal of the bus driver for a 24-hour period following the test. Any driver who refuses to take a required drug or alcohol test shall not be permitted to perform or continue to perform safety-sensitive functions. (49 CFR 40.23, 382.211)

Not later than five days after receiving notification of the test result or refusal to comply, the Superintendent or designee shall report any refusal, failure to comply, or positive test result to the California Department of Motor Vehicles (DMV) using a form approved by the DMV. (Vehicle Code 13376)

A driver who has violated federal drug and alcohol regulations may be subject to disciplinary action up to and including dismissal in accordance with law, administrative regulations, and the district's collective bargaining agreement.

Any driver provided with an opportunity to return to a safety-sensitive duty following a violation shall be evaluated by a qualified substance abuse professional and complete the evaluation recommendations before returning to such duty. (49 CFR 40.289)

If the substance abuse professional recommends that further and ongoing services are needed to assist the driver to maintain sobriety or abstinence from drug use, the Superintendent or designee shall require the driver to participate in the recommended services as part of a return-to-duty agreement and shall monitor the driver's compliance. Any drop from a rehabilitation or return-to-duty program or a subsequent positive test result shall be reported to the

DMV. (Vehicle Code 13376; 49 CFR 40.285, 40.287, 40.303, 382.605)

Voluntary Self-Identification

Whenever a driver admits to alcohol or drug misuse under the district's voluntary self-identification program, the Superintendent or designee shall ensure all of the following: (49 CFR 382.121)

1. No adverse action shall be taken against the driver by the district.
2. The driver shall be allowed sufficient opportunity to seek evaluation, education, or treatment to establish control over the drug or alcohol problem.
3. The driver shall be permitted to participate in safety-sensitive functions only after:
 - a. Successfully completing an education or treatment program, as determined by a drug and alcohol abuse evaluation expert, such as an employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor
 - b. Undergoing a return-to-duty test with a result indicating an alcohol concentration of less than 0.02 and/or a verified negative result for drug use

A driver who admits to alcohol or drug misuse shall not be subject to federal requirements related to referral, evaluation, and treatment, provided that the driver does not self-identify in order to avoid drug or alcohol testing, makes the admission prior to performing a safety-sensitive function, and does not perform a safety-sensitive function until the driver has been evaluated and has successfully completed education or treatment requirements in accordance with program guidelines. (49 CFR 382.121)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

13 CCR 1200-1294

13 CCR 1213.1

Ed. Code 35160

Gov. Code 8355

Veh. Code 13376

Veh. Code 34500-34520.5

Description

Motor carrier safety -

<https://simbli.eboardsolutions.com/SU/yQSHDNrNieMnhAVA3MDcgQ==>

Placing drivers out-of-service

Authority of governing boards -

<https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==>

Certification of drug-free workplace, including notification -

<https://simbli.eboardsolutions.com/SU/7NhMrF6OwSawaA8bns8VmQ==>

Driver certificates; revocation or suspension -

<https://simbli.eboardsolutions.com/SU/LarexslshHgfc3vBqz3gglTjg==>

Safety regulations -

<https://simbli.eboardsolutions.com/SU/QQyT3eFSXANcmAlplusk2Il7g==>

Federal References

21 CFR 1308.11-1308.15

41 USC 8101-8106

49 CFR 382.101-382.727

49 CFR 382.205

49 CFR 382.207

49 CFR 382.209

49 CFR 40.1-40.413

49 USC 31306

Description

Controlled substances

Drug-Free Workplace Act

Controlled substance and alcohol use and testing

On-duty use

Pre-duty use

Use following an accident

Procedures for transportation workplace drug and alcohol testing programs

Alcohol and drug testing

Management Resources References

California Highway Patrol Publication

California Highway Patrol Publication

Website

Website

Website

Website

Website

Website

Description

Controlled Substances and Alcohol Testing Compliance Checklist, 2007

What is CSAT? Controlled Substances and Alcohol Testing, 2005

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Commercial Driver's License Drug and Alcohol Clearinghouse -
<https://simbli.eboardsolutions.com/SU/cslsh63ln16q9v6pLplusm3DWt4A==>

California Department of Motor Vehicles -
<https://simbli.eboardsolutions.com/SU/l0fZ9slshVVfMPPxgCslshmou5w==>

California Highway Patrol -
<https://simbli.eboardsolutions.com/SU/VrAIT7Su2t1yBbvext1plusdg==>

Federal Motor Carrier Safety Administration -
<https://simbli.eboardsolutions.com/SU/iUIDQ9Erq8GkPa5qRqIDAA==>

U.S. Department of Transportation, Office of Drug and Alcohol Policy and Compliance -
<https://simbli.eboardsolutions.com/SU/jf4E1c5VrQIECX3plushplusxUVg==>

Regulation 4312.42: Drug And Alcohol Testing For School Bus Drivers

Status: DRAFT

Original Adopted Date: Pending

Definitions

For purposes of drug testing required by the U.S. Department of Transportation (DOT), drugs include marijuana, cocaine, amphetamines, phencyclidine (PCP), and opioids. (49 CFR 40.3, 40.85, 382.107)

Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test. (49 CFR 40.3, 382.107)

Safety-sensitive function means all time from the time the driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. Safety-sensitive functions include, but are not limited to, all time driving or otherwise in the bus or other school transportation vehicle; waiting at a district facility to be dispatched; inspecting, servicing, or conditioning the vehicle or vehicle equipment; loading or unloading the vehicle; supervising or assisting in the loading or unloading of the vehicle; and repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. (49 CFR 382.107)

Designated Employer Representative

The Superintendent or designee shall identify a designated employer representative who is authorized to take immediate action to remove drivers from safety-sensitive functions and to make required decisions in the testing and evaluation processes. The designated employer representative shall also be responsible for receiving test results and other communications. The name and telephone number of the designated employer representative shall be provided to the testing contractor to contact about any problems or issues that may arise during the testing process. (49 CFR 40.35, 40.215)

Pre-employment Testing

When hiring a new driver, the Superintendent or designee shall, with the driver's written consent, conduct a pre-employment query using the Commercial Driver's License Drug and Alcohol Clearinghouse to obtain information about whether the driver has committed a violation of federal drug or alcohol regulations. (49 CFR 382.701)

The Superintendent or designee shall also, with the driver's consent, request the driver's past drug and alcohol testing record, as specified in 49 CFR 40.25 and 382.413, from any employer who has employed the driver at any time during the previous three years. To the extent practicable, the Superintendent or designee shall obtain and review such information before the driver first performs safety-sensitive functions. In addition, the Superintendent or designee shall ask the driver if there was a positive test, or a refusal to test, on any pre-employment drug or alcohol test that was administered during the past two years in the course of applying for another safety-sensitive transportation position that was not obtained. (49 CFR 40.25, 382.413)

The driver shall not be permitted to perform safety-sensitive functions if the driver refuses to provide consent to obtain the information from previous employers or from the Clearinghouse; the information from previous employers is not received within 30 days of the date on which the driver first performed safety-sensitive functions for the district; or the driver, the Clearinghouse, or a previous employer reports a violation of a drug or alcohol regulation without subsequent completion of the return-to-duty process. (49 CFR 40.25, 382.413, 382.701, 382.703)

A driver whom the district intends to hire or use shall undergo testing for drugs and receive a verified negative test result prior to the first time the driver performs safety-sensitive functions for the district. This testing requirement may be waived if all of the following conditions exist: (49 CFR 382.301)

1. The driver has participated in a qualified drug testing program within the previous 30 days.
2. While participating in the program, the driver either was tested within the past six months from the date of application or participated in a random drug testing program for the previous 12 months from the date of application.
3. No prior employer of the driver of whom the district has knowledge has records of the driver's violation of

federal drug testing regulations within the previous six months.

The Superintendent or designee shall contact the testing program(s) in which the driver has participated and obtain information about the program and the driver's participation as specified in 49 CFR 382.301.

In addition, the Superintendent or designee shall require the driver to undergo pre-employment alcohol testing in accordance with the procedures in 49 CFR 40.1-40.605 and to receive a test result indicating an alcohol concentration of less than 0.04. (49 CFR 382.301)

Post-Accident Testing

As soon as practicable following an accident involving a school bus or student activity bus, the Superintendent or designee shall ensure that the driver involved is tested for alcohol and/or drugs under either of the following conditions: (49 CFR 382.303)

1. The accident involved loss of human life.
2. The driver receives a citation for a moving traffic violation within eight hours of the accident and the accident involved bodily injury to a person who required immediate medical treatment away from the scene of the accident and/or disabling damage to one or more vehicles requiring towing.

The Superintendent or designee shall attempt to administer a required alcohol test up to eight hours following the accident and/or a drug test up to 32 hours following the accident. The results of an alcohol or drug test conducted by federal, state, or local officials having independent authority for the test shall be considered to meet this requirement. If the alcohol test is not administered within two hours following the accident, or the test for drugs is not administered within 32 hours following the accident, the Superintendent or designee shall make a record stating the reasons the test was not promptly administered. (49 CFR 382.303)

No driver required to take a post-accident alcohol test pursuant to 49 CFR 382.303 shall use alcohol for eight hours following the accident or until the driver undergoes a post-accident alcohol test, whichever occurs first. (49 CFR 382.209)

Random Testing

The Superintendent or designee shall ensure that random, unannounced drug and alcohol tests of bus drivers are conducted on testing dates reasonably spread throughout the year.

Such tests shall be unannounced and conducted during, immediately before, or immediately after the performance of safety-sensitive functions. (49 CFR 382.305)

The Superintendent or designee shall ensure that the percentage of district drivers randomly tested for drugs and alcohol meets or exceeds the minimum annual percentage rates specified in 49 CFR 382.305 or subsequently published in the Federal Register.

Each driver selected for random testing shall have an equal chance of being tested each time selections are made. (49 CFR 382.305)

Each driver who is selected for testing shall proceed to the test site immediately or, if performing a safety-sensitive function other than driving a bus, then as soon as possible after ceasing that function. (49 CFR 382.305)

Reasonable Suspicion Testing

A driver shall be required to submit to a drug or alcohol test whenever the Superintendent or designee has reasonable suspicion that the driver has violated the prohibitions against the use of drugs or alcohol. Such reasonable suspicion shall be based on specific, contemporaneous, articulable observations, conducted during, immediately before, or immediately after the performance of safety-sensitive functions, concerning the driver's appearance, behavior, speech, and/or body odors. Reasonable suspicion of drug use may also include indications of the chronic and withdrawal effects of drugs. (49 CFR 382.307)

The person who makes the required observations for reasonable suspicion testing for drugs or alcohol shall be trained in accordance with 49 CFR 382.603. The person who makes the determination that reasonable suspicion

exists to conduct an alcohol test shall not be the same person who conducts the alcohol test. (49 CFR 382.307)

Within 24 hours of the observed behavior or before the results of the drug or alcohol test are released, whichever is earlier, a written record of the observations leading to a reasonable suspicion test shall be made and signed by the person who made the observations. (49 CFR 382.307)

An alcohol test required as a result of reasonable suspicion shall be administered within eight hours following the determination of reasonable suspicion. If the test is not administered within two hours, the Superintendent or designee shall prepare and maintain on file a record stating the reasons the test was not promptly administered. (49 CFR 382.307)

In the absence of a reasonable suspicion alcohol test, the district shall take no action against a driver based solely on the driver's behavior and appearance, except that the driver shall not be allowed to report for or remain on safety-sensitive functions until an alcohol test is administered and the results show a concentration less than 0.02 or 24 hours have elapsed following the determination of reasonable suspicion. (49 CFR 382.307)

Return-to-Duty Testing

Note: Pursuant to 49 CFR 40.305, the district may return a driver to safety-sensitive functions after the driver completes required education and treatment services as described in the accompanying Board policy and a return-to-duty drug or alcohol test. Such personnel decisions may be subject to collective bargaining or other legal requirements.

The Superintendent or designee may permit a driver who has violated federal drug or alcohol regulations to return to safety-sensitive functions after the driver has successfully complied with the education and treatment services prescribed by a substance abuse professional and has taken a return-to-duty drug or alcohol test. The driver shall not resume performance of safety-sensitive functions unless the drug test shows a negative result and/or the alcohol test shows a concentration of less than 0.02. (49 CFR 40.305, 382.309)

Follow-Up Testing

Upon receiving a written follow-up testing plan from a substance abuse professional, the Superintendent or designee shall determine the actual dates for follow-up testing consistent with those recommendations and shall ensure that such tests are unannounced and follow no discernable pattern as to their timing. No additional tests beyond those included in the plan shall be imposed by the district. (49 CFR 40.307-40.309, 382.111)

Mandatory Reporting and Annual Queries to the Drug and Alcohol Clearinghouse

The Superintendent or designee shall report to the Clearinghouse any violation of federal drug and alcohol regulations, any refusal to test, and other required information by the close of the third business day following the date on which the information was obtained. (49 CFR 382.705)

The Superintendent or designee shall conduct a query using the Clearinghouse at least once a year for all drivers to determine whether information exists in the Clearinghouse about the drivers. (49 CFR 382.701)

In lieu of a full query, the Superintendent or designee may obtain the individual driver's consent to conduct a limited query that is effective for more than one year and informs the district about whether there is information about the driver in the Clearinghouse without releasing that information to the district. If the limited query shows that information exists in the Clearinghouse about the individual driver, the Superintendent or designee shall conduct a full query within 24 hours of conducting the limited query. If a full query is not conducted within 24 hours, the driver may not perform any safety-sensitive function until the results from a full query confirm that the driver may perform such functions. (49 CFR 382.701)

A driver may not perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has committed a violation of federal drug or alcohol regulations. (49 CFR 382.701)

Notifications

The Superintendent or designee shall provide each driver with materials explaining the federal regulations and the district's policy and procedure related to drug and alcohol testing and shall notify representatives of employee organizations of the availability of this information. This information shall include a detailed discussion of at least the

following: (49 CFR 382.113, 382.303, 382.601)

1. The identity of the person designated by the district to answer driver questions about the materials
2. The categories of drivers who are subject to drug and alcohol testing
3. Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the workday the driver is required to be in compliance
4. Specific information concerning prohibited driver conduct
5. The circumstances under which a driver will be tested for drugs and/or alcohol, including post-accident testing
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver
7. The requirement that a driver submit to drug and alcohol tests
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences
9. The consequences for drivers found to have violated the prohibitions against drug or alcohol use, including the circumstances under which drivers will be removed immediately from safety-sensitive functions and the requirements for education, treatment, and return-to-duty testing
10. The consequences for drivers found to have a blood alcohol concentration between 0.02 and 0.04
11. Information concerning the effects of drug and alcohol use on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management
12. The requirement that personal information collected and maintained pursuant to 49 CFR 382 shall be reported to the Clearinghouse

Each driver shall sign a statement certifying receipt of a copy of the above materials. The Superintendent or designee shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver. (49 CFR 382.601)

In addition, prior to administering each alcohol or drug test, the driver shall be notified that the test is required pursuant to Title 49, Part 382, of the Code of Federal Regulations. (49 CFR 382.113)

The driver shall be notified of the results of drug and alcohol tests in accordance with 49 CFR 382.411.

Records

The Superintendent or designee shall maintain records of the district's drug and alcohol testing program in accordance with 49 CFR 40.333 and 382.401. Such records shall be maintained in a secure location with controlled access and shall be disclosed only in accordance with 49 CFR 382.405.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

13 CCR 1200-1294

13 CCR 1213.1

Description

Motor carrier safety -

<https://simbli.eboardsolutions.com/SU/yQSHDNrNieMnhAVA3MDcgQ==>

Placing drivers out-of-service

Ed. Code 35160

Gov. Code 8355

Veh. Code 13376

Veh. Code 34500-34520.5

Federal References

21 CFR 1308.11-1308.15

41 USC 8101-8106

49 CFR 382.101-382.727

49 CFR 382.205

49 CFR 382.207

49 CFR 382.209

49 CFR 40.1-40.413

49 USC 31306

Management Resources References

California Highway Patrol Publication

California Highway Patrol Publication

Website

Website

Website

Website

Website

Website

Authority of governing boards -

<https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxyplus8DVSsrkQ==>

Certification of drug-free workplace, including notification -

<https://simbli.eboardsolutions.com/SU/7NhMrF60wSawaA8bns8VmQ==>

Driver certificates; revocation or suspension -

<https://simbli.eboardsolutions.com/SU/LarexslshHgfc3vBqz3gglTjg==>

Safety regulations -

<https://simbli.eboardsolutions.com/SU/QQvT3eFSXANcmAlplusk2Il7g==>

Description

Controlled substances

Drug-Free Workplace Act

Controlled substance and alcohol use and testing

On-duty use

Pre-duty use

Use following an accident

Procedures for transportation workplace drug and alcohol testing programs

Alcohol and drug testing

Description

Controlled Substances and Alcohol Testing Compliance Checklist, 2007

What is CSAT? Controlled Substances and Alcohol Testing, 2005

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Commercial Driver's License Drug and Alcohol Clearinghouse -

<https://simbli.eboardsolutions.com/SU/cslsh63ln16q9v6pLplum3DWt4A==>

California Department of Motor Vehicles -

<https://simbli.eboardsolutions.com/SU/l0fZ9slshVVfMPPxgClslshmu5w==>

California Highway Patrol -

<https://simbli.eboardsolutions.com/SU/VrAIT7Su2t1yBbvext1plusdg==>

Federal Motor Carrier Safety Administration -

<https://simbli.eboardsolutions.com/SU/iUIDQ9Erq8GkPa5qRqIDAA==>

U.S. Department of Transportation, Office of Drug and Alcohol Policy and Compliance -

<https://simbli.eboardsolutions.com/SU/jf4E1c5VrQIECX3plushplusxUVg==>

Regulation 4312.5: Criminal Record Check

Status: DRAFT

Original Adopted Date: Pending

The Superintendent or designee shall not hire or retain in employment, in a certificated or classified position, a person who has been convicted of a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c), a controlled substance offense as defined in Education Code 44011, or a sex offense as defined in Education Code 44010. However, the Superintendent or designee shall not deny or terminate employment if: (Education Code 44830.1, 44836, 45122.1, 45123)

1. The conviction for a violent or serious felony, controlled substance offense, or sex offense is reversed and the person is acquitted of the offense in a new trial or the charges against the person are dismissed, unless the sex offense for which the conviction is dismissed pursuant to Penal Code 1203.4 involves a victim who was a minor.
2. A person convicted of a violent or serious felony has obtained a certificate of rehabilitation or a pardon.
3. A person who has been convicted of a serious felony, that is not also a violent felony, proves to the sentencing court that he/she has been rehabilitated for purposes of school employment for at least one year.
4. A person who has been convicted of a controlled substance offense is applying for or is employed in a certificated position and has a credential issued by the Commission on Teacher Credentialing.
5. A person who has been convicted of a controlled substance offense is applying for or is employed in a classified position and has been determined by the Governing Board, from the evidence presented, to have been rehabilitated for at least five years.

A certificated employee may be hired by the district without obtaining a criminal record summary if that employee is employed as a certificated employee in another California school district and became a permanent employee of another California school district as of October 1, 1997. (Education Code 44830.1, 44836)

The Superintendent or designee shall not issue a temporary certificate of clearance to a person whose application for a credential, certificate, or permit is being processed by the Commission on Teacher Credentialing if that person has been convicted of a violent or serious felony, unless the person is otherwise exempt pursuant to Education Code 44332.6 or 44830.1. (Education Code 44332.5, 44332.6)

Pre-Employment Record Check

The Superintendent or designee shall require each person to be employed by the district to submit his/her fingerprints electronically through the Live Scan system so that a criminal record check may be conducted by the Department of Justice (DOJ). The Superintendent or designee shall provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

When a person is applying for a classified position, the Superintendent or designee shall request that the DOJ also obtain a criminal record check through the Federal Bureau of Investigation whenever the applicant meets one of the following conditions: (Education Code 45125)

1. The applicant has not resided in California for at least one year immediately preceding the application for employment.
2. The applicant has resided in California for more than one year, but less than seven years, and the DOJ has ascertained that the person was convicted of a sex offense where the victim was a minor or a drug offense where an element of the offense is either the distribution to or the use of a controlled substance by a minor.

The Superintendent or designee shall immediately notify the DOJ when an applicant who has submitted his/her fingerprints to the DOJ is not subsequently employed by the district. (Penal Code 11105.2)

Subsequent Arrest Notification

The Superintendent or designee shall enter into a contract with the DOJ to receive notification of subsequent arrests resulting in conviction of any person whose fingerprints have been submitted to the DOJ. (Education Code 44830.1,

45125; Penal Code 11105.2)

Upon telephone or email notification by the DOJ that a current temporary employee, substitute employee, or probationary employee serving before March 15 of his/her second probationary year has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 44830.1, 45122.1)

When the district receives written electronic notification by the DOJ of the fact of conviction, the temporary employee, substitute employee, or probationary employee serving before March 15 of his/her second probationary year shall be terminated automatically unless the employee challenges the DOJ record and the DOJ withdraws its notification in writing. Upon receipt of the written withdrawal of notification by the DOJ, the Superintendent or designee shall immediately reinstate that employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement if the employee is still employed by the district. (Education Code 44830.1, 45122.1)

The Superintendent or designee shall immediately notify the DOJ whenever a person whose fingerprints are maintained by the DOJ is terminated. (Penal Code 11105.2)

Notification of Applicant/Employee

The Superintendent or designee shall expeditiously furnish a copy of any DOJ notification to the applicant or employee to whom it relates if the information is a basis for an adverse employment decision. The copy shall be delivered in person or to the last contact information provided by the applicant or employee. (Penal Code 11105, 11105.2)

Maintenance of Records

The Superintendent shall designate at least one custodian of records who shall be responsible for the security, storage, dissemination, and destruction of all Criminal Offender Record Information (CORI) furnished to the district and shall serve as the primary contact for the DOJ for any related issues. (Penal Code 11102.2)

An employee designated as custodian of records shall receive a criminal background check clearance from the DOJ prior to serving in that capacity. (Penal Code 11102.2)

The custodian of records shall sign and return to the DOJ the Employee Statement Form acknowledging his/her understanding of the laws prohibiting misuse of CORI. In addition, the custodian of records shall ensure that any individual with access to CORI has on file a signed Employee Statement Form.

To ensure its confidentiality, CORI shall be accessible only to the custodian of records and shall be kept in a locked file separate from other files. CORI shall be used only for the purpose for which it is requested and its contents shall not be disclosed or reproduced. (Education Code 44830.1, 45125)

Once a hiring determination is made, the applicant's CORI shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained. (Education Code 44830.1, 45125; 11 CCR 708)

The Superintendent or designee shall immediately notify the DOJ whenever a designated custodian of records ceases to serve in that capacity. (Penal Code 11102.2)

Interagency Agreement

Subject to an interagency agreement with other school districts, the district shall submit and receive CORI on behalf of all participating districts. (Education Code 44830.2, 45125.01)

Upon receipt from the DOJ of a report of conviction of a serious or violent felony, the district shall communicate that fact to participating districts and shall remove the affected employee from the common list of persons eligible for employment. (Education Code 44830.2, 45125.01)

In addition, upon receipt from the DOJ of a criminal history record or report of subsequent arrest for any person on a common list of persons eligible for employment, the district shall give notice to the superintendent of any participating district, or the person designated in writing by that superintendent, that the report is available for inspection on a confidential basis by the superintendent or the authorized designee. The report shall be made

available at the district office for 30 days following the receipt of the notice. (Education Code 44830.2, 45125.01)

The district shall not release a copy of that information to any participating district or any other person. In addition, the district shall retain or dispose of the information in the manner specified in law and in this administrative regulation after all participating districts have had an opportunity to inspect it in accordance with law. (Education Code 44830.2, 45125.01)

The district shall maintain a record of all persons to whom the information has been shown and shall make this record available to the DOJ. (Education Code 44830.2, 45125.01)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

11 CCR 701-708	Criminal offender record information - https://simbli.eboardsolutions.com/SU/LpZWJtplusvPA1kzoYhGh5svw==
11 CCR 720-724	Incomplete criminal history information - https://simbli.eboardsolutions.com/SU/Y0rckUslshqqYSdarx6ZVQd9Q==
11 CCR 994-994.15	Certification of individuals who take fingerprint impressions - https://simbli.eboardsolutions.com/SU/mQOV5uRA3tJqfg6yRBrGsA==
Ed. Code 44010	Sex offense; definitions - https://simbli.eboardsolutions.com/SU/kVoMSh2Y4cuufG1O45T35A==
Ed. Code 44011	Controlled substance offense - https://simbli.eboardsolutions.com/SU/yVslsh8HNplus6fH8Trsdpvo9h3w==
Ed. Code 44332.44332.6	Temporary certificate of clearance - https://simbli.eboardsolutions.com/SU/ewqmiXUOvCIFsKS411GVaQ==
Ed. Code 44346.1	Applicants for credential; conviction of a violent or serious felony - https://simbli.eboardsolutions.com/SU/ifoGhPh4lg3lNBaHVSJLaA==
Ed. Code 44830.1	Criminal record summary certificated employees - https://simbli.eboardsolutions.com/SU/u9AgkfWslsh1QLiUogY34F8gA==
Ed. Code 44830.2	Certificated employees; interagency agreement for sharing criminal record information - https://simbli.eboardsolutions.com/SU/5r198TnCj0zOLYc7aF8vUA==
Ed. Code 44836	Employment of certificated persons convicted of controlled substance offenses - https://simbli.eboardsolutions.com/SU/5hHUN0BmtikFXTcnjWJvnA==
Ed. Code 44932	Grounds for dismissal of permanent employees - https://simbli.eboardsolutions.com/SU/Hjuplus3jud6Dn34xkR8B7BhA==
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony - https://simbli.eboardsolutions.com/SU/myGZ7ELMxd40SfOAlE8F0w==
Ed. Code 45125	Use of personal identification cards to ascertain conviction of crime - https://simbli.eboardsolutions.com/SU/D6m92girQ75zn6l3AOR8plusw==
Ed. Code 45125.01	Interagency agreements for criminal record information - https://simbli.eboardsolutions.com/SU/p0plusGJ0luVPDudcyAVB8E0w==
Ed. Code 45125.5	Automated records check - https://simbli.eboardsolutions.com/SU/GHmB1oTBxLxeL5plusloslshxecw==
Ed. Code 45126	Duty of Department of Justice to furnish information - https://simbli.eboardsolutions.com/SU/ytywu55uXcoxEZD7CD8gOg==
Ed. Code 49024	Activity Supervisor Clearance Certificate - https://simbli.eboardsolutions.com/SU/bPKibplusdM71m5nBUYCqYkKg==
Pen. Code 11075-11081	Criminal record dissemination - https://simbli.eboardsolutions.com/SU/9zvr9iamTUlrLnI7BE0Eslshw==

Pen. Code 11102.2	Maintenance of criminal offender records; custodian of records - https://simbli.eboardsolutions.com/SU/HypOuDGZOCJLCAfKIUjfew==
Pen. Code 11105	Access to criminal history information - https://simbli.eboardsolutions.com/SU/q4Hlc8zZET1xsYrxVn89lQ==
Pen. Code 11105.2	Subsequent arrest notification - https://simbli.eboardsolutions.com/SU/1RTS0ty22EXCsLAS7lgMbg==
Pen. Code 11105.3	Record of conviction involving sex crimes, drug crimes or crimes of violence - https://simbli.eboardsolutions.com/SU/n9Sml3YX7zZRvO7a8LaUZw==
Pen. Code 11140-11144	Furnishing of state criminal history information - https://simbli.eboardsolutions.com/SU/2JYu0xzFXeFE5U3KXfLZ4Q==
Pen. Code 1192.7	Plea bargaining limitation - https://simbli.eboardsolutions.com/SU/Y4tPzLWU9zUaPXfNAslshrRA==
Pen. Code 1203.4	Dismissal of conviction - https://simbli.eboardsolutions.com/SU/YlQYhBecjMT2UQjvP1nYrQ==
Pen. Code 13300-13305	Local summary criminal history information - https://simbli.eboardsolutions.com/SU/JSislshom3llJWMosHHPYHYcw==
Pen. Code 667.5	Prior prison terms; enhancement of prison terms - https://simbli.eboardsolutions.com/SU/yS0sRxmSCVex2qplus3slsh4ab6A==

Management Resources References

Court Decision	Central Valley Chapter of the 7th Step Foundation Inc. v. Evelle J. Younger, (1989) 214 Cal. App. 3d 145
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxk6R5akQ==
Website	Office of the Attorney General, Department of Justice, Background Checks - https://simbli.eboardsolutions.com/SU/T33cto0plusk9ZSg0jj8B94AA==

Exhibit 4312.5-E(1): Criminal Record Check

Status: DRAFT

Original Adopted Date: Pending

**SAMPLE EMPLOYEE STATEMENT FORM
USE OF CRIMINAL JUSTICE INFORMATION**

As an employee/volunteer of West Park School District, you may have access to confidential criminal record information which is controlled by state and federal statutes. Misuse of such information may adversely affect the individual's civil rights and violate constitutional rights of privacy. Penal Code 502 prescribes the penalties relating to computer crimes. Penal Code 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be disseminated. Penal Code 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information. Government Code 6200 prescribes felony penalties for misuse of public records. Penal Code 11142 and 13300 state:

"Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor."

Civil Code 1798.53, Invasion of Privacy, states:

"Any person who intentionally discloses information, not otherwise public, which they know or should reasonably know was obtained from personal or confidential information maintained by a state agency or from records within a system of records maintained by a federal government agency, shall be subject to a civil action, for invasion of privacy, by the individual."

CIVIL, CRIMINAL, AND ADMINISTRATIVE PENALTIES:

- Penal Code 11141: DOJ furnishing to unauthorized person (misdemeanor)
- Penal Code 11142: Authorized person furnishing to other (misdemeanor)
- Penal Code 11143: Unauthorized person in possession (misdemeanor)
- California Constitution, Article I, Section 1 (Right to Privacy)
- Civil Code 1798.53, Invasion of Privacy
- Title 18 USC 641, 1030, 1951, and 1952

Any employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may result in criminal and/or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION.

Signature _____ Date _____

Printed Name _____ Title _____

Name of District _____

PLEASE NOTE: Do not return this form to the DOJ. Your Custodian of Records should maintain these forms.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

11 CCR 701-708	Criminal offender record information - https://simbli.eboardsolutions.com/SU/LpZWJtplusvPA1kzoYhGh5svw==
11 CCR 720-724	Incomplete criminal history information - https://simbli.eboardsolutions.com/SU/Y0rckUsIshqqYSdarx6ZVQd9Q==
11 CCR 994-994.15	Certification of individuals who take fingerprint impressions - https://simbli.eboardsolutions.com/SU/mQOV5uRA3tJqfg6yRBrGsA==
Ed. Code 44010	Sex offense; definitions - https://simbli.eboardsolutions.com/SU/kVoMSh2Y4cuufG1O45T35A==
Ed. Code 44011	Controlled substance offense - https://simbli.eboardsolutions.com/SU/yVslsh8HNplus6fH8Trsdpvo9h3w==
Ed. Code 44332.44332.6	Temporary certificate of clearance - https://simbli.eboardsolutions.com/SU/ewqmiXUOvCIFsKS411GVaQ==
Ed. Code 44346.1	Applicants for credential; conviction of a violent or serious felony - https://simbli.eboardsolutions.com/SU/ifoGhPh4lg3lNBaHVSJLaA==
Ed. Code 44830.1	Criminal record summary certificated employees - https://simbli.eboardsolutions.com/SU/u9AgkfWslsh1QLiUogY34F8gA==
Ed. Code 44830.2	Certificated employees; interagency agreement for sharing criminal record information - https://simbli.eboardsolutions.com/SU/5r198TnCj0zOLYc7aF8vUA==
Ed. Code 44836	Employment of certificated persons convicted of controlled substance offenses - https://simbli.eboardsolutions.com/SU/5hHUN0BmtikEXTcnjWJvnA==
Ed. Code 44932	Grounds for dismissal of permanent employees - https://simbli.eboardsolutions.com/SU/Hjplus3jud6Dn34xkR8B7BhA==
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony - https://simbli.eboardsolutions.com/SU/myGZ7ELMxd40SfOAlE8F0w==
Ed. Code 45125	Use of personal identification cards to ascertain conviction of crime - https://simbli.eboardsolutions.com/SU/D6m92girQ75zn6l3AOR8plusw==
Ed. Code 45125.01	Interagency agreements for criminal record information - https://simbli.eboardsolutions.com/SU/p0plusGJ0luVPDudcyAVB8E0w==
Ed. Code 45125.5	Automated records check - https://simbli.eboardsolutions.com/SU/GHmB1oTBxLxeL5pluslosIshxecw==
Ed. Code 45126	Duty of Department of Justice to furnish information - https://simbli.eboardsolutions.com/SU/ytywu55uXcoxEZD7CD8gOg==
Ed. Code 49024	Activity Supervisor Clearance Certificate - https://simbli.eboardsolutions.com/SU/bPKibplusdM71m5nBUYCqYkKg==
Pen. Code 11075-11081	Criminal record dissemination - https://simbli.eboardsolutions.com/SU/9zvr9iamTUlrLnI7BE0Eslshw==
Pen. Code 11102.2	Maintenance of criminal offender records; custodian of records - https://simbli.eboardsolutions.com/SU/HypOuDGZOCJLCAfKIUjfew==
Pen. Code 11105	Access to criminal history information - https://simbli.eboardsolutions.com/SU/q4Hlc8zZET1xsYrxVn89lIQ==
Pen. Code 11105.2	Subsequent arrest notification - https://simbli.eboardsolutions.com/SU/1RTS0ty22EXCsLAS7lgMbg==
Pen. Code 11105.3	Record of conviction involving sex crimes, drug crimes or crimes of violence - https://simbli.eboardsolutions.com/SU/n9Sml3YX7zZRvO7a8LaUZw==
Pen. Code 11140-11144	Furnishing of state criminal history information - https://simbli.eboardsolutions.com/SU/2JYu0xzFXeFE5U3KXfLZ4Q==
Pen. Code 1192.7	Plea bargaining limitation - https://simbli.eboardsolutions.com/SU/Y4tPzLWU9zUaPXfNAsIshrcRA==

Pen. Code 1203.4	Dismissal of conviction - https://simbli.eboardsolutions.com/SU/YlQYhBecjMT2UQjvP1nYrQ==
Pen. Code 13300-13305	Local summary criminal history information - https://simbli.eboardsolutions.com/SU/JSislshom3lIJWMosHHPYHYcw==
Pen. Code 667.5	Prior prison terms; enhancement of prison terms - https://simbli.eboardsolutions.com/SU/yS0sRxmSCVex2qplus3slsh4ab6A==

Management Resources References

Court Decision

Website

Website

Description

Central Valley Chapter of the 7th Step Foundation Inc. v. Evelle J. Younger, (1989) 214 Cal. App. 3d 145

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxk6R5akQ==>

Office of the Attorney General, Department of Justice, Background Checks - <https://simbli.eboardsolutions.com/SU/T33cto0plusk9ZSg0jj8B94AA==>

Regulation 4312.61: Employment References

Status: DRAFT

Original Adopted Date: Pending

The Superintendent or designee shall be responsible for processing requests for employment references, letters of recommendation, or information about the reasons for separation regarding all district employees other than himself/herself. All letters of recommendation to be issued on behalf of the district for current or former employees shall be approved by the Superintendent or designee. At his/her discretion, the Superintendent or designee may refuse to give a recommendation.

The Superintendent or designee may communicate information about the job performance or qualifications of a current or former district employee when such information is based upon credible evidence and is given to a prospective employer without malice and at the prospective employer's request. (Civil Code 47)

Any reference, letter of recommendation, or information provided about the reasons for separation issued on behalf of the district shall provide a truthful and accurate account of the employee's job performance and qualifications.

No certificated employee shall write or sign any letter or memorandum which intentionally omits significant facts, or which states as facts matters which the writer does not know of his/her own knowledge to be true, relating to the professional qualifications or personal fitness to perform certificated services of any person who the writer knows will use the letter or memorandum to obtain professional employment. (5 CCR 80332)

No certificated employee shall agree to provide a positive letter of recommendation which misrepresents facts as a condition of another employee's resigning or withdrawing action against the district. (5 CCR 80332)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 80332	Professional candor and honesty in letters or memoranda of employment recommendation
Civ. Code 47	Privileged communication - https://simbli.eboardsolutions.com/SU/UaEr9ZLNpDYok3lslshyDvE3w==
Lab. Code 1050-1054	Reemployment privileges - https://simbli.eboardsolutions.com/SU/k1AfhCyCAauM1plusykKslshIVEA==

Management Resources References

	Description
Court Decision	Board of Trustees of Leland Stanford Junior University v. Superior Court, (1981) 119 Cal. App. 3d 516
Court Decision	Randi W. v. Muroc Joint Unified School District et al., (1997) 14 Cal. 4th 1066
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDslshXk6R5akQ==

Policy 4312.8: Employment Of Relatives

Status: DRAFT

Original Adopted Date: Pending

The Governing Board desires to maximize staff and community confidence in district hiring, promotion, and other employment decisions by promoting practices that are free of conflicts of interest or the appearance of impropriety.

The Board prohibits the appointment of any person to a position for which his/her relative maintains management, supervisory, evaluation, or promotion responsibilities and prohibits an employee from participating in any decision that singularly applies to any of his/her relatives.

For purposes of this policy, relative includes the individual's spouse, domestic partner, parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse or domestic partner.

In addition, the Superintendent or designee may determine, on a case-by-case basis, whether to appoint a person to a position in the same department or facility as an employee with whom he/she maintains a personal relationship when that relationship has the potential to create (1) an adverse impact on supervision, safety, security, or morale of other district employees or (2) a conflict of interest for the individuals involved which is greater because of the their relationship than it would be for another person.

An employee shall notify his/her supervisor within 30 days of any change in his/her circumstances that may constitute a violation of this policy.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

2 CCR 7292.0-7292.6

Description

Marital status discrimination -
<https://simbli.eboardsolutions.com/SU/OYM2wETre8OJcLEpNJgsXg==>

2 CCR 7292.5

Employee selection -
<https://simbli.eboardsolutions.com/SU/QvKUnBWZM9B1slshH6e8qzyKg==>

Ed. Code 35107

School district employees -
<https://simbli.eboardsolutions.com/SU/oaGHmft5UN3vyLv1tRuTlw==>

Fam. Code 297-297.5

Rights, protections, benefits under the law; registered domestic partners -
<https://simbli.eboardsolutions.com/SU/LJfCekZJhzs5Nas1GG1RHQ==>

Gov. Code 1090-1098

Prohibitions applicable to specified officers -
<https://simbli.eboardsolutions.com/SU/f3JDDEPLuQqZQETrqELBpg==>

Gov. Code 12940

Unlawful discriminatory employment practices -
<https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==>

Management Resources References

Description

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==>

Website

League of California Cities -
<https://simbli.eboardsolutions.com/SU/TUf8jslshHeiQslshKJpHe2qEtug==>

Website

California Civil Rights Department -
<https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==>

Policy 4312.9: Employee Notifications

Status: DRAFT

Original Adopted Date: Pending

The Governing Board believes that providing clear communications to staff is essential to establishing a professional, positive work environment and enhancing their job performance. The Superintendent or designee shall provide district employees all notifications required by law and any other notifications the Superintendent or designee believes will promote staff knowledge of the district's policies, programs, activities, and operations.

When required by law, Board policy, or administrative regulation, district employees shall be asked to sign an acknowledgment indicating receipt of the notification. Such acknowledgments shall be retained in each employee's personnel file.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

13 CCR 1234	Reports regarding school buses and bus drivers - https://simbli.eboardsolutions.com/SU/SQau3DbO6CrkhKYsUmPVoA==
13 CCR 2480	Vehicle idling; limitations - https://simbli.eboardsolutions.com/SU/fSf0ysaXD9tFEJN0131FOw==
2 CCR 11023	Harassment and discrimination prevention and correction - https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions - https://simbli.eboardsolutions.com/SU/GplusgYNhBplus6hlimWMyAuhwJw==
2 CCR 11087-11098	California Family Rights Act - https://simbli.eboardsolutions.com/SU/abM0slshHCKrMbGboplusCdDilag==
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security - https://simbli.eboardsolutions.com/SU/LBkkDX8OIBFu9JplusO9hdW9w==
Ed. Code 17612	Notification of pesticide use - https://simbli.eboardsolutions.com/SU/H5tr2sllxUTvYokVNC15GA==
Ed. Code 22455.5	STRS information to potential members - https://simbli.eboardsolutions.com/SU/OpjZXTfC5WyWcFrTPNSDXQ==
Ed. Code 22461	Postretirement compensation limitation - https://simbli.eboardsolutions.com/SU/Yao6NOqOUQArjVt0US6MwQ==
Ed. Code 231.5	Sexual harassment policy - https://simbli.eboardsolutions.com/SU/x4N8izB3LAiHeKeL3IJdg==
Ed. Code 35031	Term of employment - https://simbli.eboardsolutions.com/SU/Dd2pNygL7slshTy35OP9AP1Lg==
Ed. Code 35171	Availability of rules and regulations for evaluation of performance - https://simbli.eboardsolutions.com/SU/8gCYAAmUllvWPvqOKh6aaQ==
Ed. Code 37616	Consultation regarding year-round schedule - https://simbli.eboardsolutions.com/SU/b8srVmtxJ9lIspekF1JrplusGQ==
Ed. Code 44663-44664	Evaluation of certificated employees - https://simbli.eboardsolutions.com/SU/SkISPsVN82xw4slshJqODSb2A==

Ed. Code 44842	Reemployment notices; certificated employees - https://simbli.eboardsolutions.com/SU/6Cr6mASUlj0s7aFilsuhQ==
Ed. Code 44896	Transfer of administrator or supervisor to teaching position - https://simbli.eboardsolutions.com/SU/yplus7XbOeHD62Ua0mHfF3WZg==
Ed. Code 44916	Written statement of employment status - https://simbli.eboardsolutions.com/SU/XmCPHsuWR7m01NGRhZplusBaA==
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more - https://simbli.eboardsolutions.com/SU/HINpslshxbyLwME3nPO6mb5IA==
Ed. Code 44929.23	Districts with less than 250 ADA - https://simbli.eboardsolutions.com/SU/sdwal87FoWQPz0j1slsh848GQ==
Ed. Code 44934	Notice of disciplinary action for cause - https://simbli.eboardsolutions.com/SU/YOdpDmEESUnJCt39UZQg7g==
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct - https://simbli.eboardsolutions.com/SU/75B2doHslshmwPKmFVKktuR5A==
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss - https://simbli.eboardsolutions.com/SU/t58pmuN1UoBGqKr4eb7iEA==
Ed. Code 44948.3-44948.5	Dismissal of probationary employees - https://simbli.eboardsolutions.com/SU/t58pmuN1UoBGqKr4eb7iEA==
Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA - https://simbli.eboardsolutions.com/SU/qotcBdQOslshAgIcYayqDcLUA==
Ed. Code 44949	Dismissal of probationary employees - https://simbli.eboardsolutions.com/SU/yo6JVtoftkl8mvYPJbeSWA==
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel - https://simbli.eboardsolutions.com/SU/2b8OO67UPqMCFZoSySt0RA==
Ed. Code 44954	Nonreelection of temporary employees - https://simbli.eboardsolutions.com/SU/Tn8xix2gcZSmGiaMplusX1tPQ==
Ed. Code 44955	Reduction in number of permanent employees - https://simbli.eboardsolutions.com/SU/MQslshxJln2uiAVe9Pljo6DqA==
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance - https://simbli.eboardsolutions.com/SU/pluslys02LslYiEat5fGXaaTQ==
Ed. Code 45113	Notification of charges; classified employees - https://simbli.eboardsolutions.com/SU/ipluslv7IKgiZqYaGNLdhSslshXw==
Ed. Code 45117	Notice of layoff; classified employees - https://simbli.eboardsolutions.com/SU/uAz1v3pTWd6FoatRP235XA==
Ed. Code 45169	Employee salary data; classified employees - https://simbli.eboardsolutions.com/SU/KEgHD9a5rHqRYNxWbmXXWg==
Ed. Code 45192	Industrial accident and illness leave for classified employees - https://simbli.eboardsolutions.com/SU/HTwslshO644wTLZxo0sXoYSiA==
Ed. Code 45195	Additional leave - https://simbli.eboardsolutions.com/SU/Ryl3ROIDs3Wpd6bXcwUadw==
Ed. Code 46162	Alternative schedule for junior high and high school; public hearing with notice - https://simbli.eboardsolutions.com/SU/769TKplusjA6VdzOgH8gEdKcQ==
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion - https://simbli.eboardsolutions.com/SU/elQocY4QEYkVslshVzhn7SJMA==
Ed. Code 48851.3	Education of students in foster care and students who are homeless
Ed. Code 49013	Complaints regarding student fees - https://simbli.eboardsolutions.com/SU/b2wadA023lL35ATlslshnz6plusQ==

Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion - https://simbli.eboardsolutions.com/SU/8tfoN4Gnt52xd4EGRPwysQ==
Ed. Code 49414	Epinephrine auto-injectors - https://simbli.eboardsolutions.com/SU/9JuMr1vqNOCC5QbFqDv9Qw==
Ed. Code 49414.3	Administration of opioid antagonist - https://simbli.eboardsolutions.com/SU/jpluse7kBEekAxe3Bh0EEAWQA==
Gov. Code 1126	Incompatible activities of employees - https://simbli.eboardsolutions.com/SU/QKPtwnKDXZTLNeez6mprlg==
Gov. Code 12950	Sexual harassment - https://simbli.eboardsolutions.com/SU/h4EWslsh77h5LPVLOIU3XnZ3A==
Gov. Code 21029	Retirement credit for period of military service - https://simbli.eboardsolutions.com/SU/YM1QtJRBZG0wCeQIDslshkIGQ==
Gov. Code 54957	Complaints against employees; right to open session - https://simbli.eboardsolutions.com/SU/slshHI9rGplusU5KWWytZk9AyVpA==
Gov. Code 54963	Unauthorized disclosure of confidential information - https://simbli.eboardsolutions.com/SU/17hF4slshHe25WRtwf7Cqwxcg==
Gov. Code 8355	Certification of drug-free workplace, including notification - https://simbli.eboardsolutions.com/SU/7NhMrF60wSawaA8bns8VmQ==
H&S Code 104420	Tobacco-free schools - https://simbli.eboardsolutions.com/SU/5QtcisLQ2vJZyHEEyrMn4g==
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B - https://simbli.eboardsolutions.com/SU/38plusoh5urgpOqpluszq3f7akPg==
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B - https://simbli.eboardsolutions.com/SU/DnTo51VRfPSzvfGOSeoslskw==
H&S Code 1797.196	Automated external defibrillators; notification of use and locations - https://simbli.eboardsolutions.com/SU/OZEfsg1H8M5bW0OJBmKMCA==
Lab. Code 230	Accommodations and leave for victims of domestic violence - https://simbli.eboardsolutions.com/SU/YxjVw5yqtQF8dHAekvDUtA==
Lab. Code 2800.2	Notification of availability of continuation health coverage - https://simbli.eboardsolutions.com/SU/8zpT75rE0YXl8QDCqDoH9Q==
Lab. Code 3550-3553	Notifications re: workers' compensation benefits - https://simbli.eboardsolutions.com/SU/iCiITsntcY6NjUJ19aRkNw==
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility - https://simbli.eboardsolutions.com/SU/i8dzTiFD0wZN4u8udoF8Pg==
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement - https://simbli.eboardsolutions.com/SU/plusQslshakMpTBWl6RIW8FtsR6Q==
Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect - https://simbli.eboardsolutions.com/SU/U8mUJwOdXcXc4Et3byslshQjg==
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits - https://simbli.eboardsolutions.com/SU/TZohU2KxaWriZO4wNO2mww==
W&I Code 827	Limited exception to juvenile court record - https://simbli.eboardsolutions.com/SU/DMr9MZDTgwkT0RmplusgHdBKg==

Federal References

20 USC 2354	Local application for career and technical education programs
29 CFR 825.300	Family and Medical Leave Act; notice requirement
34 CFR 100	Nondiscrimination under programs receiving federal assistance
34 CFR 104.8	Nondiscrimination

Description

34 CFR 106.9	Severability
34 CFR 84.205-84.210	Drug-free workplace statement
38 USC 4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
41 USC 8101-8106	Drug-Free Workplace Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
49 CFR 382.113	Controlled substance and alcohol use and testing notifications
49 CFR 382.303	Post-accident information, procedures, and instructions
49 CFR 382.601	Controlled substance and alcohol use and testing notification

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Policy 4313.2: Demotion/Reassignment

Status: DRAFT

Original Adopted Date: Pending

The Governing Board may authorize the demotion or reassignment of any administrative or supervisory employee upon the recommendation of the Superintendent or designee and when such action is determined to be in the best interest of the district.

The Superintendent or designee shall ensure that the district complies with all applicable statutory deadlines and due process procedures when an employee is to be demoted or reassigned.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 35031	Term of employment - https://simbli.eboardsolutions.com/SU/Dd2pNygL7slshTy35OP9AP1Lg==
Ed. Code 44660-44665	Evaluation and assessment of performance of certificated employees - https://simbli.eboardsolutions.com/SU/SklSPsVN82xw4slshJqODSb2A==
Ed. Code 44850.1	No tenure in administrative or supervisory position - https://simbli.eboardsolutions.com/SU/m0cjS1a6slshHdNplusFUpPa03FA==
Ed. Code 44896	Transfer of administrator or supervisor to teaching position - https://simbli.eboardsolutions.com/SU/yplus7XbOeHD62Ua0mHfF3WZg==
Ed. Code 44897	Classification of administrator or supervisor to a teaching position - https://simbli.eboardsolutions.com/SU/bslshC5yTslshGefMsslshCApxM7ZMw==
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel - https://simbli.eboardsolutions.com/SU/2b8OO67UPqMCFZoSySt0RA==
Ed. Code 45101	Definitions; disciplinary action and cause - https://simbli.eboardsolutions.com/SU/hgmslshSjgIUkul81naAtyEIQ==
Ed. Code 45113	Notification of charges; classified employees - https://simbli.eboardsolutions.com/SU/ipluslv7IKgJZqYaGNLdhSslshXw==

Management Resources References

Description

Court Decision	Ellerbroek v. Saddleback Valley Unified School District, (1981) 125 Cal. App 3d 348
Court Decision	Hentschke v. Sink, (1973) 34 Cal. App. 3d 19
Court Decision	Jefferson v. Compton Unified School District (1993) 14 Cal. App. 4th 32
Court Decision	Schultz v. Regents of the University of California, (1984) 160 Cal. App. 3d 768
Court Decision	Skelly v. California Personnel Board (1975) 15 Cal.3d 194
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==

Regulation 4313.2: Demotion/Reassignment

Status: DRAFT

Original Adopted Date: Pending

Certificated Administrative Employees

Permanent certificated management staff are not entitled to seniority rights in their administrative positions. However, such staff shall earn and/or retain any seniority earned in service as a classroom teacher or site administrator pursuant to Education Code 44893, 44894, or 44956.5.

End of Year Release/Reassignment of Certificated Administrators

By March 15, an employee shall be notified by either registered mail or in person that he/she may be released or reassigned from his/her position for the following school year. If the notice is presented to the employee in person, the district shall obtain his/her signature acknowledging receipt of the notice on the district's copy of the written notice. (Education Code 44951)

If the March 15 notice indicates that release or reassignment is only a possibility, the Governing Board shall take additional action to release/reassign the employee before the new school year and shall send the employee a second notice by June 30 indicating that he/she has been released or reassigned.

If the employee is to be released or reassigned to a teaching position, the Board shall give the employee, upon his/her request, a written statement of the reasons for the release/reassignment. If the reasons include incompetence as an administrator or supervisor, the district shall have completed an evaluation of the employee within the 60-day period immediately preceding the notice date. (Education Code 44896)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 35031	Term of employment - https://simbli.eboardsolutions.com/SU/Dd2pNygL7slshTy35OP9AP1Lg==
Ed. Code 44660-44665	Evaluation and assessment of performance of certificated employees - https://simbli.eboardsolutions.com/SU/SklSPsVN82xw4slshJqODSb2A==
Ed. Code 44850.1	No tenure in administrative or supervisory position - https://simbli.eboardsolutions.com/SU/m0CjS1a6slshHdNplusFUpPa03FA==
Ed. Code 44896	Transfer of administrator or supervisor to teaching position - https://simbli.eboardsolutions.com/SU/yplus7XbOeHD62Ua0mHfF3WZg==
Ed. Code 44897	Classification of administrator or supervisor to a teaching position - https://simbli.eboardsolutions.com/SU/bslshC5yTslshGefMsslshCApxM7ZMw==
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel - https://simbli.eboardsolutions.com/SU/2b8OO67UPqMCFZoSySt0RA==
Ed. Code 45101	Definitions; disciplinary action and cause - https://simbli.eboardsolutions.com/SU/hgmslshSjglUkul81naAtyEIQ==
Ed. Code 45113	Notification of charges; classified employees - https://simbli.eboardsolutions.com/SU/ipluslv7IKgjZqYaGNLdhSslshXw==

Management Resources References

Description

Court Decision	Ellerbroek v. Saddleback Valley Unified School District, (1981) 125 Cal. App 3d 348
Court Decision	Hentschke v. Sink, (1973) 34 Cal. App. 3d 19
Court Decision	Jefferson v. Compton Unified School District (1993) 14 Cal. App. 4th 32
Court Decision	Schultz v. Regents of the University of California, (1984) 160 Cal. App. 3d 768

Court Decision

Skelly v. California Personnel Board (1975) 15 Cal.3d 194

Website

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Policy 4313.4: Temporary Modified/Light-Duty Assignment

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes that, when employees have temporarily disabling medical conditions, temporary modified or light-duty assignments can allow the district to continue to use their valuable knowledge, skills, and abilities while minimizing time away from work. Temporary modified/light-duty assignments may also serve to facilitate the employee's transition back to his/her regular duties or full-time work.

Any employee may request a modified or light-duty assignment when he/she has a temporary medical condition which prevents the performance of the essential functions of his/her current assignment or position. The Superintendent or designee shall determine, on a case-by-case basis, whether a suitable temporary position currently exists to accommodate the physical restrictions specified by the employee's medical provider.

An employee's initial assignment to a temporary modified or light-duty position shall be for a limited duration, not to exceed 30 days. At the end of the initial assignment, the employee may request that the Superintendent or designee extend the assignment. When requesting any such extension, the employee shall submit documentation from his/her medical provider verifying that the employee is still temporarily disabled and is not medically able to return to his/her regular assignment. Temporary assignments generally shall not exceed 90 days, but may be extended at the discretion of the Superintendent or designee for an additional 90 days upon verification by the employee's medical provider that such an extension will allow the employee to return to unrestricted regular duties.

An employee who rejects a temporary modified/light-duty assignment may be subject to a loss of workers' compensation benefits in accordance with district's insurance policy.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 44984	Required rules for industrial accident and illness leave - https://simbli.eboardsolutions.com/SU/ke4DWoaukfaaoJH5A01K1w==
Ed. Code 45192	Industrial accident and illness leave for classified employees - https://simbli.eboardsolutions.com/SU/HTwslshO644wTLZxo0sXoYSiA==
Gov. Code 12900-12996	Fair Employment and Housing Act - https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==
Gov. Code 12945.1-12945.2	California Family Rights Act - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQHQ9yA==

Federal References

29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 12101-12213	Americans with Disabilities Act

Management Resources References

Court Decision	Raine v. City of Burbank, (2006) 135 Cal.App.4th 1215
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==
Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==
Website	U.S. Equal Employment Opportunity Commission - https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==

Notice References

Unique Policy	This policy is unique to the district/COE and is not connected to an existing CSBA sample policy or included in regular quarterly updates from CSBA.
---------------	--

Policy 4313.5: Working Remotely

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes that working remotely at home or at another alternative location may be necessary at times when widespread illness, natural disaster, or other emergency condition makes the school or worksite unsafe or otherwise interrupts the district's ability to effectively conduct operations at the school or worksite. A full-time, part-time, or short-term remote work arrangement may also be granted by the Superintendent or designee to an individual employee, upon request, provided that the position is suitable for remote work, the employee has consistently demonstrated the ability to work independently and meet performance expectations, and the work arrangement does not hinder district operations.

The opportunity to work remotely shall be entirely at the district's discretion, and no grievance or appeal right may arise from district denial of any employee request for remote work.

Employees approved for remote work shall comply with all district policies, administrative regulations, work schedules, and job assignments. Except when specifically agreed, approval of remote work shall not change the compensation, benefits, or other terms and conditions of employment of an employee.

Unless otherwise approved in advance by the Superintendent or designee, employees working remotely shall do so within regular work hours established for the position. Employees are entitled and expected to take appropriate, uninterrupted meal and rest breaks, and shall keep accurate records of the hours they work. Employees shall notify their supervisor when unable to perform work assignments due to illness, equipment failure, or other unforeseen circumstances.

Employees working remotely are expected to conduct their work in a location that is safe and free of obstructions, hazards, and distractions. Such employees shall report to their supervisor any serious injury or illness occurring in the home workspace or in connection with their employment as soon as practically possible in accordance with Board policy.

The district shall provide to employees who work remotely all supplies, materials, apparatus, and equipment reasonably necessary to perform their jobs, including, as necessary, a technology device and Internet access. Employees shall use caution in accessing the Internet from public locations and in accessing information from networks outside of the district in order to safeguard confidential information. Employees shall be responsible for maintaining and protecting equipment on loan from the district and shall adhere to the district's Acceptable Use Agreement. The employee's personally owned equipment may only be used for district business when approved by the Superintendent or designee.

Work done at a remote work location is considered official public business. District records and communications shall be retained and safeguarded against damage or loss, and shall be kept confidential or made accessible to the public in accordance with law.

Any employee working remotely shall be available during work hours to the employee's supervisor and other staff, students, parents/guardians, and members of the public, as appropriate, via email, phone, or other means. Lack of responsiveness on the part of the employee may result in discipline and/or termination of remote work responsibilities. Employees shall be required to attend virtual or in-person meetings when directed by their supervisor.

Employee productivity shall be evaluated on the basis of time spent on tasks and projects, task completion, and quality of job performance in the same manner as all employees in the same position at the assigned school or office.

Remote work arrangements may be discontinued at any time at the discretion of the Superintendent or designee.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Gov. Code 12900-12996

Description

Fair Employment and Housing Act -
<https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==>

Gov. Code 6250-6270

Lab. Code 226.7

Lab. Code 6400

Lab. Code 6401

Federal References

42 USC 12101-12213

Management Resources References

Website

Website

California Public Records Act

Mandated meal, rest, or recovery periods -

<https://simbli.eboardsolutions.com/SU/K8B5zcqHRw4plusVfF3MOyTng==>

Safe and healthful employment and place of employment -

<https://simbli.eboardsolutions.com/SU/9OosCWsroJpOYuslshZDGSKoQ==>

Unsafe workplace -

<https://simbli.eboardsolutions.com/SU/qHwGWrSw1W2C5bVqwzWydQ==>

Description

Americans with Disabilities Act

Description

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

California Department of Industrial Relations -

<https://simbli.eboardsolutions.com/SU/Lh5JVplusYhNJm5slshcgG07zsOQ==>

Policy 4314: Transfers

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the importance of placing employees in positions that best utilize their skills and talents, help improve student achievement, and provide the most benefit to the district.

Upon the recommendation of the Superintendent or designee, the Board shall approve the transfer or rotation of administrative or supervisory personnel to the same position at another location for reasons including, but not limited to, the need to improve student achievement and operational efficiency, utilize the skills and talents of the employee more effectively, provide opportunities for professional growth, provide an opportunity for evaluating employees in different school settings or locations, and best accommodate the overall needs of the district.

The Superintendent or designee shall establish procedures to enable administrative or supervisory personnel to request a transfer to a vacant position.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 35031	Term of employment - https://simbli.eboardsolutions.com/SU/Dd2pNygL7slshTy35OP9AP1Lg==
Ed. Code 35035	Powers and duties of the superintendent; transfer authority - https://simbli.eboardsolutions.com/SU/U8vklOrjlenvguXkYb3glg==
Ed. Code 44850.1	No tenure in administrative or supervisory position - https://simbli.eboardsolutions.com/SU/m0cjS1a6slshHdNplusFUPa03FA==
Ed. Code 44896	Transfer of administrator or supervisor to teaching position - https://simbli.eboardsolutions.com/SU/yplus7XbOeHD62Ua0mHfF3WZg==
Ed. Code 44897	Classification of administrator or supervisor to a teaching position - https://simbli.eboardsolutions.com/SU/bslshC5yTslshGefMsslshCApxM7ZMw==
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel - https://simbli.eboardsolutions.com/SU/2b8OO67UPqMCFZoSySt0RA==
Ed. Code 45101	Definitions; disciplinary action and cause - https://simbli.eboardsolutions.com/SU/hgmslshSjglUkul81naAtyEIQ==
Ed. Code 45113	Notification of charges; classified employees - https://simbli.eboardsolutions.com/SU/ipluslv7IKgjZqYaGNLdhSslshXw==

Management Resources References

Description

Court Decision	Hentschke v. Sink, (1973) 34 Cal. App. 3d 19
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDslshXk6R5akQ==

Regulation 4314: Transfers

Status: DRAFT

Original Adopted Date: Pending

Involuntary Transfer

Before recommending the transfer or lateral rotation of an employee, the Superintendent or designee shall confer with the affected employee and notify him/her of the intent to recommend the transfer. For transfers effective at the beginning of the school year, this conference shall take place before May 30. Affected employees shall be notified of the final decision, in writing, as soon as practicable.

Voluntary Transfer

The employee shall submit a transfer request to the Superintendent or designee at the time of the known vacancy. The employee shall be notified in writing of the decision whether or not to grant the transfer request.

Transfer requests may be withdrawn by the employee at any time prior to the final decision.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 35031	Term of employment - https://simbli.eboardsolutions.com/SU/Dd2pNygL7slshTy35OP9AP1Lg==
Ed. Code 35035	Powers and duties of the superintendent; transfer authority - https://simbli.eboardsolutions.com/SU/U8vklOrjlenvguXkYb3glg==
Ed. Code 44850.1	No tenure in administrative or supervisory position - https://simbli.eboardsolutions.com/SU/m0cjS1a6slshHdNplusFUpPa03FA==
Ed. Code 44896	Transfer of administrator or supervisor to teaching position - https://simbli.eboardsolutions.com/SU/yplus7XbOeHD62Ua0mHfF3WZg==
Ed. Code 44897	Classification of administrator or supervisor to a teaching position - https://simbli.eboardsolutions.com/SU/bslshC5yTslshGefMsslshCApxM7ZMw==
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel - https://simbli.eboardsolutions.com/SU/2b8OO67UPqMCFZoSySt0RA==
Ed. Code 45101	Definitions; disciplinary action and cause - https://simbli.eboardsolutions.com/SU/hgmslshSjglUkul81naAtyEIQ==
Ed. Code 45113	Notification of charges; classified employees - https://simbli.eboardsolutions.com/SU/ipluslv7IKgjZqYaGNLdhSslshXw==

Management Resources References

Description

Court Decision	Hentschke v. Sink, (1973) 34 Cal. App. 3d 19
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==

Policy 4315: Evaluation/Supervision

Status: DRAFT

Original Adopted Date: Pending

The Governing Board believes that regular, comprehensive evaluations designed to hold administrative and supervisory staff accountable for their performance are key to improving their instructional leadership and management skills. Evaluations shall be linked to the district's vision and goals and school improvement plans.

Evaluations shall be used to recognize the exemplary skills and accomplishments of administrative and supervisory employees, serve as a criterion for contract renewals, and identify areas needing improvement. When the evaluation indicates areas needing improvement, the Board expects employees to take the initiative to improve their performance and for their supervisors to assist them in obtaining needed job skills.

Administrative and supervisory employees shall be evaluated in accordance with provisions of employee contracts and/or applicable collective bargaining agreements as appropriate.

The Superintendent or designee shall make written evaluation procedures available to all administrative and supervisory employees.

An employee shall be evaluated annually for the first and second years of employment as an administrator or supervisor in the district, and at least every two years thereafter, unless otherwise provided for in an employee contract or collective bargaining agreement. Evaluations may occur between scheduled periods at the request of the employee, his/her supervisor, or the Superintendent or designee.

The Superintendent or designee shall establish clear, objective criteria for evaluation based on the job responsibilities of each administrative or supervisory position.

Evaluation criteria for certificated school site administrators may be based on the California Professional Standards for Educational Leaders (CPSEL) and also may include, but not be limited to, evidence of: (Education Code 44671)

1. Academic growth of students, based on multiple measures which may include student work as well as student and school longitudinal data that demonstrate academic growth over time

Assessments used for this purpose shall be valid and reliable and used for the intended purposes and for the appropriate student populations. Local and state academic assessments may include, but are not limited to, state standardized assessments and formative, summative, benchmark, end-of-chapter, end-of-course, Advanced Placement, International Baccalaureate, college entrance, and performance assessments.

2. Effective and comprehensive teacher evaluations, including, but not limited to, curricular and management leadership, ongoing professional development, teacher-principal teamwork, and professional learning communities
3. Culturally responsive instructional strategies to address and eliminate the achievement gap
4. The ability to analyze quality instructional strategies and provide effective feedback that leads to instructional improvement
5. High expectations for all students and leadership to ensure active student engagement and learning
6. Collaborative professional practices for improving instructional strategies
7. Effective school management, including personnel and resource management, organizational leadership, sound fiscal practices, a safe campus environment, and appropriate student behavior
8. Meaningful self-assessment to improve as a professional educator, which may include, but not be limited to, a self-assessment based on the CPSEL and the identification of areas of strengths and areas for professional growth to engage in activities to foster professional growth
9. Consistent and effective relationships with students, parents/guardians, teachers, staff, and other administrators

The evaluation shall be dated and signed by the employee and evaluator. The employee may respond in writing to the evaluation within a reasonable time after receiving a copy of the evaluation. The response shall be attached to the evaluation and placed in the employee's personnel file.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 35171	Availability of rules and regulations for evaluation of performance - https://simbli.eboardsolutions.com/SU/8gCYAAmUllvWPvqOKh6aaQ==
Ed. Code 44660-44665	Evaluation and assessment of performance of certificated employees - https://simbli.eboardsolutions.com/SU/SkISPsvN82xw4slshJqODSb2A==
Ed. Code 44670-44671	Principal evaluation - https://simbli.eboardsolutions.com/SU/jlExwNWzBMmfcQcsDGKYAA==
Ed. Code 45113	Notification of charges; classified employees - https://simbli.eboardsolutions.com/SU/ipluslv7IKgjZqYaGNLdhSslshXw==
Gov. Code 3540.1	Public employment; definitions - https://simbli.eboardsolutions.com/SU/1rSSSt4h2qTslshGbO6ucvzcA==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Gov. Code 3545	Appropriateness of unit; basis - https://simbli.eboardsolutions.com/SU/CORJlqw5N9cMRIqjAGv6Og==

Management Resources References

Description

Commission on Teacher Credentialing Publication	California Professional Standards for Educational Leaders, February 2014
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	Association of California School Administrators - https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHxvBdPXeA==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efc7aH4Q==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==

Policy 4317.13: Early Retirement Option

Status: DRAFT

Original Adopted Date: Pending

When it is beneficial to the district, the Governing Board may offer certificated employees the option to retire early in accordance with law.

Two Years of Service Credit Retirement Incentive

As an incentive to early retirement for certificated employees participating in the State Teachers' Retirement System (STRS), the Board may offer such employees an additional two years of service credit. (Education Code 22714, 44929)

Before taking formal action to approve this service incentive, the Board shall determine that encouraging early retirement would be in the best interest of the district due to the curtailment of services or changes in the manner in which services are performed and that the retirement will result in a net savings to the district. The Board shall demonstrate and certify to the County Superintendent of Schools that the formal action taken would result in a net savings to the district. (Education Code 22714, 44929)

The Board may also consider the impact of the early retirement option on the staffing needs of district schools.

To be eligible for the two years of service credit option, the employee must have five or more years of service credit and must retire during a period of 60 to 120 days after the Board takes formal action to implement the option. (Education Code 22714)

In providing the early retirement option, the district shall meet all conditions as specified in Education Code 22714 and 44929.

Two + Two Retirement Incentive: 2 Years of Service Credit + 2 Years of Age Credit

As an incentive to early retirement for certificated employees participating in the State Teachers' Retirement System, the Board may offer an additional two years of service credit and two years of age credit to employees who retire within the "window period" established by the Board in a Memorandum of Understanding or by Board action prior to January 1, 2005 pursuant to repealed Education Code 22714.5.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 22714

Description

Service credit under STRS; additional two years - <https://simbli.eboardsolutions.com/SU/2TfUYkcIXLPTZD06qpUCHw==>

Ed. Code 44929

Service credit under STRS; additional two years - <https://simbli.eboardsolutions.com/SU/3JIHUsIshkF2stplusKruDXFH5Hw==>

Management Resources References

Description

CA State Teachers' Retirement System Publication Retirement Incentive Program, Frequently Asked Questions

Court Decision

United Teacher of Los Angeles v. Los Angeles Unified School District (1994) 24 Cal.App. 4th 1510

Website

CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Website

California State Teachers' Retirement System - <https://simbli.eboardsolutions.com/SU/8KidCQfVimoysIshjbjbHPNMQ==>

Regulation 4317.14: Postretirement Employment

Status: DRAFT

Original Adopted Date: Pending

When necessary, the Governing Board may hire a qualified retired certificated individual who possesses the knowledge and experience needed to perform creditable service for the district as an employee, the employee of a third party, or an independent contractor/consultant, provided that all applicable restrictions specified by the California State Teachers' Retirement System (CalSTRS) are met. Applicable CalSTRS restrictions include, but are not limited to, a requirement that a retired member be paid compensation comparable to that for active employees for comparable duties and prohibitions against the hiring of a retired member within 180 days of his/her retirement and for the classified service, except as an aide pursuant to Education Code 45134. Additional restrictions and rules may apply to other employment situations, such as when CalSTRS retired members are employed as employees of third parties, independent contractors, or consultants. The Superintendent or designee should consult legal counsel when dealing with such employment situations. (Education Code 22119.5, 22164.5, 24214, 24214.5)

Any retired member of the defined benefit program of CalSTRS who is hired by the district to perform retired member activities as defined pursuant to Education Code 22164.5 shall be paid at an annualized rate of pay that shall not be below the minimum or exceed the maximum paid to other district employees performing comparable duties. However, such a retired individual shall not make contributions to the CalSTRS retirement fund or accrue service credit based on compensation earned from the retired member activity. (Education Code 24214)

No retired member of the CalSTRS defined benefit program shall be hired by the district for at least 180 calendar days after his/her retirement from service, unless he/she has attained the normal retirement age and qualifies for an exemption to the 180-day waiting period. To seek this exemption, the Board shall, during the open session of a Board meeting, adopt a resolution which shall include the following information and findings: (Education Code 24214.5)

1. A statement expressing the Board's intent to seek an exemption to the 180-day waiting period
2. A description of the nature of the employment of the retiree
3. A finding that the retiree has reached the normal retirement age
4. A finding that the appointment of the retiree is necessary to fill a critically needed position before the 180-day waiting period has passed
5. A finding that the retired individual did not receive additional service credit pursuant to Education Code 22714 or 22715 or any financial inducement to retire. Financial inducement to retire shall include, but is not limited to, cash or any form of compensation or other payment directly or indirectly paid by any public employer to the retired individual before or after his/her retirement, if the individual retires for service on or before a specific date or range of dates established by the public employer on or before the date the inducement is offered
6. A finding that the retired individual's termination of employment with the district is not the basis for the need to acquire the services of the retired individual

The resolution shall not be adopted through the Board's consent agenda. (Education Code 24214.5)

When employing a retired individual who is eligible for exemption from the 180-day waiting period, the Superintendent or designee shall submit all required documentation to substantiate eligibility for the exemption to CalSTRS before the retired member begins performing any retired member activities. The Superintendent or designee may contact

CalSTRS to request information as to whether the retired member qualifies for the exemption after 30 days of submitting the required documentation to CalSTRS. (Education Code 24214.5)

Postretirement Compensation Limitation, Notice, and Report

All CalSTRS retirees performing creditable service for the district shall be subject to the applicable CalSTRS earnings limit. Monies earned in excess of the limit may subject the CalSTRS retiree to a reduction in his/her retirement allowance. Compensation subject to the earnings limitation includes, but is not limited to, salary or wages, deferred

compensation plans, purchase of an annuity contract, tax-deferred retirement plan or insurance program, and other plans or contributions when the cost is covered by a district. (Education Code 22119.5, 22164.5, 24214)

Whenever the district retains the services of a CalSTRS retiree as a district employee, employee of a third party, or an independent contractor, the Superintendent or designee shall: (Education Code 22461, 24214)

1. Advise the retired individual of the postretirement earnings limitation or employment restriction set forth in Education Code 22714, 24214, or 24214.5 or any other applicable law
2. Maintain accurate records of the retired individual's compensation and report it monthly to CalSTRS and the individual, regardless of the method of payment or the fund from which the payments are made

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 27000-27009	Penalties and interests for late remittances and late and unacceptable reporting by employers
Ed. Code 22119.5	Creditable service; definition - https://simbli.eboardsolutions.com/SU/lqdNZplusB3bGplustGlufSQUOg==
Ed. Code 22131	Employer; employing agency, definition - https://simbli.eboardsolutions.com/SU/bBQz7LkvQBT9b4sa0JFeWw==
Ed. Code 22164.5	Retired member activities; definition - https://simbli.eboardsolutions.com/SU/Ve9dGvs2WzyoxvxOliKzPA==
Ed. Code 22461	Postretirement compensation limitation - https://simbli.eboardsolutions.com/SU/Yao6NOqOUQArjVt0US6MwQ==
Ed. Code 22714	Service credit under STRS; additional two years - https://simbli.eboardsolutions.com/SU/2TfUYkclXLPtZD06qpUChw==
Ed. Code 22715	Additional service credit - https://simbli.eboardsolutions.com/SU/plusBMmnP8pYqJ5BGfRVHVhAQ==
Ed. Code 22716	Unpaid services - https://simbli.eboardsolutions.com/SU/fYjJap7evlplusHPJTRZlwGUA==
Ed. Code 24214	Creditable service by retiree - https://simbli.eboardsolutions.com/SU/YsY14YkepJOX5DplusthbigEA==
Ed. Code 24214.5	Postretirement compensation limit; members below normal retirement age - https://simbli.eboardsolutions.com/SU/tQRAP1xkRqcnjEYZYTdyTQ==
Ed. Code 26113	Creditable service; definition - https://simbli.eboardsolutions.com/SU/JA2slshEjOtjNiiZb62Y0ZIXA==
Ed. Code 35046	Consultancy contracts - https://simbli.eboardsolutions.com/SU/slshlQRHEwMoQCSMTSaQlwe1g==
Ed. Code 44830	Employment of certificated persons - https://simbli.eboardsolutions.com/SU/UcbAySbOuO39cbplusTyNnmRA==
Ed. Code 44830.3	Employing district interns - https://simbli.eboardsolutions.com/SU/Lk8ggslshqTvCVb0YhWnT9lCW==
Ed. Code 44929	Service credit under STRS; additional two years - https://simbli.eboardsolutions.com/SU/3JIHUsishkF2stplusKruDXFH5Hw==
Ed. Code 44929.1	2+2 service and year credit option under STRS
Ed. Code 45134	Age limits - https://simbli.eboardsolutions.com/SU/eda9LwBTanYplus9HZpyslshCw8g==

Management Resources References

Description

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Website

California State Teachers' Retirement System -
<https://simbli.eboardsolutions.com/SU/8KidCQfVimoyslshjjbjHpNMQ==>

Policy 4317.2: Resignation

Status: DRAFT

Original Adopted Date: Pending

Any district employee who desires to resign his/her position shall submit, in writing, a letter of resignation which indicates the date which the employee intends as his/her last day at work. The Governing Board encourages employees to provide advance notice that is appropriate for the position they hold.

An employee's written resignation shall be submitted to the Board in care of the Superintendent or designee. The Board shall set the date when the resignation takes effect. Once the date is formally set by the Board, the resignation may not thereafter be withdrawn by the employee.

The effective date of the resignation shall be a date not later than the close of the school year during which the resignation is received. However, an employee and the Board may agree that a resignation will be accepted at a mutually agreed upon date not later than two years beyond the close of the school year during which the resignation is received by the Board. (Education Code 44930, 45201)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80304	Notice of sexual misconduct
Ed. Code 35161	Board delegation of any powers or duties - https://simbli.eboardsolutions.com/SU/slsh1PplusGg7pf1zBSnE4YBslshMOQ==
Ed. Code 44420	Failure to fulfill contract as ground for suspension of diplomas and certificates - https://simbli.eboardsolutions.com/SU/qGbrmz0wdvy43qm1LbfOzA==
Ed. Code 44433	Unauthorized departure from service as unprofessional conduct - https://simbli.eboardsolutions.com/SU/K9CvfOXVY7RhM3iRDIIQQA==
Ed. Code 44930	Acceptance and date of resignation - https://simbli.eboardsolutions.com/SU/ixplusPeSRGwHCJBpRPxcQLbg==
Ed. Code 45201	Power to accept resignation - https://simbli.eboardsolutions.com/SU/yVi3i7oFAslshDFqPuCxPpt9g==

Management Resources References

Description

Court Decision	American Federation of Teachers, Local #1050 v. Board of Education of Pasadena Unified School District, (1980) 107 Cal.App.3d 829
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==

Regulation 4317.5: Termination Agreements

Status: DRAFT

Original Adopted Date: Pending

If a termination settlement agreement has been made with an employee, the Superintendent or designee shall inform prospective employers, upon request for an employment reference, that an agreement exists and that he/she may only provide information as provided for in the agreement.

Cash settlements made upon the termination of a contract shall never exceed an amount equal to the employee's monthly salary multiplied by the number of months, up to 18, in the unexpired term of the contract. This amount is a maximum ceiling, not to be construed as a target amount for settlement agreements. (Government Code 53260)

Settlement agreements shall not include noncash items other than health benefits, which the district may offer to continue for the unexpired term up to 18 months or until the employee finds other employment, whichever comes first. (Government Code 53261)

Copies of settlement agreements with a superintendent, deputy superintendent, assistant superintendent, associate superintendent or other similar chief administrative officer or chief executive officer shall be made available to the public upon request. (Government Code 53262)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80332	Professional candor and honesty in letters or memoranda of employment recommendation
Civ. Code 47	Privileged communication - https://simbli.eboardsolutions.com/SU/UaEr9ZLNpDYok3lslshyDvE3w==
Gov. Code 53260-53264	Employment contracts - https://simbli.eboardsolutions.com/SU/erJtnEqGW6DdW4AygbnhrQ==
Lab. Code 1198.5	Personnel records related to performance and grievance - https://simbli.eboardsolutions.com/SU/iplusuemky4rWRUn5xrfzUTCw==

Management Resources References

	Description
Court Decision	Board of Trustees of Leland Stanford Junior University v. Superior Court, (1981) 119 Cal. App. 3d 516
Court Decision	Randi W. v. Muroc Joint Unified School District et al., (1997) 14 Cal. 4th 1066
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==

Regulation 4317.7: Employment Status Reports

Status: DRAFT

Original Adopted Date: Pending

The Superintendent shall report to the Commission on Teacher Credentialing (CTC) any change in the employment status of a certificated employee who, while working in a position requiring a credential and as a result of an allegation of misconduct or while an allegation of misconduct is pending: (Education Code 44030.5, 44242.5; 5 CCR 80303)

1. Is dismissed or nonreelected
2. Resigns
3. Is suspended or placed on unpaid administrative leave for more than 10 days as a final adverse employment action
4. Retires
5. Is otherwise terminated by a decision not to employ or reemploy

This report is not required when the change in employment status is due solely to unsatisfactory performance pursuant to Education Code 44932 or a reduction in force pursuant to Education Code 44955-44958. (Education Code 44030.5, 44242.5; 5 CCR 80303)

When required, the report of a change in employment status shall be submitted not later than 30 days after the employment action. The report shall be made using a form provided by CTC and shall include all known information about each alleged act of misconduct by the employee. The report shall contain the name and current address of the certificated employee, name of the district, last school or district assignment, an explanation of the allegation of misconduct or pending allegation of misconduct, current contact information for all persons who may have information relating to the alleged misconduct, and any and all documentation related to the case. (Education Code 44030.5; 5 CCR 80303)

Upon a change in employment status as a result of alleged misconduct or while an allegation of misconduct is pending, the Superintendent shall, in writing, inform the employee of the contents of 5 CCR 80303. (5 CCR 80303)

Additional Reports of Employee Misconduct

The Superintendent or designee shall submit a report to CTC, using a form provided by CTC and attaching all relevant documents, whenever:

1. An employee, by complaint, information, or indictment filed in court, is charged with a "mandatory leave of absence offense," defined as a sex or drug offense specified in Education Code 44940 or violation or attempted violation of Penal Code 187 (murder). (Education Code 44242.5, 44940, 44940.5)

Not later than 10 days after receipt of such a complaint, information, or indictment regarding an employee, the Superintendent or designee shall forward a copy of the received documents to CTC. In addition, the Superintendent or designee shall report to CTC any action taken in connection with extending the employee's mandatory leave beyond the initial period. (Education Code 44940, 44940.5)

If the offense results in a change in employment status, the Superintendent shall submit an employment status report in addition to the report of the mandatory leave of absence offense.

2. An employee refuses, without good cause, to fulfill a valid employment contract, or departs from district service without the consent of the Superintendent or Governing Board. (Education Code 44242.5, 44420)

As appropriate, the Superintendent or designee also shall notify CTC of any of the following:

1. A complaint filed with the district regarding a certificated employee's alleged sexual misconduct (Education Code 44242.5)

The notice to CTC shall contain all of the following information: (5 CCR 80304)

- a. Name of the employee alleged to have engaged in the sexual misconduct
 - b. Name, age, and address of each victim of the alleged sexual misconduct
 - c. A summary of all information known to the district regarding the alleged sexual misconduct
 - d. A summary of the action, if any, taken at the district level in response to the complaint of sexual misconduct
2. An employee's knowing and willful use of school records of student data in connection with, or in implicit or explicit attempts to recruit a student to be a customer for, any business owned by the certificated employee or in which the certificated employee is an employee (Education Code 44242.5, 44421.1)
 3. An employee's knowing and willful reporting of false fiscal expenditure data relative to the conduct of any educational program (Education Code 44242.5, 44421.5)
 4. An employee's subversion or attempt to subvert any licensing examination or the administration of an examination (Education Code 44242.5, 44439)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80304	Notice of sexual misconduct
Ed. Code 44009	Conviction of specified crimes - https://simbli.eboardsolutions.com/SU/RL05mESzVyQJIYaRWslshK5YA==
Ed. Code 44010	Sex offense; definitions - https://simbli.eboardsolutions.com/SU/kVoMSh2Y4cuufG1O45T35A==
Ed. Code 44011	Controlled substance offense - https://simbli.eboardsolutions.com/SU/yVslsh8HNplus6fH8Trsdpvo9h3w==
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct - https://simbli.eboardsolutions.com/SU/xkijVQVFAXQBAOXIYWplus7WA==
Ed. Code 44225	Credentials; responsibilities of Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/RNXffuWWslshqZyplus7FmKbsmgQ==
Ed. Code 44242.5	Reports and review of alleged misconduct - https://simbli.eboardsolutions.com/SU/SL5BDvLdVAk9EMX75FbOHA==
Ed. Code 44420-44440	Revocation and suspension of credentials - https://simbli.eboardsolutions.com/SU/plusAmlQuOFqs89Ky7ZhplusVq7w==
Ed. Code 44940	Compulsory leave of absence for certificated persons - https://simbli.eboardsolutions.com/SU/TXIEslshPquo8Kz7N8psqEtqA==
Ed. Code 44940.5	Procedures when employees are placed on compulsory leave of absence - https://simbli.eboardsolutions.com/SU/x5z1UxpluspluskEsTDPQ3FynQZA==
Ed. Code 44955-44958	Reduction in force - https://simbli.eboardsolutions.com/SU/t58pmuN1UoBGqKr4eb7iEA==

Management Resources References

	Description
Commission on Teacher Credentialing Publication	California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2013
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==

Website

Commission on Teacher Credentialing -

<https://simbli.eboardsolutions.com/SU/cxWNiqRUulsaq7efc7aH4Q==>

Website

CSBA -

<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Policy 4319.1: Civil And Legal Rights

Status: DRAFT

Original Adopted Date: Pending

The Governing Board believes that the personal life of an employee is not an appropriate concern of the district, except as it may directly relate to the performance of the employee's duties.

District employees may engage in private, personal activities, including the exercise of their religious, political, cultural, social or other beliefs or activities, during personal time including when employees are not on duty or engaged in the supervision or instruction of students.

The district shall make no inquiry concerning the personal values, attitudes, and beliefs of district employees or their sexual orientation or political or religious affiliations, beliefs, or opinions except when authorized by law. In addition, no district employee shall be required to provide critical appraisals of other individuals with whom the employee has a familial relationship. However, the district reserves the right to access any publicly available information about any employee.

No employee shall be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a student engaged in conduct authorized under Education Code 48907 or 48950.

When necessary to protect the health, welfare, or safety of students and staff, school officials may search district property under an employee's control.

Whistleblower Protection

An employee shall have the right to disclose to a Board member, a school administrator, a member of the County Board of Education, the County Superintendent of Schools, or the Superintendent of Public Instruction any improper governmental activity by the district or a district employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetency, or inefficiency. When the employee has reasonable cause to believe that the information discloses a violation of state or federal statute or a violation of or noncompliance with a state or federal rule or regulation, the employee has the right to disclose such information to a government or law enforcement agency or to refuse to participate in any such activity. (Education Code 44112, 44113; Labor Code 1102.5)

The Superintendent or designee shall prominently display in lettering larger than size 14 point type a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline maintained by the office of the California Attorney General. (Labor Code 1102.7, 1102.8)

No employee shall use or attempt to use official authority status or influence to intimidate, threaten, coerce, or command, or attempt to intimidate, threaten, coerce, or command, another employee for the purpose of interfering with that employee's right to disclose improper governmental activity. (Education Code 44113)

An employee who has disclosed improper governmental activity and believes that acts or attempted acts of reprisal have subsequently occurred shall file a written complaint in accordance with the district's complaint procedures. After filing a complaint with the district, the employee may also file a copy of the complaint with local law enforcement and/or seek civil law remedies against the supervisor or administrator who retaliated or attempted to retaliate against the employee, in accordance with Education Code 44114.

Protection Against Liability

No employee shall be liable for harm caused by the employee's act or omission when acting within the scope of employment or district responsibilities, the employee's act or omission is in conformity with federal, state, and local laws, district policy, or administrative regulation, and the employee's act or omission is in furtherance of an effort to control, discipline, expel, or suspend a student or to maintain order or control in the classroom or school. (20 USC 7946)

The protection against liability shall not apply when: (20 USC 7946)

1. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to rights or safety of the individual harmed.

2. The employee caused harm by operating a motor vehicle or other vehicle requiring license or insurance.
3. The employee was not properly licensed, if required, by state law for such activities.
4. The employee was found by a court to have violated a federal or state civil rights law.
5. The employee was under the influence of alcohol or any drug at the time of the misconduct.
6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court.
7. The misconduct involved a sexual offense for which the employee has been convicted in a court.
8. The misconduct occurred during background investigations, or other actions, involved in the employee's hiring.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

CA Constitution Article 1, Section 1	Inalienable rights - https://simbli.eboardsolutions.com/SU/v13IPOwHIRP78VvbipluskF8Q==
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Ed. Code 44040	Discrimination based on employee's appearance before certain boards or committees - https://simbli.eboardsolutions.com/SU/NTfT3fEqslshSSMgYD514KBEQ==
Ed. Code 44110-44114	Reporting by school employees of improper governmental activity - https://simbli.eboardsolutions.com/SU/4sbGHtoaKQKEpukC0PXGsQ==
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations - https://simbli.eboardsolutions.com/SU/KDSjnurlBlr2KdV5numJiQ==
Ed. Code 48950	Speech and other communication - https://simbli.eboardsolutions.com/SU/Q5itwgUPloTFejGslshDadJ4g==
Ed. Code 49091.24	Teacher rights to refuse evaluation/survey of personal life - https://simbli.eboardsolutions.com/SU/plusF9IMKQgXNnACsb8meXgxQ==
Ed. Code 7050-7058	Political activities of school officers and employees - https://simbli.eboardsolutions.com/SU/5YoLGlwWfbAw1M58GNpvRw==
Gov. Code 12650-12656	False claims actions - https://simbli.eboardsolutions.com/SU/jvslsh6plusslshCnB1t2uYvwepRqpg==
Gov. Code 12940-12953	Discrimination prohibited; unlawful practices - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQHQ9yA==
Gov. Code 3540.1	Public employment; definitions - https://simbli.eboardsolutions.com/SU/1rRSSt4h2qTslshGbO6ucvzcA==
Gov. Code 3543.5	Interference with employee's rights prohibited - https://simbli.eboardsolutions.com/SU/8kx3q2FKiV0klkpV0vLoEA==
Gov. Code 815.3	Intentional torts - https://simbli.eboardsolutions.com/SU/OeGL9gTCRG8UY1QJkVapvQ==
Gov. Code 820-823	Tort claims act - https://simbli.eboardsolutions.com/SU/DqxneLjjmOxepusXC4pU6Gg==
Gov. Code 825.6	Indemnification of public entity - https://simbli.eboardsolutions.com/SU/In88fGslshPvpluspluslmlTmAZdCQ==
Lab. Code 1102.5-1106	Whistleblower protections - https://simbli.eboardsolutions.com/SU/bWuMcu9DRZg9ylvRCpFVMw==

Federal References

18 USC 16
20 USC 1681-1688
20 USC 7941-7948
42 USC 12101-12213
42 USC 2000d-2000d-7
42 USC 2000e-2000e-17
U.S. Constitution

Management Resources References

Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Website
Website

Description

Crime of violence; definition
Title IX of the Education Amendments of 1972; discrimination based on sex
Teacher liability protection
Americans with Disabilities Act
Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended
Amendment 1; Free exercise, free speech, and establishment clauses -
<https://simbli.eboardsolutions.com/SU/iMUI98OyDFSCBGcGx5DwnA==>

Description

Kennedy v. Bremerton (2022) 142 S.Ct. 2407
New Jersey v. T.L.O. (1985) 469 U.S. 325
Garcetti v. Ceballos (2006) 547 U.S. 410
Hartnett v. Crosier (2012) 205 Cal.App.4th 685
Johnson v. Poway Unified School District (2011) 658 F.3d 954
O'Conner v. Ortega (1987) 480 U.S. 709
Ohton v. CSU San Diego (2007) 56 Cal.Rptr.3d 111
CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>
California Office of the Attorney General -
<https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==>

Policy 4319.11: Sexual Harassment

Status: DRAFT

Original Adopted Date: Pending

The following policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions.

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 employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to employees and others to whom the policy may apply
3. Ensuring prompt, thorough, fair, and equitable investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

Sexual Harassment Reports and Complaints

District employees who feel that they have been sexually harassed in the performance of their district responsibilities or who have knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to their direct supervisor, a district administrator, or the district's Title IX Coordinator. Employees may bypass their supervisor in filing a complaint if the supervisor is the subject of the complaint. A supervisor or administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or AR 4030 - Nondiscrimination in Employment, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 4119.12/4219.12/4319.12 concurrently meets the requirements of AR 4030.

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Upon investigation of a sexual harassment complaint, any district employee found to have engaged or participated in sexual harassment or to have aided, abetted, incited, compelled, or coerced another to commit sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the

policy.

State References

2 CCR 11006-11086

2 CCR 11009

2 CCR 11021

2 CCR 11023

2 CCR 11024

2 CCR 11034

5 CCR 4900-4965

Ed. Code 200-262.4

Gov. Code 12900-12996

Gov. Code 12940

Gov. Code 12950

Gov. Code 12950.1

Lab. Code 1101

Lab. Code 1102.1

Federal References

20 USC 1681-1688

34 CFR 106.1-106.9

34 CFR 106.51-106.61

42 USC 2000e-2000e-17

Management Resources References

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

U.S. Equal Employment Opportunity Com.
Publication

Description

Discrimination in employment -

<https://simbli.eboardsolutions.com/SU/jUNOUneBGplusu4fVMYTIWMKA==>

Employment discrimination

Discrimination in employment - retaliation -

<https://simbli.eboardsolutions.com/SU/iTztgujF38E1spcl6qvQZw==>

Harassment and discrimination prevention and correction -

<https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==>

Required training and education on harassment based on sex, gender identity
and expression, and sexual orientation -

<https://simbli.eboardsolutions.com/SU/WdslshVrKs4pluscfHplushNGLhCeQw==>

Terms, conditions, and privileges of employment -

<https://simbli.eboardsolutions.com/SU/jX8JHDplusuhtEPVPUCVlvsTA==>

Nondiscrimination in elementary and secondary educational programs receiving
state or federal financial assistance

Prohibition of discrimination -

<https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>

Fair Employment and Housing Act -

<https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==>

Unlawful discriminatory employment practices -

<https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==>

Sexual harassment -

<https://simbli.eboardsolutions.com/SU/h4EWslsh77h5LPVLOIU3XnZ3A==>

Sexual harassment training -

<https://simbli.eboardsolutions.com/SU/Qn3RaMj3XP2OFpBLMjWdJA==>

Political activities of employees -

<https://simbli.eboardsolutions.com/SU/6iMX1rL2slsh0UKf5WEsCqaZg==>

Discrimination: sexual orientation

Description

Title IX of the Education Amendments of 1972; discrimination based on sex

Nondiscrimination on the basis of sex in education programs or activities

Nondiscrimination on the basis of sex in employment in education program
or activities

Title VII, Civil Rights Act of 1964, as amended

Description

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

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

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

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

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

Promising Practices for Preventing Harassment, November 2017

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==
Website	U.S. Equal Employment Opportunity Commission - https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==

Regulation 4319.11: Sexual Harassment

Status: DRAFT

Original Adopted Date: Pending

The following administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

Definitions

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, regardless of whether or not the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or educational setting under any of the following conditions: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment.
4. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district.

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the person's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

Examples of Sexual Harassment

Examples of actions that might constitute sexual harassment under state or federal law in accordance with the definitions above, in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

Title IX Coordinator/Compliance Officer

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, as well as to oversee, investigate, and resolve sexual harassment complaints processed under AR 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be

contacted at:

Director of Human Resources
2695 S. Valentine Ave
Fresno, CA 93706
559-233-6501 ext. 139
tamita_b@wpesd.org

Training

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

A supervisory employee is any employee having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

Such training may be completed by employees individually or as part of a group presentation, may be completed in shorter segments as long as the applicable hourly requirement is met, and may be provided in conjunction with other training provided to the employees. The training shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1)

The district's sexual harassment training and education program shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws concerning the prohibition, prevention, and correction of sexual harassment
2. The types of conduct that constitute sexual harassment
3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability
4. Strategies to prevent harassment in the workplace
5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware
6. Practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
7. The limited confidentiality of the complaint process
8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment
9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the district's obligation to conduct an effective workplace investigation of a harassment complaint
10. What to do if the supervisor is personally accused of harassment
11. The essential elements of the district's anti-harassment policy, and how to use the policy if a harassment complaint is filed

Employees shall receive a copy of the district's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.

12. Information, including practical examples, of harassment based on gender identity, gender expression, and

sexual orientation

13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and other in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR 11024)

Notifications

The Superintendent or designee shall notify employees that the district does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

The district shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

A copy of the Board policy and this administrative regulation shall:

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired (Education Code 231.5)
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 (Education Code 231.5)
4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's web site (34 CFR 106.8)
5. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to employees or employee organizations (34 CFR 106.8)

All employees shall receive a copy of an information sheet prepared by the California Department of Fair Employment and Housing (DFEH) or the district that contains, 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 11021 for opposing harassment prohibited by law or for 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, the DFEH poster on discrimination in

employment and the illegality of sexual harassment and the DFEH poster regarding transgender rights. (Government Code 12950)

Complaint Procedures

All complaints and allegations of sexual harassment by and against employees shall be investigated and resolved in accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to AR 4030 - Nondiscrimination in Employment.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, and address any continuing effects.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

2 CCR 11006-11086	Discrimination in employment - https://simbli.eboardsolutions.com/SU/jUNOUneBGplusu4fVMYTIWMKA==
2 CCR 11009	Employment discrimination
2 CCR 11021	Discrimination in employment - retaliation - https://simbli.eboardsolutions.com/SU/iTztgujF38E1spcl6qvQZw==
2 CCR 11023	Harassment and discrimination prevention and correction - https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation - https://simbli.eboardsolutions.com/SU/WdslshVrKs4pluscfHplushNGLhCeQw==
2 CCR 11034	Terms, conditions, and privileges of employment - https://simbli.eboardsolutions.com/SU/jX8JHDplusuhtEPVPUCVlvsTA==
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Gov. Code 12900-12996	Fair Employment and Housing Act - https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==
Gov. Code 12940	Unlawful discriminatory employment practices - https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==
Gov. Code 12950	Sexual harassment - https://simbli.eboardsolutions.com/SU/h4EWslsh77h5LPVLOIU3XnZ3A==
Gov. Code 12950.1	Sexual harassment training - https://simbli.eboardsolutions.com/SU/Qn3RaMj3XP2OFPbLMjWdjA==
Lab. Code 1101	Political activities of employees - https://simbli.eboardsolutions.com/SU/6iMX1rL2slsh0UKf5WEsCqaZg==
Lab. Code 1102.1	Discrimination: sexual orientation

Federal References

Description

20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.9	Nondiscrimination on the basis of sex in education programs or activities

34 CFR 106.51-106.61

Nondiscrimination on the basis of sex in employment in education program or activities

42 USC 2000e-2000e-17

Title VII, Civil Rights Act of 1964, as amended

Management Resources References

Court Decision

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

Court Decision

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

Court Decision

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

Court Decision

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

Court Decision

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

Court Decision

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

U.S. Equal Employment Opportunity Com. Publication

Promising Practices for Preventing Harassment, November 2017

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Website

California Civil Rights Department -
<https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==>

Website

U.S. Department of Education, Office for Civil Rights -
<https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==>

Website

U.S. Equal Employment Opportunity Commission -
<https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==>

Regulation 4319.12: Title IX Sexual Harassment Complaint Procedures

Status: DRAFT

Original Adopted Date: Pending

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity in which a district school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on a person's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

All other sexual harassment complaints or allegations shall be investigated and resolved in accordance with AR 4030 - Nondiscrimination in Employment. The determination of whether the allegations meet the definition of sexual harassment under Title IX shall be made by the district's Title IX Coordinator.

Because the complainant has a right to pursue a complaint under AR 4030 for any allegation that is dismissed or denied under the Title IX complaint procedure, the Title IX Coordinator shall ensure that all requirements and timelines for AR 4030 are concurrently met while implementing the Title IX procedure.

Reporting Allegations/Filing a Formal Complaint

An employee who is the alleged victim of sexual harassment may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in AR 4119.11/4219.11/4319.11 - Sexual Harassment or to the employee's direct supervisor or other district administrator, who shall forward the report to the Title IX Coordinator within one day of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint.

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations when a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations, including as part of the district's obligation to not be deliberately indifferent to known allegations of sexual harassment. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

The Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and not unreasonably burden the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines, modifications of work schedules, mutual restrictions on contact, changes in work locations, leaves of absence, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The district shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

If the respondent is a student, the district may, on an emergency basis, remove the student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

Dismissal of Complaint

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint in which the alleged conduct did not occur in the district's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal of a formal complaint or any allegation in the complaint in accordance with the appeal procedures described in the section "Appeals" below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to AR 4030 - Nondiscrimination in Employment as applicable.

Informal Resolution Process

When a formal complaint of sexual harassment is filed, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process

Written Notice

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time

for the parties to prepare a response before any initial interview.

If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

Investigation Procedures

During the investigation process, the district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. (34 CFR 106.45)

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be

applied to the extent they do not conflict with the Title IX requirements.

Written Decision

The Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

In making this determination, the decision-maker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the district's code of conduct or policies to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant
6. The district's procedures and permissible bases for the complainant and respondent to appeal

Appeals

Either party may appeal the district's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
4. Issue a written decision describing the result of the appeal and the rationale for the result

5. Provide the written decision simultaneously to both parties

An appeal must be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

Remedies

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Disciplinary Actions

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom.
2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances.
3. All materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 4600-4670

5 CCR 4900-4965

Description

Uniform complaint procedures

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor - https://simbli.eboardsolutions.com/SU/NSknepeFduiYWusJFnU3r9Q==
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships - https://simbli.eboardsolutions.com/SU/RFWiKgYI364luH8a6QAqdg==
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Ed. Code 48900	Grounds for suspension or expulsion - https://simbli.eboardsolutions.com/SU/ty00CSnFfkJelBt0Nh9REw==
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment - https://simbli.eboardsolutions.com/SU/KVa0jqNchW502GJLypluskkdg==
Ed. Code 48985	Notices to parents in language other than English - https://simbli.eboardsolutions.com/SU/LHS9yg0UBYa76W1AgydnA==
Gov. Code 12950.1	Sexual harassment training - https://simbli.eboardsolutions.com/SU/Qn3RaMj3XP2OFpBLmJWdjA==

Federal References

20 USC 1092
20 USC 1221
20 USC 1681-1688
34 CFR 106.1-106.82
34 CFR 99.1-99.67
34 USC 12291
42 USC 1983
42 USC 2000d-2000d-7
42 USC 2000e-2000e-17

Management Resources References

Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Website
Website
Website
Website

Description

Definition of sexual assault
Application of laws
Title IX of the Education Amendments of 1972; discrimination based on sex
Nondiscrimination on the basis of sex in education programs
Family Educational Rights and Privacy
Definition of dating violence, domestic violence, and stalking
Civil action for deprivation of rights
Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended

Description

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxk6R5akQ==>
CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>
California Department of Education -
<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>
U.S. Department of Education, Office for Civil Rights -
<https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==>

Exhibit 4319.12-E(1): Title IX Sexual Harassment Complaint Procedures

Status: DRAFT

Original Adopted Date: Pending

NOTICE OF TITLE IX SEXUAL HARASSMENT POLICY

The Code of Federal Regulations, Title 34, Section 106.8 requires the district to issue the following notification to employees, job applicants, and employee organizations:

The district does not discriminate on the basis of sex in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to employment. The district also prohibits retaliation against any employee for filing a complaint or exercising any right granted under Title IX.

Title IX requires a school district to take immediate and appropriate action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

The district has designated and authorized the following employee as the district's Title IX Coordinator, to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking:

Director of Human Resources
2695 South Valentine Avenue
Fresno, CA 93706
(559) 233-6501
tamita_b@wpesd.org

Any individual may report sex discrimination, including sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon receiving an allegation of sexual harassment, the Title IX Coordinator will promptly notify the parties, in writing, of the applicable district complaint procedure.

To view an electronic copy of the district's policies and administrative regulations on sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment and AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures on the district's web site at <https://www.westpark.k12.ca.us/>.

To inspect or obtain a copy of the district's sexual harassment policies and administrative regulations, please contact: 2695 South Valentine Avenue Fresno, CA 93706, (559) 233-6501, tamita_b@wpesd.org.

Materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process are also publicly available on the district's web site or at the district office upon request.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 4600-4670

5 CCR 4900-4965

Civ. Code 1714.1

Civ. Code 51.9

Description

Uniform complaint procedures

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Liability of parent or guardian for act of willful misconduct by a minor - <https://simbli.eboardsolutions.com/SU/NSknepfduiYWusJFnU3r9Q==>

Liability for sexual harassment; business, service and professional relationships - <https://simbli.eboardsolutions.com/SU/RFwiKgYI364luH8a6QAqdg==>

Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Ed. Code 48900	Grounds for suspension or expulsion - https://simbli.eboardsolutions.com/SU/ty00CSnFfkJelBt0Nh9REw==
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment - https://simbli.eboardsolutions.com/SU/KVa0jqNchW502GJLypluskkdg==
Ed. Code 48985	Notices to parents in language other than English - https://simbli.eboardsolutions.com/SU/LHS9yg0UBYa76W1AygydnA==
Gov. Code 12950.1	Sexual harassment training - https://simbli.eboardsolutions.com/SU/Qn3RaMj3XP2OFpBLmJWdjA==

Federal References

20 USC 1092
20 USC 1221
20 USC 1681-1688
34 CFR 106.1-106.82
34 CFR 99.1-99.67
34 USC 12291
42 USC 1983
42 USC 2000d-2000d-7
42 USC 2000e-2000e-17

Management Resources References

Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision

Website

Website

Website

Website

Description

Definition of sexual assault
Application of laws
Title IX of the Education Amendments of 1972; discrimination based on sex
Nondiscrimination on the basis of sex in education programs
Family Educational Rights and Privacy
Definition of dating violence, domestic violence, and stalking
Civil action for deprivation of rights
Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended

Description

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>
CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>
California Department of Education -
<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>
U.S. Department of Education, Office for Civil Rights -
<https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==>

Policy 4319.21: Professional Standards

Status: DRAFT

Original Adopted Date: Pending

The Governing Board expects district employees to maintain the highest ethical standards, behave professionally, follow district policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community. Employees shall engage in conduct that enhances the integrity of the district, advances the goals of the district's educational programs, and contributes to a positive school climate.

The Board encourages district employees to accept as guiding principles the professional standards and codes of ethics adopted by educational or professional associations to which they may belong.

Each employee is expected to acquire the knowledge and skills necessary to fulfill his/her responsibilities and to contribute to the learning and achievement of district students.

Inappropriate Conduct

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon
2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed
3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child
4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student
5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time
6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members
7. Willfully disrupting district or school operations by loud or unreasonable noise or other action
8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace, on district property, or at a school-sponsored activity
9. Being dishonest with students, parents/guardians, staff, or members of the public, including, but not limited to, falsifying information in employment records or other school records
10. Divulging confidential information about students, district employees, or district operations to persons or entities not authorized to receive the information
11. Using district equipment or other district resources for the employee's own commercial purposes or for political activities
12. Using district equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity

Employees shall be notified that computer files and all electronic communications, including, but not limited to, email and voice mail, are not private. To ensure proper use, the Superintendent or designee may monitor employee usage of district technological resources at any time without the employee's consent.

13. Causing damage to or engaging in theft of property belonging to students, staff, or the district

14. Wearing inappropriate attire

Reports of Misconduct

An employee who observes or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the principal or Superintendent or designee. An employee who has knowledge of or suspects child abuse or neglect shall file a report pursuant to the district's child abuse reporting procedures as detailed in AR 5141.4 - Child Abuse Prevention and Reporting.

Any reports of employee misconduct shall be promptly investigated. Any employee who is found to have engaged in inappropriate conduct in violation of law or Board policy shall be subject to disciplinary action and, in the case of a certificated employee, may be subject to a report to the Commission on Teacher Credentialing. The Superintendent or designee shall notify local law enforcement as appropriate.

An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

The district prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the district's complaint process shall be subject to discipline.

Notifications

The section(s) of the district's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or district web sites. (Education Code 44050)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80331-80338	Rules of conduct for professional educators
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==
Ed. Code 44050	Employee code of conduct; interaction with students - https://simbli.eboardsolutions.com/SU/PNtpd4THa36YECTORI1Zplusg==
Ed. Code 44242.5	Reports and review of alleged misconduct - https://simbli.eboardsolutions.com/SU/SL5BDvLdVAk9EMX75FbOHA==
Ed. Code 48980	Parent/Guardian notifications - https://simbli.eboardsolutions.com/SU/cpMsBKX1tOwUiWgEwSKp5g==
Pen. Code 11164-11174.4	Child Abuse and Neglect Reporting Act - https://simbli.eboardsolutions.com/SU/LXrSYQXKUmYy5slshAWDWWksw==

Management Resources References

	Description
Commission on Teacher Credentialing Publication	California Professional Standards for Educational Leaders, February 2014
Commission on Teacher Credentialing Publication	California Standards for the Teaching Profession (CSTP), October 2009
Council of Chief State School Officers Publication	Professional Standards for Educational Leaders, 2015
National Education Association Publication	Code of Ethics of the Education Profession, 1975
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==

Website	Council of Chief State School Officers - https://simbli.eboardsolutions.com/SU/DQca6f2Jts6S9lUCF6yTKQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJlnbikoQhGwsWiH4ztXQ==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUulsaq7efc7aH4Q==
Website	WestEd - https://simbli.eboardsolutions.com/SU/T0pumukb4iozXYflh5opZA==
Website	Association of California School Administrators - https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHyxBdPXeA==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
WestEd Publication	Moving Leadership Standards into Everyday Work: Descriptions of Practice, 2003

Exhibit 4319.21-E(1): Professional Standards

Status: DRAFT

Original Adopted Date: Pending

CALIFORNIA PROFESSIONAL STANDARDS FOR EDUCATIONAL LEADERS

Standard 1. Development and Implementation of a Shared Vision: Education leaders facilitate the development and implementation of a shared vision of learning and growth of all students.

1A. Student-Centered Vision: Leaders shape a collective vision that uses multiple measures of data and focuses on equitable access, opportunities, and outcomes for all students.

1B. Developing Shared Vision: Leaders engage others in a collaborative process to develop a vision of teaching and learning that is shared and supported by all stakeholders.

1C. Vision Planning and Implementation: Leaders guide and monitor decisions, actions, and outcomes using the shared vision and goals.

Standard 2. Instructional Leadership: Education leaders shape a collaborative culture of teaching and learning informed by professional standards and focused on student and professional growth.

2A. Professional Learning Culture: Leaders promote a culture in which staff engages in individual and collective professional learning that results in their continuous improvement and high performance.

2B. Curriculum and Instruction: Leaders guide and support the implementation of standards-based curriculum, instruction, and assessments that address student expectations and outcomes.

2C. Assessment and Accountability: Leaders develop and use assessment and accountability systems to monitor, improve, and extend educator practice, program outcomes, and student learning.

Standard 3. Management and Learning Environment: Education leaders manage the organization to cultivate a safe and productive learning and working environment.

3A. Operations and Facilities: Leaders provide and oversee a functional, safe, and clean learning environment.

3B. Plans and Procedures: Leaders establish structures and employ policies and processes that support students to graduate ready for college and career.

3C. Climate: Leaders facilitate safe, fair, and respectful environments that meet the intellectual, linguistic, cultural, social-emotional, and physical needs of each learner.

3D. Fiscal and Human Resources: Leaders align fiscal and human resources and manage policies and contractual agreements that build a productive learning environment.

Standard 4. Family and Community Engagement: Education leaders collaborate with families and other stakeholders to address diverse student and community interests and mobilize community resources.

4A. Parent and Family Engagement: Leaders meaningfully involve all parents and families, including underrepresented communities, in student learning and support programs.

4B. Community Partnerships: Leaders establish community partnerships that promote and support students to meet performance and content expectations and graduate ready for college and career.

4C. Community Resources and Services: Leaders leverage and integrate community resources and services to meet the varied needs of all students.

Standard 5. Ethics and Integrity: Education leaders make decisions, model, and behave in ways that demonstrate professionalism, ethics, integrity, justice, and equity and hold staff to the same standard.

5A. Reflective Practice: Leaders act upon a personal code of ethics that requires continuous reflection and learning.

5B. Ethical Decision-Making: Leaders guide and support personal and collective actions that use relevant evidence and available research to make fair and ethical decisions.

5C. Ethical Action: Leaders recognize and use their professional influence with staff and the community to develop a climate of trust, mutual respect, and honest communication necessary to consistently make fair and equitable decisions on behalf of all students.

Standard 6. External Context and Policy: Education leaders influence political, social, economic, legal, and cultural contexts affecting education to improve education policies and practices.

6A. Understanding and Communicating Policy: Leaders actively structure and participate in opportunities that develop greater public understanding of the education policy environment.

6B. Professional Influence: Leaders use their understanding of social, cultural, economic, legal, and political contexts to shape policies that lead all students to graduate ready for college and career.

6C. Policy Engagement: Leaders engage with policymakers and stakeholders to collaborate on education policies focused on improving education for all students.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80331-80338	Rules of conduct for professional educators
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==
Ed. Code 44050	Employee code of conduct; interaction with students - https://simbli.eboardsolutions.com/SU/PNtpd4THa36YECTORI1Zplusg==
Ed. Code 44242.5	Reports and review of alleged misconduct - https://simbli.eboardsolutions.com/SU/SL5BDvLdVAk9EMX75FbOHA==
Ed. Code 48980	Parent/Guardian notifications - https://simbli.eboardsolutions.com/SU/cpMsBKX1tOwUiWgEwSKp5g==
Pen. Code 11164-11174.4	Child Abuse and Neglect Reporting Act - https://simbli.eboardsolutions.com/SU/LXrSYQXKUmyY5slshAWDWWksw==

Management Resources References

	Description
Commission on Teacher Credentialing Publication	California Professional Standards for Educational Leaders, February 2014
Commission on Teacher Credentialing Publication	California Standards for the Teaching Profession (CSTP), October 2009
Council of Chief State School Officers Publication	Professional Standards for Educational Leaders, 2015
National Education Association Publication	Code of Ethics of the Education Profession, 1975
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==
Website	Council of Chief State School Officers - https://simbli.eboardsolutions.com/SU/DQca6f2Jts6S9IUCF6yTKQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJInbikoQhGwsWiH4ztXQ==

Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUulsaq7efc7aH4Q==
Website	WestEd - https://simbli.eboardsolutions.com/SU/T0pumukb4iozXYflh5opZA==
Website	Association of California School Administrators - https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHxYbDPXeA==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
WestEd Publication	Moving Leadership Standards into Everyday Work: Descriptions of Practice, 2003

Policy 4319.22: Dress And Grooming

Status: DRAFT

Original Adopted Date: Pending

The Governing Board believes that appropriate dress and grooming by district employees contribute to a productive learning environment and model positive behavior. During school hours and at school activities, employees shall maintain professional standards of dress and grooming that demonstrate their high regard for education, present an image consistent with their job responsibilities and assignment, and do not endanger the health or safety of employees or students. All employees shall be held to the same standards unless their assignment provides for modified dress as approved by their supervisor.

The district shall allow employees to appear and dress in a manner consistent with their gender identity or gender expression. (Government Code 12949)

The district shall not discriminate against employees based on hair texture and protective hairstyles, including, but not limited to, braids, locks, and twists. (Government Code 12926)

The district shall not dismiss an employee, discriminate against an employee in compensation or in terms, conditions, or privileges of employment, or refuse to hire a job applicant on the basis of religious dress or grooming practices. (Government Code 12926, 12940)

This policy shall be presented to employees upon employment, through the employee handbook or other appropriate means, and may be periodically reviewed with all employees as necessary.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 35160	Authority of governing boards - https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==
Ed. Code 35160.1	Broad authority of school districts - https://simbli.eboardsolutions.com/SU/ewe0Cc8cKGTgDzaAt5MKhw==
Gov. Code 12926	Definitions - https://simbli.eboardsolutions.com/SU/fp6xQmGSukcAWJ60VowoVA==
Gov. Code 12940	Unlawful discriminatory employment practices - https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==
Gov. Code 12949	Dress standards; consistency with gender identity - https://simbli.eboardsolutions.com/SU/liSPUvwxgQ3LJOU9AB1UNw==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==

Management Resources References

Description

CA Civil Rights Department Publication	Transgender Rights in the Workplace
Court Decision	Domico v. Rapides Parish School Board (5th Cir. 1982) 675 F.2d 100
Court Decision	East Hartford Education Assn. v. Board of Education (2d Cir. 1977) 562 F. 2d 856
Court Decision	Finot v. Pasadena Board of Education (1967) 250 Cal.App.2d 189
Court Decision	San Mateo City School District v. PERB (1983) 33 Cal. 3d 850
Public Employment Relations Board Decision	Inglewood United School District (1985) 10 PERC P17, 000
Public Employment Relations Board Decision	Santa Ana Unified School District (1998) 22 PERC P29, 136
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslishXk6R5akQ==

Website

California Public Employment Relations Board -
<https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==>

Website

California Civil Rights Department -
<https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==>

Policy 4319.23: Unauthorized Release Of Confidential/Privileged Information

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the importance of keeping confidential information confidential. 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.

Disclosure of Closed Session Information

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

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)

An employee who willfully discloses confidential information acquired during a closed session may be subject to disciplinary action if he/she has 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
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

An employee who willfully releases confidential/privileged information about the district, students or staff shall be subject to disciplinary action.

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.

Any action by an employee which inadvertently or carelessly results in release of confidential/privileged information shall be recorded, and the record shall be placed in the employee's personnel file. Depending on the circumstances, 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.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 35010

Ed. Code 35146

Description

Control of district; prescription and enforcement of rules -
<https://simbli.eboardsolutions.com/SU/OQVSplusCEZXMhIMKVyv3kBA==>

Closed sessions regarding suspensions -
<https://simbli.eboardsolutions.com/SU/faH69lw/LAJf8Pqslshf87uhg==>

Ed. Code 35160	Authority of governing boards - https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==
Ed. Code 44031	Personnel file contents and inspection - https://simbli.eboardsolutions.com/SU/fM4Aplus8QNx9VcNqdAnloxRw==
Ed. Code 44932	Grounds for dismissal of permanent employees - https://simbli.eboardsolutions.com/SU/Hjuplus3jud6Dn34xkR8B7BhA==
Ed. Code 44933	Other grounds for dismissal - https://simbli.eboardsolutions.com/SU/qjyaHdDoOWHO3TXIZg1Q5g==
Ed. Code 45113	Notification of charges; classified employees - https://simbli.eboardsolutions.com/SU/ipluslv7lKgZqYaGNLdhSslshXw==
Ed. Code 49060-49079	Student records - https://simbli.eboardsolutions.com/SU/48PbpM8vuGlggyF7weQSbw==
Gov. Code 1098	Disclosure of confidential information - https://simbli.eboardsolutions.com/SU/KAjhoUBFjAdTPaUjBwTDLw==
Gov. Code 54950-54963	The Ralph M. Brown Act - https://simbli.eboardsolutions.com/SU/Zh2Bb3plus0XDQweT5vBx4GSg==
Gov. Code 7920.000-7930.215	California Public Records Act - https://simbli.eboardsolutions.com/SU/IBl6lfok6zP3Bde1F55TFg==

Federal References

20 USC 1232g

Description

Family Educational Rights and Privacy Act (FERPA) of 1974

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Website

CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Policy 4319.24: Maintaining Appropriate Adult-Student Interactions

Status: DRAFT

Original Adopted Date: Pending

The Governing Board desires to provide a positive school environment that protects the safety and well-being of district students. The Board expects all adults with whom students may interact at school or in school-related activities, including employees, independent contractors, and volunteers, to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting. Such adults shall not engage in unlawful or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

Employees are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

Any employee who observes or has knowledge of another employee's violation of this policy shall report the information to the Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the Superintendent or designee. The Superintendent or designee shall protect anyone who reports a violation from retaliation. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

Employees who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from school grounds and activities in accordance with law. The Superintendent or designee may also notify law enforcement as appropriate.

The district's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or district web sites. (Education Code 44050)

Inappropriate Conduct

Employees shall remain vigilant of their position of authority and not abuse it when relating with students. Examples of employee conduct that can undermine professional adult-student interactions or create the appearance of impropriety include, but are not limited to:

1. Initiating inappropriate physical contact
2. Being alone with a student outside of the view of others
3. Visiting a student's home or inviting a student to visit the employee's home without parent/guardian consent
4. Maintaining personal contact with a student that has no legitimate educational purpose, by phone, letter, electronic communications, or other means, without including the student's parent/guardian or the principal

When communicating electronically with students, employees shall use district equipment or technological resources when available. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent.

5. Creating or participating in social networking sites for communication with students, other than those created by the district, without the prior written approval of the principal or designee
6. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business

7. Singling out a particular student for personal attention and friendship, including giving gifts and/or nicknames to individual students
8. Addressing a student in an overly familiar manner, such as by using a term of endearment
9. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities
10. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose
11. Transporting a student in a personal vehicle without prior authorization
12. Encouraging students to confide their personal or family problems and/or relationships
13. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80304	Notice of sexual misconduct
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct - https://simbli.eboardsolutions.com/SU/xkijVQVFAXQBAOXIYWplus7WA==
Ed. Code 44050	Employee code of conduct; interaction with students - https://simbli.eboardsolutions.com/SU/PNtpd4THa36YECTORI1Zplusg==
Ed. Code 44242.5	Reports and review of alleged misconduct - https://simbli.eboardsolutions.com/SU/SL5BDvLdVAk9EMX75FbOHA==
Ed. Code 44940	Compulsory leave of absence for certificated persons - https://simbli.eboardsolutions.com/SU/TXIEslshPquo8Kz7N8psqEtqA==
Ed. Code 48980	Parent/Guardian notifications - https://simbli.eboardsolutions.com/SU/cpMsBKX1tOwUiWgEwSKp5g==
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act - https://simbli.eboardsolutions.com/SU/d2kLxTbwlOmuFq7YpUplusplusqA==

Management Resources References

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==
---------	---

Policy 4319.25: Political Activities Of Employees

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the importance of political activity, voting, and civic engagement, and respects the right of district employees to engage in political discussions and activities as individuals on their own time and at their own expense. When engaging in such activities, employees shall make it clear that they are acting on their own behalf and not as representatives of the district.

District employees, as members of the community, may use school facilities for meetings, including political activities, as permitted under the Civic Center Act and district policy.

Employees shall refrain from prohibited political activities identified in law, Board policy, and administrative regulations. Employees who engage in these activities shall be subject to disciplinary action and/or criminal penalties.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
Ed. Code 38130-38139	Civic Center Act - https://simbli.eboardsolutions.com/SU/tloM8gkAiBJoSSNvFbplum4w==
Ed. Code 51520	Prohibited solicitations on school premises - https://simbli.eboardsolutions.com/SU/OHINokWcmplusTbNcUoyiAtzQ==
Ed. Code 7050-7058	Political activities of school officers and employees - https://simbli.eboardsolutions.com/SU/5YoLGlwWfbAw1M58GNpvRw==
Elec. Code 18304	Prohibition against use of district seal in campaign literature - https://simbli.eboardsolutions.com/SU/EubHeswHbkpslsh3YNevv4XqA==
Gov. Code 3543.1	Rights of employee organizations - https://simbli.eboardsolutions.com/SU/m7X7sU6S9KfjH0z33KIC6A==
Gov. Code 82041.5	Mass mailing - https://simbli.eboardsolutions.com/SU/oltrqWfQNXlN10EAbalquw==
Gov. Code 8314	Unlawful use of state resources - https://simbli.eboardsolutions.com/SU/wxE0E3jai89V8gV1GsXZaA==
Pen. Code 424	Embezzlement and falsification of accounts by public officers - https://simbli.eboardsolutions.com/SU/s3ZdylxMXy8wUvUi62SN9Q==

Management Resources References

	Description
Attorney General Opinion	77 Ops.Cal.Atty.Gen. 56 (1994)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 106 (2001)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 52 (2001)
Court Decision	Pickering v. Board of Education Township High School District, (1968) 88 S. Ct. 1731
Court Decision	L.A. Teachers Union v. L.A. City Board of Education, (1969) 71 Cal.2d 551
Court Decision	San Leandro Teachers Association v. Governing Board of the San Leandro Unified School District, (2010) 46 Cal. 4th 822
Court Decision	Diquisto v. County of Santa Clara, (2010) 181 Cal. App. 4th 236
Court Decision	Heffernan v. City of Paterson, (2016) 136 S. Ct. 1412
Court Decision	California Teachers Association v. Governing Board of San Diego Unified School District, (1996) 45 Cal.App. 4th 1383
Court Decision	Downs v. Los Angeles Unified School District, (9th Cir. 2000) 228 F.3d 1003
Public Employment Relations Board Ruling	Turlock Joint Elementary School District, (2004) PERB Dec. No. 1490a

Public Employment Relations Board Ruling	East Whittier School District (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	Conejo Valley Unified School District, (2009) PERB Dec. No. 2054
Public Employment Relations Board Ruling	City of Sacramento, (2019) PERB Dec. No. 2702m
Public Employment Relations Board Ruling	San Diego Community College District, (2001) PERB Dec. No.1467
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Attorney General's Office - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Regulation 4319.25: Political Activities Of Employees

Status: DRAFT

Original Adopted Date: Pending

No employee shall be prohibited from soliciting or receiving political funds or contributions to promote the support or defeat of a ballot measure during nonworking time, including before and after school, the lunch period, or other scheduled work intermittency during the school day. (Education Code 7056)

District employees shall not:

1. Use district funds, services, supplies, equipment, work hours, or other public resources to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Governing Board (Education Code 7054, 7056; Government Code 8314)
2. Use the district's seal in any campaign literature or mass mailing with the intent to deceive voters, including, but not limited to, the use of a reproduction or facsimile of the seal in a manner that creates a misleading, erroneous, or false impression that the document is authorized by the Board, a Board member, or the district (Elections Code 18304)
3. During working hours, solicit or receive any political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service or other working conditions (Education Code 7056)
4. During working hours, solicit or receive any political funds or contributions to promote the passage or defeat of other types of ballot measures
5. Use district equipment for the preparation or reproduction of political campaign materials
6. Post or distribute political campaign materials in classrooms, through distance learning platforms, or on district property
7. Disseminate political campaign materials through the district's mail service, e-mail, or staff mailboxes
8. Use students to write, address, or distribute political campaign materials
9. Present viewpoints on particular candidates or ballot measures in the classroom without giving equal time to the presentation of all perspectives
10. Wear buttons, hats, or other articles of clothing that express political opinions on ballot measures or candidates during instructional time

Political Activities of Employee Organizations

Employee organizations shall not use district funds, services, supplies, or equipment, such as staff mailboxes or the district mail system, to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Board. (Education Code 7054)

No employee organization or its officers, agents, or representatives shall be prohibited from soliciting or receiving political funds or contributions to promote the passage or defeat of a ballot measure during nonworking time, including before and after school, the lunch period, or other scheduled work intermittency during the school day. (Education Code 7056)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 38130-38139

Description

Civic Center Act -
<https://simbli.eboardsolutions.com/SU/tloM8gkAiBJoSSNvFbplum4w==>

Ed. Code 51520	Prohibited solicitations on school premises - https://simbli.eboardsolutions.com/SU/OHINokWcmplusTbNcUoyiAtzQ==
Ed. Code 7050-7058	Political activities of school officers and employees - https://simbli.eboardsolutions.com/SU/5YoLGlwWfbAw1M58GNpvRw==
Elec. Code 18304	Prohibition against use of district seal in campaign literature - https://simbli.eboardsolutions.com/SU/EubHeswHbkpslsh3YNevv4XqA==
Gov. Code 3543.1	Rights of employee organizations - https://simbli.eboardsolutions.com/SU/m7X7sU6S9KfjH0z33KIC6A==
Gov. Code 82041.5	Mass mailing - https://simbli.eboardsolutions.com/SU/oltrqWfQNXIN10EAbalquw==
Gov. Code 8314	Unlawful use of state resources - https://simbli.eboardsolutions.com/SU/wxE0E3jai89V8gV1GsXZaA==
Pen. Code 424	Embezzlement and falsification of accounts by public officers - https://simbli.eboardsolutions.com/SU/s3ZdylxMXY8wUvUi62SN9Q==

Management Resources References

	Description
Attorney General Opinion	77 Ops.Cal.Atty.Gen. 56 (1994)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 106 (2001)
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 52 (2001)
Court Decision	Pickering v. Board of Education Township High School District, (1968) 88 S. Ct. 1731
Court Decision	L.A. Teachers Union v. L.A. City Board of Education, (1969) 71 Cal.2d 551
Court Decision	San Leandro Teachers Association v. Governing Board of the San Leandro Unified School District, (2010) 46 Cal. 4th 822
Court Decision	Diquisto v. County of Santa Clara, (2010) 181 Cal. App. 4th 236
Court Decision	Heffernan v. City of Paterson, (2016) 136 S. Ct. 1412
Court Decision	California Teachers Association v. Governing Board of San Diego Unified School District, (1996) 45 Cal.App. 4th 1383
Court Decision	Downs v. Los Angeles Unified School District, (9th Cir. 2000) 228 F.3d 1003
Public Employment Relations Board Ruling	Turlock Joint Elementary School District, (2004) PERB Dec. No. 1490a
Public Employment Relations Board Ruling	East Whittier School District (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	Conejo Valley Unified School District, (2009) PERB Dec. No. 2054
Public Employment Relations Board Ruling	City of Sacramento, (2019) PERB Dec. No. 2702m
Public Employment Relations Board Ruling	San Diego Community College District, (2001) PERB Dec. No.1467
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Attorney General's Office - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Policy 4319.41: Employees With Infectious Disease

Status: DRAFT

Original Adopted Date: Pending

The Governing Board desires to promote the health of district students and staff in order to reduce absenteeism and enhance employee and student performance. The Superintendent or designee shall develop strategies to prevent the outbreak or spread of infectious diseases at district schools.

An infectious disease is one that is caused by a microorganism and is potentially transmittable to another individual, whether through airborne transmission, bloodborne transmission, skin-to-skin contact, foodborne transmission, or other casual or noncasual means. A communicable infectious disease, such as influenza or chicken pox, is contagious and can be readily transmitted by infectious bacteria or viral organisms.

In accordance with law, job applicants shall be required to provide evidence that they are free of tuberculosis or any other communicable infectious disease prior to beginning employment.

To prevent the outbreak or spread of infectious diseases, the Superintendent or designee may provide infection prevention supplies and information to employees, including information about recommended vaccinations. Employees also shall observe universal precautions to avoid contact with potentially infectious blood or other bodily fluids.

Plans for addressing a communicable infectious disease outbreak, including, but not limited to, plans for addressing employee shortages during such an outbreak, shall be included in the district's emergency preparedness plan.

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable infectious disease. In addition, a school nurse or other health care provider who knows of or is in attendance on a case or suspected case of any of the diseases or conditions listed in 17 CCR 2500 shall make a report to the local health officer. If no health care provider is in attendance, any individual having knowledge of a person who is suspected to be suffering from one of the specified diseases or conditions may make a report to the local health officer. (17 CCR 2500, 2508)

Nondiscrimination/Reasonable Accommodation

The district shall not discriminate against any employee or job applicant who has an infectious disease that meets the federal or state definition of a disability under the Americans with Disabilities Act, California Fair Employment and Housing Act, or Section 504 of the Federal Rehabilitation Act. (Government Code 12900-12996; 29 USC 794; 42 USC 12101-12213)

Upon request, any qualified person with a disability shall be provided reasonable accommodation to perform the essential duties of his/her position in accordance with the criteria and processes described in AR 4032 - Reasonable Accommodation.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

17 CCR 2500-2511

Communicable disease reporting requirements -
<https://simbli.eboardsolutions.com/SU/slshn47UxNYZiU6wNeVYbLg2w==>

2 CCR 7293.5-7294.2

Discrimination based on disability -
<https://simbli.eboardsolutions.com/SU/slshMo6xIOtmUID0MOOIRasoQ==>

5 CCR 5502-5504

Medical certification

Civ. Code 56-56.37

Confidentiality of medical information -
<https://simbli.eboardsolutions.com/SU/nr0sSxslshED3ehUQrXplusLmkcA==>

Ed. Code 44839

Medical certificate; periodic medical examination -
<https://simbli.eboardsolutions.com/SU/7ifRt5ldtFyISRocGEBaAQ==>

Ed. Code 44839.5

Requirements for employment of retirant -
<https://simbli.eboardsolutions.com/SU/9NiF7P8cplus6F5a9AwnxnXMQ==>

Ed. Code 49406	Examination for tuberculosis - https://simbli.eboardsolutions.com/SU/1zMk9tKmBYJP1m6AfhBiag==
Gov. Code 12900-12996	Fair Employment and Housing Act - https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==
H&S Code 120975-121023	Mandated blood testing and confidentiality to protect public health - https://simbli.eboardsolutions.com/SU/alehOfEBIGj05bMsQwfFog==

Federal References

29 USC 794	Rehabilitation Act of 1973; Section 504
42 USC 12101-12213	Americans with Disabilities Act

Description

Management Resources References

California Department of Public Health Publication	California HIV/AIDS Laws, 2009, January 2010
Court Decision	School Board of Nassau County, Florida v. Arline, (1987) 408 U.S. 273
Court Decision	Chevron USA v. Echazabal, (2002) 536 U.S. 73, 122 S.Ct. 2045
CSBA Publication	H1N1 Influenza (Swine Flu), Fact Sheet, April 2009
CSBA Publication	Pandemic Influenza, Fact Sheet, September 2007
EEO Commission Publication	Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	U.S. Department of Health and Human Services - https://simbli.eboardsolutions.com/SU/4moM6wFhrVMvKDjOdGOMzw==
Website	California School Nurses Organization - https://simbli.eboardsolutions.com/SU/y9UnslshTdDn6hY1DMTI3f6eQ==
Website	Centers for Disease Control and Prevention - https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California Department of Public Health - https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==

Description

Policy 4319.42: Exposure Control Plan For Bloodborne Pathogens

Status: DRAFT

Original Adopted Date: Pending

As part of its commitment to provide a safe and healthy work environment, the Governing Board recognizes the importance of protecting employees from possible infection due to contact with bloodborne pathogens, including, but not limited to, hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV). The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace.

The exposure control plan shall be consistent with the district's injury and illness prevention program established pursuant to Labor Code 6401.7 and 8 CCR 3203. (8 CCR 5193)

The Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the district's exposure control plan, employees having occupational exposure shall receive training and be offered the hepatitis B vaccination. (8 CCR 5193; 29 CFR 1910.1030)

Any employee not identified by the Superintendent or designee as having occupational exposure may submit a request to the Superintendent or designee to be included in the training and hepatitis B vaccination program. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with any infectious material.

In the event that an employee has an exposure incident, the district shall implement follow-up procedures in accordance with the exposure control plan. All such incidents shall be evaluated to determine whether changes need to be made in district practices.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5193	Bloodborne pathogens
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Lab. Code 142.3	Authority of Cal/OSHA to adopt standards - https://simbli.eboardsolutions.com/SU/qtK5bbJ47F5q49slshjslshfbb3g==
Lab. Code 144.7	Requirement to amend standards - https://simbli.eboardsolutions.com/SU/29wp1Zt81JSslshHLif65dywA==
Lab. Code 6401.7	Injury and illness prevention program - https://simbli.eboardsolutions.com/SU/OLCkBLQtPasszuobFzmJvw==

Federal References

	Description
29 CFR 1910.1030	Bloodborne pathogens

Management Resources References

	Description
CA Department of Industrial Relations Publication	A Best Practices Approach for Reducing Bloodborne Pathogens Exposure, 2001
CA Department of Industrial Relations Publication	Exposure Control Plan for Bloodborne Pathogens, 2001
CA Department of Industrial Relations Publication	Frequently Asked Questions About the Bloodborne Pathogens Standard
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==

Website	California Department of Industrial Relations, Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQIJEVTeFex4Q==
Website	U.S. Department of Labor, Occupational Safety and Health Administration - https://simbli.eboardsolutions.com/SU/3chzxaztydPHSslshAUF6PdVA==
Website	Centers for Disease Control and Prevention - https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==

Notice References

Unique Policy

Description

This policy is unique to the district/COE and is not connected to an existing CSBA sample policy or included in regular quarterly updates from CSBA.

Regulation 4319.42: Exposure Control Plan For Bloodborne Pathogens

Status: DRAFT

Original Adopted Date: Pending

Definitions

Occupational exposure means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. (8 CCR 5193; 29 CFR 1910.1030)

Exposure incident means a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties. (8 CCR 5193; 29 CFR 1910.1030)

Parenteral contact means piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions. (8 CCR 5193; 29 CFR 1910.1030)

A sharp is any object that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident. (8 CCR 5193)

A sharps injury is any injury caused by a sharp, including, but not limited to, cuts, abrasions, or needlesticks. (8 CCR 5193)

Work practice controls are controls that reduce the likelihood of exposure by defining the manner in which a task is performed. (8 CCR 5193; 29 CFR 1910.1030)

Engineering controls are controls, such as sharps disposal containers, needleless systems, and sharps with engineered sharps injury protection, that isolate or remove the bloodborne pathogens hazard from the workplace. (8 CCR 5193; 29 CFR 1910.1030)

Engineered sharps injury protection is a physical attribute, such as a barrier, blunting, encapsulation, withdrawal, or other effective mechanism, built into a needle device or into a non-needle sharp which effectively reduces the risk of an exposure incident. (8 CCR 5193; 29 CFR 1910.1030)

Personal protective equipment is specialized clothing or equipment worn or used by an employee for protection against a hazard, such as gloves, gowns, laboratory coats, face shields or masks. (8 CCR 5193)

Exposure Control Plan

The district's written exposure control plan for bloodborne pathogens shall contain at least the following components: (8 CCR 5193; 29 CFR 1910.1030)

1. A determination of which employees have occupational exposure to blood or other potentially infectious materials, which shall be made without regard to employees' use of personal protective equipment and shall include a list of:
 - a. All job classifications in which all employees have occupational exposure
 - b. Job classifications in which some employees have occupational exposure
 - c. All tasks and procedures, or groups of closely related tasks and procedures, in which occupational exposure occurs and which are performed by employees listed in item #1b above
2. The schedule and method of implementing each of the following in accordance with 8 CCR 5193 and this administrative regulation:
 - a. Methods of compliance required by 8 CCR 5193(d) and 29 CFR 1910.1030, including universal precautions, general and specific engineering and work practice controls, and personal protective equipment

- b. Hepatitis B vaccination
 - c. Bloodborne pathogen post-exposure evaluation and follow-up
 - d. Communication of hazards to employees through information and training
 - e. Recordkeeping, including medical records, training records, and a log of sharps injuries
3. The district's procedure for documenting the route(s) of exposure and the circumstances under which exposure incidents occurred
 4. An effective procedure for gathering information about each exposure incident involving a sharp
 5. An effective procedure for periodically determining the frequency of use of the types and brands of sharps involved in exposure incidents
 6. An effective procedure for identifying currently available engineering controls and selecting such controls, as appropriate, for the procedures performed by employees in their work areas or departments
 7. An effective procedure for documenting instances when a licensed healthcare professional directly involved in an employee's care determines that the use of an engineering control would jeopardize the employee's safety or the success of a medical, dental, or nursing procedure involving the employee
 8. An effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed by employees in their respective work areas or departments

The exposure control plan shall be reviewed and updated at least annually and whenever necessary to: (8 CCR 5193; 29 CFR 1910.1030)

1. Reflect new or modified tasks and procedures affecting occupational exposure
2. Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens and, to the extent that sharps are used in the district, document consideration and implementation of appropriate commercially available needleless systems and needle devices and sharps with engineered sharps injury protection
3. Include new or revised employee positions with occupational exposure
4. Review and evaluate the exposure incidents which occurred since the previous update
5. Review and respond to information indicating that the exposure control plan is deficient in any area

The district's exposure control plan shall be accessible to employees upon request. (8 CCR 3204(e), 5193; 29 CFR 1910.1030)

Preventive Measures

The Superintendent or designee shall use engineering controls and work practice controls, as defined above, to eliminate or minimize employee exposure to bloodborne pathogens. Engineering controls and work practice controls shall be evaluated on a regular schedule and, as applicable, maintained, replaced, or updated to ensure their effectiveness. (8 CCR 5193; 29 CFR 1910.1030)

Whenever potential occupational exposure continues to exist after institution of engineering and work practice controls, the district shall provide, at no cost to the employee, appropriate personal protective equipment. (8 CCR 5193; 29 CFR 1910.1030)

Employees shall observe universal precautions to prevent contact with blood or other potentially infectious materials, including, but not limited to, handwashing, proper use of personal protective equipment, and proper disposal or washing of contaminated garments or objects. (8 CCR 5193; 29 CFR 1910.1030)

Any use of needleless systems, needle devices, or non-needle sharps shall adhere to the specific requirements of 8

CCR 5193(d) and 29 CFR 1910.1030.

Pre-Exposure Hepatitis B Vaccination

The hepatitis B vaccination and vaccination series shall be made available at no cost to all employees who have occupational exposure. The hepatitis B vaccination shall be made available after an employee with occupational exposure has received the required training and within 10 working days of initial assignment, unless the employee has previously received the complete hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or vaccination is contraindicated for medical reasons. (8 CCR 5193; 29 CFR 1910.1030)

Employees who decline to accept the vaccination shall sign the hepatitis B declination statement. (8 CCR 5193; 29 CFR 1910.1030)

The Superintendent or designee may exempt from the pre-exposure hepatitis B vaccine designated first aid providers whose primary job assignment is not the rendering of first aid, provided that the district implements the procedures in its exposure control plan for providing hepatitis B vaccine to all unvaccinated first aid providers who have rendered assistance in any situation involving the presence of blood or other potentially infectious materials and provides appropriate follow-up for those who experience an exposure incident. (8 CCR 5193)

Training

The Superintendent or designee shall ensure that all employees with occupational exposure participate in a training program at the time of initial assignment to tasks where occupational exposure may take place and at least annually thereafter. The training shall be offered during working hours and at no cost to the employee. (8 CCR 5193; 29 CFR 1910.1030)

The training shall address, at a minimum: (8 CCR 5193; 29 CFR 1910.1030)

1. The exposure control standard contained in 8 CCR 5193 and 29 CFR 1910.1030
2. The epidemiology and symptoms of bloodborne diseases
3. Modes of transmission of bloodborne pathogens
4. The district's exposure control plan and the means by which employees may obtain a copy of the written plan
5. Appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials
6. The use and limitations of methods to prevent or reduce exposure, including appropriate engineering controls, administrative or work practice controls, and personal protective equipment
7. The types, proper use, location, removal, handling, decontamination, and disposal of personal protective equipment
8. The basis for selecting personal protective equipment
9. The hepatitis B vaccine, including its efficacy, safety, and method of administration; the benefits of being vaccinated; and that the vaccine will be offered free of charge
10. Appropriate actions to take and persons to contact in an emergency or exposure incident involving blood or other potentially infectious materials
11. The post-exposure evaluation and follow-up that the district is required to provide for the employee following an exposure incident

Additional training shall be provided to affected employees whenever a change, such as the introduction or modification of tasks or procedures or the introduction of new engineering, administrative, or work practice controls, affects the employee's exposure. The additional training may be limited to addressing the new exposures created. (8 CCR 5193; 29 CFR 1910.1030)

Designated first aid providers shall receive training that includes the specifics of reporting first-aid incidents which involve blood or body fluids which are potentially infectious. (8 CCR 5193)

Reporting Incidents

All exposure incidents shall be reported as soon as possible to the Superintendent or designee.

Unvaccinated designated first aid providers must report any first aid incident involving the presence of blood or other potentially infectious material, regardless of whether an exposure incident occurred, by the end of the work shift. The full hepatitis B vaccination series shall be made available to such employees no later than 24 hours after the first aid incident. (8 CCR 5193)

Sharps Injury Log

The Superintendent or designee shall establish and maintain a log recording each exposure incident involving a sharp. (8 CCR 5193; 29 CFR 1910.1030)

The exposure incident shall be recorded within 14 working days of the date the incident is reported to the district. (8 CCR 5193)

The information recorded shall include the following, if known or reasonably available: (8 CCR 5193; 29 CFR 1910.1030)

1. Date and time of the exposure incident
2. Type and brand of sharp involved in the exposure incident
3. A description of the exposure incident, including:
 - a. Job classification of the exposed employee
 - b. Department or work area where the exposure incident occurred
 - c. The procedure that the exposed employee was performing at the time of the incident
 - d. How the incident occurred
 - e. The body part involved in the incident
 - f. If the sharp had engineered sharps injury protection, whether the protective mechanism was activated and whether the injury occurred before, during, or after the protective mechanism was activated
 - g. If the sharp had no engineered sharps injury protection, the injured employee's opinion as to whether and how such a mechanism could have prevented the injury
 - h. The employee's opinion about whether any other engineering, administrative, or work practice could have prevented the injury

Post-Exposure Evaluation and Follow-up

Following a report of an exposure incident, the Superintendent or designee shall immediately make available to the exposed employee, at no cost, a confidential medical evaluation, post-exposure evaluation, and follow-up. The Superintendent or designee shall, at a minimum: (8 CCR 5193; 29 CFR 1910.1030)

1. Document the route(s) of exposure and the circumstances under which the exposure incident occurred
2. Identify and document the source individual, unless that identification is not feasible or is prohibited by law
3. With the consent of the exposed employee, provide for the collection and testing of the employee's blood for hepatitis B, hepatitis C, and HIV serological status

4. Provide for post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service
5. Provide for counseling and evaluation of reported illnesses

The Superintendent or designee shall provide the health care professional responsible for the employee's hepatitis B vaccination with a copy of 8 CCR 5193 and 29 CFR 1910.1030; a description of the employee's duties as they relate to the exposure incident; documentation of the route(s) of exposure and circumstances under which exposure occurred; results of the source individual's blood testing, if available; and all medical records maintained by the district relevant to the appropriate treatment of the employee, including vaccination status. (8 CCR 5193; 29 CFR 1910.1030)

The district shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation. (8 CCR 5193)

Records

Upon an employee's initial employment and at least annually thereafter, the Superintendent or designee shall inform employees with occupational exposure of the existence, location, and availability of related records; the person responsible for maintaining and providing access to records; and the employee's right of access to these records. (8 CCR 3204)

The district shall maintain a medical record of each employee with occupational exposure, including the employee's hepatitis B vaccination status, the results of any post-exposure medical examinations and follow-up procedures, a copy of the information provided to the health care professional, and a copy of the health care professional's written opinion. The medical record shall be kept confidential and not disclosed or reported without the employee's written consent to any person within or outside the workplace except as required by law. (8 CCR 5193; 29 CFR 1910.1030)

Upon request by an employee, or a designated representative with the employee's written consent, the Superintendent or designee shall provide access to a record in a reasonable time, place, and manner, no later than 15 days after the request is made. (8 CCR 3204)

Records shall be maintained as follows: (8 CCR 3204, 5193; 29 CFR 1910.1030)

1. The medical records of each employee with occupational exposure shall be maintained for the duration of employment plus 30 years.
2. Training records shall be maintained for three years from the date of training.
3. The sharps injury log shall be maintained five years from the date the exposure incident occurred.
4. Exposure records shall be maintained for at least 30 years.
5. Each analysis using medical or exposure records shall be maintained for at least 30 years.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

State References	Description
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5193	Bloodborne pathogens
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHwwplusOHnqzplusGsOslshg==
Lab. Code 142.3	Authority of Cal/OSHA to adopt standards - https://simbli.eboardsolutions.com/SU/qtK5bbJ47F5q49slshjslshfbb3g==
Lab. Code 144.7	Requirement to amend standards - https://simbli.eboardsolutions.com/SU/29wp1Zt81JSslshHLif65dvwA==

Lab. Code 6401.7

Injury and illness prevention program -
<https://simbli.eboardsolutions.com/SU/OLCkBLQtPasszuobFzmJvw==>

Federal References

29 CFR 1910.1030

Description

Bloodborne pathogens

Management Resources References

CA Department of Industrial Relations Publication

Description

A Best Practices Approach for Reducing Bloodborne Pathogens Exposure, 2001

CA Department of Industrial Relations Publication

Exposure Control Plan for Bloodborne Pathogens, 2001

CA Department of Industrial Relations Publication

Frequently Asked Questions About the Bloodborne Pathogens Standard

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Website

California Department of Industrial Relations, Occupational Safety and Health -
<https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQIJEVTeFex4Q==>

Website

U.S. Department of Labor, Occupational Safety and Health Administration -
<https://simbli.eboardsolutions.com/SU/3chzxaztydPHSslshAUF6PdVA==>

Website

Centers for Disease Control and Prevention -
<https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==>

Notice References

Unique Policy

Description

This policy is unique to the district/COE and is not connected to an existing CSBA sample policy or included in regular quarterly updates from CSBA.

Exhibit 4319.42-E(1): Exposure Control Plan For Bloodborne Pathogens

Status: DRAFT

Original Adopted Date: Pending

HEPATITIS B VACCINE DECLINATION

In accordance with 8 CCR 5193 and 29 CFR 1910.1030, the district makes the hepatitis B vaccine available to employees who may reasonably be expected to have contact with blood or other potentially infectious materials in the performance of their duties. Any employee who declines this vaccine is required to read and sign the following statement:

I understand that, due to my occupational exposure to blood or other potentially infectious materials, I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to myself.

Employee Name (Please print)

Signature

Date

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5193	Bloodborne pathogens
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Lab. Code 142.3	Authority of Cal/OSHA to adopt standards - https://simbli.eboardsolutions.com/SU/qtK5bbJ47F5q49slshjslshfbb3g==
Lab. Code 144.7	Requirement to amend standards - https://simbli.eboardsolutions.com/SU/29wp1Zt81JSslshHLif65dywA==
Lab. Code 6401.7	Injury and illness prevention program - https://simbli.eboardsolutions.com/SU/OLCkBLQtPasszuobFzmJvw==

Federal References

	Description
29 CFR 1910.1030	Bloodborne pathogens

Management Resources References

	Description
CA Department of Industrial Relations Publication	A Best Practices Approach for Reducing Bloodborne Pathogens Exposure, 2001
CA Department of Industrial Relations Publication	Exposure Control Plan for Bloodborne Pathogens, 2001
CA Department of Industrial Relations Publication	Frequently Asked Questions About the Bloodborne Pathogens Standard
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==

Website	California Department of Industrial Relations, Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQIJEVTeFex4Q==
Website	U.S. Department of Labor, Occupational Safety and Health Administration - https://simbli.eboardsolutions.com/SU/3chzxaztydPHSslshAUF6PdVA==
Website	Centers for Disease Control and Prevention - https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==

Notice References

Unique Policy

Description

This policy is unique to the district/COE and is not connected to an existing CSBA sample policy or included in regular quarterly updates from CSBA.

Policy 4319.43: Universal Precautions

Status: DRAFT

Original Adopted Date: Pending

In order to protect all employees from contact with potentially infectious blood or other body fluids, the Governing Board requires that universal precautions be observed throughout the district. Universal precautions are appropriate for preventing the spread of all infectious diseases and shall be used regardless of whether bloodborne pathogens are known to be present.

The Superintendent or designee shall distribute to employees information provided by the California Department of Education (CDE) regarding acquired immune deficiency syndrome (AIDS), AIDS-related conditions, and hepatitis B.

This information shall include, but not be limited to, any appropriate methods employees may use to prevent exposure to AIDS and hepatitis B, including information concerning the availability of a vaccine to prevent contraction of hepatitis B, and that the cost of this vaccination may be covered by the health plan of the employees.

Information shall be distributed annually, or more frequently if there is new information supplied by CDE. (Health and Safety Code 120875, 120880)

Employees shall immediately report any exposure incident or first aid incident in accordance with the district's exposure control plan for bloodborne pathogens or other safety procedures.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
8 CCR 3203	Injury and illness prevention program
8 CCR 5193	Bloodborne pathogens
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHwwplusOHnqzplusGsOslshg==
H&S Code 117600-118360	Handling and disposal of regulated waste - https://simbli.eboardsolutions.com/SU/IMsYQdPeKuoTnMy6Mqj1hQ==
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B - https://simbli.eboardsolutions.com/SU/38plusoh5urgpOdpluszq3f7akPg==
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B - https://simbli.eboardsolutions.com/SU/DnTo51VRfPSzvFGOSeoslshkw==
Lab. Code 6401.7	Injury and illness prevention program - https://simbli.eboardsolutions.com/SU/OLCkBLQtPasszuobFzmJvw==

Federal References

	Description
29 CFR 1910.1030	Bloodborne pathogens

Management Resources References

	Description
CDC and Prevention Publication	Hepatitis B Questions and Answers for the Public
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	American Federation of Teachers - https://simbli.eboardsolutions.com/SU/f8tXIPpEFKty5QFmgplusDDXQ==
Website	California Department of Industrial Relations, Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQIJEVTeFex4Q==
Website	U.S. Department of Labor, Occupational Safety and Health Administration - https://simbli.eboardsolutions.com/SU/3chzxaztydPHSslshAUF6PdVA==
Website	California Department of Public Health - https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==

Website

Centers for Disease Control and Prevention -
<https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==>

Regulation 4319.43: Universal Precautions

Status: DRAFT

Original Adopted Date: Pending

Definitions

Universal precautions are an approach to infection control. All human blood and certain human body fluids, including, but not limited to semen, vaginal secretions, and any body fluid that is visibly contaminated with blood, are treated as if known to be infectious for human immunodeficiency virus (HIV), hepatitis B virus (HBV), hepatitis C virus (HCV), and other bloodborne pathogens. (8 CCR 5193; 29 CFR 1910.1030)

Occupational exposure means reasonably anticipated contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. (8 CCR 5193; 29 CFR 1910.1030)

A sharp is any object that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident. (8 CCR 5193)

Infection Control Practices

For the prevention of infectious disease, the district shall:

1. Effectively maintain the worksite in a clean and sanitary condition, and implement an appropriate written schedule for cleaning and decontamination of the worksite
2. When necessary for employees with occupational exposure to bloodborne pathogens, provide appropriate personal protective equipment, such as gloves, masks, and outer garments, at no cost to the employee (8 CCR 5193)
3. Provide handwashing facilities which are readily accessible to employees, or, if not feasible, provide an appropriate antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes

Any employee who has contact with blood or other body fluid, regardless of whether bloodborne pathogens are known to be present, shall:

1. Use personal protective equipment as appropriate.
2. Wash hands and other skin surfaces thoroughly with soap and running water:
 - a. Immediately or as soon as feasible following contact with blood or other potentially infectious materials
 - b. Immediately after removing gloves or other personal protective equipment
3. When handwashing facilities are not available, use antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes. In such instances, hands shall be washed with soap and running water as soon as feasible.
4. Refrain from eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses in work areas with a reasonable likelihood of occupational exposure to bloodborne pathogens.
5. Clean and decontaminate all equipment and environmental and work surfaces after contact with blood or other potentially infectious material, no later than the end of the shift or more frequently as required by state regulations.
6. Rather than using the hands directly, use mechanical means such as a brush and dust pan, tongs, or forceps to clean up broken glassware which may be contaminated.
7. Use effective techniques designed to minimize the risk of a sharps injury in all procedures involving the use of sharps.
8. Handle, store, treat, and dispose of regulated waste in accordance with Health and Safety Code 117600-118360 and other applicable state and federal regulations.

- a. Immediately or as soon as possible after use, contaminated sharps shall be placed in containers meeting the requirements of 8 CCR 5193.
- b. Specimens of blood or other potentially infectious material shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport, or shipping.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
8 CCR 3203	Injury and illness prevention program
8 CCR 5193	Bloodborne pathogens
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
H&S Code 117600-118360	Handling and disposal of regulated waste - https://simbli.eboardsolutions.com/SU/IMsYQdPeKuoTnMy6Mqj1hQ==
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B - https://simbli.eboardsolutions.com/SU/38plusoh5urgpOpluszq3f7akPg==
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B - https://simbli.eboardsolutions.com/SU/DnTo51VRfPSzvfGOSeoslshkw==
Lab. Code 6401.7	Injury and illness prevention program - https://simbli.eboardsolutions.com/SU/OLCkBLQtPasszuobFzmJvw==

Federal References

	Description
29 CFR 1910.1030	Bloodborne pathogens

Management Resources References

	Description
CDC and Prevention Publication	Hepatitis B Questions and Answers for the Public
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	American Federation of Teachers - https://simbli.eboardsolutions.com/SU/f8tXIPpEFKty5QFmgplusDDXQ==
Website	California Department of Industrial Relations, Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQlJEVTeFex4Q==
Website	U.S. Department of Labor, Occupational Safety and Health Administration - https://simbli.eboardsolutions.com/SU/3chzxaztydPHSslshAUF6PdVA==
Website	California Department of Public Health - https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==
Website	Centers for Disease Control and Prevention - https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==

Policy 4327: Temporary Athletic Team Coaches

Status: DRAFT

Original Adopted Date: Pending

The Governing Board desires to employ highly qualified coaches for the district's sports and interscholastic athletic programs in order to enhance the knowledge, skills, motivation, and safety of student athletes.

The Superintendent or designee may hire a certificated or noncertificated employee, other than a substitute employee, to supervise or instruct interscholastic athletic activities as a temporary employee in a limited assignment capacity. (5 CCR 5590)

When hiring a person to fill a position as a temporary athletic team coach, the position shall first be made available to qualified certificated teachers currently employed by the district. (Education Code 44919)

All coaches shall be subject to Board policies, administrative regulations, and California Interscholastic Federation bylaws and codes of ethical conduct.

Noncertificated coaches shall have no authority to assign grades to students. (5 CCR 5591)

Qualifications and Training

The Superintendent or designee shall establish qualification criteria for all athletic coaches in accordance with law and district standards. These criteria shall ensure that coaches possess an appropriate level of competence, knowledge, and skill.

Any noncertificated employee or volunteer who works with students in a district-sponsored interscholastic athletic program shall, prior to beginning his/her duties, submit to the Superintendent or designee either an Activity Supervisor Clearance Certificate issued by the Commission on Teacher Credentialing or a Department of Justice and Federal Bureau of Investigation criminal background clearance. (Education Code 49024)

Following the selection of a temporary athletic team coach, the Superintendent or designee shall certify to the Board, at the next regular Board meeting or within 30 days, whichever is sooner, that the coach meets the qualifications and competencies required by 5 CCR 5593. By April 1 of each year, the Board shall certify to the State Board of Education that the provisions of 5 CCR 5593 have been met. (5 CCR 5594)

In addition, the Superintendent or designee shall regularly report to the Board regarding the extent to which the district's coaches have completed the trainings required by law, including those required pursuant to Education Code 33479.6 and 49032, and by district policy.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 5531	Supervision of extracurricular activities of students
5 CCR 5590-5596	Duties of temporary athletic team coaches
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act - https://simbli.eboardsolutions.com/SU/ALIQ3iERGX1NajjcmJDnaQ==
Ed. Code 35179-35179.7	Interscholastic athletics - https://simbli.eboardsolutions.com/SU/iYYfvWeS1ARFgmKacICcNA==
Ed. Code 44010	Sex offense; definitions - https://simbli.eboardsolutions.com/SU/kVoMSh2Y4cuufG1O45T35A==
Ed. Code 44011	Controlled substance offense - https://simbli.eboardsolutions.com/SU/yVslsh8HNplus6fH8Trsdpvo9h3w==
Ed. Code 44332-44332.5	Temporary certificates - https://simbli.eboardsolutions.com/SU/ewqmiXUOvCIFsK5411GVaQ==

Ed. Code 44424	Conviction of a crime - https://simbli.eboardsolutions.com/SU/KQ21D09kicgfZydeOWl6og==
Ed. Code 44808	Liability when students are not on school property - https://simbli.eboardsolutions.com/SU/QlplusslshrHDTFD4Lo433XhMScA==
Ed. Code 44916	Written statement of employment status - https://simbli.eboardsolutions.com/SU/XmCPHsuWR7m01NGRhZplusBaA==
Ed. Code 44919	Classification of temporary employees; classifications - https://simbli.eboardsolutions.com/SU/UJCJRK0pzcebkBr0dHx08w==
Ed. Code 45125.01	Interagency agreements for criminal record information - https://simbli.eboardsolutions.com/SU/p0plusGJ0luVPDudcyAVB8E0w==
Ed. Code 45347	Instructional aides subject to requirements for classified staff - https://simbli.eboardsolutions.com/SU/plusqCH4autjULPxLyGOsMZAQ==
Ed. Code 45349	Use of volunteers to supervise or instruct students - https://simbli.eboardsolutions.com/SU/slshY0S1EQ9Se8xrb2VC2MjLQ==
Ed. Code 49024	Activity Supervisor Clearance Certificate - https://simbli.eboardsolutions.com/SU/bPKibplusdM71m5nBUYCqYkKg==
Ed. Code 49030-49034	Performance enhancing substances - https://simbli.eboardsolutions.com/SU/pJ6vzF969vaslshheLslsh0M2G0w==
Ed. Code 49406	Examination for tuberculosis - https://simbli.eboardsolutions.com/SU/1zMk9tKmBYJP1m6AfhBiag==

Management Resources References

Description

California Interscholastic Federation Publication	California Interscholastic Federation Constitution and Bylaws
California Interscholastic Federation Publication	Pursuing Victory with Honor, 1999
Commission on Teacher Credentialing Publication	10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), July 20, 2010
Court Decision	CTA v. Rialto Unified School District, (1997) 14 Cal. 4th 627
Court Decision	Kavanaugh v. West Sonoma Union High School District, (2003) 29 Cal.4th 911
Court Decision	Neily v. Manhattan Beach Unified School District, (2011) 192 Cal.App.4th 187
CSBA Publication	Steroids and Students: What Boards Need to Know, Policy Brief, July 2005
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDslshXk6R5akQ==
Website	National Athletic Trainers' Association - https://simbli.eboardsolutions.com/SU/OFCZv0VJFMPRP5JiHCp0Zw==
Website	California Interscholastic Federation - https://simbli.eboardsolutions.com/SU/QthhhDMKplusJ3akAI8GRP72g==
Website	California Athletic Trainers' Association - https://simbli.eboardsolutions.com/SU/HEIHspluspGBfbDr2DajvVPAw==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efc7aH4Q==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==

Regulation 4327: Temporary Athletic Team Coaches

Status: DRAFT

Original Adopted Date: Pending

Qualifications

Minimum qualifications for temporary athletic team coaches shall include, but are not necessarily limited to, competencies in the following areas: (5 CCR 5593)

1. Care and prevention of athletic injuries, basic sports injury first aid, and emergency procedures, as evidenced by one or more of the following:
 - a. Completion of a college-level course in the care and prevention of athletic injuries and possession of a valid cardiopulmonary resuscitation (CPR) card
 - b. A valid sports injury certificate or first aid card, and a valid CPR card
 - c. A valid Emergency Medical Technician (EMT) I or II card
 - d. A valid trainer's certification issued by the National or California Athletic Trainers' Association (NATA/CATA)
 - e. Possession of both valid CPR and first aid cards and practical experience under the supervision of an athletic coach or trainer or experience assisting in team athletic training and conditioning
2. Coaching theory and techniques in the sport or game being coached, as evidenced by one or more of the following:
 - a. Completion of a college course in coaching theory and techniques
 - b. Completion of inservice programs arranged by a school district or county office of education
 - c. Prior service as a student coach or assistant athletic coach in the sport or game being coached
 - d. Prior coaching in community youth athletic programs in the sport being coached
 - e. Prior participation in organized competitive athletics at the high school level or above in the sport being coached
3. Knowledge of the rules and regulations pertaining to the sport or game being coached, the league rules, and, at the high school level, regulations of the California Interscholastic Federation (CIF)
4. Knowledge of child or adolescent psychology, as appropriate, as it relates to sport participation, as evidenced by one or more of the following:
 - a. Completion of a college-level course in child psychology for elementary school positions and adolescent or sports psychology for secondary school positions
 - b. Completion of a seminar or workshop on human growth and development of youth
 - c. Prior active involvement with youth in school or community sports program

The Superintendent or designee may waive competency requirements for persons enrolled in appropriate training courses leading to acquisition of the competency, provided such persons serve under the direct supervision of a fully qualified coach until the competencies are met. (5 CCR 5593)

Volunteers who supervise or direct an athletic program shall meet the qualification criteria specified in 5 CCR 5593 required for temporary athletic team coaches employed by the district. Any volunteer who does not meet such criteria shall serve only under the supervision of a fully qualified coach and shall not be given charge of an athletic program.

Additional Qualifications of Noncertificated Personnel and Volunteers

In addition to the qualifications listed above, any noncertificated employee or volunteer assigned as a temporary athletic team coach shall: (5 CCR 5592)

1. Be free from tuberculosis and any other contagious disease that would prohibit certificated teachers from teaching, as verified by a written statement, renewable every four years, from a licensed physician or other person approved by the district
2. Not have been convicted of any offense referred to in Education Code 44010, 44011, or 44424, or any offense involving moral turpitude or evidencing unfitness to associate with children

Any noncertificated employee or volunteer assigned as a temporary athletic team coach shall obtain an Activity Supervisor Clearance Certificate or a criminal background check in accordance with Board policy. (Education Code 49024)

Training

In addition, prior to coaching an athletic activity and every two years thereafter, athletic coaches shall complete an approved training course on the nature and warning signs of sudden cardiac arrest. (Education Code 33479.2, 33479.6, 33479.7)

Code of Ethical Conduct

Employees providing supervisory or instructional services in interscholastic athletic programs and activities shall: (5 CCR 5596)

1. Show respect for players, officials, and other coaches
2. Respect the integrity and judgment of game officials
3. Establish and model fair play, sportsmanship, and proper conduct
4. Establish player safety and welfare as the highest priority
5. Provide proper supervision of students at all times
6. Use discretion when providing constructive criticism and when reprimanding players
7. Maintain consistency in requiring all players to adhere to the established rules and standards of the game
8. Properly instruct players in the safe use of equipment
9. Avoid exerting undue influence on a student's decision to enroll in an athletic program at any public or private postsecondary educational institution
10. Avoid exerting undue influence on students to take lighter academic course(s) in order to be eligible to participate in athletics
11. Avoid suggesting, providing, or encouraging any athlete to use nonprescription drugs, anabolic steroids, or any substance to increase physical development or performance that is not approved by the U.S. Food and Drug Administration, U.S. Surgeon General, or the American Medical Association
12. Avoid recruitment of athletes from other schools
13. Follow the rules of behavior and the procedures for crowd control as established by the district and the league in which the district participates

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 5531

5 CCR 5590-5596

Ed. Code 33479-33479.9

Ed. Code 35179-35179.7

Ed. Code 44010

Ed. Code 44011

Ed. Code 44332-44332.5

Ed. Code 44424

Ed. Code 44808

Ed. Code 44916

Ed. Code 44919

Ed. Code 45125.01

Ed. Code 45347

Ed. Code 45349

Ed. Code 49024

Ed. Code 49030-49034

Ed. Code 49406

Description

Supervision of extracurricular activities of students

Duties of temporary athletic team coaches

The Eric Parades Sudden Cardiac Arrest Prevention Act -
<https://simbli.eboardsolutions.com/SU/ALIQ3iERGX1NajjcmJDnaQ==>

Interscholastic athletics -
<https://simbli.eboardsolutions.com/SU/iYYfvWeS1ARFgmKacICcNA==>

Sex offense; definitions -
<https://simbli.eboardsolutions.com/SU/kVoMSh2Y4cuufG1O45T35A==>

Controlled substance offense -
<https://simbli.eboardsolutions.com/SU/yVslsh8HNplus6fH8Trsdpvo9h3w==>

Temporary certificates -
<https://simbli.eboardsolutions.com/SU/ewqmiXUOvCIFsK5411GVaQ==>

Conviction of a crime -
<https://simbli.eboardsolutions.com/SU/KQ21D09kicgfZydeOWI6og==>

Liability when students are not on school property -
<https://simbli.eboardsolutions.com/SU/qlplusslshrHDTFD4Lo433XhMScA==>

Written statement of employment status -
<https://simbli.eboardsolutions.com/SU/XmCPHsuWR7m01NGRhZplusBaA==>

Classification of temporary employees; classifications -
<https://simbli.eboardsolutions.com/SU/UJCJRK0pzcebkbBr0dHx08w==>

Interagency agreements for criminal record information -
<https://simbli.eboardsolutions.com/SU/p0plusGJ0luVPDudcyAVB8E0w==>

Instructional aides subject to requirements for classified staff -
<https://simbli.eboardsolutions.com/SU/plusqCH4autjULPxLyGOsMZAQ==>

Use of volunteers to supervise or instruct students -
<https://simbli.eboardsolutions.com/SU/slshY0S1EQ9Se8xrb2VC2MjLQ==>

Activity Supervisor Clearance Certificate -
<https://simbli.eboardsolutions.com/SU/bPKibplUSDm71m5nBUYCqYkKg==>

Performance enhancing substances -
<https://simbli.eboardsolutions.com/SU/pJ6vzF969vaslshheLslsh0M2G0w==>

Examination for tuberculosis -
<https://simbli.eboardsolutions.com/SU/1zMk9tKmBYJP1m6AfhBiag==>

Management Resources References

California Interscholastic Federation Publication

California Interscholastic Federation Publication

Commission on Teacher Credentialing Publication

Court Decision

Court Decision

Court Decision

CSBA Publication

Website

Description

California Interscholastic Federation Constitution and Bylaws

Pursuing Victory with Honor, 1999

10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), July 20, 2010

CTA v. Rialto Unified School District, (1997) 14 Cal. 4th 627

Kavanaugh v. West Sonoma Union High School District, (2003) 29 Cal.4th 911

Neily v. Manhattan Beach Unified School District, (2011) 192 Cal.App.4th 187

Steroids and Students: What Boards Need to Know, Policy Brief, July 2005

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsLshXk6R5akQ==>

Website	National Athletic Trainers' Association - https://simbli.eboardsolutions.com/SU/OFCZv0VJFMPRP5JiHCp0Zw==
Website	California Interscholastic Federation - https://simbli.eboardsolutions.com/SU/QthhhDMKplusJ3akAI8GRP72g==
Website	California Athletic Trainers' Association - https://simbli.eboardsolutions.com/SU/HEIHspluspGBfbDr2DajvVPAw==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efc7aH4Q==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==

Policy 4331: Staff Development

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes that professional development enhances employee effectiveness and contributes to personal growth. Staff development for administrative and supervisory personnel shall be designed to guide institutional improvement, build leadership skills, and enhance overall management efficiency.

The Superintendent or designee shall develop a plan for administrator support and development activities that is based on a systematic assessment of the needs of district students and staff and is aligned to the district's vision, goals, local control and accountability plan, and other comprehensive plans.

The district's staff development program for district and school administrators may include, but is not limited to, the following topics:

1. Personnel management, including best practices on hiring, recruitment, assignment, and retention of staff
2. Effective fiscal management and accountability practices
3. Academic standards and standards-aligned curriculum and instructional materials
4. Leadership training to improve the academic achievement of all students, including capacity building in pedagogies of learning, instructional strategies that meet the varied learning needs of students, and student motivation
5. The use of student assessments, including analysis of disaggregated assessment results to identify needs and progress of student subgroups
6. The use of technology to improve student performance and district operations
7. Creation of safe and inclusive school environments
8. Parental involvement and community collaboration
9. Employee relations
10. Effective school and district planning processes

The district's staff evaluation process may be used to recommend additional staff development for individual employees.

The Superintendent or designee shall evaluate the benefit to staff and students of professional development activities.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 44681-44689

Ed. Code 52060-52077

Description

Administrator training and evaluation -
<https://simbli.eboardsolutions.com/SU/q6kpQgsTGMNGirshcqFslshkQ==>

Local control and accountability plan -
<https://simbli.eboardsolutions.com/SU/kjIplusPzLslshlt7rP0BfXZYJuQ==>

Management Resources References

Website

Website

Description

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Association of California School Administrators -
<https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHxYbDPXeA==>

Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUulsaq7efc7aH4Q==
Website	WestEd - https://simbli.eboardsolutions.com/SU/T0pumukb4iozXYflh5opZA==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
WestEd Publication	California Professional Standards for Educational Leaders, 2001

Policy 4332: Publication Or Creation Of Materials

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the importance of creating a work environment that encourages employee innovation in creating and developing high-quality materials to improve student achievement and the efficiency of district operations.

The Superintendent or designee shall oversee the development of instructional materials, computer programs, and other copyrightable materials by employees, independent contractors, and consultants. An employee, independent contractor, or consultant shall notify the Superintendent or designee of his/her intent to publish or register a work developed in whole or in part within the scope of his/her employment.

Instructional materials, computer programs, and other copyrightable materials developed by an employee within the scope of his/her employment shall be the property of the district.

If an employee has developed copyrightable material during both work and non-working hours, and the work was within the scope of his/her employment, the Superintendent or designee shall negotiate a contract with the employee to protect the district's right as to the ownership or partial ownership of the copyright.

The Superintendent or designee shall ensure that any contract with an independent contractor or consultant contains a provision specifying the district's right to ownership of the copyright of any work produced by the contractor or consultant for the district.

The Superintendent or designee may secure copyrights in the name of the district for all copyrightable works developed by the district. All royalties or revenues from these copyrights shall be used for the benefit of the district. (Education Code 35170)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
Ed. Code 32360	Copyrights; use of funds - https://simbli.eboardsolutions.com/SU/Gte1SQS5hxAPkD501z46aA==
Ed. Code 32361	Copyrights; use of employee work time - https://simbli.eboardsolutions.com/SU/xkqqZIZcVGF5yc0VCEKkHw==
Ed. Code 35170	Authority to secure copyrights - https://simbli.eboardsolutions.com/SU/iDsEpkvOwMnNM01mKuDFwA==
Ed. Code 35182	Marketing or licensing noneducational mainframe electronic data-processing software - https://simbli.eboardsolutions.com/SU/AxJnfBodtRplus9Y7kJq9PYMg==
Ed. Code 60076	Royalties or other compensation - https://simbli.eboardsolutions.com/SU/84p2PBM0J4NFEExZ0H7plusJXw==
Lab. Code 2870-2872	Inventions made by an employee - https://simbli.eboardsolutions.com/SU/pfw2JcJhq5af5G2w45WjRw==

Federal References

	Description
17 USC 101-122	Subject matter and scope of copyright
17 USC 201	Copyright ownership and transfer

Management Resources References

	Description
Court Decision	Community for Creative Non-Violence v. Reid, (1989) 490 U.S. 730
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==

Website	Copyright Clearance Center - https://simbli.eboardsolutions.com/SU/1yyGI5lg9KRqfldQZP3yAA==
Website	Copyright Society of the USA - https://simbli.eboardsolutions.com/SU/5L9YIIXDs7i5sbaduubCVQ==
Website	U.S. Copyright Office - https://simbli.eboardsolutions.com/SU/V2vUUv9W7IGIA6JUMaKWNw==

Policy 4335: Soliciting And Selling

Status: DRAFT

Original Adopted Date: Pending

Employees shall not solicit district staff, students or their families with the intent to sell general merchandise, books, equipment or services for their own personal profit or benefit. Solicitation of students and staff on behalf of the school or other charitable organizations shall be conducted in accordance with applicable Board policy and administrative regulation.

Staff members shall respect the confidentiality of district employees and students and shall not use their status as district employees to secure information such as names, addresses, e-mail addresses, and telephone numbers for solicitations or use in personal profit-making or beneficial ventures.

Educational tours may be promoted on school premises only if they are sponsored by the district. Employees engaged in planning, organizing or leading tours as private, non-district-sponsored businesses shall make it clear that they do not represent the school or district. All activities related to such tours must be carried on outside of school hours and off school premises.

Staff participation in "flower funds," "anniversary funds" or other similar funds shall be voluntary.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 51520

Description

Prohibited solicitations on school premises -
<https://simbli.eboardsolutions.com/SU/OHINokWcmplusTbNcUoyiAtzQ==>

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Policy 4336: Nonschool Employment

Status: DRAFT

Original Adopted Date: Pending

In order to help maintain public trust in the integrity of district operations, the Governing Board expects all employees to give the responsibility of their positions precedence over any other outside employment. A district employee may receive compensation for outside activities as long as these activities are not inconsistent, incompatible, in conflict with, or inimical to his/her district duties.

An outside activity shall be considered inconsistent, incompatible, or inimical to district employment when such activity: (Government Code 1126)

1. Requires time periods that interfere with the proper, efficient discharge of the employee's duties
2. Entails compensation from an outside source for activities which are part of the employee's regular duties
3. Involves using the district's name, prestige, time, facilities, equipment, or supplies for private gain
4. Involves service which will be wholly or in part subject to the approval or control of another district employee or Board member

An employee wishing to accept outside employment that may be inconsistent, incompatible, in conflict with, or inimical to the employee's duties shall file a written request with his/her immediate supervisor describing the nature of the employment and the time required. The supervisor shall evaluate each request based on the employee's specific duties within the district and determine whether to grant authorization for such employment.

The supervisor shall inform the employee whether the outside employment is prohibited. The employee may appeal a supervisor's denial of authorization to the Superintendent or designee. An employee who continues to pursue a prohibited activity may be subject to disciplinary action.

Tutoring

A certificated employee shall not accept any compensation or other benefit for tutoring a student enrolled in his/her class(es). An employee who wishes to tutor another district student shall first request authorization from his/her supervisor in accordance with this Board policy. If authorization is granted, the employee shall not use district facilities, equipment, or supplies when providing the tutoring service.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
5 CCR 80334	Unauthorized private gain or advantage
Ed. Code 35160	Authority of governing boards - https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==
Ed. Code 35160.1	Broad authority of school districts - https://simbli.eboardsolutions.com/SU/ewe0Cc8cKGTgDzaAt5MKhw==
Ed. Code 51520	Prohibited solicitations on school premises - https://simbli.eboardsolutions.com/SU/OHINokWcmplusTbNcUoyiAtzQ==
Gov. Code 1126	Incompatible activities of employees - https://simbli.eboardsolutions.com/SU/QKPtnKDXZTLNeez6mprlg==
Gov. Code 1127	Incompatible activities; off duty work - https://simbli.eboardsolutions.com/SU/CiJDGThpvSBcpn1uzdNDjw==
Gov. Code 1128	Incompatible activities; attorney - https://simbli.eboardsolutions.com/SU/RplusAiOZ9fVNVBevnVv9QOCQ==

Management Resources References

Description

Attorney General Opinion

70 Ops.Cal.Atty.Gen. 157 (1987)

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Website

Fair Political Practices Commission -
<https://simbli.eboardsolutions.com/SU/C2dGDtcJnwsIshMnGhy8IJcbw==>

Website

CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Policy 4340: Bargaining Units

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the right of district employees to form a bargaining unit and to select an employee organization as the exclusive representative to represent the employees in the employees' employment relationship with the district. The Board is committed to negotiating in good faith with recognized employee organizations and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

Employees shall not be prohibited from wearing union buttons or other items that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

Formation of Bargaining Units

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of supervisory employees may be recognized if the bargaining unit includes all supervisory employees and is not represented by an employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, supervisory employee means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, such employees may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. An employee organization representing management or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Government Code 3543.4)

Management employee means an employee in a position having significant responsibilities for formulating district policies or administering district programs. Management positions shall be designated by the Board which may be subject to review by the Public Employment Relations Board. (Government Code 3540.1)

Confidential employee means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. (Government Code 3540.1)

Membership

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550, 3551.5)

The Superintendent or designee may communicate with district employees regarding their rights to join and/or support an officially recognized employee organization or to refrain from joining or supporting an officially recognized employee organization. Such communications shall be factual and accurate, and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

However, before disseminating to multiple employees any mass communication concerning employees' rights under

the law, such as a written document or script for oral or recorded presentation or message, the Superintendent or designee shall meet and confer with the employees' exclusive representative regarding the content of the communication. If the district and exclusive representative do not come to agreement on the content of the mass communication, the Superintendent or designee may disseminate the district's mass communication, provided that at the same time, copies of the exclusive representative's communication, which shall be of reasonable length, are also distributed. (Government Code 3553)

Access to New Employee Orientations

The district shall permit employee organizations access to new employee orientation or onboarding process where newly hired employees are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide employee organizations at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided if an unforeseeable, urgent need critical to the district's operation prevents the required 10 days' notice. (Government Code 3555.5, 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, matters related to access to the new employee orientation shall be subject to compulsory interest arbitration. The district and employee organization may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. The arbitrator selection process shall commence within 14 days of a party's demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The decision of the arbitrator shall be issued within 10 days and shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

Until June 30, 2025, in addition to above provisions regarding new employee orientations, the district shall ensure the following: (Government Code 3556)

1. When an inperson new employee orientation has not been conducted within 30 days of hiring any new employee who is working in person, the Superintendent or designee shall permit the exclusive representative to schedule an inperson meeting which newly hired employees shall have an opportunity to attend, at the employee's worksite and during employment hours. Each newly hired employee within the bargaining unit shall be provided at least 30 minutes of paid time to attend the meeting, during which the exclusive representative shall be permitted to communicate directly with the newly hired employees.

Within seven days of an exclusive representative's request to schedule such an inperson meeting, the Superintendent or designee shall provide an appropriate on-site meeting space.

2. When, by reason of a state or local public health order limiting the size of gatherings, the district is prohibited from organizing a new employee orientation, an exclusive representative may schedule multiple meetings to ensure that newly hired employees have an opportunity to attend without exceeding the maximum allowable number of people. If such an order prohibits all gatherings, the exclusive representative may schedule a meeting(s) once the order is lifted or modified to permit gatherings.

Alternative access to these meetings shall be determined through mutual agreement between the district and the exclusive representative.

Access to Employee Contact Information

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), personal email address(es) on file with the district, and home address of any newly hired employee within 30 days of hire or by the first pay period of the month following hire, unless the exclusive representative has agreed to a different interval for the provision of the information. In addition, the Superintendent or designee shall provide the exclusive representative the same

information in regard to all employees in the bargaining unit at least every 120 days, unless more frequent or detailed lists are required by agreement with the exclusive representative. (Government Code 3558, 7928.300)

However, the Superintendent or designee shall not disclose: (Government Code 3558, 6207, 6215, 6215.2, 7928.300)

1. The home address and any phone numbers on file for employees performing law enforcement-related functions
2. The home address, home telephone or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6207
3. The employee's home address, home telephone and personal cell phone numbers, and personal email address of an employee not performing law enforcement related functions if the employee has submitted a written request to keep such information private. In such instances, the Superintendent or designee shall also remove the employee's home address, and home telephone and personal cell phone numbers from any mailing list maintained by the district unless the list is only used by the district to contact the employee.

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

To provide accurate information, the Superintendent or designee shall review the list of contact information for district employees at the beginning of each school year, or more often as appropriate.

Communications with Employees

Employee organizations may have access at reasonable times to areas in which employees work and may use district facilities at reasonable times for the purpose of meetings. Subject to reasonable regulation, employee organizations may also use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees. (Government Code 3543.1)

Access to district means of communication shall be limited in cases where such access would be disruptive to district operations.

Membership Dues or Other Payments to an Employee Organization

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount which has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

An employee organization that certifies that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the district, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and from which employees. The employee organization shall not be required to submit to the district a copy of the written authorization in order for the payroll deductions to be effective. However, when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the district. The employee organization shall indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization. (Education Code 45060, 45168)

When an employee organization which has declined to certify that it will handle and process employee written authorizations makes a request for payroll deductions, the district shall request a copy of the employee's written authorization before making the payroll deductions. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization rather than the district. The employee organization shall be responsible for processing these requests. The district shall rely on the information provided by

the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	Severance of established unit
Ed. Code 45060-45061.5	Deduction of fees from salary or wage payment; certificated employees - https://simbli.eboardsolutions.com/SU/MPsavrZ5c7fZDRzj1e1aQ==
Ed. Code 45100.5	Senior classified management positions - https://simbli.eboardsolutions.com/SU/1MXl18lCfbXgqGgFugrAvQ==
Ed. Code 45104.5	Abolishment of senior classified management positions - https://simbli.eboardsolutions.com/SU/o1kCnwoHgTAAFYA93MtmFw==
Ed. Code 45108.5	Definition of senior classified management employees - https://simbli.eboardsolutions.com/SU/shYYH8tslshQ8DpjVitAuqhDQ==
Ed. Code 45108.7	Waiver of provisions of 45108.5 - https://simbli.eboardsolutions.com/SU/E1cTTAtF2kfd4s3NkDCxrQ==
Ed. Code 45168	Deduction of fees from salary or wage payment; classified employees - https://simbli.eboardsolutions.com/SU/fLGvOTRVZd22uLP8v8njcg==
Ed. Code 45220-45320	Merit system; classified employees - https://simbli.eboardsolutions.com/SU/feAa91G68KTMlw0DYJ1N3w==
Gov. Code 3540-3549.3	Educational Employment Relations Act - https://simbli.eboardsolutions.com/SU/v7Ve6br1aONvKXSwau7ug==
Gov. Code 3540.1	Public employment; definitions - https://simbli.eboardsolutions.com/SU/1rRSSt4h2qTslshGbO6ucvzcA==
Gov. Code 3543.4	Management and confidential positions; representation - https://simbli.eboardsolutions.com/SU/jBvftdZXpuAz0zDFfYqtFQ==
Gov. Code 3545	Appropriateness of unit; basis - https://simbli.eboardsolutions.com/SU/CORJlqw5N9cMRlqjAGv6Og==
Gov. Code 3550-3552	Prohibition on public employers deterring or discouraging union membership - https://simbli.eboardsolutions.com/SU/slshzkD4Aro9zKzEARJ6OqslshqA==
Gov. Code 3555-3559	Public employee communication, information and orientation - https://simbli.eboardsolutions.com/SU/ozJa7CMQINw0P8eyGFaLVw==
Gov. Code 53260-53264	Employment contracts - https://simbli.eboardsolutions.com/SU/erJtnEqGW6DdW4AygbnhrQ==
Gov. Code 6205-6210	Confidentiality of addresses for victims of domestic violence, sexual assault, or stalking - https://simbli.eboardsolutions.com/SU/slshNlpluspfwcFBmAniRplusqvJFiA==
Gov. Code 6215-6216	Address confidentiality for individuals who face threats or violence because of work for a public entity
Gov. Code 6503.5	Joint powers agencies; agreement - https://simbli.eboardsolutions.com/SU/Cc7QslshrM7g99FMq1ucjDhVg==
Gov. Code 7928.300	Disclosure of employee contact information to employee organization - https://simbli.eboardsolutions.com/SU/pLun3Xu6cE4iVDPI3u66uQ==

Management Resources References

Description

Court Decision	County of Los Angeles v. Los Angeles County Employee Relations Commission (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al. (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31 (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	East Whittier School District (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	City of Sacramento, (2019) PERB Dec. No. 2702m
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJInbikoQhGwsWiH4ztXQ==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==
Website	Association of California School Administrators - https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHxYxYbDPXeA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Policy 4344: Complaints

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the need to establish a process to allow employees and job applicants to have their concerns heard in an expeditious and unbiased manner. The Board expects that employees will make every effort to resolve complaints and disagreements informally before filing a formal complaint.

The Board prohibits retaliation against complainants. The Superintendent or designee may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint.

All matters related to a complaint shall be kept confidential and any document, communication, or record regarding the complaint shall be placed in a separate file and shall not be placed in an employee's personnel file.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Ed. Code 35186	Complaints regarding teacher vacancy or misassignment - https://simbli.eboardsolutions.com/SU/MDiv2vFqYgd1u6vWMYFnhA==
Ed. Code 44110-44114	Reporting by school employees of improper governmental activity - https://simbli.eboardsolutions.com/SU/4sbGHtoaKQKEpukCOPXGsQ==
Gov. Code 3543	Public school employees' rights - https://simbli.eboardsolutions.com/SU/zEF6CCJaxeqlplusvis6FeNQ6w==
Gov. Code 3543.1	Rights of employee organizations - https://simbli.eboardsolutions.com/SU/m7X7sU6S9KfjH0z33KIC6A==
Gov. Code 53296-53299	Disclosure of confidential information; whistleblower - https://simbli.eboardsolutions.com/SU/ZIBfiZeR4nqqRNyREPEoqg==
Gov. Code 54957	Complaints against employees; right to open session - https://simbli.eboardsolutions.com/SU/slshHI9rGplusU5KWWytZk9AyVpA==
Lab. Code 1102.5-1106	Whistleblower protections - https://simbli.eboardsolutions.com/SU/bWuMcu9DRZg9ylvRCpFVMw==

Management Resources References

Description

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Regulation 4344: Complaints

Status: DRAFT

Original Adopted Date: Pending

The procedure specified in this administrative regulation shall be used to investigate and resolve any complaint by an employee alleging misapplication of the district's policies, regulations, rules, or procedures or for "whistleblower" complaints by an employee or job applicant regarding an improper district activity including, but not limited to, an allegation of gross mismanagement, a significant waste of funds, an abuse of authority, or a specific danger to public health or safety.

Any of the time limits specified in the following procedure may be extended by written agreement between the district and complainant.

Step 1: Informal Complaint Process

Prior to instituting a formal, written complaint, the employee shall first discuss the issue with his/her supervisor or the principal of the school where the alleged act took place. Formal complaint procedures shall not be initiated until the employee has first attempted to resolve the complaint informally.

Step 2: Site Level Formal Complaint Process

If a complaint has not been satisfactorily resolved through the informal process in Step 1, the complainant may file a written complaint with his/her immediate supervisor or principal within 60 days of the act or event which is the subject of the complaint. If an employee fails to file a written complaint within 60 days, the complaint shall be considered resolved on the basis of the preceding step.

In the written complaint, the employee shall specify the nature of the problem, including names, dates, locations, witnesses, the remedy sought by the employee, and a description of informal efforts to resolve the issue.

Within 10 working days of receiving the complaint, the immediate supervisor or principal shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint. Within five working days after the meeting, he/she shall prepare and send a written response to the complainant.

Step 3: District Level Appeal

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file the written complaint with the Superintendent or designee within five working days of receiving the written response from the immediate supervisor or the principal. The complainant shall include all information presented to the immediate supervisor or principal at Step 2.

Within 10 working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation, including reviewing the investigation and written response by the immediate supervisor or principal at Step 2, and shall meet with the complainant in an effort to resolve the complaint. Within five working days after the meeting, he/she shall prepare and send a written response to the complainant.

Step 4: Appeal to the Governing Board

If a complaint has not been satisfactorily resolved at Step 3, the complainant may file a written appeal to the Board within five working days of receiving the Superintendent or designee's response. All information presented at Steps 1, 2, and 3 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a written report describing attempts to resolve the complaint and the district's response.

The Board may uphold the findings by the Superintendent or designee without hearing the complaint or the Board may hear the complaint at a regular or special Board meeting. The hearing shall be held in closed session if the complaint relates to matters that may be addressed in closed session in accordance with law.

The Board shall make its decision within 30 days of the hearing and shall send its decision to all concerned parties. The Board's decision shall be final.

Alternate Procedures

Complaints alleging unlawful discrimination on any basis specified in the district's nondiscrimination policies, including complaints of sexual harassment, shall be resolved in accordance with the district's procedure in BP/AR 4030 - Nondiscrimination in Employment.

Complaints regarding unlawful discrimination in district programs or the district's failure to comply with state or federal laws regarding educational programs shall be resolved in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. Complaints regarding sufficiency of textbook materials, teacher vacancy or misassignment, or an urgent or emergency facility condition shall be resolved in accordance with AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186; 5 CCR 4621)

For complaints regarding working conditions or other subjects of negotiation, the employee shall use the grievance procedure specified in the applicable collective bargaining agreement.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Ed. Code 35186	Complaints regarding teacher vacancy or misassignment - https://simbli.eboardsolutions.com/SU/MDiv2vFqYgd1u6vWMYFnhA==
Ed. Code 44110-44114	Reporting by school employees of improper governmental activity - https://simbli.eboardsolutions.com/SU/4sbGHtoaKQKEpukC0PXGsQ==
Gov. Code 3543	Public school employees' rights - https://simbli.eboardsolutions.com/SU/zEF6CCJaxeqlusvis6FeNQ6w==
Gov. Code 3543.1	Rights of employee organizations - https://simbli.eboardsolutions.com/SU/m7X7sU6S9KfjH0z33KIC6A==
Gov. Code 53296-53299	Disclosure of confidential information; whistleblower - https://simbli.eboardsolutions.com/SU/ZIBfiZeR4nqqRNyREPEoqg==
Gov. Code 54957	Complaints against employees; right to open session - https://simbli.eboardsolutions.com/SU/slshHI9rGplusU5KWWytZk9AyVpA==
Lab. Code 1102.5-1106	Whistleblower protections - https://simbli.eboardsolutions.com/SU/bWuMcu9DRZg9ylvRCpFVMw==

Management Resources References

	Description
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Policy 4356.2: Awards And Recognition

Status: DRAFT

Original Adopted Date: Pending

The Governing Board values its instructional and noninstructional staff and desires to recognize their outstanding service in order to increase employee morale and encourage creative and innovative performance.

The Board encourages recognition of all staff during days of significance designated by the Board, state law, or state resolution.

The Board authorizes awards to individual employees who: (Education Code 44015)

1. Propose procedures or ideas that result in eliminating or reducing district expenditures or improving district operations
2. Perform special acts or services in the public interest
3. By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in district operations

As the district budget permits, the Superintendent or designee may recognize such employees by issuing service pins, certificates, plaques, and/or other mementos. In addition, he/she may recommend employees to the Board for recognition at a public Board meeting.

The Superintendent or designee shall establish procedures for the selection of individual employees to receive awards.

The Superintendent or designee may appoint one or more merit award committees consisting of Board members, district employees, and/or private citizens to review employee contributions and recommend awards.

Monetary awards to employees shall not exceed \$200 unless expressly approved by the Board. (Education Code 44015)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 35160	Authority of governing boards - https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==
Ed. Code 35160.1	Broad authority of school districts - https://simbli.eboardsolutions.com/SU/ewe0Cc8cKGTgDzaAt5MKhw==
Ed. Code 35161	Board delegation of any powers or duties - https://simbli.eboardsolutions.com/SU/slsh1PplusGg7pf1zBSnE4YBslshMOQ==
Ed. Code 44015	Awards to employees - https://simbli.eboardsolutions.com/SU/XGslshRoXMbF8owRPmVP5CkGQ==
Ed. Code 45460	Classified School Employee Week - https://simbli.eboardsolutions.com/SU/PI7b4B21KoNcN9IFhNO9eQ==

Management Resources References

Description

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	Fiscal Crisis and Management Assistance Team - https://simbli.eboardsolutions.com/SU/1KDBnxplus9GCiDTyFvbLOOxQ==

Policy 4356.3: Employee Property Reimbursement

Status: DRAFT

Original Adopted Date: Pending

The Governing Board authorizes the Superintendent or designee to pay the cost of replacing or repairing employee personal property, except cash, which has been stolen or intentionally destroyed or damaged while being used for work-related purposes.

No reimbursement shall be made for accidental damage or for any loss due to lack of personal supervision or failure to keep property in a secured area.

The maximum payment shall be the amount specified by the district's insurance carrier for such loss or the amount specified in the applicable collective bargaining agreement, whichever is less.

Reimbursement for personal items used for work-related purposes shall be made only if: (Education Code 35213)

1. Use of the personal property was approved by the principal, site supervisor or designee before the property was brought to school or district premises
2. At that time, the employee and district representative agreed on the value of the property

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Civ. Code 1714.1

Ed. Code 35213

Ed. Code 48904

Description

Liability of parent or guardian for act of willful misconduct by a minor -
<https://simbli.eboardsolutions.com/SU/NSknePFduiYWusJFnU3r9Q==>

Reimbursement for loss or damage of personal property -
<https://simbli.eboardsolutions.com/SU/wOsFs53lgmoKZOWrqM6DZA==>

Liability of parent -
<https://simbli.eboardsolutions.com/SU/HuoUSHfesnOeJY8nP1JfrA==>

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Policy 4357: Employee Safety

Status: DRAFT

Original Adopted Date: Pending

The Governing Board is committed to maximizing employee safety and believes that workplace safety is the responsibility of every employee. Working conditions and equipment shall comply with standards prescribed by federal, state, and local laws and regulations.

No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful. (Labor Code 6402)

The Superintendent or designee shall promote safety and correct any unsafe work practices through education and enforcement.

All employees are expected to use safe work practices and, to the extent possible, correct any unsafe conditions which may occur. If an employee is unable to correct an unsafe condition, the employee shall immediately report the problem to the Superintendent or designee.

The Superintendent or designee shall establish and implement a written injury and illness prevention program, and provide employees with access to such program, in accordance with law. (Labor Code 6401.7; 8 CCR 3203)

The Superintendent or designee shall make first aid materials readily available at district workplaces and shall make effective provisions to prepare for prompt medical treatment in the event of an employee's serious injury or illness. (8 CCR 3400)

No employee shall be discharged or discriminated against for exercising any right regarding employee safety or health specified in Labor Code 6310, including:

1. Making a report or complaint
2. Instituting proceedings or causing proceedings to be instituted
3. Testifying with regard to employee safety or health
4. Participating in any occupational health and safety committee established pursuant to Labor Code 6401.7
5. Requesting access to injury or illness reports and records
6. Exercising any other right protected by the Occupational Safety and Health Act

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

17 CCR 2508	Reporting of communicable diseases
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	Injury and illness prevention program
8 CCR 3204	Access to employee exposure and medical records
8 CCR 3400	Medical services and first aid
8 CCR 5095-5100	Control of noise exposure
8 CCR 5193	Bloodborne pathogens
Ed. Code 32030-32034	Eye safety - https://simbli.eboardsolutions.com/SU/zSiKvuf0fsIshlOlislshrUiiu6w==
Ed. Code 32225-32226	Communications devices in classrooms - https://simbli.eboardsolutions.com/SU/j4veUiFkkN7RRLslshslshZ6plus3rw==

Ed. Code 32280-32289.5	School safety plans - https://simbli.eboardsolutions.com/SU/gz33QjVcfk6ufvjfPS84Kw==
Ed. Code 44984	Required rules for industrial accident and illness leave - https://simbli.eboardsolutions.com/SU/ke4DWoaukfaaoJH5A01K1w==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Lab. Code 132a	Workers' compensation; nondiscrimination - https://simbli.eboardsolutions.com/SU/0dt23JsOI4slsh31plusSSOKbs3A==
Lab. Code 3300	Definition of employer - https://simbli.eboardsolutions.com/SU/BXLSRBjf9aGdFbl7WIEYQQ==
Lab. Code 6305	Occupational safety and health standards; special order - https://simbli.eboardsolutions.com/SU/55WjxorgZhT1Hvp4jz3qEw==
Lab. Code 6310	Retaliation for filing complaint prohibited - https://simbli.eboardsolutions.com/SU/ijRdWVyzKKGf0uB67vy5pg==
Lab. Code 6400-6413.5	Responsibilities and duties of employers and employees - https://simbli.eboardsolutions.com/SU/5ARHwU9sntKsGv146oDDoQ==
Lab. Code 6401.7	Injury and illness prevention program - https://simbli.eboardsolutions.com/SU/OLCkBLQtPasszuobFzmJvw==

Federal References

17 CFR 2508	Reporting of communicable diseases
29 CFR 1910.1030	Bloodborne pathogens
29 CFR 1910.95	Noise standards
29 CFR 651-678	Occupational safety and health
8 CFR 14000-14316	Occupational injury or illness reports and records
8 CFR 3204	Access to employee exposure and medical records
8 CFR 5193	Bloodborne pathogens

Management Resources References

Department of Industrial Relations Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2011
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslishXk6R5akQ==
Website	National Institute for Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/MsNFevsgqBuZsm1t2nD60A==
Website	U.S. Department of Labor, Occupational Safety and Health Administration - https://simbli.eboardsolutions.com/SU/3chzxaztydPHSslshAUF6PdVA==
Website	California Department of Industrial Relations, Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQIJEVTeFex4Q==
Website	National Hearing Conservation Association - https://simbli.eboardsolutions.com/SU/7tMEcYWajQ8WzRWT1oq6tw==
Website	Centers for Disease Control and Prevention - https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==

Regulation 4357: Employee Safety

Status: DRAFT

Original Adopted Date: Pending

The Superintendent or designee shall provide safety devices and implement safeguards, methods, and processes that are reasonably necessary for the safety and health of employees in the workplace. (Labor Code 6401)

Injury and Illness Prevention Program

The district's injury and illness prevention program shall cover all district employees and all other workers whom the district controls or directs and directly supervises on the job to the extent that the workers are exposed to hazards specific to their worksite and job assignment. The obligation of contractors or other employers who control or direct and supervise their own employees on the job shall not be affected by the district's injury and illness prevention program. (Labor Code 6401.7)

The district's injury and illness prevention program shall include: (Labor Code 6401.7; 8 CCR 3203)

1. The name/position of the person(s) with authority and responsibility for implementing the program.
2. A system for ensuring that employees comply with safe and healthful work practices, which may include, but not be limited to:
 - a. Recognition of employees who follow safe and healthful work practices
 - b. Training and retraining programs
 - c. Disciplinary actions
3. A system for communicating with employees, in a form readily understandable by all employees on matters related to occupational health and safety, including provisions designed to encourage employees to report hazards at the worksite without fear of reprisal. The communications system may include, but not be limited to:
 - a. Meetings
 - b. Training programs
 - c. Posting
 - d. Written communications
 - e. A system of anonymous notification by employees about hazards
 - f. A labor/management safety and health committee
4. Procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. Such inspections shall be made:
 - a. Whenever new substances, processes, procedures, or equipment that represents a new occupational safety or health hazard is introduced into the workplace
 - b. Whenever the district is made aware of a new or previously unrecognized hazard
5. A procedure for investigating occupational injury or illness.
6. Methods and/or procedures for correcting unsafe or unhealthful conditions, work practices, and work procedures in a timely manner, based on the severity of the hazard, when the hazard is observed or discovered.

When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, these procedures shall call for the removal of all exposed staff from the area except those necessary to correct the hazardous condition. Employees needed to correct the condition shall be provided

necessary safeguards.

7. Provision of training and instruction as follows:

- a. To all new employees
- b. To all employees given new job assignments for which training has not previously been received
- c. Whenever new substances, processes, procedures, or equipment is introduced into the workplace and represents a new hazard
- d. Whenever the district is made aware of a new or previously unrecognized hazard
- e. To supervisors, to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed

The Superintendent or designee shall provide employees, or their representative designated pursuant to 8 CCR 3203, with either of the following: (8 CCR 3203)

1. Access to the district's injury and illness prevention program in a reasonable time, place, and manner, but in no event later than five business days after the request for access is received from an employee or a designated representative of the employee

When an employee or designated representative requests a copy of the district's injury and illness prevention program, the Superintendent or designee shall provide the requester a printed copy unless the employee or designated representative agrees to receive an electronic copy.

The Superintendent or designee shall provide one printed copy free of charge. If the employee or designated representative requests additional copies within one year of the previous request and the district's injury and illness prevention program has not been updated with new information since the prior copy was provided, the district may charge reasonable reproduction costs pursuant to 8 CCR 3204 for the additional copies.

2. Unobstructed access to the district's injury and illness prevention program through the district's server or web site, which allows an employee to review, print, and email the current version of the district's injury and illness prevention program

The Superintendent or designee shall communicate the right and procedure to access the district's injury and illness prevention program to all employees. (8 CCR 3203)

Labor/Management Safety and Health Committee

The district's labor/management safety and health committee shall: (8 CCR 3203)

1. Meet regularly, but not less than quarterly.
2. Prepare and make available to affected employees written records of the safety and health issues discussed at committee meetings and maintained for review by the California Department of Industrial Relations' Division of Occupational Safety and Health (Cal/OSHA) upon request. These records shall be maintained for at least one year.
3. Review results of the periodic, scheduled worksite inspections.
4. Review investigations of occupational accidents and causes of incidents resulting in occupational injury or illness or exposure to hazardous substances. As appropriate, the committee may submit suggestions to the Superintendent or designee regarding the prevention of future incidents.
5. Review investigations of alleged hazardous conditions brought to the attention of any committee member. When determined necessary by the committee, it may conduct its own inspection and investigation to assist in remedial solutions.
6. Submit recommendations to assist in the evaluation of employee safety suggestions.

7. Upon request of Cal/OSHA, verify abatement action taken by the district to abate citations issued by Cal/OSHA.

Hearing Protection

Whenever employee noise exposure equals or exceeds the standards specified in law, the Superintendent or designee shall implement a hearing conservation program in accordance with state and federal regulations, including, when required, monitoring of sound levels, audiogram evaluation and audiometric testing of affected employees, the provision of hearing protectors, and employee training. (8 CCR 5095-5100; 29 CFR 1910.95)

Eye Safety Devices

Eye safety devices shall be worn by employees whenever they are engaged in or observing an activity involving hazards or hazardous substances likely to cause injury to the eyes. (Education Code 32030-32034)

First Aid and Medical Services

The Superintendent or designee shall ensure the ready availability of medical personnel for advice and consultation on matters of industrial health or injury. Whenever a district facility or district grounds are not in close proximity to an infirmary, clinic, or hospital where all injured employees may be treated, the Superintendent or designee shall ensure that at least one employee is adequately trained to provide first aid. (8 CCR 3400)

The Superintendent or designee shall make adequate first aid materials readily available for employees at every worksite. Such materials shall be approved by a consulting physician and shall be kept in a sanitary and usable condition. The Superintendent or designee shall frequently inspect all first aid materials and replenish them as necessary. (8 CCR 3400)

The Superintendent or designee shall ensure that suitable facilities for quick drenching or flushing of the eyes and body are provided within the work area for immediate emergency use when the eyes or body or any person may be exposed to injurious corrosive materials. (8 CCR 3400)

To avoid unnecessary delay in medical treatment in the event of an employee's serious injury or illness, the Superintendent or designee shall use one or more of the following: (8 CCR 3400)

1. A communication system for contacting a physician or emergency medical service, such as access to 911 or equivalent telephone system. The communication system or the employees using the system shall have the ability to direct emergency services to the location of the injured or ill employee.
2. Readily accessible and available on-site treatment facilities suitable for treatment of reasonably anticipated injury and illness.
3. Proper equipment for prompt medical transport when transportation of injured or ill employees is necessary and appropriate.

Protection from Communicable Diseases and Infections

The Superintendent or designee shall develop an exposure control plan for bloodborne pathogens that is consistent with the district's injury and illness prevention program. The plan shall include a determination of which job classifications have occupational exposure to blood or other potentially infectious materials; precautions to be implemented, including universal precautions, engineering and work practice controls, and personal protective equipment; availability of the hepatitis B vaccination; provision of information and training to employees; and follow-up actions to be taken if exposure occurs. The district shall ensure that a copy of the exposure control plan is accessible to employees in accordance with law. (8 CCR 5193; 29 CFR 1910.1030)

Strategies to prevent and mitigate the outbreak or spread of infectious diseases shall be followed for diseases that are communicated through airborne transmission, skin-to-skin contact, foodborne transmission, or other casual or noncasual means. Such strategies shall include, but are not limited to, communication and training about the disease(s); campus closures and alternative means of instruction when necessary; preventative measures, such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by law; and cleaning and sanitization of district facilities and equipment.

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable disease. (17 CCR 2508)

COVID-19 Exposure

If the district receives notice of potential exposure to COVID-19, the Superintendent or designee shall, within one business day of the notice, take all of the following actions: (Labor Code 6409.6)

1. Provide a written notice to all employees, and the employers of subcontracted employees, who were on the premises at the same worksite as the qualifying individual within the infectious period that they may have been exposed to COVID-19. The notice shall be provided in a manner normally used to communicate employment-related information, which may include, but is not limited to, personal service, email, or text message if it can reasonably be anticipated to be received by the employee within one business day of sending.
2. Provide a written notice to the exclusive representative, if any, of employees who were on the premises within the infectious period
3. Provide all employees who may have been exposed and the exclusive representative, if any, with information regarding:
 - a. COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws, including, but not limited to, workers' compensation
 - b. Available leave options for exposed employees
 - c. Antiretaliation and antidiscrimination protections of the employee
4. Notify all employees, and the employers of subcontracted employees and the exclusive representative, if any, of the disinfection and safety plan that the district plans to complete in accordance with Centers for Disease Control and Prevention guidelines

The above notifications shall be maintained for a period of at least three years. (Labor Code 6409.6)

If the district is notified of the number of cases that meet the definition of a COVID-19 outbreak, as defined by the California Department of Public Health, within 48 hours, the Superintendent or designee shall, within 48 hours of the notice, notify the local public health agency of the names, number, occupation, and worksite of employees who meet the definition of a qualifying individual. The Superintendent or designee shall continue to give notice to the local health department of any subsequent laboratory-confirmed cases of COVID-19 at the worksite. (Labor Code 6409.6)

In the event that Cal/OSHA prohibits entry into any district workplace or performance of a district operation or process based on a determination that the workplace exposes employees to the risk of COVID-19 infection and constitutes an imminent hazard to employees, the district shall post a notice thereof provided by Cal/OSHA in a conspicuous place at the work site. This notice shall not be removed except by an authorized representative of Cal/OSHA and only when the place of employment, operation, or process is made safe and the required safeguards or safety appliances or devices are provided. (Labor Code 6325)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
17 CCR 2508	Reporting of communicable diseases
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	Injury and illness prevention program
8 CCR 3204	Access to employee exposure and medical records
8 CCR 3400	Medical services and first aid

8 CCR 5095-5100	Control of noise exposure
8 CCR 5193	Bloodborne pathogens
Ed. Code 32030-32034	Eye safety - https://simbli.eboardsolutions.com/SU/zSiKvuf0fsIshlOlislshrUiiu6w==
Ed. Code 32225-32226	Communications devices in classrooms - https://simbli.eboardsolutions.com/SU/j4veUiFkkN7RRlslshslshZ6plus3rw==
Ed. Code 32280-32289.5	School safety plans - https://simbli.eboardsolutions.com/SU/gz33QjVcfk6ufvjfPS84Kw==
Ed. Code 44984	Required rules for industrial accident and illness leave - https://simbli.eboardsolutions.com/SU/ke4DWoaukfaaoJH5A01K1w==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Lab. Code 132a	Workers' compensation; nondiscrimination - https://simbli.eboardsolutions.com/SU/Odt23JsOI4slsh31plusSS0Kbs3A==
Lab. Code 3300	Definition of employer - https://simbli.eboardsolutions.com/SU/BXLSRBjf9aGdFbl7WIEYQQ==
Lab. Code 6305	Occupational safety and health standards; special order - https://simbli.eboardsolutions.com/SU/55WjxorgZhT1Hvp4jz3qEw==
Lab. Code 6310	Retaliation for filing complaint prohibited - https://simbli.eboardsolutions.com/SU/ijRdWVyzKKGF0uB67vy5pg==
Lab. Code 6400-6413.5	Responsibilities and duties of employers and employees - https://simbli.eboardsolutions.com/SU/5ARHwU9sntKsGv146oDDoQ==
Lab. Code 6401.7	Injury and illness prevention program - https://simbli.eboardsolutions.com/SU/OLCkBLQtPasszuobFzmJvw==

Federal References

17 CFR 2508	Reporting of communicable diseases
29 CFR 1910.1030	Bloodborne pathogens
29 CFR 1910.95	Noise standards
29 CFR 651-678	Occupational safety and health
8 CFR 14000-14316	Occupational injury or illness reports and records
8 CFR 3204	Access to employee exposure and medical records
8 CFR 5193	Bloodborne pathogens

Management Resources References

Department of Industrial Relations Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2011
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==
Website	National Institute for Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/MsNFevsgqBuZsm1t2nD60A==
Website	U.S. Department of Labor, Occupational Safety and Health Administration - https://simbli.eboardsolutions.com/SU/3chzxaztydPHSslshAUF6PdVA==
Website	California Department of Industrial Relations, Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQlJEVTeFex4Q==
Website	National Hearing Conservation Association - https://simbli.eboardsolutions.com/SU/7tMEcYWajQ8WzRWT1oq6tw==

Website

Centers for Disease Control and Prevention -
<https://simbli.eboardsolutions.com/SU/Gfx4spY2pCn7TBGiShp9oA==>

Regulation 4357.1: Work-Related Injuries

Status: DRAFT

Original Adopted Date: Pending

In order to provide medical benefits, temporary or permanent disability benefits, wage replacement, retraining or skill enhancement, and/or death benefits in the event that an employee becomes injured or ill in the course of employment, the district shall provide all employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process that reduces costs and facilitates employee recovery.

The Superintendent or designee shall notify every new employee, at the time of hire or by the end of the first pay period, of the employee's right to receive workers' compensation benefits if injured at work. (Labor Code 3551; 8 CCR 15596)

In addition, a notice regarding workers' compensation benefits shall be posted in a conspicuous location frequented by employees, where the notice may be easily read during the workday. (Labor Code 3550)

In the event that an employee is injured or becomes ill in the course of employment, the employee shall report the work-related injury or illness to the Superintendent or designee as soon as practicable. The employee and appropriate district staff shall also promptly document the date and time of any incident, a description of the incident, and any persons present.

Within one working day of receiving notice or knowledge of any injury to an employee in the course of employment, the Superintendent or designee shall provide a claim form and notice of potential eligibility for workers' compensation benefits to the employee or, in the case of the employee's death, to the employee's dependents. The claim form and notice shall be provided personally or by first class mail. (Labor Code 5401)

The Superintendent or designee shall additionally ensure that any employee who is a victim of a crime that occurred at the place of employment is given written notice personally or by first class mail within one working day of the crime, or when the district reasonably should have known of the crime, that the employee is eligible for workers' compensation benefits for injuries, including psychiatric injuries, that may have resulted from the crime. (Labor Code 3553)

The Superintendent or designee shall ensure that all employee notices described above are in the form prescribed by the Department of Industrial Relations (DIR), Division of Workers Compensation.

Upon learning of a work-related injury or illness, or injury or illness alleged to have arisen out of and in the course of employment, the Superintendent or designee shall report the incident to the district's insurance carrier or DIR, as applicable, within five days after obtaining knowledge of the injury or illness. If a subsequent death arises as a result of the reported injury or illness, an amended report indicating the death shall be filed within five days after being notified of or learning about the death. (Labor Code 6409.1)

In addition, in every case involving death or serious injury or illness, the Superintendent or designee shall immediately make a report to the Division of Occupational Safety and Health (Cal/OSHA) by telephone or through an online mechanism made available by Cal/OSHA. (Labor Code 6409.1)

For the purpose of this report, serious injury or illness means any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement. (Labor Code 6302)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

8 CCR 15596

Ed. Code 44984

Description

Notice of employee rights to workers' compensation benefits

Required rules for industrial accident and illness leave -

<https://simbli.eboardsolutions.com/SU/ke4DWoaukfaaoJH5A01K1w==>

Ed. Code 45192	Industrial accident and illness leave for classified employees - https://simbli.eboardsolutions.com/SU/HTwslshO644wTLZxo0sXoYSiA==
Lab. Code 3200-4856	Workers' compensation - https://simbli.eboardsolutions.com/SU/29KVqRTlpu3spGvT4OslshslshplusQ==
Lab. Code 3212.86	COVID-19: critical workers pre-July 5, 2020 - https://simbli.eboardsolutions.com/SU/46SNIX3ikeplusJBUNjmaEEkQ==
Lab. Code 3212.88	COVID-19: critical workers post-July 5, 2020 - https://simbli.eboardsolutions.com/SU/ZsvtwWNGDdSnAEivJJ5gVQ==
Lab. Code 3550-3553	Notifications re: workers' compensation benefits - https://simbli.eboardsolutions.com/SU/iCiiTstncY6NjUJ19aRkNw==
Lab. Code 3600-3605	Conditions of liability - https://simbli.eboardsolutions.com/SU/1laXnIGubTbZdl0sz0KECQ==
Lab. Code 3760	Report of injury to insurer - https://simbli.eboardsolutions.com/SU/bv0lpSKmslsh4slshplusQeHTBh0RMg==
Lab. Code 4600	Provision of medical and hospital treatment by employer - https://simbli.eboardsolutions.com/SU/yTuM5M1RDTvThwlTHvJUg==
Lab. Code 4906	Disclosures and statements - https://simbli.eboardsolutions.com/SU/1Edjx8T7TkSkCEQ4QynHslshw==
Lab. Code 5400-5413	Notice of injury or death - https://simbli.eboardsolutions.com/SU/VH19H06yQHEVkcqzxlCCQ==
Lab. Code 6302	Definition of serious injury or illness - https://simbli.eboardsolutions.com/SU/3emf9K7Gz01kdF71SHycKQ==
Lab. Code 6409.1	Reports - https://simbli.eboardsolutions.com/SU/DyzHWRr11plusCOL9Y8YIXBslshQ==

Management Resources References

Description

Department of Industrial Relations Publication	Workers' Compensation in California: A Guidebook for Injured Workers, 2016
Department of Industrial Relations Publication	Workers' Compensation Claim Form (DWC 1) & Notice of Potential Eligibility
Department of Industrial Relations Publication	Notice to Employees - Injuries Caused by Work
Department of Industrial Relations Publication	Time of Hire Pamphlet
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslishXk6R5akQ==
Website	California Department of Industrial Relations, Division of Workers Compensation - https://simbli.eboardsolutions.com/SU/RyaOZCPLeaJxcwOryqLhUQ==
Website	California Department of Industrial Relations, Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQIJJEVTeFex4Q==
Website	California Department of Public Health - https://simbli.eboardsolutions.com/SU/plusKghL3cnZRJOzDybcVsugA==

Regulation 4357.2: Ergonomics

Status: DRAFT

Original Adopted Date: Pending

The Superintendent or designee shall implement an ergonomics program to identify risk factors in the work environment that may result in injuries or illnesses to employees and shall design measures to mitigate such risk factors. The program shall include a study of body movements and positions used during work, the tools and equipment used, the physical environment (such as temperature, noise, and lighting), and the organizational environment (such as deadlines, teamwork, and supervision) in order to identify potential causes of stress on the body over time, such as exertion or strain, awkward or sustained posture, or repeated motions.

An employee who experiences pain, numbness, stiffness, swelling, tingling, weakness, or other symptom(s) of a repetitive motion injury (RMI) or other musculoskeletal disorder that may be caused or aggravated by workplace conditions shall report the problem to his/her supervisor.

When an RMI which is objectively identified and diagnosed by a licensed physician to be a musculoskeletal injury has been reported by two or more district employees within a 12-month period, and is determined to be predominantly caused by a repetitive job, process, or operation of an identical work activity, the Superintendent or designee shall: (8 CCR 5110)

1. Evaluate each job, process, or operation of identical work activity at the work site, or a representative number of such jobs, processes, or operations of identical work activities, for exposures which have caused RMIs
2. Correct in a timely manner, or minimize to the extent feasible if correction is not possible, any exposures that have caused RMIs, taking into consideration engineering controls such as work station redesign, adjustable fixtures, or tool redesign, and administrative controls such as job rotation, work pacing, or work breaks
3. Provide staff training that includes an explanation of:
 - a. The district's ergonomics program
 - b. The exposures that have been associated with RMIs
 - c. The symptoms and consequences of injuries caused by repetitive motion
 - d. The importance of reporting symptoms and injuries to the district
 - e. Methods used by the district to minimize RMIs

Strategies adopted for identifying and correcting workplace conditions or practices that may increase employees' risk of RMIs may be incorporated into the district's injury and illness prevention program developed pursuant to Labor Code 6401.7 and 8 CCR 3203.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

8 CCR 3203	Injury and illness prevention program
8 CCR 5110	Repetitive motion injuries
Ed. Code 44984	Required rules for industrial accident and illness leave - https://simbli.eboardsolutions.com/SU/ke4DWoaukfaoJH5A01K1w==
Ed. Code 45192	Industrial accident and illness leave for classified employees - https://simbli.eboardsolutions.com/SU/HTwslshO644wTLZxo0sXoYSiA==
Gov. Code 21153	Employer not to separate for disability members eligible to retire - https://simbli.eboardsolutions.com/SU/h58y6abDmPqhvGonW4Gz0w==
Lab. Code 142.3	Authority of Cal/OSHA to adopt standards - https://simbli.eboardsolutions.com/SU/qtK5bbJ47F5q49slshjslshfbb3g==

Lab. Code 3200-4856	Workers' compensation - https://simbli.eboardsolutions.com/SU/29KVqRTlpu3spGvT4OslshslshplusQ==
Lab. Code 3550-3553	Notifications re: workers' compensation benefits - https://simbli.eboardsolutions.com/SU/iCiiTstncY6NjUJ19aRkNw==
Lab. Code 3600-3605	Conditions of liability - https://simbli.eboardsolutions.com/SU/1laXnIGubTbZdl0sz0KECQ==
Lab. Code 3760	Report of injury to insurer - https://simbli.eboardsolutions.com/SU/bv0lpSKmslsh4slshplusQeHTBh0RMg==
Lab. Code 4600	Provision of medical and hospital treatment by employer - https://simbli.eboardsolutions.com/SU/yTuM5M1RDTvThwlnTHvJUg==
Lab. Code 4906	Disclosures and statements - https://simbli.eboardsolutions.com/SU/1Edjx8T7TkSkCEQ4QynHslshw==
Lab. Code 5400-5404	Notice of injury or death - https://simbli.eboardsolutions.com/SU/VH19H06yQHEVkcqzxlCCQ==
Lab. Code 6303	Place of employment; employment - https://simbli.eboardsolutions.com/SU/5hbSUHothff5RkYz3wKHvw==
Lab. Code 6305	Occupational safety and health standards; special order - https://simbli.eboardsolutions.com/SU/55WjxorgZhT1Hvp4jz3qEw==
Lab. Code 6310	Retaliation for filing complaint prohibited - https://simbli.eboardsolutions.com/SU/ijRdWVyzKKGf0uB67vy5pg==
Lab. Code 6357	Standards for workplace ergonomics - https://simbli.eboardsolutions.com/SU/FZUuZjXs8LXotGhlevPtUw==
Lab. Code 6401.7	Injury and illness prevention program - https://simbli.eboardsolutions.com/SU/OLCkBLQtPasszuobFzmJvw==
Lab. Code 6409.1	Reports - https://simbli.eboardsolutions.com/SU/DyzHWRr11plusCOL9Y8YIXBslshQ==

Management Resources References

Management Resources References	Description
DIR, Div. of Occup. Safety & Health Publication	Ergonomic Hazards, Fact Sheet H
DIR, Div. of Occup. Safety & Health Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. May 2011
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==
Website	California Department of Industrial Relations, Occupational Safety and Health - https://simbli.eboardsolutions.com/SU/YgH1AaGVzBQlJEVTeFex4Q==

Policy 4358: Employee Security

Status: DRAFT

Original Adopted Date: Pending

The Governing Board desires to provide a safe and orderly work environment for all employees. As part of the district's comprehensive safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for providing necessary assistance and support when emergency situations occur.

Any person who threatens the safety of others at any district facility may be removed by the Superintendent or designee in accordance with AR 3515.2 - Disruptions.

Any employee against whom violence or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. As appropriate, the Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace. Such measures may include seeking a temporary restraining order on behalf of the employee pursuant to Code of Civil Procedure 527.8 and/or a gun violence restraining order pursuant to Penal Code 18150 and 18170.

Upon request by an employee who is a victim of domestic violence, sexual assault, or stalking, the Superintendent or designee shall provide reasonable accommodations in accordance with Labor Code 230-230.1 and the accompanying administrative regulation to protect the employee's safety while at work.

The Superintendent or designee may pursue legal action on behalf of an employee against a student or the student's parent/guardian to recover damages for injury to the employee's person or property caused by the student's willful misconduct that occurred on district property, at a school or district activity, or in retaliation for lawful acts of the employee in the performance of the employee's duties. (Education Code 48904, 48905)

The Superintendent or designee shall provide staff development in crisis prevention and intervention techniques, which may include training in classroom management, effective communication techniques, procedures for responding to an active shooter situation, and crisis resolution.

In accordance with law, the Superintendent or designee shall inform teachers, administrators, and/or counselors of crimes and offenses committed by students who may pose a danger in the classroom. (Education Code 48201, 49079; Welfare and Institutions Code 827)

The Superintendent or designee may make available at appropriate locations, including, but not limited to, district and school offices, gyms, and classrooms, communication devices that would enable two-way communication with law enforcement and others when emergencies occur.

Use of Pepper Spray

Employees shall not carry or possess pepper spray on school property or at school activities except when authorized by the Superintendent or designee for self-defense purposes. When allowed, an employee may only possess pepper spray in accordance with administrative regulations and Penal Code 22810. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.

Reporting of Injurious Objects

Employees shall take immediate action upon being made aware that any person is in possession of a weapon or unauthorized injurious object on school grounds or at a school-related or school-sponsored activity. Employees shall exercise their best judgment as to the potential danger involved and shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately call 911 and the principal

When informing the principal about the possession or seizure of a weapon or dangerous device, an employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Civ. Code 51.7	Freedom from violence or intimidation - https://simbli.eboardsolutions.com/SU/biK5w5xHjaslshApluscWXhrJ7ZQ==
Code of Civil Procedure 527.8	Workplace violence safety - https://simbli.eboardsolutions.com/SU/zzBhO3hWGUr7lplusYiDNCP8A==
Ed. Code 32210-32212	Willful disturbance; public schools or meetings - https://simbli.eboardsolutions.com/SU/fVO0OHpeh6ozwKgKAIVaRg==
Ed. Code 32225-32226	Communications devices in classrooms - https://simbli.eboardsolutions.com/SU/j4veUiFkkN7RRlslshslshZ6plus3rw==
Ed. Code 35208	Liability insurance - https://simbli.eboardsolutions.com/SU/jbPgedY6klfN52VVSSm4Tg==
Ed. Code 35213	Reimbursement for loss or damage of personal property - https://simbli.eboardsolutions.com/SU/wOsFs53lgmoKZOWrqM6DZA==
Ed. Code 44014	Report of assault by pupil against school employee - https://simbli.eboardsolutions.com/SU/gEUlqoslshPjiqplusmnO8qU62vw==
Ed. Code 44807	Teachers' duty concerning conduct of students - https://simbli.eboardsolutions.com/SU/O1QplusZUrsishvuVCSGiVFI8hw==
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion - https://simbli.eboardsolutions.com/SU/elQocY4QEYKvslshVzhn7SJMA==
Ed. Code 48900-48926	Suspension and expulsion - https://simbli.eboardsolutions.com/SU/dt5KNUUnSlpER0iplusCaObRIQ==
Ed. Code 49079	Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion - https://simbli.eboardsolutions.com/SU/8tfoN4Gnt52xd4EGRPwysQ==
Ed. Code 49330-49335	Injurious objects - https://simbli.eboardsolutions.com/SU/4youhLXID32plus5eslshL5sQsAg==
Gov. Code 12926	Definitions - https://simbli.eboardsolutions.com/SU/fp6xQmGSukcAWJ60VowoVA==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Gov. Code 995-996.4	Defense of public employees - https://simbli.eboardsolutions.com/SU/3wdDqwwnYONWPBqypbUzbA==
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies - https://simbli.eboardsolutions.com/SU/ojkww2VyZDlee6QjANmZ8Q==
Pen. Code 18150	Gun violence restraining orders - https://simbli.eboardsolutions.com/SU/iLstQCplus1Sck8Sniy0UMcTg==
Pen. Code 18170	Gun violence restraining order issued after notice and hearing - https://simbli.eboardsolutions.com/SU/k0uplusBFgJ3AtxQRxslshypE64A==
Pen. Code 22810	Purchase, possession, and use of tear gas - https://simbli.eboardsolutions.com/SU/r5ANQFARodtpluspplussT4TuNA==
Pen. Code 240-246.3	Assault and battery - https://simbli.eboardsolutions.com/SU/Z7GmjTgGeP2Md903plus7twTQ==
Pen. Code 241.3	Assault against school bus drivers - https://simbli.eboardsolutions.com/SU/KkjFoBT7VOVczxnKloX5mA==
Pen. Code 241.6	Assault on school employee including board member - https://simbli.eboardsolutions.com/SU/bILtHA1G3uslshsd5uePvUeHw==

Pen. Code 243.3	Battery against school bus drivers - https://simbli.eboardsolutions.com/SU/Yx3sr1PAI0Uq6KvxAplusJXVg==
Pen. Code 243.6	Battery against school employee including board members - https://simbli.eboardsolutions.com/SU/yDw5NBxkplus5qy916slshNt0Wslshw==
Pen. Code 245.5	Assault with deadly weapon against school employee including board member - https://simbli.eboardsolutions.com/SU/BI8wUJS728Q31g56VsHbBw==
Pen. Code 290	Registration of sex offenders - https://simbli.eboardsolutions.com/SU/BC6kOdRC1cjbplusmxdA92Rug==
Pen. Code 601	Trespass by person making credible threat - https://simbli.eboardsolutions.com/SU/5M9cOKjsCEtX1JiuFV0hYA==
Pen. Code 626-626.11	Weapons on school grounds and other school crimes - https://simbli.eboardsolutions.com/SU/Xlslsh9slshcoCcD30HV7KfmPlhg==
Pen. Code 646.9	Stalking - https://simbli.eboardsolutions.com/SU/VSAXu39FNfBnvIKFdGCbbA==
Pen. Code 71	Threatening public officers and employees and school officials - https://simbli.eboardsolutions.com/SU/2SkgWQFslsh9AeJ6xZplusjD9ZAw==
W&I Code 827	Limited exception to juvenile court record - https://simbli.eboardsolutions.com/SU/DMr9MZDTgwkT0RmplushdHdBGg==
W&I Code 828.1	District police or security department; disclosure of juvenile records - https://simbli.eboardsolutions.com/SU/slshvQZwsYSsIJ7VX17q9dfbQ==

Management Resources References

	Description
Court Decision	City of San Jose v. William Garbett, (2010) 190 Cal. App. 4th 526
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==
Website	California Department of Education, Safe Schools - https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Regulation 4358: Employee Security

Status: DRAFT

Original Adopted Date: Pending

An employee may use reasonable and necessary force for self-defense or defense of another person, to quell a disturbance threatening physical injury to others or damage to property, or to obtain possession of weapons or other dangerous objects within the control of a student. (Education Code 44807, 49001)

An employee shall promptly report to the principal or other immediate supervisor any attack, assault, or physical threat made against the employee by a student or by any other individual in relation to the performance of the employee's duties, and any action the employee took in response. Reports of an attack, assault, or threat shall be forwarded immediately to the Superintendent or designee.

In addition, the employee and the principal or other immediate supervisor shall promptly report to local law enforcement authorities an attack, assault, or physical threat made against the employee by a student. (Education Code 44014)

Notice Regarding Student Offenses

When a student commits certain offenses that may endanger staff or others, the following procedures shall be implemented to notify staff members as appropriate:

1. Acts That Are Grounds for Suspension or Expulsion

- a. The Superintendent or designee shall inform the teacher(s) of each student who, during the previous three school years, has engaged in or is reasonably suspected to have engaged in any act, except the possession or use of tobacco products, that would constitute a ground for suspension or expulsion as specified in AR 5144.1 - Suspension and Expulsion/Due Process. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)
- b. Upon receiving a transfer student's record regarding acts committed by the student that resulted in suspension or expulsion, the Superintendent or designee shall inform the student's teacher(s) that the student was suspended from school or expelled from the former district and of the act that resulted in the suspension or expulsion. (Education Code 48201)
- c. Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 48201, 49079)

2. Offenses Reported to the District by a Court

- a. When informed by a court that a minor student has been found by the court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism, or graffiti, the Superintendent or designee shall expeditiously notify the school principal. (Welfare and Institutions Code 827)
- b. The principal shall expeditiously disseminate this information to any counselor who directly supervises or reports on the student's behavior or progress and to any teacher or administrator directly supervising or reporting on the student's behavior or progress whom the principal thinks may need the information in order to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code 827)
- c. Any court-initiated information that a teacher, counselor, or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff, and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)
- d. When a student is removed from school as a result of an offense, the Superintendent shall hold the

court's information in a separate confidential file until the student is returned to the district. If the student is returned to a different district, the Superintendent shall transmit the information provided by the student's parole or probation officer to the superintendent of the new district of attendance. (Welfare and Institutions Code 827)

- e. Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first, and shall then be destroyed. (Welfare and Institutions Code 827)

In order to maintain confidentiality when providing information about student offenses to a counselor or teacher, the principal or designee shall send the staff member a written notification that a student has committed an offense that requires review of a student's file in the school office. This notice shall not name or otherwise identify the student. The staff member shall initial the notification and shall also initial the student's file when reviewing it in the school office.

Accommodations for Victims of Domestic Violence, Sexual Assault, or Stalking

When requested by an employee who is a victim of domestic violence, sexual assault, or stalking, the district shall provide the employee reasonable accommodations which may include the implementation of safety measures, including: (Labor Code 230)

1. A transfer, reassignment, or modified schedule
2. A changed work telephone or work station
3. An installed lock
4. Assistance in documenting domestic violence, sexual assault, stalking, or other crime that occurs in the workplace
5. Referral to a victim assistance organization
6. Another safety procedure or adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other crime

The Superintendent or designee shall engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations that do not pose an undue hardship on the district. In determining whether an accommodation is reasonable, the Superintendent or designee shall consider any exigent circumstance or danger facing the employee. (Labor Code 230)

Upon the request of the Superintendent or designee, an employee requesting a reasonable accommodation shall provide a written statement, signed by the employee or an individual acting on the employee's behalf, certifying that the accommodation is for an authorized purpose. The Superintendent or designee may also request that the employee provide certification of the employee's status as a victim of domestic violence, sexual assault, or stalking. Such certification may include: (Labor Code 230)

1. A police report indicating that the employee was a victim
2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a licensed medical professional or health care provider, domestic violence or sexual assault counselor, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse
4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf

Any verbal or written statement, police or court record, or other documentation identifying an employee as a victim shall be confidential and shall not be disclosed by the district except as required by federal or state law or as necessary to protect the employee's safety in the workplace. The employee shall be notified before any authorized

disclosure. (Labor Code 230)

Every six months after the date of the certification, the Superintendent or designee may request recertification of the employee's status as a victim of domestic violence, sexual assault, or stalking or ongoing circumstances related to the crime or abuse. The employee shall notify the Superintendent or designee if, due to changing circumstances, the employee needs a new accommodation or no longer needs an accommodation. (Labor Code 230)

The district shall not retaliate against an employee because of the employee's status as a victim of crime or abuse or for requesting a reasonable accommodation, regardless of whether the request was granted. (Labor Code 230)

Use of Pepper Spray

The Superintendent or designee shall notify employees of the district's policy prohibiting the possession of pepper spray on school property or at school-related activities without prior approval of the Superintendent or designee. Employees wishing to carry pepper spray shall submit to the Superintendent or designee a written request setting forth the need for the pepper spray. The Superintendent or designee shall notify the employee in writing as to whether the request was approved or denied.

When approving an employee's request, the Superintendent or designee shall inform the employee of the following conditions:

1. The pepper spray shall be used only in self-defense pursuant to Penal Code 22810.
2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the district and, in accordance with law, a fine and/or imprisonment.
3. The pepper spray must be stored in a secure place and not be accessible to students or other individuals. Negligent storage of the pepper spray may subject the employee to disciplinary action.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Civ. Code 51.7	Freedom from violence or intimidation - https://simbli.eboardsolutions.com/SU/biK5w5xHjaslshApluscWXhrJ7ZQ==
Code of Civil Procedure 527.8	Workplace violence safety - https://simbli.eboardsolutions.com/SU/zzBhO3hWGUr7lplusYiDNCP8A==
Ed. Code 32210-32212	Willful disturbance; public schools or meetings - https://simbli.eboardsolutions.com/SU/fVO0OHpeh6ozwKgKAlVaRg==
Ed. Code 32225-32226	Communications devices in classrooms - https://simbli.eboardsolutions.com/SU/j4veUiFkkN7RRlslshslshZ6plus3rw==
Ed. Code 35208	Liability insurance - https://simbli.eboardsolutions.com/SU/jbPgedY6klfN52VVSsM4Tg==
Ed. Code 35213	Reimbursement for loss or damage of personal property - https://simbli.eboardsolutions.com/SU/wOsFs53lgmoKZOWrqM6DZA==
Ed. Code 44014	Report of assault by pupil against school employee - https://simbli.eboardsolutions.com/SU/gEUIqoslshPjiqplusmnO8qU62vw==
Ed. Code 44807	Teachers' duty concerning conduct of students - https://simbli.eboardsolutions.com/SU/01QplusZUrsishvuVCSGiVfIm8hw==
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion - https://simbli.eboardsolutions.com/SU/elQocY4QEYKvslshVzhn7SJMA==
Ed. Code 48900-48926	Suspension and expulsion - https://simbli.eboardsolutions.com/SU/dt5KNUnSLpER0iplusCa0bRIQ==

Ed. Code 49079	Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion - https://simbli.eboardsolutions.com/SU/8tfoN4Gnt52xd4EGRPwysQ==
Ed. Code 49330-49335	Injurious objects - https://simbli.eboardsolutions.com/SU/4youhLXID32plus5eslshL5sQsAg==
Gov. Code 12926	Definitions - https://simbli.eboardsolutions.com/SU/fp6xQmGSukcAWJ60VowoVA==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Gov. Code 995-996.4	Defense of public employees - https://simbli.eboardsolutions.com/SU/3wdDqwwnYONWPBqypbUzbA==
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies - https://simbli.eboardsolutions.com/SU/ojkw2VvZDlee6QjANmZ8Q==
Pen. Code 18150	Gun violence restraining orders - https://simbli.eboardsolutions.com/SU/iLstQCplus1Sck8Snny0UMcTg==
Pen. Code 18170	Gun violence restraining order issued after notice and hearing - https://simbli.eboardsolutions.com/SU/k0uplusBFgJ3AtxQRxslshypE64A==
Pen. Code 22810	Purchase, possession, and use of tear gas - https://simbli.eboardsolutions.com/SU/r5ANQFARodtpluspplussT4TuNA==
Pen. Code 240-246.3	Assault and battery - https://simbli.eboardsolutions.com/SU/Z7GmjTgGeP2Md903plus7twTQ==
Pen. Code 241.3	Assault against school bus drivers - https://simbli.eboardsolutions.com/SU/KkjFoBT7VOVczxnKloX5mA==
Pen. Code 241.6	Assault on school employee including board member - https://simbli.eboardsolutions.com/SU/bILtHA1G3uslshsd5uePvUeHw==
Pen. Code 243.3	Battery against school bus drivers - https://simbli.eboardsolutions.com/SU/Yx3sr1PAI0Uq6KvxAplusJXVg==
Pen. Code 243.6	Battery against school employee including board members - https://simbli.eboardsolutions.com/SU/yDw5NBxkplus5qy916slshNt0Wslshw==
Pen. Code 245.5	Assault with deadly weapon against school employee including board member - https://simbli.eboardsolutions.com/SU/BI8wUJS728Q31g56VsHbBw==
Pen. Code 290	Registration of sex offenders - https://simbli.eboardsolutions.com/SU/BC6kOdRC1cjbplusmxdA92Rug==
Pen. Code 601	Trespass by person making credible threat - https://simbli.eboardsolutions.com/SU/5M9cOKjsCEtX1JiuFV0hYA==
Pen. Code 626-626.11	Weapons on school grounds and other school crimes - https://simbli.eboardsolutions.com/SU/Xlslsh9slshcoCcD30HV7KfmPlhg==
Pen. Code 646.9	Stalking - https://simbli.eboardsolutions.com/SU/VSAXu39FNfBnvIKFdGCbbA==
Pen. Code 71	Threatening public officers and employees and school officials - https://simbli.eboardsolutions.com/SU/2SkgWQFslsh9AeJ6xZplusjD9ZAw==
W&I Code 827	Limited exception to juvenile court record - https://simbli.eboardsolutions.com/SU/DMr9MZDTgwkT0RmplusgHdBKg==
W&I Code 828.1	District police or security department; disclosure of juvenile records - https://simbli.eboardsolutions.com/SU/slshvQZwsYSsIJ7VX17q9dfbQ==

Management Resources References

Court Decision	City of San Jose v. William Garbett, (2010) 190 Cal. App. 4th 526
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==

Website

California Department of Education, Safe Schools -
<https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==>

Website

CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Policy 4359: Employee Assistance Programs

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes that school district employees may have problems which can have detrimental effects upon job performance and student safety. The Board encourages employees to seek help when such problems exist and to take advantage of the resources that are available to assist them.

Employees shall have confidential access to information about the district's employee assistance program. This information shall be available to all employees and their spouses and dependents.

Management and supervisory staff shall be knowledgeable about the district's employee assistance program and may counsel employees about the program, as appropriate.

Participation in the assistance program shall not jeopardize an employee's employment or career advancement, nor will it protect the employee from disciplinary action for substandard job performance.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 35160

Description

Authority of governing boards -
<https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==>

Ed. Code 35160.1

Broad authority of school districts -
<https://simbli.eboardsolutions.com/SU/ewe0Cc8cKGTgDzaAt5MKhw==>

Ed. Code 44962

Leaves of absence for certificated employees -
<https://simbli.eboardsolutions.com/SU/plusb0LCouxH2sFArO9uZqNRQ==>

Ed. Code 44964

Power to grant leaves of absence for accident, illness, or quarantine -
<https://simbli.eboardsolutions.com/SU/ZbftAVQrxH4m3w7r6GH2jg==>

Ed. Code 45190-45209

Resignations and leaves of absence for classified employees -
<https://simbli.eboardsolutions.com/SU/qLdfaWullkn1gLePDnRmkw==>

Gov. Code 8355

Certification of drug-free workplace, including notification -
<https://simbli.eboardsolutions.com/SU/7NhMrF60wSawaA8bns8VmQ==>

H&S Code 104420

Tobacco-free schools -
<https://simbli.eboardsolutions.com/SU/5QtcisLQ2vJZyHEEyrMn4g==>

Federal References

41 USC 8101-8106

Description

Drug-Free Workplace Act

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Regulation 4361: Leaves

Status: DRAFT

Original Adopted Date: Pending

Failure to Return to Service After Leave

In the case of a certificated employee who was on leave of absence for 20 or more consecutive working days after April 30 of the previous school year, the district may terminate the employment of such an employee if all of the following circumstances exist: (Education Code 44842)

1. The employee fails to report for duty, without good cause, at the beginning of the school year after having notified the Governing Board of his/her intention to remain in service with the district in accordance with Education Code 44842.
2. The district had specifically notified the employee, at least five days in advance, of the time and place at which the employee was to report to work.
3. The employee did not request or was not granted a leave of absence authorized by the Board.

In any such case, the district may terminate the employee's employment on the day following 20 consecutive days of absence. (Education Code 44842)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 22850-22856	Pension benefits; STRS members on military leave - https://simbli.eboardsolutions.com/SU/0plusAJ2kYfo1t07UmXoD1w==
Ed. Code 44018	Compensation for employees on active military duty - https://simbli.eboardsolutions.com/SU/pgy2lhapVDsLSWvm3QQ1Lg==
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances - https://simbli.eboardsolutions.com/SU/tmAeKSEeFh30CVC1pzzvSA==
Ed. Code 44043.5	Catastrophic leave - https://simbli.eboardsolutions.com/SU/nKXHEXKnpYHvElsIshKAplusfsng==
Ed. Code 44800	Effect of active military service on status of employees - https://simbli.eboardsolutions.com/SU/tiexjf4486Net2nRqBikXg==
Ed. Code 44842	Reemployment notices; certificated employees - https://simbli.eboardsolutions.com/SU/6Cr6mASUlj0s7aFilsuhQ==
Ed. Code 44940	Compulsory leave of absence for certificated persons - https://simbli.eboardsolutions.com/SU/TXIEslshPquo8Kz7N8psqEtqA==
Ed. Code 44962-44988	Leave of absence; certificated - https://simbli.eboardsolutions.com/SU/t58pmuN1UoBGqKr4eb7iEA==
Ed. Code 45059	Employee ordered to active military/naval duty; computation of salary - https://simbli.eboardsolutions.com/SU/Ti6O6zHBFhiuj7S1tf7xKw==
Ed. Code 45190-45210	Leaves of absence; classified - https://simbli.eboardsolutions.com/SU/qLdfaWullkn1gLePDnRmkw==
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners - https://simbli.eboardsolutions.com/SU/LJfCekZJhzs5Nas1GG1RHQ==
Gov. Code 12945.1-12945.2	California Family Rights Act - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENysIshz7iQH09yA==
Gov. Code 20990-21013	Pension benefits; PERS members on military leave - https://simbli.eboardsolutions.com/SU/Cio9z6yXAYfplusv98r4hP7aQ==
Gov. Code 3543.1	Rights of employee organizations - https://simbli.eboardsolutions.com/SU/m7X7sU6S9KfjH0z33KIC6A==

Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies - https://simbli.eboardsolutions.com/SU/ojkww2VyZDlee6QjANmZ8Q==
Lab. Code 230.3	Leave for emergency personnel - https://simbli.eboardsolutions.com/SU/5vvFJBsWNlogX9lOtdDc9A==
Lab. Code 230.4	Leave for volunteer firefighters - https://simbli.eboardsolutions.com/SU/JDHIDNKtVpTv63Eypa63eg==
Lab. Code 230.8	Time off to visit child's school - https://simbli.eboardsolutions.com/SU/XZfQTH7lC97oltryjC7Mhw==
Lab. Code 233	Leave to attend to family illness - https://simbli.eboardsolutions.com/SU/VRh2AA6YH1QSbEw4uslshydOQ==
M&V Code 395-395.9	Military leave - https://simbli.eboardsolutions.com/SU/OizdkeJGcd9lnkqUJD1kjA==
M&V Code 395.10	Leave when spouse on leave from military deployment - https://simbli.eboardsolutions.com/SU/sbu3cjpLRQmQnOSnpa6R6w==

Federal References

29 USC 2601-2654
38 USC 4301-4334

Description

Family Care and Medical Leave Act
Uniformed Services Employment and Reemployment Rights Act of 1994

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Regulation 4361.1: Personal Illness/Injury Leave

Status: DRAFT

Original Adopted Date: Pending

Certificated employees employed five school days per week are entitled to 10 days' leave of absence with full pay for personal illness or injury (sick leave) per school year of service. Employees who work less than five school days per week (part-time employees) shall be granted sick leave in proportion to the time they work. However, any part-time employees who are entitled to less than three days of paid sick leave per year due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246, if they are eligible. (Education Code 44978; Labor Code 245-249)

Use of Sick Leave

Certificated employees may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of and in the course of employment; quarantine which results from contact in the course of employment with other persons having a contagious disease; or temporary inability to perform assigned duties because of illness, accident, or quarantine (Education Code 44964)
2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 44965, 44978)
3. Personal necessity (Education Code 44981)
4. Medical and dental appointments, in increments of not less than one hour
5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)
6. Need of the employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 44977.5; Government Code 12945.2; 29 USC 2612; 29 CFR 825.112)
7. Need of the employee or employee's family member, including a designated person, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Government Code 12945.2; Labor Code 233, 246.5)
8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

For the purposes specified in Items #7-8, an employee may use, in any calendar year, the amount of sick leave that would be accrued during six months at the employee's then current rate of entitlement. (Labor Code 233)

An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (Education Code 44978)

An employee shall reimburse the district for any unearned sick leave used as of the date of termination.

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 44978)

The district shall not require new employees to waive leave accumulated in a previous district. (Education Code 44979, 44980)

The Superintendent or designee shall notify any certificated employee who leaves the district after at least one school year of employment that if the employee accepts a certificated position in another district, county office of education, or community college district within one year, the employee may request that the district transfer any accumulated sick leave to the new employer. (Education Code 44979, 44980)

Additional Leave for Disabled Military Veterans

In addition to any other entitlement for sick leave with pay, a certificated employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 10 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or more by the U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time worked. (Education Code 44978.2)

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the submission of the disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. When the employee receives the disability rating decision, the employee shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 10-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code 44978.2)

The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" below, that the employee used the leave to obtain treatment of a military service-connected disability.

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 44978.2)

Notification of Absence

An employee shall notify the Superintendent or designee of the need to be absent as soon as such need is known, so that substitute services may be secured. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which the employee intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

During each school year, when a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or accident, continues to be absent for an additional period of up to five school months, the district shall deduct from the employee's regular salary for that period the actual cost of a substitute to fill the position. If the district has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that would have been paid to a substitute shall be deducted from the employee's salary. (Education Code 44977)

An employee shall not be provided more than one five-month period per illness or accident. However, if the school year ends before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year. (Education Code 44977)

Absence Beyond Five-Month Period/Reemployment List

If a certificated employee is not medically able to return to work after the five-month period provided pursuant to Education Code 44977, the employee shall be placed either in another position or on a reemployment list. Placement on the reemployment list shall be for 24 months for probationary employees or 39 months for permanent employees and shall begin at the expiration of the five-month period. If during this time the employee becomes medically able, the employee shall be returned to employment in a position for which the employee is credentialed and qualified. (Education Code 44978.1)

Parental Leave

During each school year, a certificated employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period of up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code 44977.5)

Eligibility for such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 44977.5)

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay of at least 50 percent of the employee's regular salary for the remainder of the 12 work weeks. (Education Code 44977.5)

Parental leave taken pursuant to Education Code 44977.5 shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 or 12945.6, and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code 44977.5; Government Code 12945.2, 12945.6)

Verification Requirements

After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed district absence form to the employee's immediate supervisor.

The Superintendent or designee may require verification whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny further leave.

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information. Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and not be disclosed except in accordance with 29 CFR 1635.9.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from a physician stating that the employee is able to return to duty and stipulating any necessary restrictions or limitations.

Healthy Workplaces, Healthy Families Act Requirements

No employee shall be denied the right to use accrued sick days, and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249.

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The number of sick days provided by Labor Code 245-249
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against the employee
2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request

3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available
4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 5601	Transfer of accumulated sick leave
Ed. Code 44964	Power to grant leaves of absence for accident, illness, or quarantine - https://simbli.eboardsolutions.com/SU/ZbftAVQrxH4m3w7r6GH2jg==
Ed. Code 44965	Granting of leaves of absence for pregnancy and childbirth - https://simbli.eboardsolutions.com/SU/e7uNwjUiNYDEySWMAQCHpg==
Ed. Code 44976	Transfer of leave rights when school is transferred to another district - https://simbli.eboardsolutions.com/SU/cuSKX31dTSNAqR3hmKcSKA==
Ed. Code 44977	Salary schedule for substitute employees - https://simbli.eboardsolutions.com/SU/dK3f7RLmTXxqoTplus2vHbuGQ==
Ed. Code 44977.5	Differential pay during parental leave up to 12 weeks after sick leave is exhausted - https://simbli.eboardsolutions.com/SU/2AoVpYBuhuKN0WH79iXvsQ==
Ed. Code 44978	Sick leave; certificated employees - https://simbli.eboardsolutions.com/SU/xVHfJDcRqreQkXM9SAee6Q==
Ed. Code 44978.1	Inability to return to duty; placement in another position or on reemployment list - https://simbli.eboardsolutions.com/SU/tbzONF4ACeEYONf2Ej1nuw==
Ed. Code 44978.2	Leave for military service-connected disability - https://simbli.eboardsolutions.com/SU/4ZyAQTrPKjQUTGVwBYFOQ==
Ed. Code 44979	Transfer of accumulated sick leave to another district - https://simbli.eboardsolutions.com/SU/gYf4JjslshrGpyjeavSv6twA==
Ed. Code 44980	Transfer of accumulated sick leave to a county office of education - https://simbli.eboardsolutions.com/SU/dNv7hrxToE9ws8bvOraKhW==
Ed. Code 44981	Leave of absence for personal necessity - https://simbli.eboardsolutions.com/SU/kRkfePQAUS4OILbedslsh3plw==
Ed. Code 44983	Compensation during leave; certificated employees - https://simbli.eboardsolutions.com/SU/mplusK5gh5HVbd7pmmplusM0H7Mg==
Ed. Code 44984	Required rules for industrial accident and illness leave - https://simbli.eboardsolutions.com/SU/ke4DWOaukfaaoJH5A01K1w==
Ed. Code 44986	Leave of absence; state disability benefits - https://simbli.eboardsolutions.com/SU/3tAPM67nVM9kvoSTplusO5plusDw==
Gov. Code 12945.1-12945.2	California Family Rights Act - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQH9yA==
Gov. Code 12945.6	Parental leave
Lab. Code 220	Sections inapplicable to public employees - https://simbli.eboardsolutions.com/SU/mrs5MN2KFE1Wv2SFvHgX3Q==
Lab. Code 230	Accommodations and leave for victims of domestic violence - https://simbli.eboardsolutions.com/SU/YxjVw5yqtQF8dHAekvDUtA==
Lab. Code 230.1	Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off - https://simbli.eboardsolutions.com/SU/UOzkJ4wyw0240KOWuslshevQg==

Lab. Code 233	Leave to attend to family illness - https://simbli.eboardsolutions.com/SU/VRh2AA6YH1QSbEw4uslshydOQ==
Lab. Code 234	Absence control policy - https://simbli.eboardsolutions.com/SU/9tssm8e1G1UDokkweT4LGA==
Lab. Code 245-249	Healthy Workplaces, Healthy Families Act of 2014 - https://simbli.eboardsolutions.com/SU/7iixDazPenINv4Ye8wbp1A==

Federal References

29 CFR 1635.1-1635.12
 29 CFR 825.100-825.702
 29 USC 2601-2654
 42 USC 2000ff-2000ff-11

Description

Genetic Information Nondiscrimination Act of 2008
 Family and Medical Leave Act of 1993
 Family Care and Medical Leave Act
 Genetic Information Nondiscrimination Act of 2008

Management Resources References

Court Decision

Description

Veguez v. Governing Board of Long Beach Unified School District (2005)
 127 Cal.App.4th 406

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Regulation 4361.11: Industrial Accident/Illness Leave

Status: DRAFT

Original Adopted Date: Pending

An eligible employee shall be entitled to a leave of absence for an industrial accident or illness arising in the course of his/her assigned duties. (Education Code 44984, 45192)

For such leave, the employee shall be granted no more than 60 working days in any one fiscal year for the same industrial accident or illness.

To be eligible for industrial accident or illness leave, a classified employee shall have served in the district continuously for at least three years.

Allowable industrial accident or illness leave shall not be accumulated from year to year. (Education Code 44984, 45192)

When an employee is absent from his/her duties because of an industrial accident or illness: (Education Code 44043, 44044, 44984, 45192)

1. The leave shall start on the first day of absence.
2. During the period of absence, the employee shall be paid such portion of his/her wage or salary that, when added to the award granted under state workers' compensation laws, will not exceed his/her normal wage or salary.
3. The leave shall be reduced by one day for each day of authorized absence, regardless of an award granted under workers' compensation laws.
4. When the leave overlaps into the next fiscal year, the employee is entitled to only the amount of unused leave due the employee for the same illness or injury.

During any paid leave of absence, the employee shall retain any workers' compensation check received on account of an industrial accident or illness. The employee shall notify the Superintendent or designee that he/she has received such check. The Superintendent or designee shall then issue payment of the employee's normal wage or salary less an amount equivalent to the face amount of the workers' compensation check and other appropriate deductions, including, but not limited to, employee retirement contributions. Employee benefits shall be computed on the basis of the employee's regular wage or salary prior to the deduction of any amounts for temporary disability payments. (Education Code 44044)

Absence for industrial accident or illness shall not be considered a break in service of the employee. An employee using such leave shall retain all status and benefits to which he/she would otherwise be entitled.

When available industrial accident or illness leave has been exhausted, the employee shall be so notified in writing and shall be offered an opportunity to request any additional paid or unpaid leave available to the employee. (Education Code 45192)

Upon expiration of allowable leave for an industrial accident or illness, the employee may use personal illness and injury leave provided pursuant to Education Code 44977, 44978, 44983, or 45191, as applicable, provided that such leave, when added to any continuing workers' compensation award, does not result in a payment to the employee of more than his/her full wage or salary. (Education Code 44984, 45192)

If a certificated employee is unable to resume the duties of his/her position after exhausting all accumulated sick leave, including the consecutive five-month period provided by Education Code 44977, he/she shall, if not placed in another position, be placed on a reemployment list for a period of 24 months if he/she is a probationary employee or 39 months if he/she is a permanent employee. If the employee becomes medically able to resume duties during the period of reemployment eligibility, he/she shall be returned to employment in a position for which he/she is credentialed and qualified. (Education Code 44978.1)

If a classified employee has exhausted all available leaves of absence, paid or unpaid, and is not medically able to resume the duties of his/her position, he/she shall, if not placed in another position, be placed on a reemployment list for a period of 39 months. If he/she becomes medically able to resume duties during the period of reemployment

eligibility, he/she shall be employed in a vacant position in the class of his/her previous assignment over all other candidates except those on a reemployment list established because of lack of work or lack of funds, in which case the employee shall be listed in accordance with seniority regulations. If the employee is medically released to return to duty but fails to accept an appropriate assignment, he/she shall be dismissed. (Education Code 45192)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 44043	Temporary disability - https://simbli.eboardsolutions.com/SU/jhMH9BAli7zUgm2SCFiKbA==
Ed. Code 44044	Temporary disability checks; waiver of endorsement to district - https://simbli.eboardsolutions.com/SU/2nkegf09ZLr5dZn2l97Wbw==
Ed. Code 44977	Salary schedule for substitute employees - https://simbli.eboardsolutions.com/SU/dK3f7RLmTXxqoTplus2vHbuGQ==
Ed. Code 44978	Sick leave; certificated employees - https://simbli.eboardsolutions.com/SU/xVHfJDcRqreQkXM9SAee6Q==
Ed. Code 44978.1	Inability to return to duty; placement in another position or on reemployment list - https://simbli.eboardsolutions.com/SU/tbzONF4ACeEYONf2Ej1nuw==
Ed. Code 44983	Compensation during leave; certificated employees - https://simbli.eboardsolutions.com/SU/mplusK5gh5HVBd7pmmplusM0H7Mg==
Ed. Code 44984	Required rules for industrial accident and illness leave - https://simbli.eboardsolutions.com/SU/ke4DWoaukfaaoJH5A01K1w==
Ed. Code 45191	Personal illness and injury leave; classified employees - https://simbli.eboardsolutions.com/SU/brYFpHVtCc3tRslshRuQZ6EAQ==
Ed. Code 45192	Industrial accident and illness leave for classified employees - https://simbli.eboardsolutions.com/SU/HTwslshO644wTLZxo0sXoYSiA==
Lab. Code 3200-6002	Workers' compensation and insurance - https://simbli.eboardsolutions.com/SU/29KVqRTlpu3spGvT4QslshslshplusQ==

Management Resources References

Description

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==
Website	California Department of Industrial Relations - https://simbli.eboardsolutions.com/SU/Lh5JVplusYhNJm5slshcgG07zsOQ==

Regulation 4361.2: Personal Leaves

Status: DRAFT

Original Adopted Date: Pending

Personal leaves granted to district employees shall be used as permitted in this administrative regulation, other Board-approved policy or district regulation, or applicable collective bargaining agreement.

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and any protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5)

Whenever possible, employees shall request personal leaves in advance and prepare suitable instructions, including lesson plans as applicable, for a substitute employee.

Bereavement

Employees are entitled to a leave of up to five days upon the death of any member of the employee's immediate family, as defined in Education Code 44985 and 45194. (Government Code 12945.7)

No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194; Government Code 12945.7)

Immediate Family means a parent, parent-in-law, grandparent, or grandchild of the employee or of the spouse of the employee, and the spouse, domestic partner, child, child-in-law, or sibling of the employee, or any relative living in the immediate household of the employee. (Education Code 44985, 45194)

At the employee's request, bereavement leave may be extended under personal necessity leave provisions as provided in the section "Personal Necessity" below. (Education Code 44981, 45207)

Personal Necessity

Employees may use a maximum of seven days of accrued personal illness/injury leave (sick leave) during each school year for reasons of personal necessity. (Education Code 44981, 45207)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207; Government Code 12945.7)
2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)
3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Government Code 12945.2; Labor Code 246.5)
4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)
5. Fire, flood, or other immediate danger to the home of the employee
6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, personal necessity leave shall not be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a request reflects personal necessity.

Advance permission shall not be required of an employee in any case involving the death of a member of the employee's immediate family, an accident involving the employee's person or property or the person or property of a member of the employee's immediate family, or the illness, preventive care, or other need of a member of the employee's family. (Education Code 44981, 45207)

For any leave that is planned, or for which the need is foreseeable, an employee shall notify the Superintendent or designee in advance. In all other circumstances, the employee shall notify the Superintendent or designee of the need for the leave as soon as practicable.

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed district absence form to the employee's immediate supervisor.

Leave to Perform Legal Duties

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the district office when requesting leave.

A classified employee called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury fees. (Education Code 44037)

A certificated employee who is called for jury duty also shall be granted leave with pay up to the difference between the employee's regular earnings and any jury fees received. (Education Code 44036)

Leaves for Crime Victims for Judicial Proceedings

An employee who is a victim of a crime or an immediate family member, registered domestic partner, or child of a registered domestic partner of such victim may be absent from work in order to attend related judicial proceedings, if the crime is any of the following: (Labor Code 230.2)

1. A violent felony as defined in Penal Code 667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

For these purposes, the employee may use vacation, personal leave, personal illness/injury leave, unpaid leave, or compensatory time off that is otherwise available to the employee. (Labor Code 230.2)

Prior to taking time off, an employee shall give the Superintendent or designee a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The district shall keep confidential any records pertaining to the employee's absence from work by reason of this leave. (Labor Code 230.2)

Leaves for Victims of Crime or Abuse

An employee who is a victim of domestic violence, sexual assault, stalking, or a crime that caused physical injury or mental injury with a threat of physical injury or an employee whose immediate family member, as defined, is deceased as the direct result of a crime may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to the employee to attend to the following activities: (Labor Code 230, 230.1, 246.5)

1. Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or the employee's child

2. Seek medical attention for injuries caused by crime or abuse
3. Obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse
4. Obtain psychological counseling or mental health services related to an experience of crime or abuse
5. Participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation

Prior to taking time off, an employee shall give reasonable notice to the Superintendent or designee, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide, within a reasonable period of time, certification of the absence in the form of any of the following: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim
2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a domestic violence or sexual assault counselor as defined in Evidence Code 1037.1 or 1035.2, licensed medical professional or health care provider, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse
4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf certifying that the absence is for a purpose authorized under Labor Code 230 or 230.1

The district shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

The Superintendent or designee shall inform employees of the rights provided employees pursuant to Labor Code 230 and 230.1 using a form developed by the Labor Commissioner or a substantially similar form developed by the district. Such information shall be provided to new employees upon hire and to other employees upon request. (Labor Code 230.1)

Personal Leave for Child-Related Activities

Any employee who is a parent/guardian of one or more children of an age to attend any of grades K-12 or a program offered by a licensed child care provider may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to: (Labor Code 230.8)

1. Find, enroll, or reenroll a child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.
2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:
 - a. A request by the school or child care provider that the child be picked up
 - b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider
 - c. Behavioral or discipline problems
 - d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays
 - e. A natural disaster, including, but not limited to, fire, earthquake, or flood

For purposes of this leave, parent/guardian includes a parent, guardian, stepparent, foster parent, grandparent, or

person who stands in loco parentis to a child. (Labor Code 230.8)

In lieu of using vacation, personal leave, or compensatory time off, eligible employees may take unpaid leave for this purpose.

If two or more parents/guardians of a child are employed at the same work site, this leave shall be allowed for the parent/guardian who first gives notice to the district. Simultaneous absence by another parent/guardian of the child may be granted by the Superintendent or designee. (Labor Code 230.8)

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or licensed child care provider that the employee engaged in permitted child-related activities on a specific date and at a particular time. (Labor Code 230.8)

Service on Education Boards and Committees

Upon request, a certificated employee shall be granted up to 20 school days of paid leave per school year for service performed within the state on any education board, commission, committee, or group authorized by Education Code 44987.3 provided that all of the following conditions are met: (Education Code 44987.3)

1. The service is performed within the state
2. The board, commission, organization, or group informs the district in writing of the service
3. The board, commission, organization, or group agrees, prior to the service, to reimburse the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs

Employee Organization Activities

Upon request, any certificated or classified employee shall be granted a leave of absence without loss of compensation, to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the employee organization is affiliated. Such leave shall be in addition to any other leave to which the employee may be entitled by other laws or a memorandum of understanding or collective bargaining agreement. (Education Code 44987, 45210)

The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special, or regular meetings of the body of the organization on which the employee serves as an officer. (Education Code 44987, 45210)

Upon request of an employee organization in the district or its state or national affiliate, a reasonable number of unelected classified employees shall be granted a leave of absence without loss of compensation for the purpose of attending important organizational activities authorized by the employee organization. The employee organization shall provide reasonable notification to the Superintendent or designee when requesting a leave of absence for employees for this purpose. (Education Code 45210)

When leave is granted for any of the above purposes, the employee organization shall reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. (Education Code 44987, 45210)

Religious Leave

The Superintendent or designee may grant an employee up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional district expenditures, the neglect of assigned duties, or any other unreasonable hardship on the district.

The Superintendent or designee shall deduct the cost of hiring a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

Spouse on Leave from Military Deployment

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that the employee's spouse is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10. (Military and Veterans Code 395.10)

Within two business days of receiving official notice that the employee's spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of the intention to take the leave. The employee shall submit written documentation certifying that the employee's spouse will be on leave from deployment during the time that the leave is requested. (Military and Veterans Code 395.10)

Leave for Emergency Duty

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

Any employee who performs duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training. (Labor Code 230.4)

Civil Air Patrol Leave

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to the employee, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the district for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)

The employee shall give the district as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification. (Labor Code 1503)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

CA Constitution Article 1, Section 8	Religious discrimination - https://simbli.eboardsolutions.com/SU/aVyer3HNWwhenL24lj43Z8w==
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances - https://simbli.eboardsolutions.com/SU/tmAeKSEeFh30CVC1pzzvSA==
Ed. Code 44963	Power to grant leaves of absence; certificated - https://simbli.eboardsolutions.com/SU/2EDALtD6VUeLrdBh4nkUzw==
Ed. Code 44981	Leave of absence for personal necessity - https://simbli.eboardsolutions.com/SU/kRkfePQAUS4OILbedslsh3plw==
Ed. Code 44985	Leave of absence due to death in immediate family; certificated - https://simbli.eboardsolutions.com/SU/baSKHxaP1H0SPm9mB3keYw==
Ed. Code 44987	Service as officer of employee organization; certificated - https://simbli.eboardsolutions.com/SU/y2SRxiaoeEgtl2y5YlrR3A==
Ed. Code 44987.3	Leave of absence to serve on certain boards, commissions, etc. - https://simbli.eboardsolutions.com/SU/fWlvEq8tajzFxHz3TMclJw==
Ed. Code 45190	Leaves of absence and vacations; classified - https://simbli.eboardsolutions.com/SU/8AbGv2iNYiC1RbKVEsPqpw==
Ed. Code 45194	Bereavement leave of absence; classified - https://simbli.eboardsolutions.com/SU/SiSRVnbCNQFE7IsIshzfvsgmA==

Ed. Code 45198	Effect of provisions authorizing leaves of absence - https://simbli.eboardsolutions.com/SU/bCWDwplus4PXszRFplusRuuCERQQ==
Ed. Code 45207	Personal necessity; classified - https://simbli.eboardsolutions.com/SU/olZTTBvcKz5Jj955qyFufw==
Ed. Code 45210	Service as officer of employee organization; classified - https://simbli.eboardsolutions.com/SU/F3wr8ZfplusHiNBDwLB71ry5w==
Ed. Code 45240-45320	Merit system - https://simbli.eboardsolutions.com/SU/ZewEnmUlwNuv3WapgPmX5Q==
Evid. Code 1035.2	Sex assault counselor; definition - https://simbli.eboardsolutions.com/SU/qJOPtcrRdPhYLEhzLduo7Q==
Evid. Code 1037.1	Domestic violence counselor; definition - https://simbli.eboardsolutions.com/SU/2OO7AFpeplus6zZNlyhplum44Gg==
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners - https://simbli.eboardsolutions.com/SU/LJfCekZJhzs5Nas1GG1RHHQ==
Gov. Code 12945.1-12945.2	California Family Rights Act - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQH9yA==
Gov. Code 12945.7	Bereavement leave
Gov. Code 3543.1	Rights of employee organizations - https://simbli.eboardsolutions.com/SU/m7X7sU6S9KfjH0z33KIC6A==
Lab. Code 1500-1507	Civil Air Patrol leave - https://simbli.eboardsolutions.com/SU/Am7dQr5iEbolLmeWXXKlxVg==
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies - https://simbli.eboardsolutions.com/SU/ojkw2VyZDlee6QjANmZ8Q==
Lab. Code 230.3	Leave for emergency personnel - https://simbli.eboardsolutions.com/SU/5vvFJBsWNlogX9lOtdDc9A==
Lab. Code 230.4	Leave for volunteer firefighters - https://simbli.eboardsolutions.com/SU/JDHIDNKtVpTv63Eypa63eg==
Lab. Code 230.8	Time off to visit child's school - https://simbli.eboardsolutions.com/SU/XZfQTH7IC97oltryjC7Mhw==
Lab. Code 233	Leave to attend to family illness - https://simbli.eboardsolutions.com/SU/VRh2AA6YH1QsbEw4uslshydOQ==
Lab. Code 234	Absence control policy - https://simbli.eboardsolutions.com/SU/9tssm8e1G1UDokkweT4LGA==
Lab. Code 246.5	Paid sick days; purposes for use - https://simbli.eboardsolutions.com/SU/hsPPEoMgRbyMeslsh7UWdH3aw==
M&V Code 395.10	Leave when spouse on leave from military deployment - https://simbli.eboardsolutions.com/SU/sbu3cjpLROmQnOSnpa6R6w==
Pen. Code 1192.7	Plea bargaining limitation - https://simbli.eboardsolutions.com/SU/Y4tPzLWU9zUaPXfNAslshrcRA==
Pen. Code 667.5	Prior prison terms; enhancement of prison terms - https://simbli.eboardsolutions.com/SU/yS0sRxmSCVex2qplus3slsh4ab6A==

Federal References

29 USC 2601-2654
42 USC 2000d-2000d-7

Description

Family Care and Medical Leave Act
Title VI, Civil Rights Act of 1964

Management Resources References

Court Decision

Description

Rankin v. Commission on Professional Competence, (1988) 24 Cal.3d 167

Public Employment Relations Board Decision	Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	California Department of Industrial Relations - https://simbli.eboardsolutions.com/SU/Lh5JVplusYhNJm5slshcgG07zsOQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJlNbikoQhGwsWiH4ztXQ==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==

Regulation 4361.5: Military Leave

Status: DRAFT

Original Adopted Date: Pending

Military leave shall be granted in accordance with applicable state and federal law to employees performing military duties on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, examination to determine fitness for duty, and performance of funeral honors duty. (Education Code 44800; Military and Veterans Code 395, 395.01, 395.02, 395.05, 395.1, 395.2, 395.9; 38 USC 4301, 4303, 4316)

Any district employee who needs to be absent from the district service to fulfill military service shall provide advance written or verbal notice to the Superintendent or designee, unless the giving of such notice is precluded by military necessity or is otherwise impossible or unreasonable. (38 USC 4312; 20 CFR 1002.85, 1002.86)

Salary/Compensation

The district shall pay an employee's salary or compensation for the first 30 days of any one absence for military leave or during one fiscal year, under any of the following conditions:

1. **Active Military Training or Exercises:** The employee is granted a temporary military leave of absence to engage in ordered military duty for purposes of active military training, encampment, naval cruises, special exercises, or like activity as a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia, provided that: (Military and Veterans Code 389, 395, 395.01)
 - a. The employee has been employed by the district for at least one year immediately prior to the day the military leave begins.
 - b. The ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.
2. **Active Military Duty:** The employee is on military leave, other than a temporary military leave, to engage in active military duty as a member of the reserve corps or force of the United States Armed Forces, the National Guard, or the Naval Militia, provided that the employee has been employed by the district for at least one year immediately prior to the day the military leave begins. (Military and Veterans Code 389, 395.02)
3. **War or Other Emergency:** The employee, however long employed by the district, is a member of the National Guard who is engaged in military or naval duty during a state of extreme emergency as declared by the Governor, or during such time as the National Guard may be on active duty in situations described in Military and Veterans Code 146, including travel time to and from such duty. (Military and Veterans Code 395.05)
4. **Inactive Duty Training:** The employee is a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia who is engaged in temporary inactive duty training, provided that the employee has been employed by the district for at least one year immediately prior to the day the military leave begins and the ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.

In determining the length of district employment when necessary to determine eligibility for compensation for military leave, all recognized military service performed during and prior to district employment shall be included.

For classified employees, 30 days' compensation shall be one month's salary. For certificated employees, 30 days' compensation shall be one-tenth of the employee's annual salary. (Education Code 45059)

During the period of military leave, an employee may request to use any vacation or similar paid leave accrued before the commencement of the military leave in order to continue receiving compensation for the employee's employment with the district. The district shall not require the employee to use such leave. (38 USC 4316; 20 CFR 1002.153)

Benefits

An employee may elect to continue health plan coverage during the military leave. The maximum period of coverage for the employee and any dependents shall be either 24 months from the beginning of the leave or until the day after

the employee fails to apply for or return to employment, whichever is less. (38 USC 4317; 20 CFR 1002.164)

An employee on military leave may be required to pay the employee cost, if any, of any funded benefit to the extent that other employees on leave are so required. (38 USC 4316)

An employee absent for 30 days or fewer shall not be required to pay more than the employee share for such coverage. An employee absent for 31 days or more may be required to pay not more than 102 percent of the full premium under the plan. (38 USC 4317; 20 CFR 1002.166)

Any employee called into active military duty as a member of the California National Guard or a United States Military Reserve organization shall receive, for up to 180 days, the difference between the amount of the employee's military pay and the amount the employee would have received from the district and all benefits that the employee would have received had the employee not been called to active military duty, unless the benefits are prohibited or limited by vendor contracts. (Education Code 44018)

Vacation and Sick Leave Accrual

An employee on temporary military leave under the conditions described in Item #1 in the section entitled "Salary/Compensation" above, shall continue to accrue the same vacation, sick leave, and holiday privileges to which the employee would otherwise be entitled if not absent. (Military and Veterans Code 395)

An employee on military leave who is serving in active duty in time of war, national emergency, or United Nations military or police operation shall not accrue sick leave or vacation leave during the period of such leave. (Military and Veterans Code 395.1)

However, an employee who is a National Guard member on active duty as described in Item #3 in the section entitled "Salary/Compensation" above, shall not suffer any loss or diminution of vacation or holiday privileges because of the employee's leave of absence. (Military and Veterans Code 395.05)

Pension Plan Service Credit

Pension plan service credit and vesting shall continue during an employee's military leave as though no break in service had occurred. Payment of employer and employee contributions shall be made in accordance with law for members of the State Teachers' Retirement System or Public Employees' Retirement System. (Education Code 22850-22856; Government Code 20990-21013)

Employment Status

Absence for military leave shall not affect the classification of any employee. In the case of a probationary employee, the period of such absence shall not count as part of service required to obtain permanent status, but shall not be construed as a break in the continuity of service for any purpose. (Education Code 44800; Military and Veterans Code 395; 20 CFR 1002.149)

Reinstatement Rights

At the conclusion of the military duty, an employee shall be promptly reinstated in the position held at the beginning of the leave, at the salary to which the employee would otherwise have been entitled, except under the conditions noted below in this section. (Education Code 44800; Military and Veterans Code 395, 395.2; 38 USC 4304, 4313; 20 CFR 1002.180-1002.181)

Any employee who performs active military duty in time of war, national emergency, or United Nations military or police operation has a right to return to the position held prior to the military service, during terminal leave prior to the employee's discharge, separation, or release from the armed forces, or within six months of the employee's release, separation, honorable discharge, or placement on inactive duty. Reinstatement rights shall not be extended to any such employee who fails to return within 12 months after the first date upon which the employee could terminate or could cause to have terminated active service. (Education Code 44800; Military and Veterans Code 395.1)

When an employee has been on military leave for reasons other than war or national emergency, the time frame for seeking reinstatement shall depend on the length of military service as follows: (38 USC 4312; 20 CFR 1002.115, 1002.118)

1. For a leave of 30 days or fewer, the employee shall report for duty no later than the beginning of the first full work day following the completion of the military service plus a period of eight hours of rest following a period for safe transportation to the employee's residence.
2. For a leave of 31-180 days, the employee shall submit a written or verbal application for reinstatement not later than 14 days after the completion of military service.
3. For a leave of more than 180 days, the employee shall submit a written or verbal application for reinstatement within 90 days after the completion of military service.

Where an employee's reporting or application for reinstatement within the periods specified in Items #1 and #2 above is impossible or unreasonable through no fault of the employee, the report or application shall be made as soon as possible after the expiration of the period. In the case of Items #2 and #3 where an application is required, the employee's application may be made orally or in writing and need not follow any particular format. (38 USC 4312; 20 CFR 1002.115, 1002.117, 1002.118)

An employee who is hospitalized for, or convalescing from, an illness or injury incurred in or aggravated during the performance of military service shall report for duty or submit an application for reinstatement at the end of the period that is necessary to recover from such illness or injury, but no more than two years after the completion of military service unless circumstances beyond the employee's control make reporting within the two-year period impossible or unreasonable. (38 USC 4312; 20 CFR 1002.116)

Upon receiving an application for reinstatement, the Superintendent or designee shall reinstate the employee as soon as practicable under the circumstances of the case, but within a time period not to exceed two weeks, absent unusual circumstances. (20 CFR 1002.181)

If the employee's previous position has been abolished, the district shall reinstate the employee in a position of like seniority, status, and pay, if such position exists, or to a comparable vacant position for which the employee is qualified. (Military and Veterans Code 395, 395.1; 38 USC 4313; 20 CFR 1002.192)

An employee who fails to report or apply for reinstatement within the appropriate period does not automatically forfeit the entitlement to reinstatement but shall be subject to the district's rules and/or practices governing unexcused absences. (38 USC 4312)

The Superintendent or designee may elect not to reinstate an employee following military leave if any of the following conditions exists:

1. The district's circumstances have so changed as to make such re-employment impossible or unreasonable, such as a reduction in force that would have included the employee. (38 USC 4312; 20 CFR 1002.139)
2. The accommodation, training, or effort described in 38 USC 4313(a)(3), (a)(4), or (b)(2)(B) would impose an undue hardship on the district as defined in 20 CFR 1002.5 or 1002.198. (38 USC 4312; 20 CFR 1002.139)
3. The employee's position was for a brief, nonrecurrent period and there was no reasonable expectation that such employment will continue indefinitely or for a significant period. (38 USC 4312; 20 CFR 1002.139)
4. The employee's cumulative length of absence and length of all previous military leave while employed with the district exceeds five years, excluding those training and service obligations specified in 38 USC 4312(c). (38 USC 4312; 20 CFR 1002.99-1002.103)
5. The employee was separated from military service with a disqualifying discharge or under other than honorable conditions. (Military and Veterans Code 395.1; 20 USC 4304, 4312; 20 CFR 1002.134-1002.138)

Notices

The Superintendent or designee shall provide employees a notice of the rights, benefits, and obligations of employees granted military leave and of the district under the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC 4301-4334. (38 USC 4334)

This requirement may be met by posting the notice where the district customarily places notices for employees. (38 USC 4334)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
Ed. Code 22850-22856	Pension benefits; STRS members on military leave - https://simbli.eboardsolutions.com/SU/0plusAJ2kJgYfo1t07UmXoD1w==
Ed. Code 44018	Compensation for employees on active military duty - https://simbli.eboardsolutions.com/SU/pgy2lhapVDsLSWvm3QQ1Lg==
Ed. Code 44800	Effect of active military service on status of employees - https://simbli.eboardsolutions.com/SU/tiexjf4486Net2nRqBikXg==
Ed. Code 45059	Employee ordered to active military/naval duty; computation of salary - https://simbli.eboardsolutions.com/SU/Ti6O6zHBFhiuj7S1tf7xKw==
Gov. Code 18540	Definition of armed forces - https://simbli.eboardsolutions.com/SU/g29pUftbu1hLJfJXxFshuQ==
Gov. Code 18540.3	Recognized military service - https://simbli.eboardsolutions.com/SU/WwuL6Uho86X0GZpZakkzoQ==
Gov. Code 20990-21013	Pension benefits; PERS members on military leave - https://simbli.eboardsolutions.com/SU/Cio9z6yXAYfplusv98r4hP7aQ==
M&V Code 146	Events justifying calling of militia into active service - https://simbli.eboardsolutions.com/SU/ZyXofVyhuplusg3KtO1v1DZg==
M&V Code 389	Definitions; temporary military leave - https://simbli.eboardsolutions.com/SU/KPgTvvT7LFhMtjW36y66MQ==
M&V Code 394	Nondiscrimination based on military service - https://simbli.eboardsolutions.com/SU/mXNDxa9NVvsaVxKQmELtyA==
M&V Code 395-395.9	Military leave - https://simbli.eboardsolutions.com/SU/OizdkeJGcd9lnkqUJD1kJA==

Federal References

	Description
20 CFR 1002.1-1002.314	Uniformed Services Employment and Reemployment Rights Act of 1994
38 USC 4301-4334	Uniformed Services Employment and Reemployment Rights Act of 1994

Management Resources References

	Description
Attorney General Opinion	18 Ops.Cal.Atty.Gen. 178 (1951)
Attorney General Opinion	63 Ops.Cal.Atty.Gen. 924 (1978)
Attorney General Opinion	69 Ops.Cal.Atty.Gen. 290 (1986)
Attorney General Opinion	77 Ops.Cal.Atty.Gen. 56 (1994)
Court Decision	Bowers v. San Buenaventura (1977) 75 Cal. App.3d 65
Court Decision	Wright v. City of Santa Clara (1989) 213 Cal. App.3d 1503
U.S. Department of Labor Publication	A Non-Technical Resource Guide to the Uniformed Services Employment and Reemployment Rights Act (USERRA), rev. April 2005
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==
Website	National Committee for Employer Support of the Guard and Reserve - https://simbli.eboardsolutions.com/SU/YYN378LPYzj3jvdJKbslshUUQ==
Website	U.S. Department of Labor, USERRA - https://simbli.eboardsolutions.com/SU/PNGGXVyMj8Zx0NMplus6qWUVA==
Website	National School Boards Association - https://simbli.eboardsolutions.com/SU/PGLybcP29yufJSot5FEGJg==

Regulation 4361.8: Family Care And Medical Leave

Status: DRAFT

Original Adopted Date: Pending

The district shall not deny any eligible employee the right to family care or medical leave pursuant to the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), or to Pregnancy Disability Leave (PDL), when an employee is disabled by a pregnancy, childbirth, or related medical condition. The district shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the district discharge, discriminate against, or retaliate against an employee for taking such leave, opposing or challenging an unlawful employment practice in relation to any of these laws, or being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child means a biological, adopted, or foster child; a stepchild; a legal ward; or a person to whom the employee stands in loco parentis. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

Designated person, for CFRA purposes, means any individual related by blood, or whose association with the employee is the equivalent of a family relationship. (Government Code 12945.2)

Eligible employee, for FMLA and CFRA purposes, means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

Eligible family member means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, sibling, or designated person. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

Employee disabled by pregnancy means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion
2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

Parent means a biological, foster, or adoptive parent; a parent-in-law; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child. However, for FMLA purposes, parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or an eligible family member of the employee that involves either inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity.

A person is considered an inpatient when formally admitted to a health care facility with the expectation of remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:
 - a. A period of incapacity of more than three consecutive full days
 - b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
 - c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
 - d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective
 - e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage. For purposes of CFRA leave, spouse also includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

Eligibility/Purposes of Leave

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)
2. The care of an eligible family member with a serious health condition
3. The employee's own serious health condition that makes the employee unable to perform the job functions of the position
4. A qualifying exigency arising out of the fact that the employee's spouse, child, parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)
5. The care of a covered servicemember with a serious injury or illness when the employee is a spouse, child, parent, or next of kin of the covered servicemember

In addition, the district shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

Terms of Leave

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945.2; 29 USC 2612)

The 12-month period shall coincide with the fiscal year. (29 CFR 825.200)

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth

of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the district.

Use/Substitution of Paid Leave

During any otherwise unpaid period of PDL or any FMLA or CFRA leave, the employee may elect to use accrued vacation leave, or any other paid time off negotiated with the district that the employee is eligible to use. If the leave is for the employee's own serious health condition or PDL, the employee may also elect to use accrued sick leave during the period of leave. (Government Code 12945, 12945.2; 2 CCR 11044; 11092; 29 USC 2612)

The district and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member
2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule
3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

Request for Leave

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, the employee must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

An eligible employee may request CFRA leave to care for a designated person with a serious health condition. The employee may identify the designated person at the time of the employee's request for the leave. The district may limit an employee to using CFRA leave to care for one designated person per 12-month period. (Government Code 12945.2; Labor Code 245.5)

Certification of Health Condition

Within five business days of an employee's request for family care and medical leave for the serious health condition of the employee or an eligible family member, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition
3. If the employee is requesting leave to care for an eligible family member with a serious health condition, both of the following:
 - a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the eligible family member during a period of the treatment or supervision
 - b. Estimated amount of time the health care provider believes the employee needs to care for the eligible family member
4. If the employee is requesting leave because of the employee's own serious health condition, a statement that due to the serious health condition, the employee is unable to work at all or is unable to perform one or more essential job functions of the position
5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, the Superintendent or designee may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

Certification for PDL

The Superintendent or designee shall request that an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if the Superintendent or designee has reason to question the appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days' notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

Release to Return to Work

Upon expiration of an employee's PDL or family care and medical leave taken for the employee's own serious health condition, the employee shall present certification from the health care provider of the employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of the position.

Rights to Reinstatement

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

The district may refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the district and the leave shall not constitute a break in service for purposes of longevity,

seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before the employee took the leave. The employee shall reimburse the district for premiums paid during the leave if the employee fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

Covered active duty means, for members of the Regular Armed forces, duty during the deployment of a member of the regular Armed Forces to a foreign country or, for members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign country includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

During the period of qualified exigency leave, the district's rule regarding an employee's use of accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is inclusive of the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Child of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or child for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents-in-law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to the covered servicemember, other than the spouse, parent, or child, unless designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating
2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:
 - a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating
 - b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or

mental condition

- c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran
- d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

During the period of military caregiver leave, the district's rule regarding an employee's use of accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Notifications

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the Fair Employment and Housing Act/PDL and FMLA/CFRA and employees' rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)
2. The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11049, 11050, 11091)
3. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)
4. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)
 - a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying
 - b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification
 - c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave
 - d. Any requirements for the employee to make premium payments necessary to maintain health benefits,

the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis

- e. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave
- f. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leaveAny time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

5. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, the Superintendent or designee shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

6. If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

The Superintendent or designee shall maintain records pertaining to an individual employee's use of FMLA or CFRA leave or PDL in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

Policy Reference Disclaimer:These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions - https://simbli.eboardsolutions.com/SU/GplusgYNhBplus6hlimWMyAuhwJw==
2 CCR 11087-11098	California Family Rights Act - https://simbli.eboardsolutions.com/SU/abM0slshHCKrMbGboplusCdDilag==
Ed. Code 44965	Granting of leaves of absence for pregnancy and childbirth - https://simbli.eboardsolutions.com/SU/e7uNwjUiINYDEySWMAQCHpg==
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners - https://simbli.eboardsolutions.com/SU/LJfCekZJhzs5Nas1GG1RHQ==
Fam. Code 300	Definition of marriage - https://simbli.eboardsolutions.com/SU/05rpsoloLBweplusb92Whyabw==
Gov. Code 12926	Definitions - https://simbli.eboardsolutions.com/SU/fp6xQmGSukcAWJ60VowoVA==
Gov. Code 12940	Unlawful discriminatory employment practices - https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==

Gov. Code 12945	Unlawful discrimination based on pregnancy, childbirth, or related medical conditions - https://simbli.eboardsolutions.com/SU/2DmzeI3sr9Q8BhxwgjWUtA==
Gov. Code 12945.1-12945.2	California Family Rights Act - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQHQ9yA==
Gov. Code 12945.6	Parental leave
Gov. Code 12946	Fair Employment and Housing Act: discrimination prohibited - https://simbli.eboardsolutions.com/SU/wjtLdzTqqwlov2Syc5bhMQ==

Federal References

1 USC 7	Definition of marriage and spouse - https://simbli.eboardsolutions.com/SU/znaI4bZkEoCQ5ILKxeKqGw==
29 CFR 825.100-825.702	Family and Medical Leave Act of 1993
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008

Management Resources References

Court Decision	Description Faust v. California Portland Cement Company (2007) 150 Cal.App.4th 864
Court Decision	Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045
Court Decision	United States v. Windsor (2013) 699 F.3d 169
U.S. Department of Labor Publication	Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	U.S. Department of Labor, FMLA - https://simbli.eboardsolutions.com/SU/gTctHyc7Ra9nNTUgNmxAhw==
Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RlslshmyzTCzMSVplus4uuCqYvZA==