

# Hanford Elementary School District

Wednesday, December 15, 2010

District Office Board Room

714 North White Street, Hanford

## ANNUAL ORGANIZATIONAL MEETING

5:30 p.m.

- Call to Order
- Members present
- Pledge to the Flag

### CLOSED SESSION

- **Student Discipline** (*Education Code 48918...requires closed sessions in order to prevent the disclosure of confidential student record information*)

#### Administrative Panel Recommendations

Case # 25-11 Kennedy

Case # 26-11 Monroe

Case # 27-11 Wilson

Case # 28-11 Wilson

Case # 29-11 Richmond

Case # 30-11 King

- **Conference with Legal Counsel** – Anticipated Litigation – Significant exposure to litigation pursuant to subdivision (b) of the Government Code Section 54956.9

One Tort Claim received. Claim available for public inspection under Government Code Section 54957.5

6:00 p.m.

### OPEN SESSION

- Take action on Student Discipline Matters
- Report action taken, if any, in closed session

#### 1. Board Organization

Oath of Office for Elected Board members

Election and appointment of officers

- President
- Vice President
- Clerk

Designate trustee participation on district committees

- Finance Committee (2)
- Budget Committee (2)
- Kings County School Board Association (1)
- HESD Educational Foundation (1)

Adopt Board Meeting Calendar for 2011

- *Materials related to an item on this agenda submitted to the Board after distribution of the agenda packet are available for public inspection at the Superintendent's Office located at 714 N. White Street, Hanford, CA during regular business hours.*
- *Any individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Superintendent in writing.*

## *Short Break for Holiday Reception and Refreshments*

### **2. PRESENTATIONS, REPORTS AND COMMUNICATIONS**

*(In order to insure that members of the public are provided an opportunity to address the Board on agenda items or non-agenda items that are within the Board's jurisdiction, agenda items may be addressed either at the public comments portion of the agenda, or at the time the matter is taken up by the Board. A person wishing to be heard by the Board shall first be recognized by the president and identify themselves. Individual speakers are allowed three minutes to address the Board. The Board shall limit the total time for public input on each item to 20 minutes.)*

- a) Public Comments
- b) Board and staff comments
- c) Requests to address the Board at future meetings
- d) Review Dates to Remember

### **3. INFORMATION ITEMS**

- a) Receive 2011-12 Budget Calendar. (White)
- b) Receive the following revised Board Policy and Administrative Regulation for information: (McConnell)
  - BP/AR 5141.21 – Administering Medication and Monitoring Health Conditions
- c) Receive the following Board Policy and Administrative Regulation for information: (Williams)
  - BP 4030 – Nondiscrimination in Employment
  - AR 4031 – Nondiscrimination in Employment: Complaint Procedures
- d) Receive the following Administrative Regulation for information: (Williams)
  - AR 4112.23 - Special Education Staff
- e) Receive the following Administrative Regulation for information: (Williams)
  - AR 4112.42, 4212.42, 4312.42 – Drug and Alcohol Testing for Holders of Commercial Motor Vehicle (revised)
- f) Receive the following Board Policy and Administrative Regulation for information: (Williams)
  - BP 4157, 4257, and 4357 – Employee Safety – Injury and Illness Prevention Program (revised)
  - AR 4157, 4257, and 4357 – Employee Safety (revised)

### **4. CONSENT ITEMS**

*(Items listed are considered routine and may be adopted in one motion. If discussion is required, a particular item may be removed upon request by any Board member and made a part of the regular business.)*

- a) Approve warrant listings dated: November 29, and December 3, 2010
- b) Approve minutes of December 1, 2010 Board Meeting.
- c) Approve interdistrict transfers as recommended.
- d) Approve donation of \$821.61 from Washington PTP Club to Washington School. (Hines)

**5. BOARD POLICIES AND ADMINISTRATION**

- a) Consider approval of District Title I Parent Involvement Policy (Carlton)
- b) Consider adoption of the following revised Administrative Regulation: (Williams)
  - AR 4161.1. Certificated Personnel – Personal Illness/Injury Leave (revised)
  - AR 4261.1. Classified Personnel – Personal Illness/Injury Leave (revised)
  - AR 4361.1. Management, Supervisory and Confidential Personnel – Personal Illness/Injury Leave (revised)

**6. PERSONNEL**

- a) Employment – Classified- READY Program Tutor  
Temporary Employees/Substitutes/Yard Supervisors - Short-term Yard Supervisor; Short-term Custodian II; Yard Supervisor; Substitute Special Circumstance Aide, Special Education Aide and Translator; Oral Interpreter; Short-term Yard Supervisor; Boys Basketball Coach
- b) Resignations – Yard Supervisor; Special Education Aide; READY Program Tutor
- c) Termination - Coach
- d) Leave of Absence – Yard Supervisor; Food Service Worker II
- e) Volunteers – as listed

**7. FINANCIAL**

- a) Consider approval of Certification of Signatures.
- b) Consider acceptance of Report of Developer Fees Collected and Spent.
- c) Consider approval of Certification of First Interim Report for 2010-11
- d) Consider approval of the certification of the 2010-11 Operations Application for the K-3 Class Size Reduction Program.

**ADJOURN MEETING**

HANFORD ELEMENTARY SCHOOL DISTRICT

AGENDA REQUEST FORM

TO: Dr. Paul Terry  
FROM: Liz Simas  
DATE: December 2, 2010

For: ☒ Board Meeting  
☐ Superintendent's Cabinet  
☐ Information  
☒ Action

Date you wish to have your item considered: December 15, 2010

ITEM: Student Discipline

PURPOSE: Administrative Panel Recommendations

**Administrative Panel Recommendations**

Case# 25-11 Kennedy

Case# 26-11 Monroe

Case# 27-11 Wilson

Case# 28-11 Wilson

Case# 29-11 Richmond

Case# 30-11 King

## Hanford Elementary School District

**REGULAR BOARD MEETING SCHEDULE**  
**January 2011 – December 2011**

Regular Board Meetings are normally held on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of the month. (The calendar may be modified for holiday months). Unless otherwise noted, board meetings begin at 5:30 p.m.

January 5, 2011  
January 19, 2011

February 2, 2011  
February 16, 2011

March 2, 2011  
March 16, 2011

April 6, 2011

May 4, 2011  
May 18, 2011

June 15, 2011

July 20, 2011 (if needed)

August 17, 2011

September 7, 2011  
September 21, 2011

October 5, 2011  
October 19, 2011

November 2, 2011  
November 16, 2011

December 7, 2011  
December 21, 2011

Adopted:

HANFORD ELEMENTARY SCHOOL DISTRICT

**Agenda Request Form**

TO: Dr. Paul J. Terry

FROM: Nancy White

DATE: December 6, 2010

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☒ Information  
☐ Action

Date you wish to have your item considered: December 15, 2010

**ITEM:**

Receive 2011-12 Budget Calendar.

**PURPOSE:**

Attached for your information is the timeline we will follow for the preparation of the District Budget for 2011-12.

**FISCAL IMPACT:**

**RECOMMENDATION:**

Hanford Elementary School District  
**2010-11 BUDGET CALENDAR**  
For the 2011-12 BUDGET


7/96

<b>2010</b>	
August – December	Request Health Benefits Actuarial study (study required every three years – last completed 12/09 – if necessary, for Dental)
August – December	Request GASB 45 – OPEB Actuarial Study (study required every two years – last completed 12/09 and therefore N/A for 10/11)
December	Requests for audit quotes/select auditor (N/A for 2010/11; current contract is for 09/10, 10/11 & 11/12)
<b>2011</b>	
January 21	Personnel – Projects percentage split determined at Project Planning Meeting
January 24	Site Allocation Planning. Determine School/Department planning figures for 11-12 Personnel and Supply allocation (Terry/White)
January 28	Send copy of District audit to AMBAC (Insurers of 1993/1998 G.O. Bonds)
January 28	Receive Early/Late Bus Supervision hours for 11-12 from Gerry Mulligan
February	Receive 11-12 Lunch Schedules from Anneliese Roa
February 4	Send 11-12 Classified Allocation History to S.O.O./Managers/HR
March	Superintendent to review Department budgets with managers at briefings
March 1- March 24	Principals/Department Heads to develop budgets
March 1	Distribute budget materials to Schools and Departments
March 1	Send reminder to Schools and Departments regarding 10-11 Purchase Order Deadline – P.O.'s will be closed off April 15 <sup>th</sup>
March 7	ADA projection for calculation of income (Terry/White)
March 10	11-12 Annual Staffing - Certificated
March 24	11-12 General Purpose, Special Ed and State Textbook budgets due to Fiscal Services
April 4	Establish Budget Committee
April 8	Review Personnel - Project percentage splits – during Admin Council
April 15	Close off 10-11 Purchase Orders – Projects and District
April 29	Review 10-11 proposed income and expenditures. Make any necessary adjustments to balance (Terry/White)
April 29	Projects percentage splits memo to Dept. Heads/HR (White/Carlton)
May 2	11-12 Annual Staff Planning - Classified
May 6	11-12 Categorical & Cafeteria Budgets due to Fiscal Services
May 13	Principals/Dept. Heads submit final 10-11 donations to be added to the 10-11 budget
May 13	Principals/Dept. Heads submit final 10-11 budget changes if necessary
May 16	Budget Committee meets 3:30 p.m. Conference Room C
May 19	Public Notice on budget adoption to be sent to KCOE for submission to Hanford Sentinel for publication on June 1
June 1	Public Notice re: 11-12 Budget Adoption (14 days prior to adoption)
June 7-10	Submit budget for adoption to Board (agenda item due)
June 15	Board Meeting – ADOPT 11-12 Budget
August 1 (or sooner)	County approves and returns Adopted Budget
August 15 deadline (may be later)	Adopt, within 45 days after the Governor signs the budget, revisions to reflect changes in income or expenditures stemming from the State budget
September	Compute 11-12 Gann Limit. Place on Board agenda for adoption

HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Dr. Paul J. Terry

FROM: Karen McConnell 

DATE: November 23, 2010

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☒ Information  
☐ Action

Date you wish to have your item considered: December 15, 2010

**ITEM:** Receive recommendation to revise AR 5141.21 ~ Admininstering Medication and Monitoring Health Conditions / Receive reccomendation to revise BP 5141.21 ~ Admininstering Medication and Monitoring Health Conditions.

**PURPOSE:** CSBA recommends that AR/BP 5141.21, be updated to include new laws regarding the administration of medication and monitoring of health conditions.

**FISCAL IMPACT:** None

**RECOMMENDATIONS:** None



# Hanford ESD

## Board Policy

### Administering Medication And Monitoring Health Conditions

BP 5141.21

#### Students

The Governing Board recognizes that some students may need to take medication prescribed by a physician during the school day in order to be able to attend school and/or participate in the educational program. The Superintendent or designee shall develop processes for the administration of medication to these students. For any student with a disability, as defined under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973, necessary medication shall be administered in accordance with the student's individualized education program or Section 504 accommodation plan.

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education Under Section 504)

The district shall strive to give diligent care to the health and physical well being of its students and recognizes that certain students may need to take medication during the school day.

If a parent/guardian chooses, he/she may administer the medication to his/her child at school or designate another individual who is not a school employee to do so on his/her behalf.

(cf. 1250 - Visitors/Outsiders)

(cf. 6116 - Classroom Interruptions)

In addition, upon written request by the parent/guardian and with the approval of the student's physician, a student with a medical condition that requires frequent treatment, monitoring, or testing may be allowed to self-administer, self-monitor, and/or self-test. The student shall observe universal precautions in the handling of blood and other bodily fluids.

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.23 - Asthma Management)

#### Administration of Medication by School Personnel

Prescribed medication may be administered by the school nurse or other designated school personnel only when the Superintendent or designee has received written statements from both the student's physician and parent/guardian. (Education Code 49423; 5 CCR 600)

School nurses and other designated school personnel shall administer medications in accordance with law, Board policy, and administrative regulation and shall be afforded appropriate liability protection.

(cf. 3530 - Risk Management/Insurance)

Only a school nurse or other school employee with an appropriate medical license may administer an insulin injection to a student. In the event such licensed school personnel are unavailable, the district may contract with a licensed nurse from a public or private agency to administer insulin to the student.

(cf. 5141.24 - Specialized Health Care Services)

To the extent that the administration of a medication, such as epinephrine auto-injector or glucagon, is authorized by law, the Superintendent or designee shall ensure that unlicensed personnel designated to administer it to students receive appropriate training from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, recognition of symptoms and treatment, emergency follow-up procedures, and proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by and provided with emergency communication access to a school nurse, physician, or other appropriate individual.

The Superintendent or designee shall maintain documentation of the training, ongoing supervision, as well as annual written verification of competency of such other designated school personnel.

Legal Reference:

EDUCATION CODE

48980 Notification at beginning of term

49407 Liability for treatment

49408 Emergency information

49414 Emergency epinephrine auto-injectors

49414.5 Providing school personnel with voluntary emergency training

49423 Administration of prescribed medication for student

49423.1 Inhaled asthma medication

49423.5 Specialized health care services

49426 School nurses

49480 Continuing medication regimen; notice

BUSINESS AND PROFESSIONS CODE

2700-2837 Nursing, especially:

2726 Authority not conferred

2727 Exceptions in general

CODE OF REGULATIONS, TITLE 5

600-611 Administering medication to students

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

COURT DECISIONS

American Nurses Association v. O'Connell, (2010) 185 Cal.App.4th 393

Management Resources:

AMERICAN DIABETES ASSOCIATION PUBLICATIONS

Glucagon Training Standards for School Personnel: Providing Emergency Medical Assistance to Pupils with Diabetes, May 2006

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Training Standards for the Administration of Epinephrine Auto-Injectors, December 2004

NATIONAL DIABETES EDUCATION PROGRAM PUBLICATIONS

Helping the Student with Diabetes Succeed: A Guide for School Personnel, June 2003

WEB SITES

CSBA: <http://www.csba.org>

American Diabetes Association: <http://www.diabetes.org>

California Department of Education, Health Services and School Nursing:

<http://www.cde.ca.gov/ls/he/hn>

National Diabetes Education Program: <http://www.ndep.nih.gov>

U.S. Department of Health and Human Services, National Institutes of Health, Blood Institute, asthma information: <http://www.nhlbi.nih.gov/health/public/lung/index.htm#asthma>

~~Any student who is required to take medication may be assisted by the school nurse or other designated school personnel if the school district receives:~~

- ~~1. A written statement from the prescribing physician detailing the method, amount, and time schedules by which such medication is to be taken.~~
- ~~2. A written statement from the parent or guardian of the student indicating the desire that the school district assist the student in the matters set forth in the physician's statement.~~

~~Medication is not to be kept by any student, except in certain circumstances deemed necessary by the supervising physician.~~

~~"Medication" includes both prescription and over the counter substances. All medications shall be labeled, stored, and administered according to established State and Federal laws.~~

~~(cf. 3530—Risk Management/Insurance)~~

~~(cf. 5141.24—Specialized Health Care Services)~~

~~Upon written request by the parent/guardian and with the approval of the student's physician, a student with an existing medical condition that requires frequent monitoring, testing or treatment~~

may be allowed to self administer this service. The student shall observe universal precautions in the handling of blood and bodily fluids.

(cf. 4119.43/4219.43/4319.43—Universal Precautions)  
(cf. 5141.23—Infectious Disease Prevention)

### Anaphylactic Injections

The Board of Trustees recognizes that some students have allergies of such severity that they may require an emergency anaphylactic injection during the course of the school day. Parents/guardians who are aware of this foreseeable need may ask the district to provide such injections in accordance with administrative regulations.

School staff who may be required to administer anaphylactic injections shall receive training from qualified medical personnel. They will be authorized to administer the injections in accordance with administrative regulations and will be afforded appropriate liability protection.

(cf. 5141—Health Care and Emergencies)

### Legal Reference:

#### EDUCATION CODE

48980 Notification at beginning of term

49407 Liability for treatment

49408 Emergency information

49414 Emergency epinephrine auto-injectors

49414.5 Providing school personnel with voluntary emergency training

49423 Administration of prescribed medication for student

49423.1 Inhaled asthma medication, conditions upon which pupil may carry and self-administer medication

49423.5 Specialized health care services

49426 School nurses

49480 Continuing medication regimen; notice

#### BUSINESS AND PROFESSIONS CODE

2700-2837 Nursing, especially:

2726 Authority not conferred

2727 Exceptions in general

#### CODE OF REGULATIONS, TITLE 5

600-611 Administering medication to students

### Management Resources:

#### NATIONAL DIABETES EDUCATION PROGRAM PUBLICATIONS

Helping the Student with Diabetes Succeed: A Guide for School Personnel, June, 2003

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Training Standards for the Administration of Epinephrine Auto-Injectors, December, 2004

#### WEB SITES

~~American Diabetes Association: <http://www.diabetes.org>~~

~~California Department of Education, Health Services and School Nursing:~~

~~<http://www.cde.ca.gov/ls/he/hn>~~

~~Department of Health and Human Services, National Institutes of Health, National Heart, Lung and Blood Institute, asthma information:~~

~~<http://www.nhlbi.nih.gov/health/public/lung/index.htm#asthma>~~

Policy HANFORD ELEMENTARY SCHOOL DISTRICT

Adopted: May 16, 2001 Hanford, California

Revised: May 26, 2005

Approved:

# Hanford ESD

## Administrative Regulation

### Administering Medication And Monitoring Health Conditions

AR 5141.21

#### Students

##### Definitions

Other designated school personnel may include any individual employed by the district who has consented to administer the medication or otherwise assist the student and who may legally administer the medication to the student or assist the student in the administration of the medication. (5 CCR 601)

Medication may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies. (5 CCR 601)

##### Notifications to Parents/Guardians

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians of the options available to students who need to take prescribed medication during the school day and the rights and/or responsibilities of parents/guardians regarding those options.

(cf. 5145.6 - Parental Notifications)

In addition, the Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a nonepisodic condition of the following requirements: (Education Code 49480)

1. The parent/guardian is required to inform the school nurse or other designated employee of the medication being taken, the current dosage, and the name of the supervising physician.
2. With the parent/guardian's consent, the school nurse or other designated employee may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

##### Parent/Guardian Responsibilities

In accordance with law, the district shall obtain written statements from the student's physician and parent/guardian before a district employee administers, or assists in the administration of, a prescribed medication to any student and before a student is allowed to carry and self-administer

prescription diabetes medication, auto-injectable epinephrine, or prescription inhaled asthma medication during school hours. (Education Code 49414.5, 49423, 49423.1; 5 CCR 600)

(cf. 5141.23 - Asthma Management)

The physician's written statement shall include:

1. Clear identification of the student (Education Code 49423, 49423.1; 5 CCR 602)
2. The name of the medication (Education Code 49423, 49423.1; 5 CCR 602)
3. The method, amount, and time schedules by which the medication is to be taken (Education Code 49423, 49423.1; 5 CCR 602)
4. If a parent/guardian has requested that his/her child be allowed to self-administer medication, confirmation that the student is able to self-administer the medication (Education Code 49423, 49423.1; 5 CCR 602)
5. For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation
6. Possible side effects of the medication
7. Name, address, telephone number, and signature of the student's authorized health care provider

When district employees are to administer medication to a student, the parent/guardian's written statement shall:

1. Identify the student
2. Grant permission for an authorized district representative to communicate directly with the student's physician, and the pharmacist as may be necessary, regarding the physician's written statement or any other questions that may arise with regard to the medication
3. Contain an acknowledgment that the parent/guardian understands how district employees will administer or otherwise assist the student in the administration of medication
4. Contain an acknowledgment that the parent/guardian understands his/her responsibilities to enable district employees to administer or otherwise assist the student in the administration of medication including, but not limited to, the parent/guardian's responsibility to provide a written statement from the physician, to ensure that the medication is delivered to the school in a proper container by an individual legally authorized to be in possession of the medication, and to provide all necessary supplies and equipment

5. Contain an acknowledgment that the parent/guardian may terminate consent for such administration at any time

In addition to the requirements in items #1-5 above, if a parent/guardian has requested that his/her child be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall: (Education Code 49423, 49423.1)

1. Consent to the self-administration

2. Release the district and school personnel from civil liability if the student suffers an adverse reaction as a result of self-administering the medication

In addition to the requirements in items #1-5 above, if a parent/guardian wishes to designate an individual who is not an employee of the district to administer medication to his/her child, the parent/guardian's written statement shall clearly identify the individual and shall state:

1. The individual's willingness to accept the designation

2. That the individual is permitted to be on the school site

3. Any limitations on the individual's authority

4. Documentation will be made in the medication log by the individual providing the treatment

The parent/guardian shall annually provide the Superintendent or designee a new written statement from himself/herself and the student's physician. In addition, the parent/guardian shall provide a new physician statement if the medication, dosage, frequency of administration, or reason for administration changes. (Education Code 49423, 49423.1)

Parents/guardians shall provide medications in properly labeled, original containers along with the physician's instructions. For prescribed medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the physician. Medications that are not in their original container shall not be accepted or administered. Medications shall be delivered to the school by parents/guardians, unless the Superintendent or designee authorizes another method of delivery.

The parent/guardian of a student on a continuing medication regimen for a nonepisodic condition shall inform the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician. (Education Code 49480)

#### District Employee/District Responsibilities

The school nurse or other designated school personnel shall:



1. Administer or assist in administering medications in accordance with the physician's written statement.
  2. Accept delivery of medications from parents/guardians and count and record them upon receipt.
  3. Maintain a list of students needing medication during the school day, including those authorized to self-administer medications. The type of medication and the times and dosage to be administered shall be noted on the list.
  4. Maintain a medication log which may:
    - a. Specify the student's name, medication, dose, method of administration, time of administration during the regular school day, date(s) on which the student is required to take the medication, and the physician's name and contact information
    - b. Contain a space for daily recording of the date, time, and amount of medication administered, and the signature of the individual administering the medication
  5. Maintain a medication record which may include the physician's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student.
  6. Ensure that student confidentiality is appropriately maintained.
- (cf. 5125 - Student Records)
7. Coordinate the administration of medication during field trips and after-school activities.
- (cf. 5148.2 - Before/After School Programs)  
(cf. 6145.2 - Athletic Competition)  
(cf. 6153 - School-Sponsored Trips)
8. Report any refusal by any student to take his/her medication to his/her parent/guardian and the site administrator.
  9. Keep all medication to be administered by the district in a locked drawer or cabinet.
  10. Communicate with the physician and pharmacist regarding the medication and its effects.
  11. Counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.
  12. Ensure that unused, discontinued, or outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, dispose of

it in accordance with state laws and local ordinances.

13. Provide immediate medical assistance, if needed, and report to the site administrator and parent/guardian instances when the medication is not administered properly, including administration of the wrong medication or failure to administer the medication in accordance with the physician's written statement.

Upon receiving such notification, the site administrator may notify the student's health care provider and shall document the error in the medication log.

~~It is the policy of the district to cooperate with the student's parent/guardian and his or her physician by assisting in the administration of medication as requested during the school day. Such assistance will be rendered provided the district receives the following:~~

- ~~1. A written statement from such physician detailing the method, amount, and time-schedules by which such medication is to be taken.~~
- ~~2. A written statement for the parent/guardian of the student indicating the desire that the school district assist the student in the matters set forth in the physician's statement.~~

~~Medications will not be administered unless the above information is received.~~

~~"Medications" includes both prescription and over the counter substances.~~

#### Parent Responsibilities

- ~~1. Parents/guardians are responsible for providing the district with a signed physician's statement and a parent's/guardian's request for medication to be administered during school hours.~~
- ~~2. The physician's statement must include:~~
  - ~~a. Name of the student for whom the request is made.~~
  - ~~b. Name of medication to be administered.~~
  - ~~c. Dosage required and method of administration.~~
  - ~~d. Time schedule for administration.~~
  - ~~e. Statement indicating that the medication is medically required to be administered during school hours.~~
- ~~3. Parents/guardians must deliver the medication in its originally received container with all labeling intact.~~

4. ~~Prescribed and over the counter medications that are not in the original container with an intact label that identifies the medication will not be accepted or administered. The prescribed medication label must also include the name of the person for whom prescribed, the name of the prescribing physician, and the physician's instructions.~~

5. ~~Medications shall not be sent to the school site on the school bus unless the district provides authorization.~~

6. ~~Medications should not be brought to the school site by the student unless the district provides written authorization.~~

7. ~~The parent/guardian of the student on a continuing medication regime from a non-episodic condition shall inform the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician. The Superintendent shall inform the parent/guardian of every student of the above requirements.~~

#### District Responsibilities

1. ~~In the absences of the school nurse, only employees specifically designated and trained may administer medications. The training shall cover the following:~~

a. ~~Legal requirements.~~

b. ~~Method of administration.~~

c. ~~Observations of effects of medicines frequently ordered and any special medications ordered.~~

d. ~~Possible signs and symptoms of adverse side effects, omission, or overdose.~~

e. ~~Proper handling and storage.~~

f. ~~Record keeping requirements.~~

g. ~~Emergency procedures~~

2. ~~Employees designated to administer medication shall be trained and certified in current first aid and CPR techniques.~~

3. ~~The district shall ensure that the physician's written statement and the parent's/guardian's request is on file before administering any medication.~~

4. ~~Medications will not be accepted nor administered which are not in their original container with an intact label that identifies the medication, the name of the person for whom prescribed, the name of the prescribing physician, and the physician's instructions. Over the counter medications must also be in their original container accompanied by physician's~~

~~instruction for administration.~~

5. ~~— All medication shall be counted and recorded upon receipt. If possible, the volume of a liquid should also be recorded (estimations are acceptable).~~

6. ~~— Refusal by the student to take his or her medication, or omission for any other reason, shall be immediately reported to the parent/guardian.~~

7. ~~— The school nurse shall periodically review cases in cooperation with the physician, parent/guardian, and teacher, particularly those cases involving behavior modifying drugs, to determine the continued need for the administration of medication at school.~~

8. ~~— The school nurse shall also:~~

a. ~~— Review the medication log periodically (monthly if possible).~~

b. ~~— Counsel with school personnel regarding the possible effects of the medication on the pupil's intellectual and social behavior as well as possible behavioral signs and symptoms of adverse side affects, omission or overdose.~~

c. ~~— Counsel with staff as other drugs not previously ordered are prescribed.~~

d. ~~— Counsel with pupil regarding the principles of self care and encourage understanding of his medications so he will know to report unusual symptoms.~~

e. ~~— Provide continuing in service training to school personnel designated to administer medication.~~

f. ~~— Counsel with parents and physician should irregularities occur.~~

9. ~~— The district shall ensure that the student's medical condition and medication information shall be kept confidential.~~

#### Procedures

1. ~~— Requests for administration of medications by school personnel may address both short-term or long-term (continuing) medications. Both situations require the completion of the Authorization For Any Medication Taken During School Hours form.~~

2. ~~— Should a student not arrive at the appointed location to receive the medication, every effort will be made to locate the student so the medication can be administered.~~

3. ~~— The physician's statement and medication label shall be checked to ensure they agree. Medications will not be administered if there is a discrepancy and the parent/guardian will be notified as soon as possible.~~

4. — ~~Parents/guardians will not be notified prior to the medication bottle becoming empty that the supply of medicine is becoming low and the need for a refill, if required. This may be accomplished by sending a note home with the child.~~

#### Record Keeping

1. — ~~All medications accepted for administration will be documented on a log specific to the student. The log shall include the name of the student for whom prescribed, the name of the medicine, strength and quantity of medication, the date the prescription was filled, the prescription number, and issuing pharmacy.~~

2. — ~~A record shall be kept indicating each time the medicine is administered and initialed by the person administering the medication.~~

#### Storage of Medicines

1. — ~~All medications accepted by the district for administration to students shall be stored in a locked cabinet or cupboard that is not accessible to persons other than employees responsible for health supervision.~~

2. — ~~All medications shall be centrally stored in an area that is totally inaccessible to children.~~

#### Self Medication

1. — ~~Special circumstances may occur when a student is directed by his or her physician to carry medication on his or her person. (For example, persons for whom this might be ordered are those with asthma or anaphylaxis.)~~

a. — ~~This will be allowed only upon receipt of the physician's statement that the medical condition for which the medication is ordered requires immediate administration of that medication and the completion of the parent request form.~~

b. — ~~Student must have sufficient maturity and be able to demonstrate knowledge of correct dosage and usage.~~

c. — ~~School should outline to the student the parameters of his or her responsibility (for example, always having inhaler available when needed but not using more frequently than ordered, not sharing with other students, etc.).~~

d. — ~~Failure to follow school's directions and endangering himself/herself or others will result in this privilege being revoked (medication will be stored in a central location). Parent/Guardian will be notified as soon as possible.~~

e. — ~~The student is responsible to report to the office the frequency of use so that it can be monitored and documented as are all other medications administered during the school day.~~

### Exceptions

~~Any exceptions to this policy shall be addressed on an individual basis and shall be structured into an individualized health and support plan (for Section 504 students) or the individualized education program (for special education students).~~

### Anaphylactic Injections

- ~~1.—— Parents/guardians of students who may require emergency anaphylactic injections shall provide written permission for authorized staff to administer these injections.~~
- ~~2.—— Each year, school employees designated by the principal shall receive training in administering anaphylactic injections. Qualified medical personnel shall provide this training.~~
- ~~3.—— The principal or designee shall schedule inservice meetings to:
 
  - ~~a.—— Familiarize authorized staff with the prescribed medications and their location.~~
  - ~~b.—— Ensure that authorized staff are competent to administer anaphylactic injections.~~
  - ~~c.—— Train school personnel to recognize the symptoms of anaphylactic reactions. Physicians and parents/guardians of students who may require anaphylactic injections may be invited to attend these meetings.~~~~
- ~~4.—— The principal or designee shall prepare a list naming the students who may need emergency anaphylactic injections. This list shall be given to all concerned staff and updated annually.~~
- ~~5.—— All medication for injections shall be labeled with the student's name, type of medicine and expiration date.~~
- ~~6.—— The principal or designee shall post in the school health office a list of symptoms usually associated with anaphylactic reactions and a clear, specific procedure for administering injections in case of emergency. If authorized staff are not available at the time of an emergency, this written procedure will be followed by anyone who must administer the injection in order to save a life.~~

Regulation     HANFORD ELEMENTARY SCHOOL DISTRICT  
 Approved:     May 16, 2001 Hanford, California  
 Revised:       May 26, 2005  
 Approved :

HANFORD ELEMENTARY SCHOOL DISTRICT  
Human Resources Department  
**AGENDA REQUEST FORM**

TO: Dr. Paul Terry

FROM: Diane Williams *DW*

DATE: December 6, 2010

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

☒ Information  
☐ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **December 15, 2010**

**ITEM:** Receive Board Policy 4030 and Administrative Regulation 4031 on Nondiscrimination in Employment for information.

**PURPOSE:** The following Board Policy and Administrative Regulation replace the current policy and regulation to reflect changes that are necessary to align with current practices and procedures as well as recommendations by CSBA due to State and federal law mandates and Education Code changes.

- BP 4030 – Nondiscrimination in Employment
- AR 4031 – Nondiscrimination in Employment: Complaint Procedures

**FISCAL IMPACT:** None.

**RECOMMENDATION:** Consider for adoption at next regular board meeting.

All Personnel

BP 4030(a)

**NONDISCRIMINATION IN EMPLOYMENT**

The Governing Board prohibits discrimination against and/or harassment of district employees and job applicants at any district site or activity on the basis of actual or perceived race, religion, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran status, gender, sex, or sexual orientation.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 4032 - Reasonable Accommodation)*

*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*

*(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)*

*(cf. 4154/4254/4354 - Health and Welfare Benefits)*

*(cf. 5145.7 - Sexual Harassment)*

Prohibited discrimination or harassment consists of unwelcome conduct, whether verbal, physical, or visual, based on any of the prohibited categories of discrimination listed above that it is so severe and pervasive that it adversely affects an individual's employment opportunities or has the purpose or effect of unreasonably interfering with his/her work performance or creating an intimidating, hostile, or offensive work environment.

The Board also prohibits retaliation against any district employee or job applicant who complains, testifies, assists, or in any way participates in the district's complaint procedures instituted pursuant to this policy.

Any district employee who engages or participates in prohibited discrimination or harassment, or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior, shall be in violation of this policy and shall be subject to disciplinary action, up to and including dismissal.

*(cf. 4117.4 - Dismissal)*

*(cf. 4118 - Suspension/Disciplinary Action)*

*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

The Board designates the following position as Coordinator for Nondiscrimination in Employment:

Assistant Superintendent of Human Resources  
Human Resources Department  
Hanford Elementary School District  
714 N. White Street  
Hanford, CA 93232  
(559) 585-3609

Any employee or job applicant who believes that he/she has been or is being discriminated against or harassed in violation of district policy or regulation should immediately contact his/her supervisor, the Coordinator for Nondiscrimination in Employment, or the Superintendent who shall advise the employee or applicant about the district's procedures for filing, investigating, and resolving any such complaints.



**NONDISCRIMINATION IN EMPLOYMENT (continued)**

Complaints regarding employment discrimination or harassment shall immediately be investigated in accordance with AR 4031 - Complaints Concerning Discrimination in Employment.

*(cf. 4031 - Complaints Concerning Discrimination in Employment)*

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to his/her supervisor, the Coordinator for Nondiscrimination in Employment, or Superintendent as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately.

**Training and Notifications**

The Superintendent or designee shall provide training to employees about how to recognize harassment and discrimination, how to respond appropriately, and components of the district's policies and regulations regarding discrimination.

*(cf. 4131- Staff Development)*

*(cf. 4231- Staff Development)*

*(cf. 4331- Staff Development)*

The Superintendent or designee shall regularly publicize, within the district and in the community, the district's nondiscrimination policy and the availability of complaint procedures. Such publication shall be included in each announcement, bulletin, or application form that is used in employee recruitment. (34 CFR 100.6, 106.9)

The district's policy shall be posted in all schools and offices including staff lounges and student government meeting rooms. (5 CCR 4960)

**Legal Reference:****EDUCATION CODE**

200-262.4 Prohibition of discrimination

**CIVIL CODE**

51.7 Freedom from violence or intimidation

**GOVERNMENT CODE**

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

**PENAL CODE**

422.56 Definitions, hate crimes

**CODE OF REGULATIONS, TITLE 2**

7287.6 Terms, conditions and privileges of employment

**CODE OF REGULATIONS, TITLE 5**

4900-4965 Nondiscrimination in elementary and secondary education

**UNITED STATES CODE, TITLE 20**

1681-1688 Title IX of the Education Amendments of 1972

**UNITED STATES CODE, TITLE 29**

621-634 Age Discrimination in Employment Act

*Legal Reference continued (see next page)*

**NONDISCRIMINATION IN EMPLOYMENT (continued)***Legal Reference (continued)*

794 Section 504 of the Rehabilitation Act of 1973  
UNITED STATES CODE, TITLE 42  
 2000d-2000d-7 Title VI, Civil Rights Act of 1964, as amended  
 2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended  
 2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008  
 2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964  
 12101-12213 Americans with Disabilities Act  
CODE OF FEDERAL REGULATIONS, TITLE 28  
 35.101-35.190 Americans with Disabilities Act  
CODE OF FEDERAL REGULATIONS, TITLE 34  
 100.6 Compliance information  
 104.7 Designation of responsible employee for Section 504  
 104.8 Notice  
 106.8 Designation of responsible employee and adoption of grievance procedures  
 106.9 Dissemination of policy  
COURT DECISIONS  
Shephard v. Loyola Marymount, (2002) 102 CalApp.4th 837

*Management Resources:*

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS  
Questions and Answers: Religious Discrimination in the Workplace, 2008  
Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002  
Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999  
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS  
Notice of Non-Discrimination, January 1999  
WEB SITES  
 California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>  
 U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>  
 U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>

Policy

adopted: December 16, 1992

Revised: November 7, 2001

Revised: February 9, 2005

Revised: September 6, 2006

Revised: \_\_\_\_\_, 2010

**HANFORD ELEMENTARY SCHOOL DISTRICT**

Hanford, California

All Personnel

BP 4030(a)

NONDISCRIMINATION IN EMPLOYMENT

It is the policy of the Board of Trustees to accord all employees and job applicants equal opportunity and equal consideration in all personnel actions, including but not limited to recruitment, selection, appointment, training, transfer, promotion, approval of leaves of absence, discipline, and termination. To that end:

1. The Board prohibits unlawful discrimination against and/or harassment of district employees and job applicants on the basis of actual or perceived race, color, national origin, ancestry, religion, age, marital status, pregnancy, physical or mental disability, medical condition, veteran status, gender, sex, or sexual orientation, at any district site and/or activity.

*(cf. 4032 - Reasonable Accommodation)*

*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*

2. The Board also prohibits retaliation against any district employee or job applicant who complains, testifies or in any way participates in the district's complaint procedures instituted pursuant to this policy and administrative regulations.

*(cf. 4031 - Complaints Concerning Discrimination in Employment)*

Unlawful discrimination or harassment of an individual includes:

1. Slurs, epithets, threats or verbal abuse
2. Derogatory or degrading comments, descriptions, drawings, pictures or gestures
3. Unwelcome jokes, stories, teasing or taunting
4. Any other verbal, written, visual or physical conduct against the individual which:
  - a. Adversely affects his/her employment opportunities, or
  - b. Has the purpose or effect of unreasonably interfering with his/her work performance or creating an intimidating, hostile or offensive work environment

Any district employee who engages or participates in unlawful discrimination or harassment, or who aids, abets, incites, compels, or coerces another to discriminate, is in violation of this policy and is subject to disciplinary action up to and including dismissal.

Any district employee who permits unlawful discrimination or harassment may be subject to disciplinary action up to and including dismissal. A district employee shall be deemed to have permitted unlawful discrimination or harassment if he/she observed or has knowledge of an incident of discrimination and/or harassment and fails to report it, whether or not the victim complains.

- Delete -

BP 4030(b)

**NONDISCRIMINATION IN EMPLOYMENT (continued)**

*(cf. 4117.4 - Dismissal - Certificated Personnel)*

*(cf. 4118 - Suspension/Disciplinary Action)*

*(cf. 4218 - Dismissal/Disciplinary Action - Classified Personnel)*

*(cf. 4318 - Disciplinary Action - Management, Supervisory, and Confidential Employees)*

Complaints: Any employee or job applicant who feels that he/she has been or is being unlawfully discriminated against or harassed should immediately contact the district's Nondiscrimination Coordinator or the Superintendent in order to obtain procedures for reporting a complaint. Such complaints shall be filed in accordance with AR 4031 - Complaint Procedures - Discrimination in Employment.

*(cf. 4031 - Complaints Procedures - Discrimination in Employment)*

Reporting Requirement: Any supervisor who receives a discrimination/harassment complaint shall immediately notify the Nondiscrimination Coordinator or the Superintendent, who shall ensure that the complaint is appropriately investigated in accordance with district policy and regulations.

Complaint Coordinator: The Board designates the following management position as Coordinator for Nondiscrimination in Employment:

Assistant Superintendent, Human Resources  
Human Resources Department  
Hanford Elementary School District  
714 N. White Street  
Hanford, CA 93232-1067  
(559) 585-3609

**Other Remedies**

1. An employee may, in addition to filing a discrimination complaint with the district, file a complaint with either the Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH).
2. Employees wishing to file a complaint with the EEOC and/or the DFEH should contact their regional offices in Fresno for more information. The time limits for filing such complaints are as follows:
  - a. To file a valid complaint with the DFEH, the employee must file his/her complaint within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960.

- Delete -

29/96

BP 4030(c)

## NONDISCRIMINATION IN EMPLOYMENT (continued)

- b. To file a valid complaint directly with the EEOC, the employee must file his/her complaint within 180 days of the alleged discriminatory act(s). To file a valid complaint with EEOC after filing a complaint with DFEH, the employee must file the complaint within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier, after filing with DFEH.

### Notification

1. The Superintendent or designee shall regularly publicize, within the district and in the community, the district's non-discrimination policy and the availability of complaint procedures. Such publication shall be included in each announcement, bulletin, or application form that is used in employee recruitment.
2. All employees shall be provided with a copy of this policy.
3. The district's policy and administrative procedure shall be posted in all schools and offices including staff lounges and student government rooms.

*Legal Reference: (see next page)*

- Delete -

BP 4030(d)

**NONDISCRIMINATION IN EMPLOYMENT (continued)***Legal Reference:*CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

COURT DECISIONS*Carter v. California Department of Veterans Affairs* (2003) 2003 Cal.LEXIS 5694*Shephard v. Loyola Marymount* (2002) 102 CalApp.4<sup>th</sup> 837*Management Resources:*EQUAL EMPLOYMENT OPPORTUNITY COMMISSIONEnforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, March, 1999U.S. DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTSNotice of Non-Discrimination, January, 1999WEB SITESEEOC: <http://www.eeoc.gov>OCR: <http://www.ed.gov/offices/OCR>DFEH: <http://www.dfeh.ca.gov>**Policy**

adopted: December 16, 1992

revised: November 7, 2001

revised: February 9, 2005

revised: September 6, 2006

**HANFORD ELEMENTARY SCHOOL DISTRICT**

Hanford, California

All Personnel

AR 4031(a)

**DISCRIMINATION IN EMPLOYMENT: COMPLAINT PROCEDURES**

**Complaint Procedure**

Any complaint by an employee or job applicant alleging discrimination or harassment shall be addressed in accordance with the following procedures:

1. **Notice and Receipt of Complaint:** Any employee or job applicant (the "complainant") who believes he/she has been subjected to prohibited discrimination or harassment shall promptly inform his/her supervisor, the district's Coordinator for Nondiscrimination in Employment, or the Superintendent.

The complainant may file a written complaint in accordance with this procedure, or if he/she is an employee, may first attempt to resolve the situation informally with his/her supervisor.

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, other evidence of the discrimination or harassment, any other pertinent information which may assist in investigating and resolving the complaint and the complainant's signature or that of his/her representative.

If requested or needed, the Coordinator shall assign a staff member who is not involved in the matter to assist the complainant with preparing the formal complaint.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 4030 - Nondiscrimination in Employment)*

*(cf. 4032 - Reasonable Accommodation)*

*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*

2. **Investigation Process:** The Coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five work days of receiving a written complaint outlining the behavior.

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 allegations will be kept confidential to the extent possible, but that some information may be revealed as necessary to conduct an effective investigation.

*(cf. 3580 - District Records)*

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*

AR 4031(b)

**DISCRIMINATION IN EMPLOYMENT: COMPLAINT PROCEDURES (continued)**

If the Coordinator determines that a detailed fact-finding investigation is necessary, he/she shall begin the investigation 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.

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

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

3. **Written Report on Findings and Corrective Action:** No more than 30 days after receiving the complaint, the Coordinator shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the Coordinator shall notify the complainant 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 also shall include any corrective action(s) that have been or will be taken to address the behavior, correct the effect on the complainant, and ensure that retaliation or further discrimination or harassment does not occur.

The report shall be presented to the complainant, the person accused, and the Superintendent or designee.

4. **Appeal to the Superintendent:** The Complainant or the person accused may appeal any findings to the Superintendent within 10 working days from receipt of the Coordinator's findings. The Superintendent shall review all records related to the complaint and the Coordinator's response.
  - If the Superintendent is satisfied with the investigation and response of the Coordinator, he/she shall respond to the complaint and his/her representative, if any, in writing within 10 working days from receipt of the appeal.
  - If the Superintendent finds it necessary to further investigate, he/she may designate up to 10 additional working days for completion of the investigation and his/her response to the complainant. The Superintendent shall inform the complainant of the amount of additional time required. If the Superintendent interviews the complainant, he/she shall also interview the person(s) who are alleged to have committed the discriminatory act(s) and any witnesses either side named. The Superintendent's responses to the complainant and his/her representative, if any, shall be in writing.



AR 4031(c)

**DISCRIMINATION IN EMPLOYMENT: COMPLAINT PROCEDURES** (continued)

5. **Appeal to the Governing Board:** The complainant or the person accused may appeal any findings to the Board within 10 working 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 working days.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 9321 - Closed Session Purposes and Agendas)

**Other Remedies**

In addition to filing a discrimination or harassment complaint with the district, a person may also file a complaint with either the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. To file a valid complaint with DFEH, within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960)
2. To file a valid complaint directly with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
3. To file a valid complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-5)

**Legal Reference:**EDUCATION CODE

200-262.4 Prohibition of discrimination

GOVERNMENT CODE

12920-12921 Nondiscrimination

12940-12948 Discrimination prohibited; unlawful practices, generally

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964, as amended

2001e-2001e-17 Title VII, Civil Rights Act of 1964, as amended

2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008

2001h-2-2001h-6 Title IX of the Civil Rights Act of 1964

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

106.8 Designation of responsible employee for Title IX

**DISCRIMINATION IN EMPLOYMENT: COMPLAINT PROCEDURES***Management Resources:***EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS***Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002**Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999***WEB SITES***California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>**U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>**(12/91 6/99) 3/10*

Regulation

approved: November 7, 2001


revised: \_\_\_\_\_, 2010

**HANFORD ELEMENTARY SCHOOL DISTRICT**

Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT  
Human Resources Department  
**AGENDA REQUEST FORM**

TO: Dr. Paul Terry

FROM: Diane Williams 

DATE: December 6, 2010

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

☒ Information  
☐ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **December 15, 2010**

**ITEM:** Receive Administrative Regulation 4112.23 Special Education Staff for information.

**PURPOSE:** The following Administrative Regulations reflects changes (see underlined and strikeouts) that are necessary to align with current practices and procedures as well as recommendations by CSBA due to State and federal law mandates and Education Code changes.

- AR 4112.23 – Special Education Staff

**FISCAL IMPACT:** None.

**RECOMMENDATION:** Consider for adoption at next regular board meeting.

**Certificated Personnel**

AR 4112.23(a)

**SPECIAL EDUCATION STAFF**

Any Teachers assigned to serve students with disabilities shall possess the an appropriate credential that authorizes or other authorization that specifically authorizes him/her them to teach students with the that primary disability of the students within the program placement recommended in the student's individualized education program (IEP). (5 CCR 80046.5, 80048.7)

*(cf. 4112.2 - Certification)*

*(cf. 4113 - Assignment)*

*(cf. 6159 – Individualized Education Program)*

*(cf. 6164.4 – Identification of Individuals for Special Education)*

Special education teachers who teach core academic subjects shall possess the qualifications required by the No Child Left Behind Act. (20 USC 1401, 6319, 7801; 34 CFR 200.55-200.57; 300.18; 5 CCR 6100-6126)

*(cf. 4112.24 – Teacher Qualifications Under the No Child Left Behind Act))*

The Superintendent or designee shall ensure that caseloads for special education teachers are within the maximum caseloads established by law, collective bargaining agreements, and or the comprehensive plan of the Special Education Local Plan Area (SELPA) in which the district participates. The Superintendent or designee may request the Commission on Teacher Credentialing (CTC) to issue a special education limited assignment teaching permit to authorize a qualified special education teacher, with his/her written consent, to serve outside the specialty area of his/her credential. In so doing, the district shall submit a Declaration of Need for Fully Qualified Educators that satisfies the requirements of 5 CCR 80026. 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 areas(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 80027.1)

The district may employ a person with an appropriate district internship 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 internship program. (Education Code 44325, 44326, 44830.3)

*(cf. 4112.21 – Interns)*

*(cf. cf. 0430 – Comprehensive Local Plan for Special Education)*

*(cf. 1312.3 – Uniform Complaint Procedures)*

*(cf. 4141/4241 – Collective Bargaining Agreement)*

AR 4112.23(b)

**SPECIAL EDUCATION STAFF (continued)****Resource Specialists**

The ~~Governing Board~~ District shall employ certificated resource specialists to provide services for students with disabilities which shall include, but not be limited to: (Education Code 56362)

1. Providing instruction and services for students whose needs have been identified in an individualized education program (IEP) and who are assigned to regular classroom teachers for a majority of the school day  
  
A student shall not be enrolled in a resource specialist program for a majority of a school day without approval by the student's IEP team
2. Providing information and assistance to students with disabilities and their parents/guardians
3. Providing consultation, resource information and material regarding students with disabilities to their parents/guardians and ~~other~~ general education staff members
4. ~~Coordination~~ ing of special education services with the regular school programs for each student with disabilities enrolled in the resource specialist program
5. Monitoring ~~of~~ student progress on a regular basis, participation in the review and revision of IEPs as appropriate, and ~~referral~~ referring of students who do not demonstrate sufficient progress to the IEP team

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 ~~directed by~~ under the direction of a resource specialist who is ~~a credentialed special education teacher or who has a clinical services credential with a special class authorization~~ possesses the qualifications specified in Education Code 56362 and 5 CCR 80070.8. (Education Code 56362)

**Teachers of Students with Autism**

A teacher whose preliminary Level I education specialist credential or other previously issued credential authorizes him/her to provide instruction to students with mild and moderate disabilities may be assigned to provide instruction to students with autism, provided that the teacher consents to the assignment and satisfies either of the following criteria prior to the assignment: (Education Code 44265.1)

1. The teacher has provided full-time instruction for at least one year prior to September 1, 2007, in a special education program that serves students with autism in accordance with their IEP and received a favorable evaluation or recommendation from the district or school to teach students with autism.

**SPECIAL EDUCATION STAFF**

2. The teacher has completed a minimum of three semester units of coursework in the subject of autism offered by a regionally accredited institution of higher education.

The Superintendent or designee shall report teachers assigned under the criteria specified in items #1 and 2 above to the county office of education as part of the annual assignment monitoring pursuant to Education Code 44258.9. (Education Code 44265.1)

Verification of experience or coursework for any teacher of autistic students shall be maintained on file in the district or school office. (Education Code 44265.1, 44265.2)

Caseloads

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

*(cf. 0430 – Comprehensive Local Plan for Special Education)*

*(cf. 1312.3 – uniform Complaint Procedures)*

*(cf. 4141/4241 – Collective Bargaining Agreement)*

No resource specialist shall have a caseload which exceeds 28 students. As necessary and with the agreement of the resource specialist, the 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)

*(cf. 1431 - Waivers)*

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

~~A teacher whose preliminary Level I education specialist credential or other previously issued credential authorizes him/her to provide instruction to students with mild and moderate disabilities may be assigned to provide instruction to students with autism, provided that the teacher consents to the assignment and satisfies either of the following criteria prior to the assignment: (Education Code 44265.1)~~

*Legal Reference:**EDUCATION CODE*

*44250-44279 Credentials, especially:*

*44256 Credential types, specialist instruction*

*44258.9 Assignment monitoring*

*44265-44265.99 Special education credential*

*44325-44328 District Interns*

AR 4112.23(d)

**SPECIAL EDUCATION STAFF***Legal Reference: (continued)*

~~44268 Clinical and rehabilitative services credential~~  
 56000-56865 Special education credential, especially:  
 56195.8 Adoption of policies  
 56361 Program options  
 56362-56362.5 Resource specialist program  
 56362.1 Caseload  
 56363.3 Average caseload limits; language, speech, and hearing specialists  
 56362.5 Resource specialist certificate of competence  
 56362.7 Bilingual crosscultural certificate of assessment competence  
 56363.3 Average caseload limits  
 56441.7 Maximum caseload, students age 3-5  
 CODE OF REGULATIONS, TITLE 5  
 3051.1 Language, speech and hearing development and remediation; appropriate credential  
 3100 Waivers of maximum caseload for resource specialists  
 6100-6126 Teacher qualifications, No Child Left Behind Act  
 80026 Declaration of need for fully qualified educators  
 80027.1 Special education limited assignment teaching permit  
 80046-80046.1 Adapted physical education specialist  
 80046.5 Credential holders authorized to serve students with disabilities  
 80048-80048.6-80048.7 Credential requirements and authorizations  
 80070.1-80070.8 Resource specialist certificate of competence  
 UNITED STATES CODE, TITLE 20  
 1400-1482 Individuals with Disabilities Education Act, especially:  
 1401 Definition of highly qualified special education teacher  
 6319 Highly qualified teachers  
 7801 Definitions, highly qualified teacher  
 CODE OF FEDERAL REGULATIONS, TITLE 34  
 200.55-200.57 Highly qualified teachers  
 300.8 Definition of autism  
 300.18 Highly qualified special education teachers  
 300.156 Special Education Personnel requirements

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS  
 Handbook on Developing and Implementing Early Childhood Special Education Programs and Services,  
 2001  
 COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE  
 09-16 Approval of Additions to Title 5 Regulations Pertaining to Added Authorizations in Special  
 Education, July 23, 2009  
 09-15 Approval of Amendments to Title 5 Regulations Pertaining to General and Special Education  
 Limited Assignment Teaching Permits, July 23, 2009  
 08-13 Alternative Route to Provide Special Education Services to Students with Autism Ages Three and 4,  
 October 9, 2008  
 08-10 Alternative Route to Provide Special Education Services to Students with Autism, July 7, 2008  
 COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS  
 CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS  
 Handbook on Developing and Implementing Early Childhood Special Education Programs and Services,  
 2001  
 COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE

**SPECIAL EDUCATION STAFF***Management Resources: (continued)*

~~08-13 Alternative Route to Provide Special Education Services to Students with Autism Ages Three and 4, October 9, 2008~~

~~08-10 Alternative Route to Provide Special Education Services to Students with Autism, July 7, 2008~~

~~COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS~~

~~Standards of Quality and Effectiveness for Education Specialist Credential Programs (including University Internship Options) and Clinical Rehabilitative Services Programs, 1996~~

**WEB SITES**

California Association of Resource Specialists and Special Education Teachers: <http://www.carsplus.org>

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

California Speech-Language-Hearing Association: <http://www.csha.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Regulation

adopted: September 6, 2006

revised: October 7, 2009

revised: \_\_\_\_\_, 2010


**HANFORD ELEMENTARY SCHOOL DISTRICT**

Hanford, California



HANFORD ELEMENTARY SCHOOL DISTRICT  
Human Resources Department  
**AGENDA REQUEST FORM**

TO: Dr. Paul Terry

FROM: Diane Williams 

DATE: December 6, 2010

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

☒ Information  
☐ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **December 15, 2010**

**ITEM:** Receive Administrative Regulation 4112.42, 4212.42, and 4312.42 Drug and Alcohol Testing for Holders of Commercial Motor Vehicle.

**PURPOSE:** The following Administrative Regulation reflects changes (see underlined and strikeouts) that are necessary to align with current practices and procedures as well as recommendations by CSBA due to State and federal law mandates and Education Code changes.

- AR 4112.42, 4212.42, and 4312.42 Drug and Alcohol Testing for Holders of Commercial Motor Vehicle (revised)

**FISCAL IMPACT:** None.

**RECOMMENDATION:** Consider for adoption at next regular board meeting.

All Personnel

AR 4112.42 (a)  
4212.42  
4312.42**DRUG AND ALCOHOL TESTING FOR HOLDERS OF COMMERCIAL MOTOR VEHICLE**

This regulation is adopted to implement the drug and alcohol testing requirements of the Omnibus Transportation Employer Testing Act of 1991 (Title 49 CFR) and the California Regulations placing drivers out of service (Title 13 CCR 1213.1) as fully adopted by the Hanford Elementary School District pursuant to Board Policy 4112.42/4212.42/4312.42.

**A. Employees Subject To Drug And Alcohol Testing**

The district's drug and alcohol testing program applies to all employees (covered employees) who are required to possess a commercial drivers' license (Class A or B) or who as part of their duties for the district perform safety-sensitive functions while operating a commercial motor vehicle, including any vehicle designed to transport 16 or more passengers. This includes all regular bus drivers, substitute, on-call or occasional drivers, and drivers who return to work after a long-term of absence or after layoff if the employee was removed from the random testing program during the period of absence or layoff. Candidates and current employees of the district seeking safety-sensitive positions involving the driving of a school bus or other commercial vehicle are subject to the controlled substance testing as a condition of employment or promotion/reassignment.

*Safety-sensitive functions* include all on-duty functions performed from the time a covered employee begins work or is required to be ready to work until he/she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the district or paid work for any other entity. (49 CFR 382.301-107) It also includes any time spent on compliance with drug or alcohol testing requirements, including travel time to/from testing sites.

types of drug and alcohol testing

**B. Pre-Employment Testing**

1. A pre-employment drug test shall be required of an applicant only after a conditional offer of employment. Tests shall be conducted before the first time a covered employee performs any safety-sensitive function for the district.

(cf. 4212 – Conditions of Employment)

All Personnel

AR 4112.42 (b)

4212.42

4312.42

## DRUG AND ALCOHOL TESTING FOR HOLDERS OF COMMERCIAL MOTOR VEHICLE

2. Exceptions may be made for candidates who have participated in the drug testing program of another agency subject to federal drug testing laws within the previous 30 days and while participating in this program were tested for controlled substances and/or alcohol within the past six months, prior to the date of application for a position at the district, the previous employer verified that there is no record of a violation of the controlled substance rule within the previous six months and provided that the District has been able to make all verifications required by law.
3. A candidate who accepts a conditional offer of employment shall be required to sign a consent form for pre-employment drug testing and a form authorizing previous employers to release drug testing information to the district. Applicants for substitute bus driver positions shall also, as a condition for employment, sign a form authorizing the district to release drug testing information and results to other school districts at which the ~~driver~~ candidate has applied for bus driving positions.
4. A candidate for whom previous drug testing information is not obtained shall be tested prior to employment in accordance with this section.
5. A candidate who fails to report for controlled substance testing as scheduled, who refuses to submit to the controlled substance test, refuses to consent to release of previous employers' testing records, whose previous employers' records contain adverse information related to controlled substance use or controlled substance testing, or whose pre-employment test results indicate a verified positive result for a controlled substance shall not be employed; the conditional offer of employment shall be withdrawn.

*Refuse to submit* means that the candidate fails to provide adequate urine for controlled substance testing without a valid medical explanation or engages in conduct that clearly obstructs the testing schedule or process.

6. All costs associated with pre-employment testing for controlled substances shall be borne by the candidate.

**All Personnel**

AR 4112.42 (c)

4212.42

4312.42

**DRUG AND ALCOHOL TESTING FOR HOLDERS OF COMMERCIAL MOTOR VEHICLE**

7. District employees who are candidates for promotion or reassignment to a safety-sensitive position, and employees returning from layoff if they were removed from the random testing pool during the layoff period, shall not be eligible for employment in such positions if they refuse to consent to, or to undergo, the required testing, or if their tests for controlled substances indicate a verified positive result.
8. District employees returning from extended leave periods if they were removed from the random testing pool during the leave of absence period, shall not be eligible for re-employment in the safety-sensitive position if they refuse to consent to, or to undergo, the required testing, or if their tests for controlled substances indicate a verified positive result and shall be subject to the disciplinary consequences of prohibited conduct.

**C, Post Employment Testing**

All covered employees performing safety sensitive functions for the district are subject to the following testing requirements for alcohol and controlled substances: unannounced random testing, post accident testing, reasonable suspicion testing, and return to duty testing as directed.

**1. Random Tests (Post Employment Testing)**

- a. Alcohol and drug tests shall be conducted on a random basis at unannounced times throughout the year. All employees in covered positions are subject to unannounced drug and alcohol testing based on random selection. Covered employees shall be selected by a scientifically valid random process, and each covered employee shall have an equal chance of being tested each time selections are made. Tests for alcohol shall be conducted just before, during, or just after the performance of safety-sensitive functions.
- b. The number of random alcohol and drug tests shall be at least equal to those required by federal regulations. The number of random drug tests shall be at least 50% of the average number of covered employees. The number of random alcohol tests shall be at least 25% of the average number of covered employees.
- c. Covered employees who are notified of selection for random testing shall cease to perform safety-sensitive functions and shall immediately proceed to the testing site.

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AR 4112.42 (d)  
 4212.42  
 4312.42

## **DRUG AND ALCOHOL TESTING FOR HOLDERS OF COMMERCIAL MOTOR VEHICLE**

- d. Covered employees not at work due to leave or vacation shall be informed that they remain subject to random testing. Employees drawn for such testing during their absence from work shall be notified and tested as soon as practicable after they return to duty.
- e. Covered employees who do not proceed with random testing as directed may be deemed to have refused testing. Failure to submit to a test will result in disciplinary action up to and including termination.

### **D. Post-Accident Tests**

- 1. Alcohol and controlled substance tests shall be conducted as soon after an accident as possible on any covered employee in a covered position:
  - a. who was performing safety-sensitive functions with respect to the vehicle, if the accident involves/involved loss of human life. (49 CFR 382.303)
  - b. who receives a citation under state or local law for a moving traffic violation arising from the accident, (49 CFR 382.303 if the accident involves either an injury requiring medical attention away from the scene of the accident or damage to any motor vehicle or property.
- 2. Covered employees shall make themselves readily available for immediate testing, absent the need for immediate medical attention, or shall be deemed to have refused testing. (49 CFR 382.303)
- 3. No such covered employee shall use alcohol for eight (8) hours after the accident, or until after he/she undergoes a post-accident alcohol test, whichever occurs first. (49 CFR 382.209)
- 4. If an alcohol test is not administered within two (2) hours of the accident or if a drug test is not administered within 32 hours, the district shall prepare and maintain records explaining why the test was not conducted. Tests shall not be given if not administered within eight (8) hours after the accident for alcohol or within 32 hours for drugs. (49 CFR 382.303)

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AR 4112.42 (e)

4212.42

4312.42

**DRUG AND ALCOHOL TESTING FOR HOLDERS OF COMMERCIAL MOTOR VEHICLE**

5. The results of breath or blood tests, for detecting the use of alcohol, or urine tests, for detecting the use of controlled substances, that have been conducted by authorized federal, state or local officials will fulfill post-accident testing requirements provided they conform to applicable legal requirements and the results of the tests are obtained by the District (49 CFR 382.303)
6. If a covered employee who is subject to post accident testing is conscious, able to provide specimen in the opinion of the medical professional, and refuses to be tested, the employee may be disciplined up to and including termination.
7. If a covered employee is unconscious or otherwise unable to evidence consent to the procedure, the district will wait until the treating physician determines the covered employee is able to understand a request to provide a sample and consents to provide one.

**E. Reasonable Suspicion Tests**

1. An alcohol or drug test shall be conducted if a supervisor or other district official trained in accordance with law has reasonable suspicion that the covered employee has engaged in conduct prohibited by the district's drug and alcohol policy. This reasonable suspicion must be based on specific, contemporaneous, objective observations concerning the covered employee's appearance, behavior, speech or body odors. The observations may include indications of chronic or withdrawal effects of controlled substances. (49 CFR 382.307)
2. Alcohol tests based on reasonable suspicion are permitted only if the required observations are made during, just before or just after the period of the work day when the covered employee must comply with alcohol prohibitions. If an alcohol test is not administered within two (2) hours of determination of reasonable suspicion, the district shall prepare and maintain a record explaining why the test was not administered. Attempts to conduct alcohol tests shall terminate after eight (8) hours; the reason shall be documented. (49 CFR 382.307)
3. A supervisor or other trained district official who makes observations leading to a reasonable suspicion for a controlled substance test shall make and sign a written record of his/her observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is

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AR 4112.42 (f)  
 4212.42  
 4312.42

## **DRUG AND ALCOHOL TESTING FOR HOLDERS OF COMMERCIAL MOTOR VEHICLE**

earlier. If the controlled substance test is not administered within 32 hours following the reasonable suspicion, attempts to administer the test shall cease and the reason shall be documented. (49 CFR 382.307)

4. Any covered employee who is notified of a reasonable suspicion shall immediately cease to perform safety-sensitive functions and shall proceed to the testing site. Covered employees who do not proceed with the testing as directed may be deemed to have refused testing and will be subject to disciplinary action up to and including dismissal.
5. The Superintendent or designee shall ensure that an employee under reasonable suspicion is transported to the designated collection or testing site.

### **F. Prohibited Conduct/Positive Tests**

#### **Alcohol Use Controlled Substance (Drug) Use:**

1. No covered employee shall report to work or remain at work while having an alcohol concentration of 0.01 or greater. If the district has actual knowledge that a covered employee has an alcohol concentration of 0.01 or greater, such covered employee will not be permitted to perform or continue to perform any safety-sensitive functions.
2. No covered employee shall report for duty or remain on duty while under the influence or impaired by alcohol as shown by behavioral, speech, and performance indicators of alcohol misuse. The district shall not knowingly permit a covered employee under the influence of or impaired by alcohol to perform his/her job duties until the covered employee has been tested for alcohol and such test shows an alcohol concentration of less than 0.01 or at least 24 hours have elapsed from the time the district reached a determination that the covered employee was under the influence or impaired by alcohol.
3. No covered employee shall possess alcohol while on duty. If the district has actual knowledge that a covered employee is in possession of alcohol while on duty, the district will not permit the covered employee to perform or continue to perform his/her job duties. This includes the possession of medicines containing alcohol (prescription or over the counter), unless the packaging seal is unbroken.

## All Personnel

AR 4112.42 (g)

4212.42

4312.42

**DRUG AND ALCOHOL TESTING FOR HOLDERS OF COMMERCIAL MOTOR VEHICLE**

4. No covered employee shall perform safety-sensitive functions within four (4) hours after using alcohol. If the district has actual knowledge that a covered employee has consumed alcohol within four (4) hours prior to performing any safety-sensitive function, the district will not permit the covered employee to perform his/her job duties.
5. A covered employee who is tested and found to have an alcohol concentration of .01 or greater but less than .04 may not perform or continue to perform safety-sensitive functions until the start of the covered employee's next regularly scheduled duty period, but not less than 24 hours after the test was administered, and only after a follow-up test results in an alcohol concentration of less than .01.
6. Any covered employee whose alcohol test indicates an alcohol concentration of .04 or greater and any covered employee who tests positive for a controlled substance, shall be immediately suspended from duty and shall be subject to disciplinary action up to, and including, dismissal.
7. No covered employee who has been required to take a post-accident alcohol test, as set forth above, shall use alcohol for eight (8) hours following the accident or until he/she has completed the required alcohol test, whichever occurs first.
8. Covered employees shall immediately inform their supervisor if at any time they are using a therapeutic drug that contains alcohol or controlled substances. No covered employee shall report for duty or remain on duty when the covered employee uses any controlled substance, except when the use of such controlled substance is pursuant to the instructions of a physician who has advised the district, in writing, that the substance does not adversely affect the covered employee's ability to operate a commercial vehicle or safety-sensitive functions. If the district has actual knowledge that a covered employee has used a controlled substance, the district will not permit such covered employee to perform his/her job duties.
9. No covered employee who tests positive for a controlled substance(s) as defined in DOT Final Rule 49 CFR 40 (as amended) shall perform his/her job duties.



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4212.42  
4312.42

## **DRUG AND ALCOHOL TESTING FOR HOLDERS OF COMMERCIAL MOTOR VEHICLE**

10. No covered employee shall refuse to submit to any test required by law, policy or this regulation. Refusal to submit to an alcohol or controlled substance test is when a driver fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement of breath testing, fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing, or engages in conduct that clearly obstructs the testing schedule or process or fails to report for the test as directed. Failure to submit to a test will result in disciplinary action up to and including termination.
11. Failure to disclose to the district the use of a drug containing alcohol or a controlled substance for therapeutic purposes may result in disciplinary action up to, and including, termination.
12. Any covered employee who violates any portion of this regulation shall be subject to discipline, up to and including dismissal. Disciplinary action for a violation of this regulation shall be implemented in accordance with Board Policy and Administrative Regulation 4118/4218/4318 and the applicable Collective Bargaining Agreement.
13. Covered employees identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program and shall be subject to unannounced follow-up tests after returning to duty. Failure to submit to test will result in disciplinary action up to and including termination.

### **G. Return To Duty Testing/Follow-Up Testing**

1. An alcohol and/or controlled substance test shall be administered to a covered employee who has been found to be in violation of this policy and regulation prior to permitting the covered employee to return to work.
2. All return to duty and follow-up drug testing administered to an employee who has been found in violation of this policy and regulation will require observed collections under DOT Final Rule (49CFR40; effective 10/1/10).
23. A covered employee whose conduct involved violations of the controlled substance provisions of this policy and regulation shall not be permitted to

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## **DRUG AND ALCOHOL TESTING FOR HOLDERS OF COMMERCIAL MOTOR VEHICLE**

return to duty until he/she submits to a controlled substance test and that such test results in a negative result for controlled substances.

3.4 A covered employee, who violates the provision of this policy and regulation and is allowed to return to work and is subsequently identified by a substance abuse professional as needing assistance in resolving problems associated with alcohol misuse and/or use of controlled substances shall be subject to unannounced alcohol and/or controlled substance testing. Such testing shall be conducted only when the covered employee is on duty, just before beginning of the covered employee's work shift, or just after the completion of the covered employee's work shift.

4.5 If a covered employee is returned to safety-sensitive duties, follow-up testing shall consist of at least six tests in the first 12 months following the driver's return to duty. A substance abuse professional may terminate the follow-up testing at any time after the first six tests if he/she determines that testing is no longer needed. Testing shall not occur beyond 60 months from the date of the covered employee's return to duty.

### **H. Testing Services Procedures**

The Superintendent or designee shall contract with appropriate, certified organizations for the collection of testing samples and testing services, and shall ensure that testing procedures and facilities used for alcohol or controlled substance testing conform to federal and state standards and regulations.

### **I. POSITIVE RESULTS**

1. A positive test for alcohol must be a confirmation test by an evidential breath testing device capable of printout and sequential numbering and must show an alcohol concentration of 0.01 grams of alcohol per 210 liters of breath or greater. Such a test is positive even if that concentration is caused by prescribed medication.
2. A positive test for controlled substances must be a confirmation by gas chromatography/mass spectrometry techniques and must show at least one of the following minimum test levels:
  - a. 15 ng/ml (nanograms per millileter) marijuana metabolite;
  - b. ~~150~~ 100 ng/ml of cocaine metabolite;

All Personnel

AR 4112.42 (j)  
4212.42  
4312.42

## DRUG AND ALCOHOL TESTING FOR HOLDERS OF COMMERCIAL MOTOR VEHICLE

- c. ~~300~~ 2000 ng/ml of either morphine or codeine;
  - d. 25 ng/ml of phencyclidine; ~~or~~
  - e. ~~500~~ 250 ng/ml of amphetamine or methamphetamine; and, the medical review officer must conclude there is no legitimate explanation, such as prescribed medication, for a result.
  - f. 10 ng/ml of acetylmorphine; or
  - g. 250 ng/ml of MDMA, MDA, MDEA
3. No positive test for controlled substances shall be reported to the employer until after:
- a. The medical review officer has contacted the covered employee directly on a confidential basis, and given the covered employee an opportunity to discuss the test results and the covered employee's medical history, including medication, in confidence.
  - b. The medical review officer has given the covered employee, within 72 hours of the covered employee's notification that the test was positive, an opportunity to request that the split sample be tested by a different forensic laboratory, certified by the Department of Health and Human Services at the covered employee's expense and
  - c. The remainder of the split sample has been tested and found to be positive, or no timely request for such a test is made by the covered employee.
  - d. If the medical review officer concludes that there is a legitimate explanation for the positive test, such as prescription or over-the-counter medication or a negative result in the test of the remainder of the split sample, the medical review officer must report the test to the employer as a negative test.
  - e. The medical review officer shall be a licensed physician (medical doctor or doctor of osteopathy who is Medical Review Officer (MRO) certified) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance

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AR 4112.42 (k)  
 4212.42  
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## **DRUG AND ALCOHOL TESTING FOR HOLDERS OF COMMERCIAL MOTOR VEHICLE**

abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with

his/her medical history and any other relevant biomedical information. The MRO's specific responsibilities are outlined in the U.S. Department of Health and Human resources (DHHS).

### **J. Maintenance of Records**

The District shall maintain all records as required pursuant to 49 CFR, part 382.401.

1. The Transportation supervisor shall be responsible for maintaining employee drug and alcohol test results and records under strict confidentiality and in accordance with law. Except as required by law, the district shall not release information relating to alcohol and controlled substance testing performed in accordance with this policy and regulation or any records required by law.
2. A covered employee is entitled, upon written request to the district, to obtain copies of any records pertaining to the covered employee's use of alcohol or controlled substances, including any records pertaining to his/her alcohol or controlled substance test.
3. Records shall be made available to a subsequent employer or other identified persons only as expressly authorized in writing by the covered employee.

*(cf. 4119.23/4219.23/4319.23 - Confidential/Privileged Information)*

### **K. NOTIFICATIONS**

The Transportation supervisor shall ensure that each covered employee receives educational materials that explain the requirements of the Code of Federal Regulations, (CFR) Title 49, Part 382, together with a copy of the district's policy and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify all of the following:

1. The person or persons designated by the district to answer covered employees' questions about the materials
2. The categories of covered employees who are subject to the Code of Federal Regulations, Title 49, Part 382 and this policy and regulation

**All Personnel**

AR 4112.42 (l)

4212.42

4312.42

**DRUG AND ALCOHOL TESTING FOR HOLDERS OF COMMERCIAL MOTOR VEHICLE**

3. Sufficient information about the safety-sensitive functions performed by covered employees that make clear what period of the work day the covered employee is required to comply with Part 382
4. Specific information concerning covered employee conduct that is prohibited by Part 382
5. The circumstances under which a covered employee will be tested for drugs and/or alcohol under Part 382
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the covered employee and the integrity of the testing processes, safeguard the validity of test results and ensure that test results are attributed to the correct covered employee
7. The requirement that a covered employee submit to drug and alcohol tests administered in accordance with Part 382
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences
9. The consequences for covered employees found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the employee be removed immediately from safety-sensitive functions and the procedures for referral, evaluation and treatment
10. The consequences for covered employees found to have an alcohol concentration of .01 or greater but less than .04
11. The effects of drugs and alcohol on an individual's health, work and personal life; signs and symptoms of a drug or alcohol problem (the employee's or a coworker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to a substance abuse rehabilitation program and/or referral to management
12. Other legal requirements, district policies and disciplinary consequences related to the use of alcohol and drugs.

All Personnel

AR 4112.42 (m)  
4212.42  
4312.42**DRUG AND ALCOHOL TESTING FOR HOLDERS OF COMMERCIAL MOTOR VEHICLE**

Each covered employee shall sign a statement certifying that he/she has received a copy of the above materials.

*(cf. 4020 - Drug and Alcohol-Free Workplace)*

13. Before any covered employee operates a commercial motor vehicle, the Transportation Supervisor shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements.
14. Before drug and alcohol tests are performed pursuant to 49 CFR 382, the Transportation Supervisor shall inform the covered employees that the tests are required by these regulations.

The district shall notify covered candidates of the results of a pre-employment drug test if the covered candidate requests such results within 60 calendar days of being notified of the disposition of his/her employment application (49 CFR 382.411)

The district shall notify a covered employee of the results of random, reasonable suspicion and post-accident drug tests if the test results are positive. The district shall also tell the covered employee which controlled substance(s) were verified as positive. Every covered employee who tests positive for alcohol and/or controlled substances shall be advised of the resources available to that covered employee in evaluating and resolving problems associated with the abuse of alcohol or controlled substances. (49 CFR 382.411)

**L. Training**

The Department of Facilities and Operations shall ensure professional training of appropriate supervisory and management staff authorized to make reasonable suspicion determinations in detecting symptoms of alcohol and controlled substance use. The training shall be in accordance with federal regulations and must include at least 60 minutes each on alcohol and drug misuse including physical, behavioral, speech, and performance indicators.

Regulation

approved: March 11, 1998

revised: November 7, 2001

revised: January 20, 2010


revised: \_\_\_\_\_, 2010

**HANFORD ELEMENTARY SCHOOL DISTRICT**

Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT  
Human Resources Department  
**AGENDA REQUEST FORM**

TO: Dr. Paul Terry

FROM: Diane Williams 

DATE: December 6, 2010

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

☒ Information  
☐ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **December 15, 2010**

**ITEM:** Receive Board Policy and Administrative Regulation 4157, 4257, and 4357 Employee Safety for information.

**PURPOSE:** The following Board Policy and Administrative Regulation reflect changes (see underlined and strikeouts) that are necessary to align with current practices and procedures as well as recommendations by CSBA due to State and federal law mandates and Education Code changes.

- BP 4157, 4257, and 4357 – Employee Safety – Injury and Illness Prevention Program (revised)
- AR 4157, 4257, 4357 – Employee Safety (revised)

**FISCAL IMPACT:** None.

**RECOMMENDATION:** Consider for adoption at next regular board meeting.

## All Personnel

BP 4157(a)

4257(a)

## EMPLOYEE SAFETY

4357(a)

- A. The Board of Trustees is committed to maximizing employee safety and believes that safety is every employee's responsibility.
1. The Superintendent or designee shall ensure that working conditions and equipment are maintained in compliance 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)
  2. All employees are to use safe work practices and to report any unsafe conditions immediately to the Superintendent or designee. To the extent possible, all employees should correct any unsafe conditions as they occur. If an employee is unable to correct an unsafe condition s/he shall immediately report the problem to the Superintendent or designee.
  3. The Superintendent or designee shall promote safety and correct any unsafe work practice through education, training, and enforcement.
- B. The Superintendent or designee shall establish and implement a written injury and illness prevention program in accordance with law, which shall cover all district employees and other workers whom the district controls or directs and directly supervises on the job and shall include:
1. The name and a position of the designated Safety Officer who has the authority and responsibility for implementing the program;
  2. A system for ensuring that employees comply with safe work practices, including training and instruction programs, and provisions designed to encourage the reporting of hazards at the work place and disciplinary actions;
  3. A system for communicating to employees in a readily understandable manner 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 proper and safe use of new substances, processes, procedures, or equipment which may present a hazard. The communication system may include, but not be limited to: Meetings, trainings, posting, written communications, a system of anonymous notification by employees about hazards.
  4. Provision of protective safety devices and equipment to employees exposed to work-related hazards.



BP 4157(b)  
4257(a)  
4357

## EMPLOYEE SAFETY

5. Procedures for identifying and evaluating workplace hazards, including periodic inspections to identify unsafe conditions and work practices. Such inspections shall be made: whenever new substances, processes, procedures or equipment that represents a new occupational safety or health hazard is introduced in the workplace; whenever the district is made aware of a new or previously unrecognized hazard.
6. Methods and/or procedures for correcting unsafe or unhealthy conditions, work practices, and work procedures in a timely manner, based on the severity of the hazard, when the hazard is observed or discovered.
7. A procedures for investigating causes for occupational injury or illness; ~~and~~
8. Provisions and procedures of training and instruction to employees.
9. A provision on hearing protection and eye safety devices.
10. A system of management of first aid and medical services communication in the event of a medical emergency; and
- 8.11. Record-keeping and reporting procedures

*(cf. 3514 - Environmental Safety)*

*(cf. 3514.1 - Hazardous Substances)*

*(cf. 4119.42/4219.42/4319.42 - Control of Exposure to Bloodborne Pathogens)*

*(cf. 4119.43/4219.43/4319.43 - Universal Precautions)*

- C. The district's Injury and Illness Prevention Program shall be available at all work sites for public or employee inspection.
- D. No employee shall be retaliated against for reporting or testifying about employee safety concerns. (Labor Code 6310)

*\* Legal Reference: (see next page)*

**EMPLOYEE SAFETY***Legal Reference:*EDUCATION CODE32000-32066 *Safety: public and private institutions*LABOR CODE6305 *Occupational safety and health standards; special order*6310 *Retaliation for filing complaint prohibited*6401.7 *Injury prevention programs*6400-6413.5 *Responsibilities and duties of employers and employees*CODE OF REGULATIONS, TITLE 83203 *Injury and illness prevention program*5095-5100 *Control of noise exposure*CODE OF FEDERAL REGULATIONS, TITLE 291910.95 *Noise standards**Management Resources:*CAL/OSHA PUBLICATIONS*Guide to Developing Your Workplace Injury and Illness Prevention Program*, revised April 1998DHHS PUBLICATIONS*Preventing Occupational Hearing Loss - A Practical Guide*, June 1996, Department of Health and Human Services (National Institute for Occupational Safety and Health)WEB SITESOSHA: <http://www.osha.gov>Cal/OSHA: [http://www.dir.ca.gov/occupational\\_safety.html](http://www.dir.ca.gov/occupational_safety.html)Centers for Disease Control and Prevention: <http://www.cdc.gov>National Institute for Occupational Safety and Health: <http://www.cdc.gov/niosh>National Hearing Conservation Association: <http://www.hearingconservation.org>Policy  
adopted: November 7, 2001  
Revised: \_\_\_\_\_, 2010**HANFORD ELEMENTARY SCHOOL DISTRICT**  
Hanford, California

**All Personnel**

AR 4157(a)

4257

**EMPLOYEE SAFETY - INJURY AND ILLNESS PREVENTION PROGRAM**

4357

The Governing Board of the Hanford Elementary School District is committed to establishing and maintaining a safe and healthful work place for all employees. The District's initial establishment of an Injury and Illness Prevention Program was done on June 19, 1991. The prevention of accidents and exposure to a hazardous environment will be accomplished by the following Injury and Illness Prevention Program requirements:

- The District Superintendent shall be designated to assume responsibility for ensuring that safety and health regulations contained in the Injury and Illness Prevention Program will be adhered to by all employees.
- The School District will establish a system for identifying and evaluating hazards within each District School site.
- The District will establish procedures for correcting unsafe and unhealthy conditions and work practices within the school district work sites. A time frame for completion must be included.
- The District will develop and maintain a health and safety training program. All employees will be provided with instruction and training in safe and healthy work practices and will be provided specific instruction and training regarding job assignments and school site safety.
- The District will develop a system communication with employees regarding health and safety matters including provisions for encouraging employees to notify his or her supervisor of a work place hazard without fear of reprisal.
- The District will develop procedures that will ensure that all employees comply with safe and healthy practices. Procedures must include provisions for disciplinary action.

**A. COMPLIANCE**

Section 3203 of the General Industry Safety Orders mandates that every employer shall establish, implement and maintain an effective injury prevention program. The program is to be in writing and shall include the items listed on pages a through f.

All employees of Hanford Elementary School District are directed to comply with the provisions of AR 4157, 4257, 4357 Employee Safety - Injury and Illness Prevention Program, the Hanford Elementary School District Injury and Illness Prevention Program. All employees are also encouraged to immediately report any unsafe or unhealthy conditions to their supervisor.

**EMPLOYEE SAFETY - INJURY AND ILLNESS PREVENTION PROGRAM 4357**

Failure to comply with the provisions of the Injury and Illness Prevention Program may result in disciplinary action up to and including dismissal.

**B. MANAGEMENT COMMITMENT AND ASSIGNMENT OF RESPONSIBILITIES**

The Superintendent is responsible for the prevention of injury and illness within the work place, and demonstrates support for the injury prevention program through active participation.

The Superintendent is familiar with the injury and illness prevention program and ensures its effective implementation and gives maximum support to all programs and committees whose function is to promote safety and health. The Superintendent reviews serious accidents to ensure that proper reports are completed and appropriate action is taken to prevent repetition.

The Superintendent has appointed the Director of Facilities and Operations as the District's Injury and Illness Prevention Program Coordinator for the purpose of implementing and managing the program. The Injury and Illness Prevention Program Coordinator also serves as the District Safety Officer.

Managers and Supervisors are responsible for implementing and maintaining the District's Injury and Illness Prevention Program within their work areas and for answering worker questions about the District's program.

All employees, including managers and supervisors are responsible for complying with safe and healthful work practices. Our system of ensuring that all employees comply with these practices includes:

1. Making available to all employees the provisions of our IIP Program.
2. Evaluating the safety performance of our employees.
3. Providing training to employees as needed and especially where safety performance has been found to be deficient.
4. Disciplining employees for failure to comply with safe and healthful work practices.

**C. ACCIDENT/EXPOSURE INVESTIGATIONS**

Employees who sustain a work-related injury or illness must report the injury or illness immediately to their supervisor. **(If the employee needs immediate emergency treatment, they are to be taken to the nearest emergency services facility or emergency personnel (911))**

AR 4157(c)

4257

**EMPLOYEE SAFETY - INJURY AND ILLNESS PREVENTION PROGRAM 4357**

**is to be secured)** The Supervisor must complete the "Site Incident Reporting Checklist," the "Report of Employee Incident/Injury" form and the "Log for Dispensing Worker's Compensation Claim Form (DWC-1)" as necessary, for all injuries no matter how minor.

Procedures for investigation of workplace accidents and hazardous substance exposures include:

1. Interviewing injured workers and witnesses.
2. Examining the workplace for factors associated with the accident/exposure.
3. Determining the cause of the accident/exposure.
4. Taking corrective action to prevent the accident/exposure from reoccurring.
5. Recording the findings and actions taken.

**D. HAZARD ASSESSMENT -Identifying and correcting unsafe or unhealthy conditions**

Inspections to identify and evaluate workplace hazards shall be performed by a competent observer in all areas of our workplace.

Specific responsibilities of the Injury and Illness Prevention Program Coordinator in the evaluation of workplace hazards include but are not limited to:

1. Conducting inspections when we initially establish our IIPP.
2. Assisting Principals and Department Heads in the identification and evaluation of work place hazards when new substances, processes, procedures or equipment are introduced to the work place.
3. Establishing District inspection teams and scheduling periodic inspections for safety and health hazards by the teams and follow-up inspections by the District Safety Officer.
4. Inspecting facilities when new, or previously unidentified hazards are recognized.
5. Maintaining records of inspections made to identify unsafe conditions and work practices.
6. Investigating accidents and near accidents and, when necessary, submitting suggestions for the prevention of future incidents.

**EMPLOYEE SAFETY - INJURY AND ILLNESS PREVENTION PROGRAM**

7. Prescribing and/or verifying abatement action taken in order to eliminate hazardous and unhealthy conditions in the work place.
8. The District Safety Officer will insure that unsafe or unhealthy conditions or work practices are corrected in an expeditious manner with the most hazardous exposures given correction priority.

Specific responsibilities of the Principals, Department Heads and Supervisors in the evaluation of workplace hazards include but are not limited to:

1. Insuring that employees are protected from exposure to unhealthy conditions until the conditions are corrected.
2. Ensuring staff follow safe work place practices.
3. Evaluating employee safety suggestions, observing the areas of concern and following up with correction as deemed appropriate.
4. Rapidly communicating unsafe or hazardous conditions to the District Safety Officer or other District personnel responsible for abatement responsibilities.
5. Supporting periodic site inspections for health and safety hazards through active participation.
6. Conducting regular periodic meetings with their staff to discuss unsafe or unhealthy conditions and sending a written report of the meeting to the District Safety Officer.

**E. HAZARD CORRECTION**

Unsafe or unhealthy work conditions, practices or procedures shall be corrected in a timely manner based on the severity of the hazards. Hazards shall be corrected according to the following procedures:

1. As soon as possible following observation or discovery; and
2. When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, we will remove all exposed employees from the area except those necessary to correct the existing condition. Employees who are required to correct the hazardous condition shall be provided with the necessary protection.

AR 4157(e)

4257

**EMPLOYEE SAFETY - INJURY AND ILLNESS PREVENTION PROGRAM 4357****F. HEALTH AND SAFETY TRAINING**

All employees, including managers and supervisors, shall have training and instruction on general and job-specific safety and health practices. A health and safety training program to instruct employees in general health and safe work practices and to provide specific instruction with respect to hazards specific to each employee's job will include but not be limited to the following elements:

1. Training shall be provided for all employees when the training program or IIPP is first established.
2. Training shall be provided to all new employees and to all employees given a new job assignment.
3. Employees shall be trained when new substances, processes, procedures or equipment are introduced into the work place and whenever we receive notification of a new or previously unrecognized hazard.
4. Employees shall be instructed in general safe work practices.
5. Employees shall receive training and specific instructions with respect to hazards unique to the employee's job assignments.
6. Training shall be provided to Supervisors ~~will to~~ familiarize them ~~their staff~~ with the safety and health hazards to which employees under their immediate direction and control may be exposed.
7. Documentation of employee health and safety training will be maintained within the department.
8. Employee health and safety training and instruction shall be conducted by individual heads of departments and operations under the general supervision of the Superintendent or designee.

**G. COMMUNICATION**

All managers and supervisors are responsible for communicating with all employees about occupational safety and health in a form readily understood by all employees. Our communication system encourages all employees to inform their managers and supervisors about workplace hazards without fear of reprisal.

Our methods of communicating may include but not be limited to:

**EMPLOYEE SAFETY - INJURY AND ILLNESS PREVENTION PROGRAM 4357**

1. New Employee Orientation, both general and site/position specific
2. Periodic Safety meetings
3. Training programs
4. Posted or distributed notifications
5. Written communication
6. All employees are encouraged to report unsafe or unhealthy conditions to their supervisor. Employees may anonymously inform management about workplace hazards by following the instructions on form ADM-207- Employee Report of Unsafe Condition or Practice
7. ~~A system for employees to anonymously inform management about workplace hazards~~

**H. HEARING PROTECTION**

Whenever employee noise exposure equals or exceeds 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, audiometric testing of affected employees, the provision of hearing protectors, and employee training. (8CCR 5095-5100; 29 CFR 1910.95)

**I. EYE SAFETY DEVICES**

Eye safety devices shall be worn by employees whenever they are engaged in observing an activity involving hazards or hazardous substances likely to cause injury to the eyes. (Education Code 32030-32034)

**J. FIRST AID AND MEDICAL SERVICES**

The Superintendent or designee shall make adequate first aid materials available for employees at every worksite. Such materials 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.

To avoid unnecessary delay in medical treatment in the event of an employee's serious injury or illness, the Superintendent or designee shall use a communication system for contacting 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.



**EMPLOYEE SAFETY - INJURY AND ILLNESS PREVENTION PROGRAM****H. RECORDKEEPING**

The District has taken the following steps to implement and maintain its IIPP:

1. Records of hazard assessment inspections
2. Documentation of safety and health training for each employee
3. Occupational Injuries and Illnesses Log and Summary, (Forms 300 and 300A); prepare and post in accordance with CAL/OSHA requirements (February 1 through April 30 of each year). Three years of CalOSHA Log 300 will be kept in a confidential location at each site.

Inspection records and training documentation will be maintained according to the following schedule:

For one year, except for training records of employees who have worked less than one year.

The District's recordkeeping policy is as follows:

Records of hazard assessment inspections will be kept by the Director of Facilities and Operations. Documentation of safety and health training for employees will be kept at work locations. Occupational Injuries and Illnesses Log and Summary and records of same will be maintained by the Human Resources Department.

**Hanford Elementary School District**  
***Minutes of the Regular Board Meeting***  
***December 1, 2010***

Minutes of the Regular Board Meeting of the Hanford Elementary School District Board of Trustees on December 1, 2010, at the District Office Board Room, 714 N. White Street, Hanford, CA.

**Call to Order** President Hernandez called the meeting to order at 5:30 p.m. Trustees Garner, Garcia, Hill, and Revious were present.

**Closed Session** Trustees immediately adjourned to closed session for:

- Student Discipline pursuant to Education Code section 48918

Trustees returned to open session at 6:00 p.m.

**HESD Managers Present**

Dr. Paul J. Terry, Superintendent, and the following administrators were present: Don Arakelian, Doug Carlton, Debra Colvard, Silvia, Duvall, Javier Espindola, Kenny Eggert, Joy Gabler, David Goldsmith, Charlotte Hines, Jaime Martinez, Karen McConnell, Gerry Mulligan, Jeanne Rios, Jill Rubalcava, Liz Simas, Jason Strickland, Nancy White, and Diane Williams.

**Expulsions**

**#21-11, 22-11,  
23-11, 24-11**

Trustee Garner made a motion to accept the Findings of Facts and expel Cases #21-11, 22-11, 23-11, and 24-11 for the remainder of the 2010-2011 school year for violation of Education code 48900 and/or 48915 as determined by the Administrative Panel at hearings on November 29, 2010. Parents may apply for readmission on or after June 3, 2011. Motion seconded by Trustee Garcia seconded; motion carried 5-0.

**PRESENTATIONS, REPORTS AND COMMUNICATIONS**

**Public Comments**

None.

**Board and Staff Comments**

Charlotte Hines, Washington School Principal, displayed a portrait of George Washington and an American flag previously flown over Mt. Vernon. These items were received as gifts to Washington School following a visit made by Judy Noji, Washington Grade 2 teacher this past summer.

Superintendent Dr. Terry read a prepared statement honoring Trustee Robert Garcia for his eight-year tenure on the Board and keeping "kids first". Trustee Garcia thanked and acknowledged his colleagues, noting "it's all about teaching and learning and I appreciate I had great people to work with."

**Requests to Address the Board** None.

**Dates to Remember** President Hernandez reviewed Dates to Remember: December 4 Junior High Wrestling at WW gym; next regular Board Meeting December 15.

## **INFORMATION ITEMS**

Joy Gabler, Assistant Superintendent Curriculum, Instruction and Professional Development, presented information about Benchmark Assessments which are district-developed based on ELA and Math pacing calendars to provide teachers with a measure of student progress toward standards taught.

Diane Williams, Assistant Superintendent Human Resources, presented for information the following revised Administrative Regulations which will be returned to the Board for action at the next meeting:

- AR 4161.1 Certificated Personnel – Personal Illness/Injury Leave (revised)
- AR 4261.1 Classified Personnel – Personal Illness/Injury Leave (revised)
- AR 4361.1 Management, Supervisory and Confidential Personnel – Personal Illness/Injury Leave (revised)

## **CONSENT ITEMS**

Trustee Revious made a motion to take consent items "a" through "c" together. Trustee Hill seconded, motion carried 5-0. Trustee Revious then made a motion to approve consent items "a" through "c". Trustee Hill seconded, motion carried 5-0. The items approved are:

- a) Warrant listings dated November 12 and 19, 2010.
- b) Minutes of November 17, 2010 Regular Board Meeting.
- c) Donation of \$2,000.00 from Walmart to Washington School.

Trustee Revious acknowledged and thanked Walmart for their generous donation.

## **BOARD POLICIES AND ADMINISTRATION**

### **AR 4118/11**

Trustee Revious made a motion to approve the following new Administrative Regulation. Trustee Garner seconded; motion carried 5-0:

- AR 4117.11/4317.11 – Preretirement Part-Time Employment (new)

### **BP/AR 4127**

Trustee Revious made a motion to approve the following revised Board Policies and Administrative Regulations. Trustee Garcia seconded; motion carried 5-0:

- BP/AR 4127/4227/4327 – Temporary Athletic Team Coaches (revised)

### **BP 4156.2**

Trustee Hill made a motion to approve the following revised Board Policies. Trustee Garcia seconded; motion carried 5-0:

- BP 4156.2/4256.2/4356.2 – Awards and Recognition (revised)

## PERSONNEL

Trustee Hill made a motion to take Personnel items "a" through "f" collectively. Trustee Garcia seconded; motion carried 5-0. Then Trustee Hill made a motion to approve Personnel items "a" through "f". Trustee Garcia seconded; the motion carried 5-0. The following items were approved:

***Item "a" –  
Employment***

Classified: Ashley Welch, READY Program Tutor

Temporary Employees/Substitutes/Yard Supervisors: George Cleary, Boys Basketball (4-6); Juan Covarrubias, Assistant Wrestling Coach; Juan Galindo, Boys Soccer Coach; Eric Gonzales, Head Wrestling Coach; Joseph Hernandez, Drum Coach; Yadira Castrejon Granados, Substitute Bilingual Clerk Typist II, Translator: Oral Interpreter and Written Translator; Short-term Custodian II; Melanie Peichoto, Substitute READY Program Tutor, Special Circumstance Aide and Special Education Aide; Rosemary Reynolds, Substitute READY Program Tutor; Francisco Santos, Substitute Custodian; Sylvia Soto, Substitute Yard Supervisor

***Item "b" –  
Resignations***

Chelsea Cardoza, READY Program Tutor, as listed

***Item "c" –  
Leave of Absence***

Georgia Freeman, Yard Supervisor; Veronica Leach, Yard Supervisor; as listed

***Item "d" –  
More Hours***

Donna Vierra, Bus Driver, as listed

***Item "e" –***

2010/2011 Classified Salary Schedule – Interim (revised)

***Item "f" –  
Volunteers***

As listed.

## FINANCIAL

**Resolution #10-11**

Trustee Revious made a motion to approve Resolution #10-11: Revision of the 2010-11 Budget. Trustee Garcia seconded; motion carried 5-0.

**Resolution #9-11**

Trustee Garner made a motion to approve Resolution #9-11: To Adopt 457 Deferred Compensation Plan Documents. Trustee Revious seconded; motion carried 5-0.

## FUTURE ITEMS

Trustee Revious made a motion to set the date for the Annual Organizational Meeting to be held December 15, 2010. Trustee Garcia seconded; motion carried 5-0.

There being no further business, President Hernandez adjourned the meeting at 6:55 p.m.

Respectfully submitted,

Paul J. Terry,  
Secretary to the Board of Trustees

Approved:

\_\_\_\_\_  
Lupe Hernandez, President

\_\_\_\_\_  
Jeff Garner, Clerk

## Inters - IN

No	A/D	Sch Req'd	Home Sch	Date
I-129	A	Simas	Lakeside	12/15/10
I-130	A	Simas	Lakeside	12/15/10
I-131	A	Simas	Lakeside	12/15/10
I-132	A	Wilson	Pioneer	12/15/10
I-133	A	Simas	Fresno	12/15/10
I-134	A	Monroe	Lemoore	12/15/10
I-135	A	Monroe	Pioneer	12/15/10
I-136	A	Monroe	Pioneer	12/15/10
I-137	A	Monroe	Armona	12/15/10

## Inters - OUT

No	A/D	Sch Req'd	Home Sch	BD Date
O-408	A	Pioneer	Wilson	12/15/2010

HANFORD ELEMENTARY SCHOOL DISTRICT

**AGENDA REQUEST FORM**

TO: Dr. Paul J. Terry

FROM: Charlotte Hines

DATE: November 29, 2010

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☐ Information  
☒ Action

Date you wish to have your item considered: December 15, 2010

**ITEM:** Donation of \$821.61 from the Washington PTP Club.

**PURPOSE:** To be used to purchase two Smart Boards.

**FISCAL IMPACT:** Increase of \$821.61 to the Washington School 2010-2011 General Fund Budget 0100-0000-0-1110-1000-440000-028-0000.

**RECOMMENDATIONS:** Accept donation.

**HANFORD ELEMENTARY SCHOOL DISTRICT**  
**AGENDA REQUEST FORM**

TO: Paul Terry, Ed.D.

FROM: Doug Carlton

DATE:

For: ☒ Board Meeting  
☐ Superintendent's Cabinet

For: ☐ Information  
☒ Action

Date you wish to have your item considered: December 15, 2010

**ITEM:** Approve District Title I Parent Involvement Policy (BP6020)

**PURPOSE:** The Department of Education requires that the parent involvement policy be reviewed periodically, and that stakeholders be given opportunity to provide input on the policy.

BP 6020 has been reviewed by the school site councils at each of our school sites and by the District English Language Advisory Committee (DELAC). The recommendation of these stakeholders is to approve BP6020 without changes.

**FISCAL IMPACT:** Parent involvement policies are a requirement of Title I funding.

**RECOMMENDATION:** APPROVE BP6020

# Hanford ESD

## Board Policy

### Parent/Guardian Involvement

BP 6020

#### Instruction

The Board of Trustees recognizes that parents/guardians are their children's first and most influential teachers and that sustained parental involvement in the education of their children contributes greatly to student achievement and a positive school environment. The Superintendent or designee shall work with staff and parents/guardians to develop meaningful opportunities at all grade levels for parents/guardians to be involved in district and school activities; advisory, decision-making, and advocacy roles; and activities to support learning at home.

(cf. 0420 - School Plans/Site Councils)  
 (cf. 0420.1 - School-Based Program Coordination)  
 (cf. 0420.5 - School-Based Decision Making)  
 (cf. 0520.1 - High Priority Schools Grant Program)  
 (cf. 0520.2 - Title I Program Improvement Schools)  
 (cf. 1220 - Citizen Advisory Committees)  
 (cf. 1230 - School-Connected Organizations)  
 (cf. 1240 - Volunteer Assistance)  
 (cf. 1250 - Visitors/Outsiders)

Parents/guardians shall be notified of their rights to be informed about and to participate in their children's education and of the opportunities available to them to do so.

(cf. 5020 - Parent Rights and Responsibilities)  
 (cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall regularly evaluate and report to the Board on the effectiveness of the district's parent involvement efforts, including, but not limited to, input from parents/guardians and school staff on the adequacy of parent involvement opportunities and barriers that may inhibit parent/guardian participation.

(cf. 0500 - Accountability)

#### Title I Schools

Each year the Superintendent or designee shall identify specific objectives of the district's parent involvement program for schools that receive Title I funding. He/she shall ensure that parents/guardians are consulted and participate in the planning, design, implementation, and evaluation of the parent involvement program. (Education Code 11503)



(cf. 6171 - Title I Programs)

The Superintendent or designee shall ensure that the district's parent involvement strategies are jointly developed with and agreed upon by parents/guardians of students participating in Title I programs. Those strategies shall establish expectations for parent involvement and describe how the district will carry out each activity listed in 20 USC 6318. (20 USC 6318)

The Superintendent or designee shall consult with parents/guardians of participating students in the planning and implementation of parent involvement programs, activities, and regulations. He/she also shall involve parents/guardians of participating students in decisions regarding how the district's Title I funds will be allotted for parent involvement activities. (20 USC 6318)

(cf. 3100 - Budget)

The Superintendent or designee shall ensure that each school receiving Title I funds develops a school-level parent involvement policy in accordance with 20 USC 6318.

#### Legal Reference:

##### EDUCATION CODE

11500-11506 Programs to encourage parent involvement

48985 Notices in languages other than English

51101 Parent rights and responsibilities

64001 Single plan for student achievement

##### LABOR CODE

230.8 Time off to visit child's school

##### UNITED STATES CODE, TITLE 20

6311 Parental notice of teacher qualifications and student achievement

6312 Local educational agency plan

6314 Schoolwide programs

6316 School improvement

6318 Parent involvement

##### CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 Definitions, auxiliary aids and services

35.160 Communications

#### Management Resources:

##### CSBA PUBLICATIONS

Parent Involvement: Development of Effective and Legally Compliant Policies, Governance and Policy Services Policy Briefs, August 2006

##### STATE BOARD OF EDUCATION POLICIES

89-01 Parent Involvement in the Education of Their Children, rev. 1994

##### U.S. DEPARTMENT OF EDUCATION NON-REGULATORY GUIDANCE

Parental Involvement: Title I, Part A, April 23, 2004

##### WEB SITES

CSBA: <http://www.csba.org>  
California Department of Education, Family, School, Community Partnerships:  
<http://www.cde.ca.gov/ls/pf>  
California Parent Center: <http://parent.sdsu.edu>  
California State PTA: <http://www.capta.org>  
National Coalition for Parent Involvement in Education: <http://www.ncpie.org>  
National PTA: <http://www.pta.org>  
No Child Left Behind: <http://www.ed.gov/nclb>  
Parent Information and Resource Centers: <http://www.pirc-info.net>  
Parents as Teachers National Center: <http://www.parentsasteachers.org>  
U.S. Department of Education: <http://www.ed.gov>

Policy HANFORD ELEMENTARY SCHOOL DISTRICT  
adopted: June 16, 1996      Hanford, California  
revised: May 16, 2001  
revised: February 21, 2007

HANFORD ELEMENTARY SCHOOL DISTRICT  
Human Resources Department  
**AGENDA REQUEST FORM**

TO: Dr. Paul Terry

FROM: Diane Williams *DW*

DATE: December 6, 2010

FOR: (X) Board Meeting  
( ) Superintendent's Cabinet

( ) Information  
(X) Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **December 15, 2010**

**ITEM:** Consider adoption of the following revised Administrative Regulation.

**PURPOSE:**

The following Administrative Regulations reflect changes (see underlined and strikeouts) that are necessary to align with current practices and procedures as well as recommendations by CSBA due to State and federal law mandates and Education Code changes.

**PURPOSE:**

- AR 4161.1 Certificated Personnel – Personal Illness/Injury Leave (revised)
- AR 4261.1 Classified Personnel - Personal Illness/Injury Leave (revised)
- AR 4361.1 Management, Supervisory and Confidential Personnel – Personal Illness/Injury Leave (revised)

**FISCAL IMPACT:** None.

**RECOMMENDATION:** Adopt.

**Certificated Personnel**AR 4161.1(a)  
4361.1**PERSONAL ILLNESS/INJURY LEAVE****A. Sick Leave Entitlement**

1. Full-time certificated employees are entitled to 10 days of leave of absence for personal illness or injury (sick leave) per school year, with full pay. Employees working less than five days per week or less than a full school year shall be granted comparable sick leave in proportion to the time they work. (Education Code 44978)

*(cf. 4161/4261/4361 – Leaves)**(cf. 4161.9/4261.9/4361.9 – Catastrophic Leave Program)*

2. 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)
3. An employee who leaves district service before the end of the school year shall be charged for any unearned sick leave used as of the date of termination of service.
4. Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 44978)

**B. Transfer of Sick Leave**

1. New employees may transfer in the amount of unused sick leave earned at another California school district, county office of education, or community college district if the employee left that employment within a year prior to employment by the district. (Education Code 44979, 44980)
2. Any ~~C~~certificated employee who leaves the district after at least one year of employment and accepts a certificated position in another district, county office of education or community college district within one year shall have transferred with him/her the total amount of earned and unused sick leave.

**C. Use of Sick Leave**

Sick leave may be used by certificated employees for absences from work due to:

1. Temporary inability to perform his/her duties because of illness, accident, ~~pregnancy, miscarriage, childbirth and recovery~~, or quarantine whether or not the cause of the absence arises out of and in the course of employment. (Education Code 44964)

*(cf. 4157.1/4257.1/4357.1 – Work Related Injuries)*

AR 4161.1(b)  
~~4361.1~~

**PERSONAL ILLNESS/INJURY LEAVE (continued)**

2. Pregnancy, miscarriage, childbirth, and recovery. (Education Code 44965, 44978)

*(cf. 4161.8/4261.8/4361.8 – Family Care and Medical Leave)*

3. Personal necessity. (Education Code 44981)

*(cf. 4161.2/4261.2/4361.2 - Personal Leaves)*

4. ~~Health-related~~ Medical and dental appointments

- ~~25.~~ Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted. (Education Code 44984)

*(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)*

- ~~56.~~ Illness of the employee's child, parent, or spouse, registered domestic partner, or domestic partner's child in an amount not less than the sick leave that would be accrued by the employee during six months at his/her then current rate of entitlement (Labor Code 233).

- ~~67.~~ For bargaining unit members, any other reason specified in the collective bargaining agreement.

- ~~78.~~ Accumulated sick leave may also be used, within the limits established by regulations and/or the collective bargaining agreement, for donations to a Catastrophic Sick Leave bank.

*(cf. 4161.9/4261.9/4361.9 – Catastrophic Sick Leave)*

An employee shall notify the district of his/her 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.

**D. Differential Pay Leave**

1. During each school year, ~~When~~ a certificated employee has exhausted all ~~current year and~~ available sick leave, including all accumulated sick leave, and, continues to be absent from his/her duties due to illness or accident, the employee shall receive his/her regular salary minus the actual cost of a substitute (differential pay) for an additional period up to five school months. 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 might have been paid to a substitute shall be deducted from the employee's salary. (Education Code 44977)

**Certificated Personnel**AR 4161.1(c)  
4361.1**PERSONAL ILLNESS/INJURY LEAVE**

2. An employee shall not be provided more than one five-month period of differential pay leave per illness or accident. 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)
3. When a certificated employee has exhausted all available sick leave and differential-pay leave and is not medically able to resume his/her duties and cannot be placed in another position, he/she shall be placed on a reemployment list. If the employee is in probationary status, he/she shall be placed on the reemployment list for 24 months beginning at the expiration of the five-month period; if he/she has permanent status, the employee shall be placed on the reemployment list for 39 months. If during this time the employee becomes medically able to resume his/her duties, the employee shall be returned to employment in a position for which he/she is credentialed and qualified. (Education Code 44978.1)

**E. Verification Requirements**

1. Upon return to work from an absence charged to personal Sick Leave, the employee shall submit a completed and signed district absence form to his/her immediate supervisor.

*(cf. 4161/4261/4361 – Absence Reporting/Verification)*

2. The district may require written verification by the employee's physician for any absence due to illness or injury in excess of five consecutive work days.
3. The Superintendent or designee may, at any time, require additional written verification by the employee's physician or other authorized health care provider. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever clear evidence indicates that an absence is not related to illness or injury.
34. 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 his/her physician stating that he/she is able to return to work and stipulating any restrictions or limitations. A determination whether work restrictions can be accommodated shall be made by the district in accordance with Board policy and administrative regulations.

*(cf. 4032 - Reasonable Accommodation)**(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)*

AR 4161.1(d)  
~~4361.1~~

## PERSONAL ILLNESS/INJURY LEAVE (continued)

### *Legal Reference:*

#### EDUCATION CODE

44964 *Power to grant leave of absence in case of illness, accident or quarantine*

44965 *Granting of leaves of absence for pregnancy and childbirth*

44976 *Transfer of leave rights when school is transferred to another district*

44977 *Salary deduction during absence from duties*

44978 *Provisions for sick leave of certificated employees*

44978.1 *Inability to return to duty; placement in another position or on reemployment list*

44979 *Transfer of accumulated sick leave to another district*

44980 *Transfer of accumulated sick leave to a county office of education*

44981 *Leave of absence for personal necessity*

44983 *Exception to sick leave when district adopts specific rule*

44984 *Industrial accident or illness*

44986 *Leave of absence for disability allowance applicant*

#### LABOR CODE

220 *Sections inapplicable to public employees*

233 *Illness of child, parent or spouse*

234 *Absence control policy*

#### CODE OF REGULATIONS, TITLE 5

5601 *Transfer of accumulated sick leave*

#### UNITED STATES CODE, TITLE 42

2000ff-2000ff-11 *Genetic Information Nondiscrimination Act of 2008*

#### COURT DECISIONS

*Veguez v. Governing Board of Long Beach Unified School District, (2005) 127 Cal.App. 4<sup>th</sup> 406*

#### HESD/HETA COLLECTIVE BARGAINING AGREEMENT:

*Article XVI, Leaves*

Regulation

approved: November 7, 2001

revised: \_\_\_\_\_ 2010

**HANFORD ELEMENTARY SCHOOL DISTRICT**

Hanford, California

**Classified Personnel**

AR 4261.1(a)

**PERSONAL ILLNESS/INJURY LEAVE****A. Full-pay Sick Leave Entitlement**

1. Full-time classified employees are entitled to 12 days of leave of absence, with full pay, for personal illness or injury (Sick Leave) per fiscal year. Employees who serve less than a full fiscal year or fewer than five days a week shall be granted comparable Sick Leave in proportion to the time they work. (Education Code 45191)
2. Permanent employees may take Sick Leave at any time during the year, even if credit for Sick Leave has not yet been accrued. Probationary employees may take no more than six days of Sick Leave until they have completed six months of active service with the district.
3. An employee who leaves the district before the end of the school year shall be charged for any unearned Sick Leave used as of the date of termination of service.
4. Unused days of Sick Leave shall be accumulated from year to year without limitation.

**B. Transfer of Sick Leave**

1. New employees may transfer in the amount of unused Sick Leave earned at another California school district, county office of education, or community college district if the employee left that employment within a year prior to employment by the district.
2. A classified employee who leaves the district after at least one year of employment and accepts employment in another district or county office of education within one year shall have transferred with him/her the total amount of earned and unused Sick Leave. This provision shall not apply to employees whose employment is terminated due to action initiated by the district for cause, unless both the district's Board and the Board of Trustees of the new employer agree.

**C. Use of Sick Leave**

Sick leave may be used by classified employees for:

1. Absences caused by accident or illness, pregnancy, miscarriage, childbirth and recovery, or by quarantine which results from contact during the performance of the employee's duties with other persons having a contagious disease



AR 4261.1(b)

**PERSONAL ILLNESS/INJURY LEAVE** (continued)

2. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted

*(cf. 4261.11 – Industrial Accident/Illness Leave)*

3. Personal necessity

*(cf. 4161.2/4261.2/4361.2 – Personal Leaves)*

4. ~~Health-related~~ Medical and dental appointments

5. Illness of the employee's child, parent, or spouse, registered domestic partner, or domestic partner's child in an amount not less than the sick leave that would be accrued by the employee during six months at his/her then current rate of entitlement (Labor Code 233).

*(cf. 4161.8/4261.8/4361.8 – Family Care and Medical Leave)*

6. Any other reason specified in the collective bargaining agreement.
7. Accumulated Sick Leave may also be used, within the limits established by Board policy and administrative regulations and/or the collective bargaining agreement, for donations to the Catastrophic Sick Leave bank.

*(cf. 4161.9/4261.9/4361.9 – Catastrophic Sick Leave)*

**D. Half-pay Sick Leave**

When the current-year and accumulated Sick Leave days at full pay are exhausted, the employee shall be compensated at 50 percent of his/her regular salary for the number of days of absence that represent the difference between 100 days and the employee's current-year Sick Leave allowance, subject to the limitation of the collective bargaining agreement.

**E. Exhaustion of All Paid Leaves**

1. After a permanent employee has exhausted all available full-pay and half-pay Sick Leave, vacation, compensatory time off, and any other paid leave and is still absent because of nonindustrial accident or illness, he/she shall be so notified in writing and offered an opportunity to request additional, unpaid leave. Approval of additional leave is at the discretion of the Board of Trustees.

**PERSONAL ILLNESS/INJURY LEAVE (continued)**

2. When a classified employee has exhausted all available leaves, paid or unpaid, and is still not able to resume his/her duties, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes able to return to work, he/she shall be re-employed in the first vacancy in the classification of his/her previous position. The employee's reemployment shall take preference over any applicants except employees who were laid off for lack of work or funds, in which case the employee shall be ~~offers~~ offered reemployment in accordance with his/her seniority ranking.

**F. Verification Requirements**

1. Upon return to work from any absence charged to Sick Leave, the employee shall submit a completed and signed district absence form to his/her immediate supervisor.
2. The district may require written verification by the employee's physician for any absence due to illness or injury of five consecutive work days or more.
3. When the district has reason to believe that Sick Leave privileges may be abused, the district may require an employee to visit a physician selected and paid by the district 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 further leave of absence and a prognosis as to when the employee will be able to return to work.
4. 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 his/her physician stating that he/she is able to return to work and stipulating any work restrictions or limitations. A determination as to whether work restrictions can be accommodated shall be made by the district in accordance with Board policy and administrative regulations.

*(cf. 4032 - Reasonable Accommodation)*

*(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)*

*Legal Reference: (see next page)*

AR 4261.1(d)

**PERSONAL ILLNESS/INJURY LEAVE (continued)***Legal Reference:*EDUCATION CODE*45191 Leaves of absence for illness and injury**45193 Leave of absence for pregnancy (re use of sick leave under certain circumstances)**45195 Additional leave for nonindustrial accident or illness; reemployment preference**45196 Salary; deductions during sick leave**45202 Transfer of accumulated sick leave and other benefits*LABOR CODE*233 Illness of child, parent or spouse*CSEA/HESD COLLECTIVE BARGAINING AGREEMENT*Article 16, Leaves*

Regulation  
approved: November 7, 2001  
revised: \_\_\_\_\_ 2010

**HANFORD ELEMENTARY SCHOOL DISTRICT**  
Hanford, California

**Management, Supervisory and Confidential Personnel**

AR 4361.1 (a)

**PERSONAL ILLNESS/INJURY LEAVE****A. Sick Leave Entitlement**

1. Twelve-month management, supervisory, and confidential employees are entitled to 12 days of paid leave per year for personal illness or injury (Sick Leave). Employees working fewer than 12 months or fewer than five days per week shall be granted comparable Sick Leave in proportion to the time they work
2. Certificated management and supervisory employees and permanent classified management, supervisory, and confidential personnel may take Sick Leave at any time during the school year, even if credit for sick leave has not yet been accrued. Probationary classified managers, supervisors, and confidential employees may take no more than six days of Sick Leave until they have completed six months of active service with the district
3. An employee who does not complete a given year of service shall be charged for any unearned Sick Leave used as of the date of termination of service.
4. Unused days of Sick Leave shall be accumulated from year to year without limitation.

**B. Transfer of Sick Leave**

1. New employees may transfer in the amount of unused Sick Leave earned at another California school district, county office of education, or community college district if the employee left that employment within a year prior to employment by the district.
2. An employee who leaves the district after at least one year of employment and accepts a employment in another district, county office of education, or community college district within one year shall have transferred with him/her the total amount of earned and unused Sick Leave.

**C. Use of Sick Leave**

Sick Leave may be used for absences from work due to:

1. Temporary inability to work because of illness, accident, pregnancy, miscarriage, childbirth and recover, or quarantine
2. Work-related injury or illness when leave granted specifically for that purpose has been exhausted

*(cf. 4161.11 - Industrial Accident/Illness Leave)*

**PERSONAL ILLNESS/INJURY LEAVE (continued)**

## 3. Personal necessity

*(cf. 4361.2 - Personal Necessity Leaves)*4. ~~Health-related~~ Medical and Dental appointments5. Serious illness of the employee's child, ~~spouse, or parent, or spouse,~~ registered domestic partner or domestic partner's child in an amount not less than the sick leave that would be accrued by the employee during six months at his/her then current rate of entitlement when Family Illness Leave has been exhausted. (Labor Code 233)*(cf. 4361.25 - Family Illness Leave)**(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)*

## 6. Accumulated sick leave may also be used, within the limits established by Board of Trustees policy and administrative regulations, for donations to a catastrophic sick leave bank.

*(cf. 4161.9/4261.9/4361.9 - Catastrophic Sick Leave)***D. Differential-Pay Leave**

1. When an employee has exhausted all current-year and accumulated sick leave and continues to be absent from his/her duties due to illness or accident, the employee shall receive 50% of his/her regular salary for an additional period of up to five calendar months.
2. An employee is entitled to only one five-month period per illness or accident. If the school/fiscal year ends before the five-month period is exhausted, the employee may take only the unused balance of the five-month period in the subsequent school/fiscal year.

**E. Exhaustion of All Leaves/Reemployment Rights**

1. When a management, supervisory, or confidential employee has exhausted all paid leaves, vacation, and compensatory time credits and is still unable to return to work, he/she may request additional, unpaid leave. Additional leave is subject to consideration of the needs of the district and requires approval by the Superintendent or designee and the Board.
2. After an employee has exhausted all available paid and unpaid leave and is not medically able to resume his/her duties and cannot be placed in another position, he/she shall be placed on a reemployment list.

**PERSONAL ILLNESS/INJURY LEAVE (continued)**

- a. If the employee is a certificated employee in probationary status, he/she shall be placed on the reemployment list for 24 months beginning at the expiration of the five-month period;
- b. If the employee is a permanent certificated employee or a probationary or permanent classified employee, the employee shall be placed on the reemployment list for 39 months.
- c. If during this time the employee becomes medically able to resume work, he/she shall be re-employed in a vacant position in the classification of his/her previous employment. The employee's reemployment shall take preference over any other person except former employees who were laid off for lack of work or funds, if any, in which case the employee shall be offered reemployment in accordance with his/her seniority ranking.

**F. Verification Requirements**

1. After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed district absence report form to his/her immediate supervisor.

*(cf. 4161/4261/4361 - Absence Reporting and Verification)*

2. The district may require written verification by the employee's physician or practitioner for any absence due to illness or injury of five consecutive work days or more.
3. Before returning to work, an employee who has been absent for surgery, hospitalization or extended medical treatment shall submit a letter from his/her physician stating that he/she is able to return to work and stipulating any work restrictions or limitations. The determination whether work restrictions or limitations can be accommodated shall be made by the district in accordance with Board policy and administrative regulations.

*(cf. 4032 - Reasonable Accommodation)*

*(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)*

*Legal Reference: (see next page)*

AR 4361.1 (d)

**PERSONAL ILLNESS/INJURY LEAVE (continued)***Legal Reference:***EDUCATION CODE***44964 Power to grant leave of absence in case of illness, accident or quarantine**44965 Granting of leaves of absence for pregnancy and childbirth**44976 Transfer of leave rights when school is transferred to another district**44977 Salary deduction during absence from duties**44978 Provisions for sick leave of certificated employees**44979 Transfer of accumulated sick leave to another district**44980 Transfer of accumulated sick leave to a county office of education**44981 Leave of absence for personal necessity**44983 Exception to sick leave when district adopts specific rule**44986 Leave of absence for disability allowance applicant***LABOR CODE***233 Illness of child, parent, spouse or domestic partner**234 Absence control policy***CODE OF REGULATIONS, TITLE 5***5601 Transfer of accumulated sick leave*

Regulation

approved: March 4, 1992

revised: November 7, 2001

revised: November 30, 2004

revised: August 19, 2009

revised: \_\_\_\_\_, 2010

HANFORD ELEMENTARY SCHOOL DISTRICT

Hanford, California

HANFORD ELEMENTARY SCHOOL DISTRICT  
Human Resources Department

**AGENDA REQUEST FORM**

TO: Dr. Paul Terry

FROM: Diane Williams *OW*

DATE: December 6, 2010

RE: ☒ Board Meeting  
☐ Superintendent's Cabinet  
☐ Information  
☒ Action

DATE YOU WISH TO HAVE YOUR ITEM CONSIDERED: **December 15, 2010**

ITEM: Consider approval of personnel transactions and related matters.

**PURPOSE:**

**a. Employment**

Classified

- Ashley Lizotte, READY program tutor – 4.5 hrs., Monroe, effective 11/29/10

Temporary Employees/Substitutes/Yard Supervisors

- Inez Carreiro, Short-term Yard Supervisor – 2.5 hrs., Jefferson (Simas FLI), effective 1/3/11 to 4/15/11
- Rogelio Espinoza, Short-term Custodian II – 8.0 hrs., Monroe, effective 12/8/10 to 12/23/10
- Amy Luna, Yard Supervisor – 1.0 hrs., Hamilton, effective 1/3/11
- Mayra Velazquez, Substitute Special Circumstance Aide, Special Education Aide and Translator: Oral Interpreter, effective 12/6/10
- Maria Villafana, Short-term Yard Supervisor – 1.5 hrs., (1.0 hr. Roosevelt/.50 hr. Jefferson-Simas FLI), effective 1/3/11 to 1/28/11
- Frederick "Cougar" Williams, Jr., Monroe Boys Basketball – 2 units, effective 12/6/10 to 2/5/11

**b. Resignations**

- Fernanda Balan, Yard Supervisor – 1.0 hr., King, effective 11/19/10
- Aubrey Gonsalves, Special Education Aide – 5.0 hrs., Hamilton, effective 12/17/10
- Shauna Rawson, READY Program Tutor – 4.5 hrs., Hamilton, effective 12/10/10



**c. Termination**

- David Gonzales, Coach, effective 6/8/07

**d. Leave of Absence**

- Corrina Bowman, Yard Supervisor – 2.25 hrs., (1.75 Hamilton/.50 Washington), effective 11/29/10 to 12/17/10, medical
- Roxanne Tomas, Food Service Worker II – 2.0 hrs., Kennedy, effective 1/3/11 to 4/15/11, personal

**e. Volunteers**

<u>Name</u>	<u>School</u>
Sharlean Anderson	Monroe
Krystal Galaviz	Monroe
Mildred Williams	Monroe
Leanna DelaCruz	Richmond

**RECOMMENDATION:** Approve.

HANFORD ELEMENTARY SCHOOL DISTRICT

**Agenda Request Form**

**TO:** Dr. Paul J. Terry

**FROM:** Nancy White

**DATE:** December 6, 2010

**FOR:** (X) Board Meeting  
( ) Superintendent's Cabinet

**FOR:** ( ) Information  
(X) Action

Date you wish to have your item considered: December 15, 2010

**ITEM:**

Consider approval of Certification of Signatures.

**PURPOSE:**

The attached Certification of Signatures will supersede the Certification dated December 16, 2009.

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

Approve Certification of Signatures.

# HANFORD ELEMENTARY SCHOOL DISTRICT CERTIFICATION OF SIGNATURES

As Secretary to the governing board of the above named school district, I certify that the signatures shown below in Column 1 are the verified signatures of the members of the governing board. I certify that the signatures as shown in Column 2 are the verified signatures of the person or persons authorized to sign Notices of Employment, Contracts, and Orders drawn on the funds of the school district. These certifications are made in accordance with the provisions of Education Code Sections 42632, 42633 and 44843. If persons authorized to sign orders as shown in Column 2 are unable to do so, the law requires the signatures of the majority of the governing board.

These approved signatures are valid for the period of: December 15, 2010 to the annual reorganization meeting in December 2011 in accordance with governing board approval dated December 15, 2010.

Signature:

Secretary of the Board

Column 1

Column 2

Signatures of Members of  
Governing Board:

Signatures of Personnel authorized  
to sign Warrants, Orders for  
Payment, Notices of Employment and  
Contracts:

Signature: \_\_\_\_\_  
Type Name: \_\_\_\_\_  
President of the Board of Trustees

Signature: \_\_\_\_\_  
Type Name: Paul J. Terry, Ed.D.  
Title: Superintendent

Signature: \_\_\_\_\_  
Type Name: \_\_\_\_\_  
Vice-President of the Board of Trustees

Signature: \_\_\_\_\_  
Type Name: Nancy White  
Title: Asst. Superintendent Fiscal Services

Signature: \_\_\_\_\_  
Type Name: \_\_\_\_\_  
Clerk of the Board of Trustees

Signature: \_\_\_\_\_  
Type Name: Diane Williams  
Title: Asst. Superintendent Human Resources

Signature: \_\_\_\_\_  
Type Name: \_\_\_\_\_  
Member of the Board of Trustees

Signature: \_\_\_\_\_  
Type Name: Anneliese Roa  
Title: Program Manager Food Services

Signature: \_\_\_\_\_  
Type Name: \_\_\_\_\_  
Member of the Board of Trustees

Ed Code Sections 42632; 42633; 44843

Number of Signatures Required:

On Orders of Payment	1
On Notice of Employment	1
On Contracts	1

\* The signature of the Program Manager, Food Services is restricted to the following areas: 1) Food Service checks and 2) all reports applicable to the daily Food Service operation including, but not limited to, the Commodity Processing Agreements.

HANFORD ELEMENTARY SCHOOL DISTRICT

**Agenda Request Form**

**TO:** Dr. Paul J. Terry

**FROM:** Nancy White

**DATE:** December 6, 2010

**FOR:** (X) Board Meeting  
( ) Superintendent's Cabinet

**FOR:** ( ) Information  
(X) Action

Date you wish to have your item considered: December 15, 2010

**ITEM:**

Consider acceptance of Report of Developer Fees Collected and Spent.

**PURPOSE:**

Attached is a report of developer fees collected and spent. The law requires the money to be used within five years or returned to taxpayers. All fees collected five (5) years ago by the Hanford Elementary School District have been expended.

**FISCAL IMPACT:**

**RECOMMENDATION:**

Accept Report of Developer Fees Collected and Spent.

**HANFORD ELEMENTARY SCHOOL DISTRICT**  
**Fund 2500 – Capital Facilities Fund (Developer Fees)**

The fees collected in this Fund are collected pursuant to Government Code Section 53080, which authorizes school districts to levy a fee against any development project for the construction or reconstruction of school facilities. The fee currently levied is \$2.97 per square foot for residential development and \$.47 per square foot for commercial development. This fee is shared with the Hanford Joint Union High School District. The elementary district receives 60% of the fee and the high school district receives 40% of the fee.

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**Report of Developer Fees Collected and Spent**

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FISCAL YEAR	BEGINNING BALANCE	DEVELOPER FEES COLLECTED*	FUNDS SPENT
1987-88	4,348	170,329	99,180
1988-89	75,497	288,518	144,037
1989-90	219,978	389,012	213,220
1990-91	395,770	528,965	389,438
1991-92	535,297	354,849	579,638
1992-93	310,508	406,493	538,604
1993-94	178,397	301,628	316,722
1994-95	163,303	262,663	344,807
1995-96	81,159	299,872	326,471
1996-97	54,560	275,795	176,506
1997-98	153,849	291,839	318,719
1998-99	126,969	232,212	281,076
1999-00	78,105	165,933	166,697
2000-01	77,341	320,896	239,061
2001-02	159,176	454,887	236,060
2002-03	378,003	706,588	431,063
2003-04	653,528	681,163	944,425
2004-05	390,266	1,002,325	700,580
2005-06	692,011	1,183,917	645,572
2006-07	1,230,356	497,614	1,144,778
2007-08	583,192	396,339	636,561
2008-09	342,970	222,273	308,348
2009-10	256,895	450,032	191,957
2010-11	514,970	**	**
TOTAL		9,888,490	9,373,520

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All fees collected five (5) years ago have been expended.

\*Includes interest accrued on Developer Fees Fund 2500.

A total of \$4,400 interest was earned in Fund 2500 for 2009-10.

\*\*Income and Expenditure figures for 2010-11 are not available, as the year is not complete.

HANFORD ELEMENTARY SCHOOL DISTRICT  
Fund 2500 – Capital Facilities Fund (Developer Fees)  
Detailed Report of 2009-10 Expenditures

<u>Project</u>	<u>Cost</u>	<u>Project Status</u>	<u>% of Total Cost</u>
Portable Classroom Leases – Twenty Portables	\$88,268	On Going	100%
Installation Costs – New Portable Classrooms	\$500	One-time	100%
Addition of Administration/Library Building – Richmond School	101,569	Payment #7 of 10. Payments will be complete in 2012-13.	10%
Legal fees – Potential new school site	1,620	One-time	100%
	<hr/> \$191,957		

## HANFORD ELEMENTARY SCHOOL DISTRICT

**Agenda Request Form**

**TO:** Dr. Paul J. Terry

**FROM:** Nancy White

**DATE:** December 6, 2010

**FOR:** (X) Board Meeting  
( ) Superintendent's Cabinet

**FOR:** ( ) Information  
(X) Action

Date you wish to have your item considered: December 15, 2010

**ITEM:**

Consider Certification of First Interim Report for 2010-11.

**PURPOSE:**

Provisions of AB2861 require the School District Superintendent to submit two Interim Reports each year to the District Governing Board indicating whether or not the school district will be able to meet its financial obligations. This is the first of such reports for this fiscal year. The school district must certify whether or not the school district will be able to meet its financial obligations for the remainder of the school year.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

We recommend a positive certification of the District's First Interim Report for 2010-11.

HANFORD ELEMENTARY SCHOOL DISTRICT

**Agenda Request Form**

TO: Dr. Paul J. Terry

FROM: Nancy White

DATE: December 6, 2010

FOR: ☒ Board Meeting  
☐ Superintendent's Cabinet

FOR: ☐ Information  
☒ Action

Date you wish to have your item considered: December 15, 2010

**ITEM:**

Consider approval of the Certification of the 2010-11 Operations Application for the K-3 Class Size Reduction Program.

**PURPOSE:**

Hanford Elementary School District operates the K-3 Class Size Reduction Program (CSRP). HESD operates CSRP – Option 1 at all four grade levels K-3, under which each class must have an average of no more than 20 pupils per certificated teacher to receive full funding. Classes that exceed the 20:1 ratio have a funding penalty assessed. However, the penalties have been relaxed for fiscal years 2008-09 through 2011-12 to assist Districts in managing State revenue deficits.

School districts must reapply each year in order to participate in this program.

**FISCAL IMPACT:**

Participation in the CSRP generates \$1,071 per enrollment in Option 1 totaling an estimated \$2,512,566 in funding for HESD.

**RECOMMENDATION:**

Authorize the Superintendent to certify the 2010-11 Operations Application for the K-3 Class Size Reduction Program.