

PIEDMONT UNIFIED SCHOOL DISTRICT
BOARD POLICIES & ADMINISTRATIVE REGULATIONS

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Revised 10/12/22

**Piedmont Unified School District
Board Policy**

BP 4000
Personnel

CONCEPTS AND ROLES

The Board of Education wishes to establish, through the policies of the district, conditions what will attract and hold the best qualified personnel for all positions, who will devote themselves to the education and welfare of the students of the district. The Board desires that teachers pursue excellence within their profession and shall provide incentives to teachers of demonstrated ability and expertise which will encourage them to stay in the public school system.

The Board believes that its personnel policies must be developed through the cooperation and participation of the employee organizations, the administrative staff and the Board in an atmosphere of mutual faith and good will.

The Board affirms its intention to have all policies, regulations and procedures of the district conform to all requirements of law and state regulations, including equal employment opportunity and districtwide salary schedules.

The Board of Education:

1. Adopts wage and salary schedules.
2. Elects or rejects employees on the recommendation of the Superintendent.
3. Determines principles of treatment for employees, such as those in connection with sick leave, leaves of absence, inservice training, retirement, etc., either through the policies and regulations of the district or through negotiations with exclusive representatives (employees organizations).
4. Serves as a court of appeals in cases referred by the Superintendent or which may be appealed by employees directly from the Superintendent's judgment, or as specified in adopted employee organization bargaining agreements.

The Superintendent or Designee

1. Nominates for employment all certificated and classified personnel.
2. Assigns and supervises the work of all employees and shall evaluate their work in accordance with effective accountability systems approved by the Board.
3. Recommends disciplinary action which the Board may take against employees when warranted pursuant to Board policy, administrative regulations and/or state or federal law.
4. Proposes salary schedules for staff members not covered by an employee

organization agreement.

5. Serves as consultant to the Board throughout negotiations with employee organizations on all matters under negotiations.

Working Relationships Between School Board and Superintendent

The Superintendent will guide the Board in regard to its relations with certificated and classified personnel. The Board will not employ any person unless recommended by the Superintendent. If a nomination by the Superintendent is not acceptable to the Board, the nomination shall be withdrawn. The Superintendent shall then present other nominations to the Board for reconsideration.

The Board agrees that all approaches by employees to the Board or to the individual members of the Board shall be referred to the Superintendent for consideration and judgment, and to act as a court of appeals only after referrals have been made to the Superintendent.

The Superintendent will conduct the district's personnel relations with fair and sound practices approved by the Board.

Legal Reference:

EDUCATION CODE

35020 Duties of employees fixed by Board of Education

35035 Powers and duties of superintendent

35160 Powers of Board of Education

GOVERNMENT CODE

3540-3549.3 Public education employer-employee relations

Adopted: February 9, 2000

PIEDMONT UNIFIED SCHOOL DISTRICT
Board Policy

Personnel

BP 4020

DRUG AND ALCOHOL-FREE WORKPLACE

The Board of Education believes that the maintenance of drug- and alcohol-free workplaces is essential to school and district operations.

No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in 21 USC 81 at any school district workplace. These prohibitions apply before, during and after school hours. A school district workplace is any place where school district work is performed, any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function where students are under district jurisdiction; or during any period of time when an employee is supervising students on behalf of the district or otherwise engaged in district business.

(cf. 4112.41 - Employee Drug Testing)

(cf. 4112.42 - Drug and Alcohol Testing for School Bus Drivers)

The Superintendent or designee shall notify employees of these prohibitions. (Government Code 8355; 41 USC 702)

An employee shall abide by the terms of this policy and notify the district, within five days, of any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace. (41 USC 702)

The Superintendent or designee shall notify the appropriate federal granting or contracting agencies within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace. (41 USC 701)

The Board may not employ or retain in employment persons convicted of a controlled substance offense as defined in Education Code 44011. If any such conviction is reversed and the person acquitted in a new trial or the charges dismissed, his/her employment is no longer prohibited. A plea or verdict of guilty, a finding of guilt by a court in a trial without a jury, or a conviction following a plea of nolo contendere shall be deemed to be a conviction. (Education Code 44836, 45123)

(cf. 4112 - Appointment and Conditions of Employment)

(cf. 4212 - Appointment and Conditions of Employment)

A classified employee may be reemployed after conviction of such an offense if the Board determines, from the evidence presented, that the person has been rehabilitated for at least five years. (Education Code 45123)

The Board may take appropriate disciplinary action, up to and including termination, or

require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

The Superintendent or designee shall establish a drug- and alcohol-free awareness program to inform employees about: (Government Code 8355)

1. The dangers of drug and alcohol abuse in the workplace
2. The district policy of maintaining drug- and alcohol-free workplaces
3. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs

(cf. 4159/4259/4359 - Employee Assistance Programs)

4. The penalties that may be imposed on employees for drug and alcohol abuse violations

Legal Reference:

EDUCATION CODE

44011 Controlled substance offense

44425 Conviction of controlled substance offenses as grounds for revocation of credential

44836 Employment of certificated persons convicted of controlled substance offenses

44940 Compulsory leave of absence for certificated persons

44940.5 Procedures when employees are placed on compulsory leave of absence

45123 Employment after conviction of controlled substance offense

45304 Compulsory leave of absence for classified persons

GOVERNMENT CODE

8350-8357 Drug-free workplace

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug Free Schools and Communities Act

UNITED STATES CODE, TITLE 21

812 Schedule of controlled substances

CODE OF FEDERAL REGULATIONS, TITLE 21

1308.01-1308.49 Schedule of controlled substances

Adopted: February 9, 2000

Revised: September 25, 2002

PIEDMONT UNIFIED SCHOOL DISTRICT
Exhibit

Personnel

E 4020

DRUG AND ALCOHOL-FREE WORKPLACE

Notice To Employees:

YOU ARE HEREBY NOTIFIED that it is a violation of Board policy for any employee at a school district workplace to unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations.

"School district workplace" is defined as any place where school district work is performed, including a school building or other school premises; any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function, such as a field trip or athletic event, where students are under district jurisdiction; or during any period of time when an employee is supervising students on behalf of the district or otherwise engaged in district business.

As a condition of your continued employment with the district, you will comply with the district's policy on Drug and Alcohol-Free Workplace and will, any time you are convicted of any criminal drug or alcohol statute violation occurring in the workplace, notify your supervisor of this conviction no later than five days after such conviction.

Pursuant to California Education Code 44836 and 45123, the Board may not employ or retain in employment persons convicted of a controlled substance offense as defined in Education Code 44011. If any such conviction is reversed and the person acquitted in a new trial or the charges dismissed, his/her employment is no longer prohibited.

Pursuant to Education Code 45123, the district may employ for classified service a person who has been convicted of a controlled substance offense only if it determines, from evidence presented, that the person has been rehabilitated for at least five years. The Board shall determine the type and manner of presentation of the evidence, and the Board's determination as to whether or not the person has been rehabilitated is final.

Pursuant to Education Code 44425, whenever the holder of any credential issued by the State Board of Education or the Commission for Teacher Preparation and Licensing has been convicted of a controlled substance offense as defined in Education Code 44011, the commission shall forthwith suspend the credential. When the conviction becomes final or when imposition of sentence is suspended, the commission shall revoke the credential. (Education Code 44425)

Pursuant to Education Code 44940, the district must immediately place on compulsory leave of absence any certificated employee charged with involvement in the sale, use or exchange to minors of certain controlled substances.

Pursuant to Education Code 44940, the district may immediately place on compulsory leave of absence any certificated employee charged with certain controlled substance offenses.

The following drug and alcohol counseling, rehabilitation, and/or employee assistance programs are available locally:

(cf. 4159/4259/4359 - Employee Assistance Programs)

(Employee Signature)

(Date)

Version: February 9, 2000

PIEDMONT UNIFIED SCHOOL DISTRICT
Board Policy
BP 4030

Personnel

NONDISCRIMINATION IN EMPLOYMENT

The Governing Board is determined to provide district employees, interns, volunteers, and job applicants a safe, positive environment where they are assured of full and equal employment access and opportunities, protection from harassment or intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. This policy shall apply to all district employees and, to the extent required by law, to interns, volunteers, and job applicants.

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

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

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

1. Discrimination in hiring, compensation, terms, conditions, and other privileges of employment;
2. Taking of an adverse employment action, such as termination or the denial of employment, promotion, job assignment, or training;
3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities, or that

has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment;

4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:
 - a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition, or on an employee's gender, gender expression, or gender identity, including transgender status;
 - b. Religious creed discrimination based on an employee's religious belief or observance, including his/her religious dress or grooming practices, or based on the district's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement;
 - c. Requiring medical or psychological examination of a job applicant, or an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity; and/or
 - d. Disability discrimination based on the district's failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee who has requested such accommodations in order to determine the effective reasonable accommodations, if any, to be provided to the employee.

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

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

No employee shall, in exchange for a raise or bonus or as a condition of employment or continued employment, be required to sign a release of the employee's claim or right to

file a claim against the district or a non-disparagement agreement or other document that has the purpose or effect of preventing the employee from disclosing information about harassment, discrimination, or other unlawful acts in the workplace, including any conduct that the employee has reasonable cause to believe is unlawful. (Government Code 12964.5)

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

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment, including harassment of an employee by a non-employee, shall report the incident to the Superintendent or designated district coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately.

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy including providing training and information to employees about how to recognize harassment, discrimination, or other prohibited conduct, how to respond appropriately, and components of the district's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

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

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

11138 Rules and regulations

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

11006-11086 Discrimination in employment

11013 Recordkeeping

11019 Terms, conditions and privileges of employment

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

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

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

6101-6107 Age discrimination in federally assisted programs

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

110.1-110.39 Nondiscrimination on the basis of age

COURT DECISIONS

Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863
Shephard v. Loyola Marymount, (2002) 102 Cal.App.4th 837

Management Resources:

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING
PUBLICATIONS

California Law Prohibits Workplace Discrimination and Harassment, December 2014

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS
PUBLICATIONS

Notice of Non-Discrimination, August 2010

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Questions and Answers: Religious Discrimination in the Workplace, 2008

New Compliance Manual Section 15: Race and Color Discrimination, April 2006

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. 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>

Adopted: February 9, 2000
Revised: December 10, 2003
Revised: June 23, 2004
Revised: September 26, 2007
Revised: September 24, 2008
Revised: January 26, 2010
Revised: June 13, 2018
Revised: October 11, 2022

PIEDMONT UNIFIED SCHOOL DISTRICT
Administrative Regulation

AR 4030

Personnel

NONDISCRIMINATION IN EMPLOYMENT

All allegations of discrimination in employment, including those involving an intern, volunteer, or job applicant, shall be investigated and resolved in accordance with procedures specified in this administrative regulation. The procedures outlined in this administrative regulation shall be used when a district employee or job applicant has a complaint alleging that a specific action, policy, procedure, or practice discriminates against him/her on any basis specified in the District's nondiscrimination policies.

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

Superintendent
760 Magnolia Avenue, Piedmont, CA 94611
(510) 594-2614
rbooker@piedmont.k12.ca.us

Measures to Prevent Discrimination

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

1. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: (5 CCR 4960; 34 CFR 100.6, 106.9)
 - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment;
 - b. Posting them in all district schools and offices, including staff lounges and other prominent locations; and/or
 - c. Posting them on the district's web site and providing easy access to them through district-supported social media, when available.

- (cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
2. Disseminate the district's nondiscrimination policy to all employees by one or more of the following methods: (2 CCR 11023)
 - a. Printing and providing a copy of the policy to all employees, with an acknowledgment form for each employee to sign and return;
 - b. Sending the policy via email with an acknowledgment return form;
 - c. Posting the policy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies;
 - d. Discussing the policy with employees upon hire and/or during a new hire orientation session; and/or
 - e. Any other way that ensures employees receive and understand the policy.
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
 3. Provide to employees a handbook that contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to anyone who feels that he/she has been the victim of any discriminatory or harassing behavior.
 4. Provide training to employees, volunteers, and interns regarding the district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation, and how and to whom a report of an incident should be made.

Training for supervisors shall include the requirement to report any complaint of misconduct to a designated representative, such as the coordinator, human resources manager, or Superintendent or designee as a topic in the sexual harassment prevention training required pursuant to 2 CCR 11024 (2 CCR 11023).

- (cf. 1240 - Volunteer Assistance)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
5. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law.
 6. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce.

Complaint Procedure

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

1. Notice and Receipt of Complaint: A complainant may inform his/her direct supervisor, another supervisor, the coordinator, the Superintendent or, if available, a complaint hotline.

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, and any other pertinent information which may assist in investigating and resolving the complaint.

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

(cf. 4032 - Reasonable Accommodation)

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

The coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. He/she shall also inform the parties that the investigation 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)

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.

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

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

The coordinator 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 are prevented. The coordinator shall ensure that such interim measures do not constitute retaliation.

3. **Written Report on Findings and Remedial/Corrective Action:** No more than 20 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the parties and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report also shall include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented.

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

4. **Appeal to the Governing Board:** The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any

complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days. (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 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
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)

Adopted: June 13, 2018

**Piedmont Unified School District
Administrative Regulation**

AR 4032
Personnel

REASONABLE ACCOMMODATION

Definitions

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

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

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

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

(cf. 4119.3/4319.3 - Duties of Personnel)

Reasonable accommodations that an employer may need to provide in connection with modifications to the work environment or adjustments in how and when a job is performed that enable an individual with a disability to enjoy equal employment opportunities include, but are not limited to: (29 CFR 1630.2)

1. Making existing facilities accessible and usable
2. Restructuring the job duties
3. Offering part-time or modified work schedules
4. Acquiring or modifying equipment or devices
5. Changing tests, training materials or policies
6. Providing qualified readers or interpreters
7. Reassigning the employee to a vacant position

Qualified individual with a disability means an individual with a disability who satisfies the

requisite skill, experience, education and other job-related requirements of the employment position and who, with or without reasonable accommodation, can perform the essential functions of such position. (29 CFR 1630.2)

Undue hardship is a determination based on an individualized assessment of current circumstances that shows that a specific reasonable accommodation would cause significant difficulty or expense. A determination of undue hardship should be based on several factors, including: (29 CFR 1630.2)

1. The nature and net cost of the accommodation needed, taking into consideration the availability of tax credits and deductions and/or outside funding
2. The overall financial resources of the facility making the reasonable accommodation, the number of persons employed at this facility, the effect on expenses and resources of the facility, or the impact on the operations of the facility
3. The overall financial resources, size, number of employees, and the number, type and location of facilities of the district
4. The type of operation of the district, including the structure and functions of the workforce, the geographic separateness, and the administrative or fiscal relationship of the facility involved in making the accommodation
5. The impact of the accommodation on the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business.

Requests for Reasonable Accommodation

When requesting reasonable accommodation, the employee or employee's representative shall inform the employee's supervisor that he/she needs a change at work for a reason related to a medical condition.

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

Employees' requests for reasonable accommodation may first be considered informally by the site administrator. The site administrator shall consult with the coordinator before any decision as to accommodation is made.

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

If the documentation submitted by the employee does not specify the existence of a qualifying disability and explain the need for reasonable accommodation, the district may

require the employee to submit to an examination by a health care professional selected and paid for by the district.

Upon receiving a request to reasonably accommodate a qualified employee with a disability, the coordinator shall:

1. Determine the essential functions of the job
2. Engage in an informal, interactive process with the employee to review the request for accommodation, identify the precise limitations resulting from the disability, identify potential means for providing accommodation, and assess their effectiveness

Note: According to the EEOC Guidance, the district is not required to provide the reasonable accommodation preferred by the individual. Rather, the district must only provide an accommodation that is "effective." Pursuant to 29 CFR 1630.2, an "effective accommodation" is one which allows the employee to perform the essential functions of the job or to gain equal access to a benefit or privilege of employment.

3. Develop a plan for reasonable accommodation which is effective and allows the employee to perform the essential functions of the job or to gain equal access to a benefit or privilege of employment and does not impose undue hardship on the district

To qualify for a job, an individual shall not pose a significant risk of substantial harm to himself/herself or others in the workplace which cannot be eliminated or reduced by reasonable accommodation. (29 CFR 1630.2)

The determination of whether an individual poses a significant risk of substantial harm to himself/herself or others shall be made on a case-by-case basis and shall be based on objective, factual evidence, taking into consideration the duration of the risks, the nature and severity of the potential harm, the likelihood that the potential harm will occur and the imminence of potential harm. (29 CFR 1630.2)

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

Appeal Process

If the employee or applicant is not satisfied with the decision of the coordinator, he/she may appeal in writing to the Superintendent or designee. This appeal shall be made within 10 working days of receiving the decision and shall include:

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

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

Any further appeal for reasonable accommodation shall be considered a complaint

concerning discrimination in employment and may be taken to the Board of Education in accordance with the district's procedure for such complaints.

Legal Reference:

CIVIL CODE

51 Unruh Civil Rights Act

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

UNITED STATES CODE, TITLE 29

701-794e Vocational Rehabilitation Act

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act, especially:

35.107 Designation of employee

36.101-36.608 Nondiscrimination on the basis of disability by public facilities

CODE OF FEDERAL REGULATIONS, TITLE 29

1630.2 Direct threat

COURT DECISIONS

Colmenares v. Braemar Country Club, Inc., 2003 Cal.LEXIS 1131

Chevron USA v. Echazabal, (2002) 536 U.S. 73, 122 S.Ct. 2045

US Airways, Inc. v. Barnett, (2002) 535 U.S., 122 S.Ct. 1516

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002

WEB SITES

EEOC: <http://www.eeoc.gov>

Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Approved: May 28, 2003

**Piedmont Unified School District
Board Policy**

BP 4111
Personnel

**RECRUITMENT AND SELECTION
(*Certificated Employees*)**

The district shall employ the most highly qualified person available for each open position. The Board of Education directs the Superintendent or designee to develop recruitment and selection procedures which include:

1. Assessment of the district's needs for specific skills, knowledge and abilities
2. The Development of job descriptions which accurately portray the position
3. Dissemination of vacancy announcements to ensure a wide range of candidates
4. Screening procedures which identify the best possible candidates for interviews
5. Interview procedures which determine the best qualified candidate for recommendation to the Board

The Superintendent or designee shall recommend only those candidates who meet all qualifications established by law and the Board for the position. Nominations for employment shall be based upon screening devices, interviews, observations and recommendations from previous employers.

No inquiry shall be made with regard to actual or perceived race, color, religious creed, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, veteran status, gender, or sexual orientation.

District employment practices shall not discriminate against legal noncitizen residents. Inquiries to assure employment eligibility shall be made in accordance with Board policy and administrative regulation.

Any employee's misstatement of fact material to qualifications for employment or the determination of salary shall be considered by this Board to constitute grounds for dismissal.

The Board shall approve the employment, fix the compensation and establish the term of employment for each person employed by this district. Such approval shall be given only to those candidates for employment recommended by the Superintendent. When any recommended candidate has been rejected by the Board, the Superintendent shall make a substitute recommendation.

The employment of certificated employees prior to approval by the Board is authorized when their employment is required to maintain continuity in the educational program. Retroactive employment shall be recommended to the Board at the next regular meeting.

Legal Reference:

EDUCATION CODE

200-261 Prohibition of discrimination on the basis of sex
44066 Limitations on certification requirement
44259 Teaching credential; exception; designated subjects; minimum requirements
44830 Employment of certificated persons
44830.5 Assignment of certificated employees to district; ethnic ratio
44858 Age or marital status in employment positions requiring certification qualifications
44859 Prohibition against certain rules and regulations re residency

CODE OF REGULATIONS, TITLE 5

30-31 Affirmative action employment programs

GOVERNMENT CODE

12900 Unlawful employment practices
12940-12956 Discrimination prohibited; unlawful practices

UNITED STATES CODE, TITLE 8

1324(a)(b) Immigration and Nationality Act, as amended by Immigration Reform and Control Act of 1986 and Immigration Act of 1990

UNITED STATES CODE, TITLE 42

12101 et seq. Americans With Disabilities Act
2000d & 2000e et seq. Title VI and Title VII, Civil Rights Act of 1964 as amended
2000h-2 et seq. Title IX, 1972 Education Act Amendments

Adopted: February 9, 2000

**Piedmont Unified School District
Board Policy**

BP 4111.1
Personnel

EQUAL EMPLOYMENT OPPORTUNITIES

The Board of Education shall provide equal employment opportunities for all persons without regard to actual or perceived race, color, religious creed, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, veteran status, gender, or sexual orientation.

Recruitment, selection and employment practices of the district shall provide a concerted effort to hire and promote qualified individuals of minority ethnic background so that the total district staff is representative of the student and community populations of the district. The administrative shall make an effort to assign staff to each school so that a reasonable representation of the student population is achieved.

The intent of this policy shall be made explicit in all district manuals and publications.

Legal Reference:

EDUCATION CODE

200-261 Prohibition of discrimination on the basis of sex

44100-44105 Affirmative action employment

44830 Employment restricted persons possessing prescribed qualifications; public policy of State against discrimination on basis of race, etc.

44830.5 Assignment of certificated employees to district; ethnic ratio

ADMINISTRATIVE CODE

30-31 Affirmative action employment programs

GOVERNMENT CODE

12920-12921 Nondiscrimination

12940 et seq. Discrimination prohibited; unlawful practices, generally

CIVIL RIGHTS ACT, TITLE VII AS AMMENDEND BY EQUAL OPPORTUNITY ACT,
TILTE IX

Executive order 11246

Equal pay Act of 1963

Adopted: February 9, 2000

PIEDMONT UNIFIED SCHOOL DISTRICT
Board Policy
Lactation Accommodation

BP 4033
Personnel

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

(cf. 4030 - Nondiscrimination in Employment)

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

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

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

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

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

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Break Time and Location Requirements

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

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

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

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

Dispute Resolution

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

(cf. 4144/4244/4344 - Complaints)

Legal Reference:

EDUCATION CODE

200-262.4 Educational equity; prohibition of discrimination on the basis of sex

CIVIL CODE

43.3 Right of mothers to breastfeed in any public or private location

GOVERNMENT CODE

12926 Definition of sex; breastfeeding

12940 Unlawful discriminatory employment practices

12945 Unlawful discrimination based on pregnancy, childbirth, or related medical conditions

LABOR CODE

1030-1034 Lactation accommodation

6382 Procedure for listing hazardous substances

CODE OF REGULATIONS, TITLE 2

11035-11051 Unlawful sex discrimination; pregnancy and related medical conditions

UNITED STATES CODE, TITLE 29

207 Fair Labor Standards Act; lactation accommodation

Management Resources:

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Rest Periods/Lactation Accommodation, Frequently Asked Questions

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS

Lactation Accommodation for Employers

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

Lactation Support Program Toolkit

FEDERAL REGISTER

Reasonable Break Time for Nursing Mothers, December 21, 2010, Vol. 75, No. 244,
pages 80073-80079

OFFICE OF THE SURGEON GENERAL PUBLICATIONS

The Surgeon General's Call to Action to Support Breastfeeding, 2011

HEALTH RESOURCES AND SERVICES ADMINISTRATION PUBLICATIONS

The Business Case for Breastfeeding: Steps for Creating a Breastfeeding Friendly
Worksite, Toolkit, 2008

U.S. DEPARTMENT OF LABOR, WAGE AND HOUR DIVISION, PUBLICATIONS

Frequently Asked Questions- Break Time for Nursing Mothers

Fact Sheet #73: Break Time for Nursing Mothers under the FLSA, rev. April 2018

WEB SITES

California Department of Industrial Relations, Division of Labor and Standards

Enforcement: <http://www.dir.ca.gov/dlse> California Department of Public Health:

<http://www.cdph.ca.gov>

California Women, Infants and Children Program: <http://www.wicworks.ca.gov>

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

Health Resources and Services Administration: <http://www.hrsa.gov>

Office of the Surgeon General: <http://www.surgeongeneral.gov>

U.S. Department of Labor, Wage and Hour Division, Break Time for Nursing Mothers:

<http://www.dol.gov/whd/nursingmothers>

Adopted: February 12, 2020

**Piedmont Unified School District
Board Policy**

BP 4111.2
Personnel

LEGAL STATUS REQUIREMENT

The District shall hire only citizens and aliens who are lawfully authorized to work in the United States. District employment practices shall not discriminate on the basis of citizenship status or national origin, nor shall they discriminate against any refugees, grantees of asylum, or persons qualified for permanent or temporary residency.

(cf. 4111 - Recruitment and Selection)
(cf. 4211 - Recruitment and Selection)
(cf. 4311 - Recruitment and Selection)

All new employees shall show appropriate documents which certify that they are legally eligible to work in the United States, as required by law.

Legal Reference:

UNITED STATES CODE, TITLE 8

1324(a)(b) Immigration and Nationality Act, as amended by Immigration Reform and Control Act of 1986 and Immigration Act of 1990

CODE OF FEDERAL REGULATIONS, TITLE 8

274(a) Control of Employment of Aliens

Adopted: February 9, 2000

**Piedmont Unified School District
Administrative Regulation**

AR 4111.2
Personnel

LEGAL STATUS REQUIREMENT

When being hired by the district for any kind of work, prospective employees shall be informed that they will be asked, within three days of employment, to show documents which certify their work eligibility and identity. Persons employed for three days or less must provide such documentation on their first day. This documentation may consist of one item in group A below, or two items, one from group B and one from group C below.

Group A - Documents Establishing Both Work Authorization and Identity

1. A United States passport, unexpired or expired
2. A Certificate of U.S. Citizenship (INS Form N-560 or N-561)
3. A Certificate of Naturalization (INS Form N-550 or N-570)
4. An unexpired foreign passport with I-551 stamp or attached INS Form I-94 indicating unexpired employment authorization
5. An Alien Registration Receipt Card with photograph (INS Form I-151 or I-551)
6. An unexpired Temporary Resident Card (INS Form I-688)
7. An unexpired Employment Authorization Card (INS Form I-688A)
8. An unexpired Reentry Permit (INS Form I-327)
9. An unexpired Refugee Travel Document (INS Form I-571)
10. An unexpired Employment Authorization Document issued by the INS which contains a photograph (INS Form I-688B)

Group B - Documents Establishing Identity

1. A driver's license or ID card issued by a state or outlying possession of the United States, provided it contains a photograph or information such as name, date of birth, sex, height, eye color and address
2. An ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, sex, height, eye color and address
3. A school ID card with a photograph

4. A voter's registration card
5. A U.S. military card or draft record
6. A military dependent's ID card
7. A U.S. Coast Guard Merchant Mariner Card
8. Native American tribal documents
9. A driver's license issued by a Canadian government authority

Group C - Documents Establishing Work Eligibility

1. A U.S. Social Security card issued by the Social Security Administration, other than one stating it is not valid for employment
2. Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1350)
3. An original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States, bearing an official seal
4. A Native American tribal document
5. A U.S. Citizen ID Card (INS Form I-197)
6. An ID Card for use of Resident Citizen in the United States (INS Form I-179)
7. An unexpired employment authorization document issued by the INS, other than those listed in Group A

If a minor has a work authorization document but does not have any of the identity documents in Group B, he/she may establish identity by means of a school record or report card; clinic, doctor or hospital record; or a day-care or nursery school record. Lacking any of these, he/she still may work, provided that a parent/guardian completes Section 1 of Form I-9 for the minor. In the space for the minor's signature, the parent/guardian must write "minor under age 18." The parent/guardian also must complete the "Preparer/Translator Certification" section. In Section 2 under List B after the words "Document #," the personnel officer should write "minor under age 18."

If unable to provide satisfactory documentation, the employee shall furnish a receipt indicating that the needed document has been requested. This receipt must be presented within three days of the hire, and the document itself must be provided within 90 days of the hire.

The personnel officer shall examine the documents presented and record the expiration date as it appears on all work authorization permits. This expiration information shall be subsequently flagged so as to remind the personnel officer to verify that the permit has been renewed and that the employee is still eligible to work.

Should an employee present two documents on which the individual's name is not the same, the personnel officer shall ask to see documentation of name change, such as would be provided by a marriage license, divorce papers, court order or other legal document verifying the name change.

After examining the documents presented, the personnel officer shall copy them. Such copies shall be kept confidential and used only as needed to help justify the district's past decision to accept the documents as valid.

To protect full confidentiality, the personnel officer shall seal these copies in an envelope on which the following message has been printed:

"The enclosed documents, provided only to verify work eligibility for (name of employee), were examined on (date) by (signature). This sealed envelope may be opened only by the Superintendent or designee. Refer to BP/AR 4111.2 for current regulations."

The personnel officer shall ask the employee to complete and sign INS Form I-9 within three school days of the hire.

The personnel officer shall complete and sign the I-9 form and shall assure that it is kept until a full year after the employee leaves the job.

All I-9 forms shall be kept together in a separate file for at least three years from the hiring date. I-9 forms shall be kept for all employees hired after November 6, 1986.

I-9 forms shall be available for inspection upon request by officers of the Immigration and Naturalization Service or the Department of Labor. Other personnel documents shall not be made available to government agents unless they present a warrant or subpoena.

The Superintendent or designee shall open the sealed envelope containing copies of an employee's work authorization documents only in connection with inquiries by the INS.

In order to avoid the loss of any employer rights, all communications received from the Immigration and Naturalization Service shall be answered within 30 days.

Approved: February 9, 2000

**Piedmont Unified School District
Administrative Regulation**

AR 4112.1
Personnel

CONTRACTS

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

Failure by the employee to sign and return the notice accepting employment, within forty-five days of receipt shall be considered by the Board of Education as having declined the offer of employment. (Education Code 44841)

(cf. 4121 - Temporary/Substitute Personnel)

Reemployment Notices

By May 30 of each year, the Board shall give, or mail notices to probationary and permanent certificated employees requesting that they notify the district of their intent to remain in district service for the next school year. This notice shall include a copy of Education Code 44842. If an employee, without good cause, fails to notify the district before July 1 that he/she will remain in district service, the employee may be deemed to have declined reemployment and the employee's services may be terminated on June 30 of that year. (Education Code 44842)

(cf. 4113 - Assignment)
(cf. 4117.2/4217.2/4317.2 - Resignation)
(cf. 4117.4 - Dismissal)
(cf. 9122 - Secretary)

Legal Reference:

EDUCATION CODE

44832 Teachers, notice of intent to return
44841 Acceptance of election, when employment deemed declined
44842 Failure to provide notice or to report to work
44843 Notice of employment (to county superintendent)
44883 Continuing contract - certificated administrators and supervisors
44916 Time of classification; statement of employment status

Approved: February 9, 2000

**Piedmont Unified School District
Board Policy**

BP 4112.2
Personnel

CERTIFICATION

The Superintendent or designee shall ensure that persons employed in positions requiring certification qualifications have the appropriate credential or permit authorizing their employment in such positions.

When fully credentialed individuals are not available, the district may employ persons with emergency permits or credential waivers in accordance with law.

The Superintendent or designee may develop a plan to facilitate and support the professional development of persons with emergency permits so that they may become fully qualified teachers.

National Board for Professional Teaching Standards Certification Incentive Program

The Board of Education encourages district teachers to voluntarily seek additional certification from the National Board for Professional Teaching Standards which demonstrates advanced knowledge and teaching skills.

Legal Reference:

EDUCATION CODE

8360-8370 Qualifications of child care personnel

32340-32341 Unlawful issuance of a credential

44066 Limitations on certification requirements

44200-44405 Teacher credentialing, especially:

44225.6 CTC annual report on credentials, internships and emergency permits

44225.7 Priorities for recruitment when fully prepared teacher not available

44251 Period of credentials

44252 Standards and procedures for issuance; proficiency testing of basic skills

44252.5 State basic skills assessment required for certificated personnel

44259 Minimum requirements for teaching credential

44259.5 Standards for teachers of all students, including English language learners

44259.8 Alternative means of entering teaching profession

44270.3-44270.4 Out-of-state credentials, administrative services

44274-44274.5 Out-of-state credentials

44275.3 Employment of teachers with out-of-state credentials

44277 Requirements for maintaining valid credentials

44278 Credential appeal

44300-44301 Emergency permits

44302 CTC notification re district options when fully qualified teacher not available

44305-44308 Pre-internship teaching certificates

44325-44329 District interns

44330-44355 Certificates and credentials

44395-44399 National Board for Professional Teaching Standards

44735 Teaching as a priority block grant
44751 Recruitment centers
44830-44929 Employment of certificated persons; requirement of proficiency in basic skills
56060-56063 Substitute teachers in special education
90530 Recruitment Centers
CODE OF REGULATIONS, TITLE 5
80001-80690.1 Commission on Teacher Credentialing
UNITED STATES CODE, TITLE 20
6311 Parental notifications
6312 District Title I plan
6314 Schoolwide programs
6315 Targeted assistance schools
6319 Highly qualified teachers
7801 Definitions, highly qualified teacher
CODE OF FEDERAL REGULATIONS, TITLE 34
200.55-200.57 Highly qualified teachers
200.61 Parent notification regarding teacher qualifications
COURT DECISIONS
Association of Mexican-American Educators et. al. v. State of California and the Commission on Teacher Credentialing, (1993) 836 F.Supp. 1534

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Leadership: Human Resources, 1996

CSBA ADVISORIES

No Child Left Behind: Update on Federal Regulations and State Board of Education Actions, January 2003

CTC PUBLICATIONS

Standards of Quality and Effectiveness for Professional Teacher Induction Programs, March 2002

Standards of Quality and Effectiveness for Professional Teacher Preparation Programs, September 2001

California Standards for the Teaching Profession, July 1997

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Improving Teacher Quality State Grants, December 19, 2002

WEB SITES

CDE: <http://www.cde.ca.gov>

CTC: <http://www.ctc.ca.gov>

USDOE: <http://www.ed.gov>

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

Adopted: February 9, 2000

Revised: May 28, 2003

**Piedmont Unified School District
Administrative Regulation**

AR 4112.2
Personnel

CERTIFICATION

Registration

Each person employed by the district for a position requiring certification qualifications shall, within 60 days after beginning employment, register with the county office of education a valid credential authorizing the person to work in that position. Certificated employees also shall register renewed credentials within 60 days after the renewal. (Education Code 44330, 44857)

Basic Skills Proficiency Test

Prior to being hired by the Board of Education, all certificated persons, whether hired on a permanent, temporary or substitute basis, shall demonstrate basic skills proficiency in reading, writing and mathematics unless exempted from this requirement by the provisions of law. CBEST (Education Code 44830)

Out-of-State Credentials

The district may employ an out-of-state applicant who has met the requirements of Education Code 44274.2, 44275.3 or 44275.4 and obtained a preliminary or professional clear credential from the Commission on Teacher Credentialing (CTC).

(cf. 4112.5 - Criminal Record Check)

A teacher prepared out of the state or country who has been issued a five-year California preliminary credential shall pass the state basic skills proficiency test described above within one year of the issuance date of the credential in order to be eligible to continue teaching. To be eligible for a professional clear credential, he/she must also meet legal requirements for subject matter competence, course completion, and either a fifth-year postsecondary program or an induction program for beginning teachers. (Education Code 44274.2, 44275.3, 44275.4)

Emergency 30-Day Substitute Teaching Permits

The district may employ persons with an emergency 30-day substitute permit for 30 days or less for any one teacher during the school year. Persons with an emergency substitute permit may be employed for 20 days or less in special education positions requiring certification, unless an extension has been approved by the Superintendent of Public Instruction. (Education Code 56061; 5 CCR 80025; 80025.4)

Before employing such persons, the Superintendent or designee shall prepare and keep on file a signed statement of need. The statement of need shall describe the circumstances that necessitate the use of a 30-day substitute permit holder and state either that a credentialed person is not available or that the available credentialed

person(s) do not meet the district's specified employment criteria. (5 CCR 80025)

Emergency Teaching or Specialist Permits

Before employing persons with emergency teaching or specialist permits for more than 20 days in special education positions or for more than 30 days in other positions, the Board shall document that it has made a diligent search for, but has been unable to recruit, a sufficient number of certificated teachers, including teacher candidates pursuing full certification through internships or other alternative programs. The Board shall certify by an annual resolution that it has made reasonable efforts to recruit a fully prepared teacher for the assignment. (Education Code 44225.7)

The district shall submit to the Commission on Teacher Credentialing, on a form provided by the commission, a declaration of need for fully qualified educators. The declaration of need shall be made in the form of a motion adopted by the Board during a regularly scheduled public Board meeting. The motion shall not be part of the consent agenda. (Education Code 44300; 5 CCR 80026)

The Superintendent or designee shall provide an orientation for employees who are obtaining emergency teaching or specialist permits for the first time. This orientation shall include at least an overview of the curriculum that the teacher is expected to teach and effective techniques of classroom instruction and management at the teacher's assigned level. (Education Code 44300; 5 CCR 80026.5)

Whenever possible, the orientation shall occur before the teacher begins his/her teaching assignment. The Superintendent or designee shall also assign an experienced educator to guide and assist the teacher. This person shall be a certificated district employee or a certificated retiree of a California school district or county office of education and must have at least three full years of full-time classroom teaching experience or the equivalent. (Education Code 44300; 5 CCR 80026.5)

The Superintendent or designee shall inform applicants for emergency teaching or specialist permits that the district will provide the above orientation, guidance and assistance. They shall be given the name or position of the person responsible for providing this guidance and assistance. They shall also be informed that in order for their permits to be renewed, they must complete a minimum of six semester units, or nine quarter units, of course work for the related credential. (5 CCR 80026.1)

Highly Qualified Teachers

All teachers teaching in core academic subjects shall be "highly qualified" not later than the end of the 2005-06 school year. Core academic subjects include English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history and geography. (20 USC 6319; 34 CFR 200.55)

To be considered "highly qualified," the teacher shall: (20 USC 7801; 34 CFR 200.56)

1. Hold at least a bachelor's degree
2. Have obtained full certification as a teacher or passed the state teacher licensing examination, and hold a license to teach in California

3. Have not currently had certification or licensure requirements waived on an emergency, temporary or provisional basis

In addition, an elementary school teacher who is new to the profession shall pass a rigorous state test to demonstrate subject knowledge and teaching skills in reading/language arts, writing, mathematics and other areas of the basis elementary school curriculum. (20 USC 7801; 34 CFR 200.56)

A middle or high school teacher who is new to the profession shall demonstrate a high level of competency in each of the academic subjects in which the teacher teaches, by either passing a rigorous state academic subject test in each subject or successfully completing an undergraduate major, graduate degree, coursework equivalent to an undergraduate major, or advanced certification or credentialing in each subject. (20 USC 7801; 34 CFR 200.56)

Any elementary, middle or secondary teacher who is not new to the profession shall demonstrate subject matter competency either by fulfilling the applicable criteria listed above for new teachers or meeting a high, objective, uniform state standard of evaluation. (20 USC 7801)

Approved: February 9, 2000

Revised: May 28, 2003

**Piedmont Unified School District
Board Policy**

BP 4112.21
Personnel

DISTRICT INTERNS

The Board of Education supports the use of interns in the district to fulfill the district's need for additional instructional resources and to enable future teachers to fulfill state credentialing requirements and link teaching theory with practice.

The Superintendent or designee may enter into agreements with accredited colleges and universities to jointly provide supervised teaching experiences within the district as part of a teacher preparation program. He/she shall collaborate with the college or university in the selection, placement, support and performance assessment of interns.

Interns shall be provided with ongoing feedback regarding their performance in order to enhance their skills and shall be formally evaluated at least once every year.

Interns shall be classified as probationary employees and shall achieve permanent status with the district only as provided by law and administrative regulations. (Education Code 44466, 44885.5)

(cf. 4116 - Probationary/Permanent Status)

In designing internship programs, the Superintendent or designee shall coordinate with services offered to beginning teachers in the district in order to provide continuity of preparation, support and assessment.

Legal Reference:

EDUCATION CODE

300-340 English Language Education for Immigrant Children

44279.1-44279.7 Beginning Teacher Support and Assessment System

44305-44308 Pre-Internship Teaching Program

44314 Diversified or liberal arts program

44321 CTC approval of internship programs

44325-44328 District interns

44450-44467 Teacher Education Internship Act of 1967 (university interns)

44520-44534 New Careers Program

44830.3 Employing district interns

44885.5 District interns classified as probationary employees

CODE OF REGULATIONS, TITLE 5

13000-13017 New Careers Program

80055 Internship credential

Adopted: February 9, 2000

**Piedmont Unified School District
Administrative Regulation**

AR 4112.22
Personnel

STAFF TEACHING STUDENTS OF LIMITED ENGLISH PROFICIENCY

The Superintendent or designee shall ensure compliance with state staffing requirements for serving limited-English-proficient (LEP) students.

(cf. 6174 - Education for English Language Learners)

Legal Reference:

EDUCATION CODE

10600-10610 California Education Information System

33050 Request for waiver of code provisions

44225 Duties of the Commission on Teacher Credentialing

44253.1-44253.10 Certification for bilingual-crosscultural competence

44380-44386 Alternative certification

44760-44763 Teacher supply and demand reporting

52160-52178 Bilingual-Bicultural Act of 1976

52180-52186 Bilingual teacher training assistance program

62000-62005.5 Evaluation and sunseting of programs

CODE OF REGULATIONS, TITLE 5

80680-80690.1 Staff development programs for teachers of English learners

UNITED STATES CODE, TITLE 20

1701-1704 Equal Educational Opportunities

Approved: February 9, 2000

**Piedmont Unified School District
Board Policy**

BP 4112.23
Personnel

SPECIAL EDUCATION STAFF

Resource Specialists

The Board of Education shall employ certificated resource specialists to provide services, where required by law, for students who have exceptional needs, their parents/guardians, and school staff.

The resource specialist program shall be directed by a resource specialist fully qualified in accordance with law.

- (cf. 0430 - Comprehensive Local Plan for Special Education)
- (cf. 1312.3 - Uniform Complaint Procedures)
- (cf. 3541.2 - Transportation for Students with Disabilities)
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
- (cf. 6146.4 - Differential Graduation and Competency Standards for Individuals with Exceptional Needs)
- (cf. 6159 - Individualized Education Program (IEP))
- (cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
- (cf. 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education)
- (cf. 6159.3 - Appointment of Surrogate Parent for Special Education)
- (cf. 6164.4 - Identification of Individuals for Special Education)

Legal Reference:

EDUCATION CODE

56195.8 Adoption of policies

56361 Program options

56362 Resource specialist program, contents, direction; resource specialists, case-loads, assignments, instructional aide; pupil enrollment

56362.1 Caseload

56362.5 Resource specialist certificate of competence

56362.7 Bilingual-crosscultural certificate of assessment competence

56363.3 Average caseload limits

56441.7 Maximum caseload (programs for individuals with exceptional needs between the ages of three and five inclusive)

56728.6 Instructional personnel funding

56728.8 Instructional personnel funding; services to infants

CODE OF REGULATIONS, TITLE 5

3051.1 Language, speech and hearing development and remediation; appropriate credential

Adopted: February 9, 2000

Piedmont Unified School District

Board Policy

Personnel

BP 4112.4

HEALTH EXAMINATIONS

New Employees and Tuberculosis Assessment

A person shall not be initially employed by the school district, or employed under contract, in a certificated or classified position unless the person has submitted to a tuberculosis risk assessment within the previous 60 days, and if tuberculosis risk factors are identified, has been examined to determine if s/he is free of infectious tuberculosis by a physician and surgeon.

1. If no risk factors are identified an examination is not required.
2. If risk factors are identified the identified individual shall submit to an approved intradermal tuberculin test or other test for tuberculosis infection that is recommended by the CDC and FDA. If the test is positive, the test shall be followed up by an X-ray of the lungs by a qualified X-ray technician.
3. Postponement of tuberculosis testing and X-rays related to pregnancy and pregnancy termination may be extended for 60 days following pregnancy termination.
4. Employees who have no identified risk factors or who test negative for tuberculosis infection shall be required to undergo tuberculosis risk assessment once every four years.
5. Employees that test positive for tuberculosis, confirmed by an X-ray, no longer need to complete the tuberculosis risk assessment.
6. After a negative tuberculosis risk assessment, the employee shall file with the superintendent a certificate from the physician or surgeon.
7. A person who transfers employment from one school district to another shall be deemed to meet the requirements if that person can produce a certificate that shows s/he was found to be free of infectious tuberculosis within 60 days of initial hire.

Employees and Other Health Assessments

Employees may be required to pass a physical and/or psychological examination any time such an examination appears necessary to preserve the health and welfare of district students and employees or to furnish medical proof of physical or mental ability to perform satisfactorily the assigned duties of an individual's position.

(cf. 4119.41 - Employees with Infectious Disease)

Legal Reference:

EDUCATION CODE

44839 Medical certificate; periodic medical examination

44839.5 Requirements for employment of retirant

44932 Grounds for dismissal of permanent employee

44942 Suspension or transfer of certificated employee on ground of mental illness,
psychiatric examination; mandatory sick leave

45122 Physical examinations

49406 Examination for tuberculosis

CODE OF REGULATIONS, TITLE 5

5502-5503 Physical examination for retirants employed as substitute teacher, etc.

5504 Medical certification procedures

HEALTH AND SAFETY CODE

121525-121555 Tuberculosis tests for employees

Adopted: February 9, 2000

Revised: February 11, 2015

**Piedmont Unified School District
Administrative Regulation**

AR 4112.5
Personnel

Criminal Record Check
(Certificated Employee)

The Superintendent or designee shall ensure that no person is hired in a position requiring certification qualifications or supervising positions requiring certification qualifications who has been convicted of a violent or serious felony, unless that person has obtained a certificate of rehabilitation and a pardon. (Education Code 44830.1)

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

The Superintendent or designee shall ensure that no current certificated temporary, substitute or temporary employee serving before March 15 of the employee's second probationary year who has been convicted of a violent or serious felony is retained. (Education Code 44830.1)

When the Board of Education requests a criminal record summary of a temporary, substitute or probationary certificated employee, the district shall submit two fingerprint cards or livescan printouts in accordance with law, together with a personal description of the person and a fee, to the Department of Justice. (Education Code 44830.1)

Upon notification by the Department of Justice that a current temporary, substitute or probationary employee, serving before March 15 of the employee's second probationary year, has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 44830.1)

When the district receives written electronic notification of the fact of conviction from the Department of Justice, the Superintendent or designee shall immediately terminate the employee without regard to any other procedure for termination specified in the Education Code or district procedures, unless that employee has received a certificate of rehabilitation and a pardon. (Education Code 44830.1)

If the employee challenges the Department of Justice record and the Department of Justice withdraws in writing its notification, the Superintendent or designee shall immediately reinstate the employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement. (Education Code 44830.1)

The Superintendent or designee shall request subsequent arrest service from the Department of Justice as provided under Penal Code 11105.2. (Education Code 44830.1)

Temporary Certificates of Clearance

Before issuing a temporary certificate of clearance to an applicant whose credential is being processed, the Superintendent or designee shall obtain a criminal record summary from the Department of Justice. The Superintendent or designee shall not issue a temporary certificate of clearance if the applicant has been convicted of a violent or serious felony, unless the applicant has obtained a certificate of rehabilitation and pardon. (Education Code 44332, 44332.5, 44332.6)

The Superintendent or designee may issue a temporary certificate of clearance without obtaining a criminal record summary to an employee currently and continuously employed by a district within the county who is serving under a valid credential and has applied for a renewal of that credential or for an additional credential. (Education Code 44332.6)

The Superintendent or designee may issue a temporary certificate of clearance to a person who has been convicted of a serious felony that is not also a violent felony, if that person can prove to the sentencing court of the offense in question, by clear and convincing evidence, that he/she has been rehabilitated for the purposes of school employment for at least one year. (Education Code 44332.6)

Legal Reference:

EDUCATION CODE

44010 Sex offense

44332 Temporary certificate

44332.6 Criminal record check, county board of education

44346.1 Applicants for credential, conviction of a violent or serious felony

44830.1 Certificated employees, conviction of a violent or serious felony

44830.2 Certificated employees; interagency agreement

44836 Conviction of a sex offense

45122.1 Classified employees, conviction of a violent or serious felony

45125 Use of personal identification cards to ascertain conviction of crime

45125.01 Classified employees; interagency agreements

45125.5 Automated records check

45126 Duty of Department of Justice to furnish information

PENAL CODE

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

11105.2 Subsequent arrest notification

CODE OF REGULATIONS, TITLE 11

703 Release of criminal offender record information

708 Destruction of criminal offender record information

Management Resources:

WEB SITES

Department of Justice/Attorney General's Office: <http://www.caag.state.ca.us/app>

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

Adopted: February 9, 2000

**Piedmont Unified School District
Board Policy**

BP 4112.6
Personnel

PERSONNEL RECORDS

Personnel records shall be kept on all current employees and shall include information usually expected in good personnel administration and in accordance with the employee agreements.

A file shall be kept for all former employees, including such essential information as shall seem appropriate to the administration.

All personnel files shall be considered confidential and shall not be available to persons other than the employee, the Superintendent and those authorized by the Superintendent.

Written materials filed, except for those prohibited by law, shall be made available for inspection by the employee at an off-duty time. Inspection shall take place in the presence of an administrator.

Ratings, reports or records which were obtained prior to the employment of the person involved, were prepared by identifiable examination committee members or were obtained in connection with a promotional examination shall by law, not be available for inspection by employees. However, noncredentialed employees shall have access to any numerical scores obtained as a result of written examinations. (Education Code 44031)

- (cf. 1312.1 - Complaints Concerning District Employees)
- (cf. 1340 - Access to District Records)
- (cf. 3580 - District Records)
- (cf. 4112.62/4312.62 - Maintenance of Criminal Offender Records)
- (cf. 4115 - Evaluation/Supervision)
- (cf. 4117.4 - Dismissal)
- (cf. 4118 - Suspension/Disciplinary Action)
- (cf. 4119.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
- (cf. 4141 - Collective Bargaining Agreement)
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
- (cf. 9321 - Closed Session Purposes and Agendas)
- (cf. 9321.1 - Closed Session Actions and Reports)

Legal Reference:

EDUCATION CODE

35253 Regulations to destroy records

44031 Personnel file contents and inspection

44663 Performance appraisals and related materials

GOVERNMENT CODE

6254.3 Disclosure of home address and phone number
PENAL CODE
11165.14 Report of investigation of child abuse complaint
CODE OF REGULATIONS, TITLE 5
16020-16022 Records-general provisions
16023-16027 Retention of records

Adopted: February 9, 2000

**Piedmont Unified School District
Administrative Regulation**

AR 4112.6
Personnel

PERSONNEL RECORDS

Placement of Material in Personnel Files

Any person who places written material or drafts written material for placement in an employee's file shall sign the material and signify the date of placement.

When an employee is asked to sign any material that is to be placed in his/her file, it is with the understanding that his/her signature signifies only that he/she has read the material and does not necessarily indicate agreement with its contents. In no instance shall any material be removed from the file.

Board members are not allowed access to personnel files but may request pertinent information from an employee's file in cases of personnel action. The content of all personnel files shall be kept in strict confidence.

Derogatory Information

Except for the ratings, reports or records specified above as not open to inspection, employees shall be notified whenever derogatory information is to be placed in their personnel files. Any employee so notified may ask to review and comment on the contents. Such a review shall take place during normal school hours. The employee shall be released from duty for this purpose without a salary reduction. (Education Code 44031)

1. Derogatory material must be signed and dated by the originating person. Anonymous documents, letters or other materials shall not be filed.
2. The notice shall inform the employee that he/she should respond within 10 working days from the receipt of the notice. The inspection shall take place in the presence of the Superintendent or designee.
3. After the employee has reviewed and made written comments on the derogatory material, it shall be entered into the personnel file and shall become a part of the employee's record.

Approved: February 9, 2000

**Piedmont Unified School District
Administrative Regulation**

AR 4112.62
Personnel

MAINTENANCE OF CRIMINAL OFFENDER RECORDS

Maintenance of Criminal Offender Records

All information received from the Department of Justice is confidential. (Education Code 44830.1, 45125)

The Personnel Technician shall function as the record custodian of all confidential fingerprint and criminal record history who shall be responsible for the administration of the information. Any questions regarding Criminal Offender Record Information shall be resolved by the record custodian.

(cf. 1240 - Volunteer Assistance)
(cf. 3515.6 - Criminal Background Checks for Contractors)
(cf. 4112.5 - Criminal Record Check)
(cf. 4112.6 - Personnel Files)
(cf. 4212.5 - Criminal Record Check)

Criminal Offender Record Information shall be accessible only to the record custodian and shall be kept in a locked file separate from other files. The contents of these records shall not be disclosed and shall not be reproduced. (Education Code 44830.1, 45125)

The record custodian shall be fingerprinted and processed through the California Department of Justice. He/she shall sign an Employee Statement Form, acknowledging an understanding of the laws regarding Criminal Offender Record Information.

These records shall be used only for the purpose for which they were requested.

Upon a hiring determination, the records shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained. (Education Code 44830.1, 45125; 11 CCR 708)

Violation of this administrative regulation may result in suspension, dismissal and/or criminal or civil prosecution.

(cf. 4119.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

Interagency Agreements

Upon receipt from the Department of Justice of a criminal history record or report of subsequent arrest for any person on a common list of persons eligible for employment, the designated district shall give notice to the Superintendent or any participating district, or the person designated in writing by that Superintendent, that the report is available for

inspection on a confidential basis by the Superintendent or the written designee. The report shall be made available at the office of the designated district for 30 days following the receipt of the notice. (Education Code 44830.2, 45125.01)

Legal Reference:

EDUCATION CODE

44332 Temporary certificate

44332.6 Criminal record check, county board of education

44346.1 Applicants for credential, conviction of a violent or serious felony

44830.1 Certificated employees, conviction of a violent or serious felony

44830.2 Interagency agreements

45122.1 Classified employees, conviction of a violent or serious felony

45125 Use of personal identification cards to ascertain conviction of crime

45125.01 Interagency agreements

45125.5 Automated records check

45126 Duty of Department of Justice to furnish information

PENAL CODE

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

11075-11081 Criminal record dissemination

11105 State criminal history information; furnishing to authorized persons

11105.3 Record of conviction involving sex crimes, drug crimes or crimes of violence; availability to employer for applicants for positions with supervisory or disciplinary power over minors

11140-11144 Furnishing of state criminal history information

13300-13305 Local summary criminal history information

CODE OF REGULATIONS, TITLE 11

700-708 Criminal offender record information

Approved: February 9, 2000

**Piedmont Unified School District
Board Policy**

BP 4112.8
Personnel

EMPLOYMENT OF RELATIVES

In order to preclude situations which could bring about a conflict of interest for members of the administrative staff, an employee shall not be appointed to a position where a member of his or her immediate family maintains hiring, supervisory or evaluation responsibilities for the position.

"Immediate family" members includes close personal relationships created by blood, marriage, adoption or cohabitation.

Legal Reference:
GOVERNMENT CODE
12940 Unlawful employment practices, exceptions

Adopted: February 9, 2000

PIEDMONT UNIFIED SCHOOL DISTRICT
Board Policy

Personnel

BP 4112.9

CHILD ABUSE REPORTING STATEMENT

The Board of Education requires that all employees who are child care custodians, as defined by Penal Code 11165, to report known or suspected instances of child abuse.

Prior to employment, persons in the above positions shall sign a statement to the effect that the employee knows of the legal requirement to report known or suspected instances of child abuse and is prepared to comply with this provision of law. (Penal Code 11166.5)

The Superintendent shall ensure that the provisions of this policy are carried out in accordance with the law.

(cf. 5141.4 - Child Abuse and Neglect)

Legal Reference:

EDUCATION CODE

45190 Staff development in the detection of child abuse and neglect

PENAL CODE

273a Willful cruelty or unjustifiable punishment of child; endangered life or health

11165 Definitions relating to child abuse

11166 - 11170 Reporting known or suspected cases of child abuse

11172 Exemption from civil and criminal liability resulting from required reporting of known or suspected child abuse; failure to report is a misdemeanor

Adopted: February 9, 2000

PIEDMONT UNIFIED SCHOOL DISTRICT

E X H I B I T

PERSONNEL
(see also **STUDENTS Section**)

Exhibit 4112.9
Exhibit 5141.4)

CHILD ABUSE REPORTING STATEMENT

Section 11166 of the Penal Code requires any child care custodian, health practitioner, firefighter, animal control officer, or humane society officer, employee of a child protective agency, or child visitation monitor who has knowledge of, or observes, a child in his/her professional capacity or within the scope of his/her employment whom he/she knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency immediately, or as soon as practically possible, by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. In any investigation of suspected child abuse or neglect, all persons participating in the investigation of the case shall consider the needs of the child victim and shall do whatever is necessary to prevent psychological harm to the child victim (section 11164 of the penal code).

For purposes of this section, "child care custodian" includes teachers; an instructional aide, a teacher's aide, or a teacher's assistant employed by any public or private school, who has been trained in the duties imposed by this article, if the school district has so warranted to the State Department of Education; a classified employee of any public school who has been trained in the duties imposed by this article, if the school has so warranted to the State Department of Education; administrative officers, supervisors of child welfare and attendance, or certificated pupil personnel employees of any public or private school; administrators of a public or private day camp; administrators and employees of public or private youth centers, youth recreation programs, or youth organizations; administrators and employees of public or private organizations whose duties require direct contact and supervision of children and who have been trained in the duties imposed by this article; licensees, administrators and employees of licensed community care or child day care; head start teachers; licensing workers or licensing evaluators; public assistance workers; employees of a child care institution including, but not limited to, foster parents, group home personnel and personnel of residential care facilities; social workers, probation officers, or parole officers; employees of a school district, police or security department; any person who is an administrator or a presenter of, or a counselor in, a child abuse prevention program in any public or private school; a district attorney investigator, inspector, or family support officer unless the investigator, inspector or officer is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor; or a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title III of Part II of this Code, who is not otherwise described in this section.

"Health practitioner" includes physicians and surgeons, psychiatrists, psychologists, dentists, residents, interns, podiatrists, chiropractors, licensed nurses, dental hygienists, optometrists, or any other person who is licensed under Division 2 (commencing with Section 500) of the Business and Professions Code; marriage, family, and child counselors; of emergency medical technicians I or II, paramedics, or other persons

certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code; or psychological assistants registered pursuant to Section 2913 of the Business and Professions Code; marriage, family, and child counselor trainees as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code; unlicensed marriage, family, and child counseling interns registered under Section 4980.44 of the Business and Professions Code; State or County public health employees who treat minors for venereal disease or any other condition; coroners; and paramedics.

I have been informed of the above law and will comply with its provisions.

SIGNATURE OF EMPLOYEE

PRINTED NAME OF EMPLOYEE

DATE: _____

This statement is a permanent record of the Piedmont Unified School District. The cost of printing, distribution, and filing of these statements is borne by the Piedmont Unified School District.

Version: February 9, 2000
Revised: March 24, 2004

**Piedmont Unified School District
Board Policy**

BP 4113
Personnel

ASSIGNMENT

The Board of Education respects the importance of assigning teachers in accordance with law, so as to serve the best interest of our students and the educational program. Insofar as possible, the Superintendent or designee shall assign certificated personnel to positions for which their preparation, certification, experience and aptitude qualify them. In accordance with the collective bargaining agreement, teachers may be assigned to any school within the district. Teachers shall not be assigned outside the scope of their teaching certificates or their fields of study except as allowed by law.

The Superintendent or designee shall establish procedures for an annual review of teacher assignments, including the collection of teacher assignments by a personnel administrator. (Education Code 44258.9)

These procedures shall require that the personnel Department annually file with the Superintendent or designee a signed affidavit stating whether all certificated staff for whom he/she is responsible are assigned to areas within their credential authorizations. (Education Code 44258.9)

By June 1, 1989, and by each June 1 thereafter, the Superintendent or designee shall submit a signed affidavit to the County Superintendent of Schools attesting to the legality of all certificated employee assignments for the current school year. (Education Code 44258.9)

Legal Reference:

EDUCATION CODE

35035 Additional powers and duties of superintendent

44256-44265.5 Credentials and assignments of teachers

44955 Reduction in number of employees

GOVERNMENT CODE

3543.2 Scope of representation (re transfer/reassignment)

Adopted: February 9, 2000

**Piedmont Unified School District
Board Policy**

BP 4115
Personnel

EVALUATION/SUPERVISION
(Certificated Employee)

The Board of Education believes that regular and comprehensive evaluations can help instructional staff improve their teaching skills and raise students' levels of achievement. Evaluations also serve to hold staff accountable for their performance. The Superintendent or designee shall evaluate the performance of certificated staff members in accordance with law and negotiated contracts.

(cf. 4141 - Collective Bargaining Agreement)

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

Evaluations shall be used to recognize the exemplary skills and accomplishments of staff and to identify areas needing improvement. When areas needing improvement are identified, the Board expects employees to accept responsibility for improving their performance. The Superintendent or designee shall endeavor to assist employees to improve their performance and may require participation in appropriate programs. Staff members are encouraged to take initiative to request assistance as necessary to promote effective teaching.

Legal Reference:

EDUCATION CODE

33039 State guidelines for teacher evaluation procedures

35171 Availability of rules and regulations for evaluation of performance

44500-44508 Peer assistance and review program for teachers

44660-44665 Evaluation and assessment of performance of certificated employees (The Stull Act)

GOVERNMENT CODE

3543.2 Scope of representation

Management Resources:

CTC PUBLICATIONS

Standards for the Quality and Effectiveness for Beginning Teacher Support and Assessment Programs, 1997, Commission on Teacher Credentialing and State Superintendent of Public Instruction

WEB SITES

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

CDE: <http://www.cde.ca.gov>

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

California Teachers Association: <http://www.cta.org>

California Federation of Teachers: <http://www.cft.org>

Adopted: February 9, 2000 Piedmont, California

**Piedmont Unified School District
Board Policy**

BP 4116
Personnel

PROBATIONARY/PERMANENT STATUS

Probationary Status

Probationary employees shall receive training, assistance and evaluations consistent with their needs as new teachers. Such training and assistance may consist of inservice training and/or meetings with the employee's evaluator to discuss areas of strength and areas requiring improvement.

The performance of each probationary employee shall be evaluated and assessed as per contract agreement.

(cf. 4115 - Evaluation/Supervision)
(cf. 4131 - Staff Development)

Permanent Status

Granting of permanent status shall be based on completion of the probationary period in accordance with applicable law. Employees granted permanent status acquire specific rights under the Education Code, including those relating to discipline and dismissal. (Education Code 44932-44988)

(cf. 4117.4 - Dismissal)
(cf. 4117.6 - Decision Not to Rehire)

Legal Reference:

EDUCATION CODE

44466 Status of university interns
44850.1 No tenure in administrative or supervisory position
44885.5 Status of district interns
44908 Complete year for probationary employees
44911-44913 Service not computed in eligibility for permanent status
44915 Classification of probationary employees
44917-44921 Status of substitute or temporary employees
44929.20 Continuing contracts (not to exceed four years - ADA under 250)
44929.21 Districts of 250 ADA or more
44929.23 Districts with less than 250 ADA
44929.28 Employment by another district
44930-44988 Resignations, dismissals and leaves of absence, especially:
44948.2 Election to use provisions of Section 44948.3
44948.3 Dismissal of probationary employees

Adopted: February 9, 2000

Piedmont Unified School District

Personnel (Certificated)

Board Policy 4117.2

RESIGNATION

Any District employee who desires to resign his/her position shall submit, in writing, a letter of resignation which indicates the date which the employee intends as his/her last day at work. Ample notice of intention to resign should be given by an employee who plans to leave the district. Normally, no less than two weeks notice should be given.

Positive supervisorial action is required to determine if the cause(s) of employee resignation may be adjusted. Supervisors should consider factors of employee value to the District, availability of replacement, and costs of training a replacement.

The Superintendent is authorized to accept the written resignation and set the effective date of any employee on behalf of the Board of Education. This policy shall be consistent with the Collective Bargaining Agreement of the Association of Piedmont Teachers and any Memorandum of Understanding approved by the Board. Once the Superintendent or designee has accepted and set an effective date for this resignation, the resignation may not thereafter be withdrawn by the employee.

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

The Commission on Teacher Credentialing may take any adverse action against a credential holder who refuses, without good cause, to fulfill a valid contract with the District or leaves District service without the consent of the Superintendent or Board of Education. Such adverse action may not include suspension of the credential for more than one year or revocation of the credential.

In addition, the District must file a report with the Commission on Teacher Credentialing whenever a credential holder, serving in a position requiring a credential, resigns as a result of alleged misconduct.

ADOPTED: OCTOBER 22, 2003

LEGAL REFERENCES:

EDUCATION CODE

35161, 44420, 44433, 44930, 45201

CODE OF REGULATIONS, TITLE V

80303, 80304

COURT DECISIONS

American Federation of Teachers, Local
1050 v. Board of Education of Pasadena
Unified School District, 1980

**Piedmont Unified School District
Board Policy**

BP 4117.1
Personnel

RETIREMENT

Retirement from Service

Any certificated employee who is a member of the State Teachers' Retirement System may retire from service at the employee's option upon written application to the State Teachers' Retirement Board under provisions of Education Code 23901.

Retirement for Disability

Any certificated employee may retire for disability under the terms and conditions of Education Code 23902 et seq.

Retirement Age

There shall be no compulsory retirement age.

Legal Reference:

EDUCATION CODE

22000 et seq. State Teachers' Retirement System
23902 Application for disability allowance; conditions
24200 Retirement allowance options
44907 Effect of retirement
44956 Rights of terminated permanent employee

Adopted: February 9, 2000

**Piedmont Unified School District
Administrative Regulation**

AR 4117.14
Personnel

RETIRED TEACHER/CLASS SIZE REDUCTION PROGRAM

The Superintendent or designee may hire State Teachers Retirement System (STRS) members who retired from service with an effective date on or before July 1, 1998, to provide direct instruction to students in grades Kindergarten through 12 to help meet the objectives of the Class Size Reduction Program. These teachers shall be exempt from the limitation on earnings specified in Education Code 24214(d), (f) and (g) for STRS members. (Education Code 24216.5)

Such employees shall either provide direct classroom instruction to students in classrooms that were created to meet the objectives of the Class Size Redact Program pursuant to Education Code 51000-53006, or temporarily fill a position that was vacated due to a teacher transferring within the district to a classroom that was created to meet the objectives of the Class Size Reduction Program, pursuant to Education code 51000-53006. (Education Code 24216.5)

These teachers shall be treated as part of a distinct class of temporary employees within the existing bargaining unit whose service shall not be included in computing the service required as a prerequisite to attainment of or eligibility for classification as a permanent employee of the district. The compensation shall be established in accordance with Education Code 24214(b) and agreed to in the collective bargaining agreement between the district and the exclusive representative for the bargaining unit. (Education Code 24216.5)

Legal Reference:

EDUCATION CODE

22119.5 Creditable service

24214 Creditable service by retiree

24216.5 Exemption

37252-37253.5 Supplemental Instruction

44830 Employment of certificated employees

44830.3 Employment of district interns

51000-53006 General instructional programs, especially:

52420-52128 Class Size Reduction Program

Management Resources:

WEB SITES

STRS: <http://www.strs.ca.gov>

Approved: February 9, 2000

**Piedmont Unified School District
Board Policy**

BP 4117.3
Personnel

PERSONNEL REDUCTION
(Certificated Employee – Non-Management)

The Board of Education may reduce the number of certificated personnel, or their hours and wages, due to any of the following conditions: (Education Code 44955)

1. Declining enrollment, provided that the percentage of reduction in probationary and permanent certificated personnel shall not exceed the corresponding percentage of student attendance lost
2. Reduction or discontinuance of programs or services
3. State-mandated modification of the curriculum
4. The fiscal crisis that may occur after enactment of the Budget Act when the total revenue limit per ADA has not increased by at least two percent (Education Code 44955.5)

The Board recognizes that its authority in the reduction of personnel is subject to legal requirements. Except as otherwise provided by statute, a permanent employee who is certificated and competent to render a service shall not be terminated or given a reduction in hours and wages while a probationary employee or other employee with less seniority is retained to render the service. (Education Code 44955)

The Board of Education shall authorize the Superintendent to lay-off employees by adopting a resolution to that effect.

(cf. 4113 - Assignment)
(cf. 4115 - Evaluation/Supervision)
(cf. 4117.4 - Dismissal)

Legal Reference:

EDUCATION CODE

44830 Employment of certificated persons
44949 Dismissal of probationary employees
44955 Reduction in number of permanent employees
44955.5 Termination of certificated employees
44956-44959.5 Rights of employees

GOVERNMENT CODE

3543.2 Scope of representation

Adopted: February 9, 2000

**Piedmont Unified School District
Administrative Regulation**

AR 4117.3
Personnel

PERSONNEL REDUCTION

For purposes of reduction of certificated personnel, terminations shall generally be in order of least seniority. The district may deviate from terminating or reappointing a certificated employee in order of seniority for either of the following reasons: (Education Code 44955, 44956)

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

Before assigning or reassigning any certificated employee to teach a subject which he/she has not previously taught, and for which he/she does not have a teaching credential or which is not within the employee's major area of postsecondary study, the Board shall require the employee to pass a subject matter competency test in the appropriate subject. (Education Code 44955, 44956)

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

Notice and Right to Hearing

When the district needs to reduce the number of certificated staff, the district shall adhere to the notice, hearing and layoff procedures in Education Code 44949 and 44955.

When the Board, during the time period between five days after enactment of the Budget Act and August 15, determines that the total revenue limit per ADA has not increased by at least two percent and that the district therefore needs to reduce the number of certificated staff pursuant to Education Code 44955.5, the Board shall adopt a schedule of notice and hearings, and the district shall otherwise proceed pursuant to Education Code 44949 and 44955. (Education Code 44955.5)

Reappointment

If the number of employees is increased or the discontinued service reestablished, permanent certificated employees under 65 years of age shall have the right to

reappointment in order of seniority for 39 months after being terminated. Probationary certificated employees under 65 years of age shall have the same right for 24 months after being terminated, subject to the prior reappointment rights of permanent employees. (Education Code 44956, 44957)

Approved: February 9, 2000

**Piedmont Unified School District
Administrative Regulation**

AR 4117.4
Personnel

DISMISSAL

Permanent Employees

Permanent employees shall not be dismissed from their position except when cause for dismissal can be shown. Cause and procedures for dismissal are defined by provisions of Education Code 44932 et seq.

Probationary Employees

During the school year, certificated probationary employees may be dismissed for causes specified in Education Code 44932 or for unsatisfactory performance determined pursuant to Education Code 44660-44665. Procedures and time limits for such action shall be those set forth in Education Code 44948.3.

At the end of the school year, the Board of Education may decide not to rehire probationary employees without a statement of reasons, giving notice in accordance with Education Code 44929.21.

(cf. 4117.6 - Decision Not to Rehire)

Legal References:

EDUCATION CODE

44660-44665 Evaluation and assessment of performance

44842 Automatic declining of employment

44918 Substitute or temporary employee; reemployment rights

44929.21 Districts with 250 ADA or more; notice of reelection decision.

44929.23 Districts with daily attendance less than 250

44932-44947 Suspension and/or dismissal of permanent employees

44948 Dismissal or suspension of probationary employees during school year

44948.2 Election to use provisions of Education Code 44948.3

44948.3 Dismissal of probationary employees (over 250 ADA)

44948.5 Dismissal of probationary employees (under 250 ADA)

44949 Cause, notice and right to hearing for dismissal of probationary employee

44953 Dismissal of substitute employees

44955 Reduction in number of permanent employees

GOVERNMENT CODE

3543.2 Scope of representation (re duty of district to meet and negotiate regarding causes and procedures for discipline less than dismissal)

Approved: February 9, 2000

**Piedmont Unified School District
Administrative Regulation**

AR 4117.6
Personnel

DECISION NOT TO REHIRE

The Superintendent or designee shall provide the Board of Education with his/her recommendations regarding the rehiring of probationary employees.

The Board may decide not to rehire a probationary employee for a second year and give written notice of its decision to the employee at any time during his/her first year. If the Board does not give written notice, the employee shall be rehired for the following year. (Education Code 44929.21)

The Board may decide not to rehire a probationary employee for a third year and give written notice to the employee on or before March 15 of his/her second year. If the Board does not give written notice on or before March 15, the employee shall be rehired for the following year. (Education Code 44929.21)

Legal Reference:

EDUCATION CODE

44885.5 District interns

44929.21 Districts with 250 ADA or more; notice of reelection decision

44929.23 Districts with daily attendance less than 250

44948.2 Election to use provisions of Education Code 44948.3

44948.3 Dismissal of probationary employees (over 250 ADA)

44949 Cause, notice and right to hearing required for dismissal of probationary employee

44955 Reduction in number of permanent employees

Approved: February 9, 2000

PIEDMONT UNIFIED SCHOOL DISTRICT
Board Policy

Personnel

BP 4118

SUSPENSION/DISCIPLINARY ACTION

It is the intent of the Board of Education that employees understand what is considered unacceptable conduct. Any violation of Board policy or administrative regulations shall be subject to disciplinary action. The Superintendent or designee may take disciplinary action as he/she deems appropriate in light of the particular facts and circumstances involved. He/she shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

Legal Reference:

EDUCATION CODE

44009 Conviction of specified crimes

44010 Sex offense - definitions

44011 Controlled substance offense - definitions

44932 Grounds for dismissal of permanent employee

44933 Other grounds for dismissal

44938 Unprofessional conduct or incompetency; notice of charges

44940 Sex offenses and narcotic offenses; compulsory leave of absence

44940.5 Compulsory leave of absence; procedures; extension; compensation; bond or security; reports

44942 Suspension or transfer of certificated employee on grounds of mental illness

44944 Conduct of hearing

44948.3 Dismissal of probationary employees

45055 Drawing of warrants for teachers

51530 Advocacy or teaching of communism

GOVERNMENT CODE

3543.2 Scope of representation

PENAL CODE

291 School employees; arrest for sex offense; notice to school authorities

Adopted: February 9, 2000

**Piedmont Unified School District
Administrative Regulation**

AR 4118
Personnel

SUSPENSION/DISCIPLINARY ACTION

Suspension Without Pay

When a permanent certificated employee's unprofessional conduct is not considered serious enough to warrant dismissal, he/she may be suspended without pay on grounds of unprofessional conduct, following procedures designated in Education Code 44932.

A probationary certificated employee may be suspended without pay for a specified period as an alternative to dismissal during the school year, following procedures designated in Education Code 44948.3.

Notice of Unprofessional Conduct

Prior to the filing of written charges leading to suspension without pay, the employee shall receive a notice which indicates the nature of his/her unprofessional conduct, cites specific instances of unprofessional behavior, and gives him/her a 45-day opportunity to correct this conduct and avoid suspension. This notice shall also include the employee's evaluation made pursuant to Education Code 44664, if applicable. If the employee demonstrates full remediation during the above 45 days, disciplinary action shall not be taken.

Nonperformance of Duties

Whenever an employee refuses to perform assigned work without an acceptable reason, the Superintendent or designee shall deduct from his/her wages an amount reasonably related to the time not worked. (Education Code 45055)

Compulsory Leave

The Board of Education shall immediately place on compulsory leave of absence any certificated employee who is charged with committing: (Education Code 44940)

1. Any sex offense as defined in Education Code 44010
2. Any offense involving the unlawful sale, use or exchange to minors of controlled substances identified in law as a mandatory leave offense

The Board also may require an immediate compulsory leave of absence when a certificated employee is charged with other offenses specified in law. (Education Code 44940)

This leave may extend for not more than 10 days after the entry of judgment in the proceedings. (Education Code 44940)

The Board may extend a certificated employee's compulsory leave by giving him/her notice, within 10 days after the entry of judgment in the proceedings, that he/she will be dismissed in 30 days unless he/she demands a hearing. (Education Code 44940.5)

(cf. 4117.4 - Dismissal)

Employee compensation during the period of compulsory leave shall be made in accordance with Education Code 44940.5.

Approved: February 9, 2000

**Piedmont Unified School District
Board Policy**

BP 4119
Personnel

RIGHTS, RESPONSIBILITIES AND DUTIES

Teachers must consider teaching school their primary job to which their allegiance and energy is due. Regardless of social or business commitments, teaching should come first. The continued growth and progress of the school system depends largely on the wholehearted zeal of the staff, both teaching and non-teaching members, in working together.

The duties and functions of a classroom teacher are those of normal teaching situations and are determined to a great extent by the building principal and the educational philosophy of the school system.

Legal Reference:

EDUCATION CODE

35020 Duties of employees fixed by Board of Education

45055 Drawing of warrants for teachers

Adopted: February 9, 2000

**Piedmont Unified School District
Board Policy**

BP 4119.1
Personnel

CIVIL AND LEGAL RIGHTS

Employees shall be entitled to full rights of citizenship and religious or political activities of any employee or lack thereof shall not be grounds for any discipline or discrimination with respect to the professional employment of such employee, providing said activities do not violate any local, state or federal laws.

Nondiscrimination

The conditions of employment in the district, including wages, hours, terms and benefits, shall be applied without regard to actual or perceived race, color, religious creed, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, veteran status, gender, or sexual orientation. Thereby the Board of Education seeks to extend the advantages of public education with full equality of educational opportunity to all students and personnel.

Grievances

No employee, employee association representatives, member of any employee organization of any other participant in a grievance procedure shall suffer reprisals in any way or suffer any professional disadvantage by reason of participation in the processing of any grievance. The Superintendent will provide procedures for alleged violations of Title IX, Equal Educational Opportunity Act.

Discipline

No employee will be discipline, reprimanded, reduced in rank or compensation or deprived of any professional advantage without just cause.

Association Membership

No employee shall suffer any professional disadvantage by reason of the employee's membership in an employee association in its lawful activities.

Adopted: February 9, 2000

PIEDMONT UNIFIED SCHOOL DISTRICT
Board Policy

BP 4119.11 4219.11, 4319.11

Personnel

Sexual Harassment

The Board of Education is committed to providing a safe work environment that is free of harassment and discrimination. Sexual harassment devalues our employees, and undermines their safety, ability to perform their roles and responsibilities, and reinforces social inequality. The Board prohibits sexual harassment against district employees and job applicants and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

Sexual harassment includes, but is not limited to, harassment that is based on the gender, gender identity, gender expression, or sexual orientation of the victim. The district strongly encourages any employee to immediately contact their site supervisor if he/she feels that he/she is being or has been sexually harassed while performing their duties on district property or at district-sponsored events.

This policy shall apply to all district employees and to other persons on district property or with some employment relationship with the district, such as interns, volunteers, contractors, and job applicants.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4030 - Nondiscrimination in Employment)

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

(cf. 4117.7/4317.7 - Employment Status Reports)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation;
2. Publicizing and disseminating the district's sexual harassment policy to employees and others to whom the policy may apply;
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
3. Ensuring prompt, thorough, and fair investigation of complaints; and/or

4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

Sexual Harassment Reports and Complaints

Any district employee who feels that he/she has been sexually harassed in the performance of his/her district responsibilities or who has knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to his/her direct supervisor, another supervisor, the district's coordinator for nondiscrimination, the Superintendent, or, if available, or a complaint hotline. A supervisor or administrator who receives a harassment complaint shall promptly notify the coordinator.

Complaints of sexual harassment shall be filed and investigated in accordance with the complaint procedure specified in AR 4030, Nondiscrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions.

(2 CCR 11023)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950 Sexual harassment; distribution of information

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

11009 Employment discrimination
11021 Retaliation
11023 Harassment and discrimination prevention and correction
11024 Sexual harassment training and education
11034 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 Title IX prohibition against discrimination
UNITED STATES CODE, TITLE 42
2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended
CODE OF FEDERAL REGULATIONS, TITLE 34
106.1-106.9 Nondiscrimination on the basis of sex in education programs or activities
106.51-106.61 Nondiscrimination on the basis of sex in employment in education
program or activities
COURT DECISIONS
Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026
Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275
Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257
Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989
Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998
Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS
Promising Practices for Preventing Harassment, November 2017

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>

Adopted: June 13, 2018

**PIEDMONT UNIFIED SCHOOL DISTRICT
Administrative Regulation**

AR 4119.11 4219.11, 4319.11

Personnel

Sexual Harassment

This administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

Definitions

Examples of actions that might constitute sexual harassment in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:

1. Sexual Harassment.

Sexual harassment is defined as unwelcome sexual conduct that may include, but is not limited to, sexual violence, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, when made on the basis of sex and under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

- a. Sexual harassment of district employees includes, but is not limited to the following:
 - i. Submission to the harassing conduct is explicitly or implicitly made a term or condition of employment, continued employment, or career opportunities or advancement;
 - ii. Submission to, or rejection of, the harassing conduct is the basis of employment decisions affecting the District employee; and/or
 - iii. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment.
 - iv. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district.
 - v.
 - vi. For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or

activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

- vii. A district employee conditioning the provision of a district aid, benefit, or service on the person's participation in unwelcome sexual conduct.
- viii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity Board Policy Manual CSBA Sample Manual Site Printed: 08/26/2021 12:23 PM
- ix. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

2. Sexual Violence

“Sexual violence” means a sexual act committed against a person without the person’s freely given consent. Sexual violence includes:

- a. Completed or attempted forced penetration of the person;
- b. Completed or attempted alcohol/drug-facilitated penetration of the person;
- c. Completed or attempted forced acts in which the person is made to penetrate a perpetrator or other person;
- d. Completed or attempted alcohol/drug-facilitated acts in which the person is made to penetrate a perpetrator or other person;
- e. Non-physically forced penetration which occurs after the person is pressured -- verbally or through intimidation or misuse of authority -- to consent or acquiesce;
- f. Unwanted sexual contact;
- g. Non-contact unwanted sexual experiences; and/or
- h. Sexual assault, sexual battery, or sexual coercion.

3. Verbal Conduct

“Verbal conduct” means verbal, written or electronic comments of a sexual nature, including but not limited to:

- a. Sexual epithets, slurs, jokes or threats;
- b. Sexual propositions or flirtations;
- c. Sexually graphic commentary about a person’s body;
- d. Sexually degrading words used to describe a person;
- e. Sexually suggestive or obscene letters, notes, invitations or electronic communications- containing sexually suggestive comments, words, or images;
- f. Spreading sexual rumors;
- g. Verbal abuse;
- h. Unwelcome or demeaning conduct or comments of a sexual nature directed at or about an individual related to actual or perceived gender, gender identity and gender expressions, sex, sexual behavior, sexual orientation, or other related personal characteristics;

- i. Unwanted sexual comments or questions, or overly personal conversation;
 - j. Sexual-oriented stories;
 - k. Sexually derogatory comments or degrading descriptions; and/or
 - l. Teasing or sexual remarks about students enrolled in a predominantly single-sex class or activity.
4. **Visual Conduct**
- “Visual conduct” means leering, making sexually-suggestive gestures, indecent exposure, displaying sexually suggestive objects or images, or similar conduct, including displaying derogatory posters or computer-generated images of a sexual nature.
5. **Physical Conduct**
- “Physical conduct” means inappropriate touching of a person or impeding a person’s movement, including;
- a. Unwelcome massaging, grabbing, fondling, stroking, brushing of the body;.
 - b. Unwelcome touching an individual’s body or clothes in a sexual way;
 - c. Impeding or blocking an individual’s movements or any physical interference with school activities when directed at an individual on the basis of sex or gender expression; and/or
 - d. Indecent exposure.
6. **Hostile Environment and Hostile Work Environment**
- A “hostile environment” exists when sexually harassing conduct is sufficiently severe, persistent, or pervasive to undermine the teaching or work environment for a District employee.
7. **District Employees**
- “District employees” include all administrators, teachers, staff, and District contractors or other persons authorized to transact business or perform services on behalf of the District.

Title IX Coordinator/Compliance Officer

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, as well as to oversee, investigate, and resolve sexual harassment complaints processed under AR 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:

Stephanie Griffin, Director of Instructional Technology & Secondary Curriculum
760 Magnolia Avenue, Piedmont, CA 94611
510-594-2674
sgriffin@piedmont.k12.ca.us

Training

The Superintendent or designee shall ensure that all employees receive training regarding the district's sexual harassment policies when hired and periodically thereafter. The training shall include how to recognize prohibited or harassing conduct, the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the district's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee. The training shall also include information about processes for employees to informally share or obtain information about harassment without filing a complaint.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 5145.7 - Sexual Harassment)

Annually, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All such newly hired or promoted employees shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

(cf. 4300 - Administrative and Supervisory Personnel)

The district's sexual harassment training and education program for supervisory employees shall be aimed at assisting them in preventing and effectively responding to incidents of sexual harassment, as well as implementing mechanisms to promptly address and correct wrongful behavior. The training shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws on the prohibition, prevention, and correction of sexual harassment, the remedies available to sexual harassment victims in civil actions, and potential district and/or individual exposure or liability
2. The types of conduct that constitute sexual harassment and practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
3. A supervisor's obligation to report sexual harassment, discrimination, and retaliation of which he/she becomes aware and what to do if the supervisor himself/herself is personally accused of harassment

4. Strategies for preventing harassment, discrimination, and retaliation and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including an effective process for investigation of a complaint
5. The essential elements of the district's anti-harassment policy, and how to use the policy if a harassment complaint is filed
6. Employees shall receive a copy of the district's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.
7. A copy of the district's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received
8. The definition and prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance
9. Practical examples of harassment based on gender identity, gender expression, and sexual orientation
10. The limited confidentiality of the complaint process
11. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment
12. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the district's obligation to conduct an effective workplace investigation of a harassment complaint
13. What to do if the supervisor is personally accused of harassment
14. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and other in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR 11024)

Notifications

The Superintendent or designee shall notify employees that the district does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8) The district shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

A copy of the Board policy and this administrative regulation shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired (cf. 4112.9/4212.9/4312.9 - Employee Notifications)
3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct
4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's web site (34 CFR 106.8)
5. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to employees or employee organizations (34 CFR 106.8)

All employees shall receive a copy of an information sheet prepared by the California Department of Fair Employment and Housing (DFEH) or the district that contains, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC
7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

In addition, the district shall post, in a prominent and accessible location, the DFEH poster on discrimination in employment and the illegality of sexual harassment and the DFEH poster regarding transgender rights. (Government Code 12950)

Complaint Procedures

All complaints and allegations of sexual harassment by and against employees shall be investigated and resolved in Policy Reference Disclaimer: accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to AR 4030 - Nondiscrimination in Employment. If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence,

and address any continuing effects.

Adopted: June 13, 2018

Revised: November 14, 2018

Revised: September 22, 2021

PIEDMONT UNIFIED SCHOOL DISTRICT
Administrative Regulation

AR 4119.12

Personnel

Title IX Sexual Harassment Complaint Procedures

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity in which a district school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on a person's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

All other sexual harassment complaints or allegations shall be investigated and resolved in accordance with AR 4030 - Nondiscrimination in Employment. The determination of whether the allegations meet the definition of sexual harassment under Title IX shall be made by the district's Title IX Coordinator.

Because the complainant has a right to pursue a complaint under AR 4030 for any allegation that is dismissed or denied under the Title IX complaint procedure, the Title IX Coordinator shall ensure that all requirements and timelines for AR 4030 are concurrently met while implementing the Title IX procedure. Reporting Allegations/Filing a Formal Complaint

Reporting Allegations/Filing a Formal Complaint

An employee who is the alleged victim of sexual harassment may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in AR 4119.11/4219.11/4319.11 - Sexual Harassment or to the employee's direct supervisor or other district administrator, who shall forward the report to the Title IX Coordinator within one day of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint.

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations when a safety threat exists. In addition, the Title

IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations, including as part of the district's obligation to not be deliberately indifferent to known allegations of sexual harassment. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

The Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and not unreasonably burden the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines, modifications of work schedules, mutual restrictions on contact, changes in work locations, leaves of absence, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The district shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

If the respondent is a student, the district may, on an emergency basis, remove the student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

Dismissal of Complaint

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint in which the alleged conduct did not occur in the district's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal of a formal complaint or any allegation in the complaint in accordance with the appeal procedures described in the section "Appeals" below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to AR 4030 - Nondiscrimination in Employment as applicable.

Informal Resolution Process

When a formal complaint of sexual harassment is filed, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process

Written Notice

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview. If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.
3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process.

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

Investigation Procedures

During the investigation process, the district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. (34 CFR 106.45)

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

The Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

In making this determination, the decision-maker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the district's code of conduct or policies to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant
6. The district's procedures and permissible bases for the complainant and respondent to appeal.

Appeals

Either party may appeal the district's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome.

If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
4. Issue a written decision describing the result of the appeal and the rationale for the result
5. Provide the written decision simultaneously to both parties

An appeal must be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant

documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

Remedies

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Disciplinary Actions

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom.
2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances.
3. All materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public.

Adopted: September 22, 2021

PIEDMONT UNIFIED SCHOOL DISTRICT

Exhibit

AR 4119.12

Personnel

Title IX Sexual Harassment Complaint Procedures

NOTICE OF TITLE IX SEXUAL HARASSMENT POLICY

The Code of Federal Regulations, Title 34, Section 106.8 requires the district to issue the following notification to employees, job applicants, and employee organizations:

The district does not discriminate on the basis of sex in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to employment. The district also prohibits retaliation against any employee for filing a complaint or exercising any right granted under Title IX.

Title IX requires a school district to take immediate and appropriate action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

The district has designated and authorized the following employee as the district's Title IX Coordinator, to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking:

Stephanie Griffin, Director of Instructional Technology & Secondary Curriculum

760 Magnolia Avenue, Piedmont, CA 94611

510-594-2674

sgriffin@piedmont.k12.ca.us

Any individual may report sex discrimination, including sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon receiving an allegation of sexual harassment, the Title IX Coordinator will promptly notify the parties, in writing, of the applicable district complaint procedure.

To view an electronic copy of the district's policies and administrative regulations on sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment and AR

4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures on the district's web site at www.piedmont.k12.ca.us.

To inspect or obtain a copy of the district's sexual harassment policies and administrative regulations, please contact: Superintendent's Office at 510-594-2614.

Materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process are also publicly available on the district's web site or at the district office upon request.

Adopted: September 22, 2021

PIEDMONT UNIFIED SCHOOL DISTRICT

Board Policy

BP 4119.21

Personnel

PROFESSIONAL STANDARDS

The Board of Education expects district employees to maintain the highest ethical standards, behave professionally, follow district policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community. Employees should engage in conduct that enhances the integrity of the district, advances the goals of the district's educational programs, and contributes to a positive school climate.

(cf. 0200 - Goals for the School District)

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

(cf. 5131 - Conduct)

(cf. 5137 - Positive School Climate)

The Board encourages district employees to accept as guiding principles the codes of ethics published by professional associations to which they may belong.

(cf. 2111 - Superintendent Governance Standards)

(cf. 9005 - Governance Standards)

Each employee is expected to acquire the knowledge and skills necessary to fulfill his/her responsibilities and to contribute to the learning and achievement of district students.

(cf. 4112.2 - Certification)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Inappropriate Conduct

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon.
(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515.7 - Firearms on School Grounds)
(cf. 4158/4258/4358 - Employee Security)
2. Engaging in harassing or discriminatory behavior towards students,

- parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed.
- (cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 5131.2 - Bullying)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child.
 4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student.
 5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time.
 6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members.
 7. Willfully disrupting district or school operations by loud or unreasonable noise or other action.
(cf. 3515.2 - Disruptions)
 8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace, on district property, or at a school-sponsored activity.
(cf. 3513.3 - Tobacco-Free Schools)
(cf. 3513.4 - Drug and Alcohol Free Schools)
(cf. 4020 - Drug and Alcohol-Free Workplace)
(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)
(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)
 9. Being dishonest with students, parents/guardians, staff, or members of the public, including, but not limited to, falsifying information in employment records or other school records.
 10. Divulging confidential information about students, district employees, or district operations to persons or entities not authorized to receive the information.
(cf. 3580 - District Records)
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)
 11. Using district equipment or other district resources for the employee's own

commercial purposes or for political activities.

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

12. Using district equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity.

Employees shall be notified that computer files and all electronic communications, including, but not limited to, email and voice mail, are not private. To ensure proper use, the Superintendent or designee may monitor employee usage of district technological resources at any time without the employee's consent.

(cf. 4040 - Employee Use of Technology)

13. Causing damage to or engaging in theft of property belonging to students, staff, or the district.

Definition of Misconduct

For economy of writing and ease of reading, the term “misconduct” is introduced below. For purposes of this policy, “misconduct” means discrimination, hate-motivated incidents and hate crimes, hazing, harassment, sexual harassment, intimidation, bullying, or cyberbullying.

Reports of Misconduct

An employee who observes or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the principal or Superintendent or designee. An employee who has knowledge of or suspects child abuse or neglect shall file a report pursuant to the district's child abuse reporting procedures as detailed in AR 5141.4 - Child Abuse Prevention and Reporting.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Any reports of employee misconduct shall be promptly investigated. Any employee who is found to have engaged in inappropriate conduct in violation of law or Board policy shall be subject to disciplinary action and, in the case of a certificated employee, may be subject to a report to the Commission on Teacher Credentialing. The Superintendent or designee shall notify local law enforcement as appropriate.

(cf. 4117.7/4317.7 - Employment Status Reports)

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

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

An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

The district prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the district's complaint process shall be subject to discipline.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

44050 Employee code of conduct; interaction with students

44242.5 Reports and review of alleged misconduct

48980 Parental notifications

PENAL CODE

11164-11174.4 Child Abuse and Neglect Reporting Act

CODE OF REGULATIONS, TITLE 5

80303 Reports of dismissal, resignation and other terminations for alleged misconduct

80331-80338 Rules of conduct for professional educators

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California Professional Standards for Educational Leaders, February 2014

California Standards for the Teaching Profession, 2009

COUNCIL OF CHIEF STATE SCHOOL OFFICERS PUBLICATIONS

Professional Standards for Educational Leaders, 2015

NATIONAL EDUCATION ASSOCIATION PUBLICATIONS

Code of Ethics of the Education Profession, 1975

WESTED PUBLICATIONS

Moving Leadership Standards into Everyday Work: Descriptions of Practice, 2003

WEB SITES

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

Association of California School Administrators: <http://www.acsa.org>

California Department of Education: <http://www.cde.ca.gov>

California Federation of Teachers: <http://www.cft.org>

California School Employees Association: <http://www.csea.com>

California Teachers Association: <http://www.cta.org>

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

Council of Chief State School Officers: <http://www.ccsso.org>

WestEd: <http://www.wested.org>

Legal Reference:

CODE OF REGULATIONS, TITLE 5

80331-80338 Rules of Conduct for Professional Educators

Adopted: February 9, 2000

Revised: June 13, 2018

Personnel

PROFESSIONAL STANDARDS

All employees are expected to conduct themselves in accordance to BP 4119.21, Professional Standards, and to demonstrate support for all Board policies and administrative direction in performing their duties. The District's goal is for every employee to be successful in their position and will assist employees to meet these standards of conduct. Should an employee be unsure about whether or not an action or activity may be contrary to the Board's adopted standards of professional conduct, they are to ask their immediate supervisor for clarification.

Definition of Misconduct

For economy of writing and ease of reading, the term "misconduct" is introduced below. For purposes of this policy, "misconduct" means discrimination, hate-motivated incidents and hate crimes, hazing, harassment, sexual harassment, intimidation, bullying, or cyberbullying.

Remedial Action

The District will consider the following factors in determining the appropriate response to employees who commit or participate in one or more acts of misconduct:

1. Levels of harm
2. Surrounding circumstances
3. Nature of the behaviors
4. Past incidences or past or continuing patterns of behavior
5. Relationships between the parties involved
6. Context in which the alleged incidents occurred

Consequences and appropriate remedial action for employees who commit misconduct may range from positive behavioral interventions and/or disciplinary action up to and including suspension or termination.

Complaint Procedure

1. Procedures for investigation of complaints shall be consistent with all provisions covered under the respective collective bargaining agreement or memorandum of understanding.
2. A complainant may inform his/her direct supervisor, another supervisor,

- coordinator, principal or designee, or Superintendent or designee. District employees who receive a complainant shall notify the site principal/Superintendent or designee.
3. The principal/Superintendent or designee shall promptly investigate all complaints of misconduct. In so doing, he/she shall talk individually with:
 - a. The employee who has filed a complaint;
 - b. The target of the misconduct, if different from the employee who filed the complaint;
 - c. The person accused of misconduct;
 - d. Anyone who witnessed the alleged misconduct;
 - e. Anyone mentioned as having related information; and/or All misconduct involving damage to property, i.e., graffiti, shall be photographed immediately and archived. The Superintendent or designee may report the activity to the appropriate legal authorities
 4. The principal/Superintendent or designee shall tell the employee who complained that he/she has the right to file a formal complaint at any time in accordance with the District's uniform complaint procedures (BP and AR 1312.3, Uniform Complaint Procedures).
 5. The employee who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of misconduct, and put his/her complaint in writing.
 6. The principal/Superintendent or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal/Superintendent or designee also may discuss the complaint with the following persons:
 - a. The Superintendent or designee;
 - b. A teacher or staff member whose knowledge of the people involved may help in determining who is telling the truth;
 - c. Child protective agencies responsible for investigating child abuse reports (if applicable);
 - d. Legal counsel for the District; and/or
 - e. Law enforcement agency responsible for investigating criminal activity, if necessary.
 7. When the employee who complained and the person accused of misconduct so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of an administrator or trained mediator.

8. In reaching a decision about the complaint, the principal/Superintendent or designee may take into account:
 - a. Statements made by the persons identified above;
 - b. The details and consistency of each person's account;
 - c. Evidence of how the complaining employee reacted to the incident;
 - d. Evidence of past instances of misconduct by the accused person;
 - e. Adversely affected complainant's employment opportunities; and/or
 - f. Evidence of past complaints of misconduct that were found to have been unfounded.
9. To judge the severity of the misconduct, the principal/Superintendent or designee may take into consideration:
 - a. How the misconduct affected the safety, well-being or work performance of the victim or complainant, or created an intimidating, hostile or offensive work environment;
 - b. The type, frequency, pattern, violence, and duration of the misconduct;
 - c. The number of persons involved;
 - d. The age and sex of the person accused of misconduct;
 - e. The subject(s) of misconduct;
 - f. The place and situation where the incident occurred;
 - g. Other incidents at the school, including incidents of misconduct that were not related to sexual harassment; and/or
 - h. Report(s) from the appropriate law enforcement agency that may be available according to the misconduct.
10. The principal or designee shall write a report of his/her findings, decision, and reasons for the decision and shall present this report to the employee who complained and the person accused.
11. The principal/Superintendent or designee shall provide a written report of the complaint and investigation. If he/she verifies that misconduct occurred, this report shall describe the actions he/she took to end the misconduct, address the effects of the misconduct on the victim, and prevent retaliation or further misconduct. The report shall be provided to the Superintendent or designee if written by the principal or designee.
12. Within two weeks after receiving the complaint, the

principal/Superintendent or designee shall determine whether or not the complainant or victim has been further harassed. The principal/Superintendent or designee shall keep a record of this information and shall continue this follow-up at his/her discretion.

Enforcement

The Superintendent or designee shall take appropriate actions to reinforce the District's policy against misconduct. As needed, these actions may include any of the following:

1. Warning
2. Counseling
3. Reassignment
4. Transfer
5. Disciplinary action up to and including suspension or termination

In addition, the principal or designee may take disciplinary measures against any employee who is found to have made a complaint which he/she knew was unfounded.

Civil Law Remedies

A victim (and in some circumstances a complainant) may pursue available civil law remedies outside of the District's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

Annual Notifications

The section(s) of the district's employee code of conduct addressing interactions with students shall be provided to staff, parents/guardians at the beginning of each school year and shall be posted on school and/or district web sites. (Education Code 44050)
(cf. 1113 - District and School Web Sites)
(cf. 5145.6 - Parental Notifications)

Adopted: June 13, 2018

PIEDMONT UNIFIED SCHOOL DISTRICT

Exhibit

E

4119.21

Personnel

CODE OF ETHICS

CODE OF ETHICS OF THE EDUCATION PROFESSION, Adopted by the National Education Association 1975 Representative Assembly

Preamble

The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurturing of democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.

Principle I. Commitment to the Student

The educator strives to help each student realize his/her potential as a worthy and effective member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator:

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning
2. Shall not unreasonably deny the student access to varying points of view

- 3 Shall not deliberately suppress or distort subject matter relevant to the student's progress
4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety
- 5 Shall not intentionally expose the student to embarrassment or disparagement
- 6 Shall not on the basis of race, color, creed, gender, national origin, marital status, political or religious beliefs, family, social, or cultural background, or sexual orientation, unfairly:
 - a. Exclude any student from participation in any program
 - b. Deny benefits to any student
 - c. Grant any advantage to any student
7. Shall not use professional relationships with students for private advantage
8. Shall not disclose information in the course of professional service unless disclosure serves a compelling professional purpose or is required by law

Principle II. Commitment to the Profession

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgment, to achieve conditions that attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation of the profession, the educator:

1. Shall not in any application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications
- 2 Shall not misrepresent his/her professional qualifications
3. Shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute
4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position
5. Shall not assist a noneducator in the unauthorized practice of teaching
- 6 Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law
7. Shall not knowingly make false or malicious statements about a colleague

8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or action

Source: National Education Association, 2018

Version: February 9, 2000

**Piedmont Unified School District
Board Policy**

BP 4119.23
Personnel

UNAUTHORIZED RELEASE OF CONFIDENTIAL/PRIVILEGED INFORMATION

The Board of Education, administration and staff shall maintain the confidentiality of all confidential records until such time as laws, state regulations and/or bylaws of this district permit disclosure. Information and records pertaining to closed sessions, negotiations and student records are not subject to public disclosure under Government Code 6252-6260.

Any employee who willfully releases confidential/privileged information about students, staff or any topic properly confined to a closed session shall be subject to disciplinary action up to and including dismissal from district service. Confidential information includes any information relating to the Board's employer-employee strategies on matters in negotiation or matters to be placed in negotiation.

Any employee who willingly and for monetary gain uses or discloses confidential/privileged information as defined in Government Code 1098 is guilty of a misdemeanor. (Government Code 1098)

Any action by an employee which inadvertently or carelessly results in release of confidential/privileged information shall be recorded, and the record shall be placed in the employee's personnel file. Depending on the circumstances, the Superintendent or designee may deny the employee further access to any privileged information and shall take any steps necessary to prevent any further unauthorized release of such information.

(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)
(cf. 9321 - Closed Session Purposes and Agendas)

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35146 Closed sessions (re student suspension)

44031 Personnel file contents and inspection

44932 Grounds for dismissal of permanent employees

44933 Other grounds for dismissal

45113 Rules and regulations for classified service

49060-49078 Pupil records

GOVERNMENT CODE

1098 Public officials and employees: confidential information

3540 et seq. Meeting and negotiating in public employment

6252 et seq. Inspection of public records

54957 Closed session; purposes for holding; definition of "employee" exclusion of witnesses

54957.2 Taking of minutes at closed sessions; clerk; minute book
54957.6 Closed session, representatives to employee organization(s); state conciliator
LABOR CODE
1102.5 Employees: disclosure of information
UNITED STATES CODE, TITLE 20
1232g Family Education Rights and Privacy Act

Adopted: February 9, 2000

PIEDMONT UNIFIED SCHOOL DISTRICT
Board Policy
Maintaining Appropriate Adult-Student Interactions

BP 4119.24 4219.24,4319.24

Personnel

The Board of Education desires to provide a positive school environment that protects the safety and well-being of district students. The Board expects all adults with whom students may interact at school or in school-related activities, including employees, independent contractors, and volunteers, to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting. Such adults shall not engage in unlawful or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

Employees are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.

(cf. 5145.7 - Sexual Harassment)

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

Any employee who observes or has knowledge of another employee's violation of this policy shall report the information to the Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the Superintendent or designee. The Superintendent or designee shall protect anyone who reports a violation from retaliation. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Employees who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from school grounds and activities in accordance with law. The

Superintendent or designee may also notify law enforcement as appropriate.

(cf. 4117.7/4317.7 - Employment Status Reports)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

The district's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or district web sites. (Education Code 44050)

(cf. 1113 - District and School Web Sites)
(cf. 5145.6 - Parental Notifications)

Inappropriate Conduct

Employees shall remain vigilant of their position of authority and not abuse it when relating with students. Examples of employee conduct that can undermine professional adult-student interactions or create the appearance of impropriety include, but are not limited to:

1. Initiating inappropriate physical contact
2. Being alone with a student outside of the view of others
3. Visiting a student's home or inviting a student to visit the employee's home without parent/guardian consent
4. Maintaining personal contact with a student that has no legitimate educational purpose, by phone, letter, electronic communications, or other means, without including the student's parent/guardian or the principal

When communicating electronically with students, employees shall use district equipment or technological resources when available. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent.

(cf. 4040 - Employee Use of Technology)

5. Creating or participating in social networking sites for communication with students, other than those created by the district, without the prior written approval of the principal or designee
6. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business

7. Singling out a particular student for personal attention and friendship, including giving gifts and/or nicknames to individual students
8. Addressing a student in an overly familiar manner, such as by using a term of endearment
9. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities
10. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose
11. Transporting a student in a personal vehicle without prior authorization
12. Encouraging students to confide their personal or family problems and/or relationships
13. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

Legal Reference

EDUCATION CODE

44030.5 Employment status reports

44050 Employee code of conduct; employee interactions with students

44242.5 Reports and review of alleged misconduct

44940 Sex offenses and narcotic offenses; compulsory leave of absence

48980 Parental notifications

PENAL CODE

11164-11174.3 Child Abuse and Neglect Reporting Act

CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status, alleged misconduct

80304 Notice of sexual misconduct

Adopted: December 11, 2019

**Piedmont Unified School District
Board Policy**

BP 4119.25
Personnel

POLITICAL ACTIVITIES OF EMPLOYEES

The Board of Education respects the right of school employees to engage in political discussions and activities on their own time and at their own expense. On such occasions, employees shall make it clear that they are acting as individuals and not as representatives of the district.

(cf. 1160 - Political Processes)

Like other citizens, employees may request use of school facilities for meetings under the Civic Center Act.

(cf. 1330 - Use of School Facilities)

Employees shall refrain from prohibited activities identified in law and administrative regulations. Employees who engage in these activities shall be subject to disciplinary action and/or criminal penalties.

(cf. 1325 - Advertising and Promotion)

(cf. 4118 - Suspension/Disciplinary Action)

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

(cf. 6144 - Controversial Issues)

Legal Reference:

EDUCATION CODE

7050-7057 Political activities of school officers and employees

38130-38139 Civic Center Act

51520 Prohibited solicitations on school premises

GOVERNMENT CODE

3543.1 Rights of employee organizations

COURT DECISIONS

Downs v. Los Angeles Unified School District, (9th Cir. 2000) 228 F.3d 1003

California Teachers Association v. Governing Board of San Diego Unified School District, (1996) 45 Cal.App. 4th 1333

L.A. Teachers Union v. L.A. City Board of Education, (1969) 71 Cal.2d 551

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 106 (2001)

84 Ops.Cal.Atty.Gen. 52 (2001)

77 Ops.Cal.Atty.Gen. 56 (1994)

PERB RULINGS

California Federation of Teachers, Local 1931 v. San Diego Community College District (2001) PERB Order #1467 (26 PERC 33014)

Management Resources:

CSBA PUBLICATIONS

Political Activities of School Districts: Legal Issues, 1998, revised 2001

WEB SITES

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

Office of the Attorney General, Dept. of Justice: <http://caag.state.ca.us/>

Public Employment Relations Board: <http://www.perb.ca.gov>

Adopted: February 9, 2000

**Piedmont Unified School District
Administrative Regulation**

AR 4119.25
Personnel

POLITICAL ACTIVITIES OF EMPLOYEES

District employees shall not:

1. Use district funds, services, supplies or equipment to urge the passage or defeat of any ballot measure or candidate, including any candidate for election to the Board of Education (Education Code 7054)

(cf. 1160 - Political Processes)

2. During working hours and on school property, solicit or receive any political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service or other working conditions (Education Code 7056)

3. During working hours and on school property, solicit or receive any political funds or contributions to promote the passage or defeat of other types of ballot measures

4. Use school time to urge the passage or defeat of any ballot measure or candidate

5. Use school equipment for the preparation or reproduction of political campaign materials

6. Post or distribute political campaign materials on school property

7. Disseminate political campaign materials through the district's mail service, e-mail or staff mailboxes

8. Use students to write, address or distribute political campaign materials

9. Present viewpoints on particular candidates or ballot measures in the classroom without giving equal time to the presentation of opposing views

10. Wear buttons or articles of clothing that express political opinions on ballot measures or candidates during instructional time

Employee Organizations

Employee organizations may use district mailboxes and other means to communicate with employees, subject to reasonable regulation. (Government Code 3543.1)

In the event of a concerted action or work stoppage, political activities by employee organizations and individual employees shall be restricted to peaceful informational picketing and other activities allowed by law.

(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)

Approved: February 9, 2000

**Piedmont Unified School District
Board Policy**

BP 4119.3
Personnel

DUTIES OF PERSONNEL

All employees of the district are subject to the policies of the Board of Education, administrative regulations, applicable laws and current employee agreements.

Job Descriptions

The Board delegates the responsibility for the development and revision of employee job description to the Superintendent or designee. He/she shall consult with the employees in the preparation of revisions of such descriptions. The Board shall approve all job descriptions developed by the Superintendent or designee. Job descriptions shall be kept in the district office.

Employees shall perform the duties and fulfill the responsibilities set forth in the job description. These shall be included in the evaluation guidelines for certificated and classified personnel.

It is further intended that the preparation of job descriptions be a self-renewing process in which each employee working under a specific job title shall work cooperatively with the Superintendent to keep the job description correct. At all times, the development of job descriptions shall be strictly an administrative function.

(cf. 4030 - Nondiscrimination in Employment)
(cf. 4115 - Evaluation/Supervision)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4215 - Evaluation/Supervision)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 4315 - Evaluation/Supervision)

Legal Reference:

EDUCATION CODE

233.5 Duty concerning instruction in morals, manners, citizenship
35020 Duties of employees fixed by Board of Education
35035 Further powers and duties of superintendent
44014 Report of assault
44662 Job responsibilities for certificated nonmanagement personnel
44805 Enforcement of course of studies, use of textbooks, rules and regulations
44807 Duty concerning conduct of pupils
44809 School register
44816 Annual report of elementary teacher
45100.5-45108.7 Senior management of the classified service
45109 Fixing of duties
45110 Inconsistent duties, compensation

45256.5 Senior management of classified service
GOVERNMENT CODE
7293 Local public agencies; bilingual employees
CODE OF REGULATIONS, TITLE 5
5530-5531 Duties of all certificated personnel
5550-5552 Duties of principals
5570 Duties of teachers
5590 Duties of temporary athletic team coaches
11256 Duties and responsibilities of mentor teachers
12067 Teacher aide duties under supervision of classroom teacher
12068 Teacher aide duties not under direct supervision of classroom teacher
13003 Duties of team leader
16043 Duties of library personnel
UNITED STATES CODE, TITLE 42
12101-12213 Americans With Disabilities Act

Adopted: February 9, 2000

**Piedmont Unified School District
Board Policy**

BP 4119.41
Personnel

EMPLOYEES WITH INFECTIOUS DISEASE

The Board of Education encourages each employee to inform the district as soon as possible if he/she contracts an infectious disease which creates a physical or mental disability. The Board will reasonably accommodate the needs of such individuals.

The Board may reassign or grant disability leave to an employee who is unable to perform his/her job responsibilities because of illness or because the employee's illness significantly endangers his/her health or safety or the health or safety of others.

No employee will be discriminated against because of his/her disability. Legal protections established for disabled persons extend to individuals significantly impaired by infectious diseases.

When informed that an employee has a disabling infectious disease, the Superintendent or designee may request that the employee sign a release form to provide confidential medical information and records.

In determining a reasonable accommodation of the employee's condition, the Superintendent or designee may consult with public health officials or physicians with expertise in the diagnosis and treatment of infectious disease. The Superintendent or designee may also communicate with the employee's physician regarding the employee's ability to perform the essential requirements of the job with reasonable accommodation and without posing significant health or safety risks to the employee or others.

The Superintendent or designee shall prepare a confidential report which includes his/her recommendation and the medical information upon which it is based. These recommendations shall take into consideration:

1. The nature of the disease and the probability of its being transmitted, including the duration and severity of the risk
2. The physical condition of the employee, including diagnosis, treatment, and prognosis of the condition
3. The actual requirements of the employee's job and the expected type of interaction with others in the school setting

This report shall be forwarded to the Board for confidential review and action.

The job assignment of an employee with a disabling infectious disease shall be reevaluated whenever there is a change in medical knowledge or in the employee's medical regimen or health which might affect his/her assignment.

Confidentiality

The Board and the Superintendent or designee shall ensure that employee rights to confidentiality are strictly observed. The district shall disclose medical record information only to the extent required or permitted by law. The medical records of any employee with a disabling infectious disease shall be held in strict confidence.

Legal Reference:

CIVIL CODE

56-56.37 Confidentiality of medical information

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE

120975-121020 Mandated blood testing and confidentiality to protect public health

CODE OF REGULATIONS, TITLE 2

7293.5 et seq.

UNITED STATES CODE, TITLE 29

701 et seq. Rehabilitation Act

UNITED STATES CODE, TITLE 42

12101-12213 Americans With Disabilities Act

Adopted: February 9, 2000

PIEDMONT UNIFIED SCHOOL DISTRICT
Board Policy

Personnel

BP 4119.42

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

The Superintendent or designee shall meet state and federal standards for dealing with bloodborne pathogens and other potentially infectious materials in the workplace. The Superintendent or designee shall establish a written Exposure Control Plan designed to protect employees from possible infection due to contact with bloodborne viruses, including human immunodeficiency virus (HIV) and hepatitis B virus (HBV).

The Board of Education shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the District's Exposure Control Plan, employees having occupational exposure shall be offered the hepatitis B vaccination.

The Superintendent or designee may exempt designated first-aid providers from preexposure hepatitis B vaccination under the conditions specified by state regulations.

Any employee not identified as having occupational exposure in the district's exposure determination may petition to be included in the District's employee inservice and hepatitis B vaccination program. Any such petition should be submitted to the Superintendent or designee who shall evaluate the request and notify the petitioners of his/her decision. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with infectious material.

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)
(cf. 4157/4357 - Employee Safety)

Legal Reference:

CODE OF REGULATIONS, Title 8
3204 Access to Employee Exposure and Medical Records
5193 California Bloodborne Pathogens Standard
CODE OF FEDERAL REGULATIONS, TITLE 29
1910.1030 OSHA Bloodborne Pathogens Standards

Management Resources:

CDE ADVISORIES
1016.89 Guidelines for Informing School Employees about Preventing the Spread of Infectious Diseases, including Hepatitis B and AIDS/HIV Infections and Policies for Dealing with HIV-Infected Persons in School Settings

Adopted: February 9, 2000

Reviewed: June 24, 2015

PIEDMONT UNIFIED SCHOOL DISTRICT
Administrative Regulation

Personnel

AR 4119.42

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

Definitions

Occupational Exposure means "reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties." (8 CCR 5193(b))

Exposure Incident means "a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties." Parenteral contact means "piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions." (8 CCR 5193(b))

Exposure Control Plan

The District's Exposure Control Plan shall contain at least the following components: (8 CCR 5193(c))

1. A determination of which employees have occupational exposure to blood or other potentially infectious materials
2. The District's procedure for evaluating circumstances surrounding exposure incidents.

The Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary to: (8 CCR 5193(c))

The District's Exposure Control Plan shall be accessible to employees in accordance with law. It also shall be made available to the Chief or Director of the National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services, or his/her designee, upon request for examination and copying. (8 CCR 5193(c))

Exposure Determination

The District's exposure determination shall be made without regard to the use of personal protective equipment and shall include: (8 CCR 5193(c))

1. All job classifications in which all employees have occupational exposure to bloodborne pathogens
2. Job classifications in which some employees have occupational exposure
3. All tasks and procedures or groups of closely related tasks and procedures in which occupational exposure occurs and which are performed by employees listed in item #2

above

Hepatitis B Vaccination

Hepatitis B vaccinations shall be provided at no cost to those employees determined to have occupational exposure to blood and other potentially infectious materials. Employees who decline to accept the vaccination shall sign the hepatitis B declination statement as required by law. (E 4119.42/4319.42) (8 CCR 5193(f))

The District may exempt "designated first-aid providers" from the pre-exposure hepatitis B vaccine if: (8 CCR 5193(f))

1. Rendering first aid is not the primary job responsibility of the employee and is not performed on a regular basis
2. The District's Exposure Control Plan provides that:
 - a. Employees report all first-aid incidents involving the presence of blood or other potentially infectious materials before the end of the work shift during which the incident occurred
 - b. Designated first-aid providers participate in the bloodborne pathogens training program
 - c. The full hepatitis B vaccination series shall be made available to unvaccinated first-aid providers no later than 24 hours after they render assistance in any situation involving the presence of blood or other potentially infectious material regardless of whether an exposure incident occurred
3. The District implements a procedure to ensure the above requirements are met

Protective Equipment

The District shall provide appropriate personal protective equipment at no cost to the employee. The district shall maintain, repair, make accessible and require employees to use and properly handle protective equipment. (8 CCR 5193(d))

Information and Training

The District shall provide a training program as specified by law to all employees in job classifications which have been determined to have some degree of occupational exposure. This program shall be offered at the time of initial assignment, annually thereafter, and whenever a change of tasks or procedures affect the employee's exposure.

Employees who fall within the definition of designated first-aid providers shall also receive training. Such training shall include the specifics of reporting first-aid incidents which involve blood or body fluids which are potentially infectious. (8 CCR 5193(g))

First-Aid Incidents

Unvaccinated designated first-aid providers must report any first-aid incident involving the presence of blood or other potentially infectious material, regardless of whether an exposure incident occurred, by the end of the work shift. The full hepatitis B vaccination series shall be made available to such employees no later than 24 hours after the first-aid incident. (8 CCR 5193(f))

Exposure Incidents: Post-Evaluation and Follow-up

All exposure incidents must be reported as soon as possible to the Superintendent or designee. Following a report of an exposure incident, the District shall provide the exposed employee with a confidential medical evaluation and follow-up, as required by law. The District shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation. (8 CCR 5193(f))

(cf. 9011 - Disclosure of Confidential/Privileged Information)

Records

Medical and training records shall be kept in accordance with law. Medical records shall be maintained for the duration of employment plus 30 years. Training records shall be maintained for three years from the date of training. (8 CCR 5193(h))

An employee's records shall be made available to that employee and to the National Institute for Occupational Safety and Health in accordance with law. (8 CCR 5193(h))

Medical records for each employee with occupational exposure will be kept confidential as appropriate and transferred or made available in accordance with law. (8 CCR 5193(h))

Approved: February 9, 2000

Reviewed: June 24, 2015

PIEDMONT UNIFIED SCHOOL DISTRICT

Board Policy

Personnel
4319.43

BP 4119.43, 4219.43,

UNIVERSAL PRECAUTIONS

In order to protect employees from contact with potentially infectious blood or other body fluids, the Governing Board requires that universal precautions, also known as Standard precautions, be observed throughout the district.

Standard precautions are appropriate for preventing the spread of all infectious diseases and shall be used regardless of whether bloodborne pathogens are known to be present.

(cf. 4157/4257/4357 - Employee Safety)
(cf. 5141.1 - Accidents)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.23 - Infectious Disease Prevention)
(cf. 5141.24 - Specialized Health Care Services)
(cf. 5141.6 - Student Health and Social Services)
(cf. 6145.2 - Athletic Competition)

Employees shall immediately report any exposure incident or first aid incident in accordance with the district's exposure control plan or other safety procedures.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

Legal Reference:

HEALTH AND SAFETY CODE

117600-118360 Handling and disposal of regulated waste

120875 Providing information to school districts on AIDS, AIDS-related conditions and

Hepatitis B

120880 Information to employees of school district

CODE OF REGULATIONS, TITLE 8

5193 California bloodborne pathogens standard

CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 OSHA bloodborne pathogens standards

Management Resources:

CDE PROGRAM ADVISORIES1016.89 Guidelines for Informing School Employees about Preventing the Spread of Infectious Diseases, including

Hepatitis B and AIDS/HIV Infections and Policies for Dealing with HIV-Infected
Persons in School Settings

WEB SITES

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

Adopted: June 24, 2015

PIEDMONT UNIFIED SCHOOL DISTRICT
Administrative Regulation

Personnel

BP 4119.43, 4219.43, 4319.43

UNIVERSAL PRECAUTIONS

Definitions

Universal precautions, also known as Standard precautions, are an approach to infection control. All human blood and certain human body fluids, including but not limited to semen, vaginal secretions and any body fluid that is visibly contaminated with blood, are treated as if known to be infectious for human immunodeficiency virus (HIV), hepatitis B virus (HBV), hepatitis C virus (HCV) and other bloodborne pathogens. (8 CCR 5193(b))

Personal protective equipment includes specialized clothing or equipment worn or used for protection against a hazard. General work clothes such as uniforms, pants, shirts or blouses not intended to function as protection against a hazard are not considered to be personal protective equipment. (8 CCR 5193(b))

A sharp is any object that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident. (8 CCR 5193(b))

Engineered sharps injury protection is a physical attribute built into a needle device or into a non-needle sharp which effectively reduces the risk of an exposure incident. (8 CCR 5193(b))

Employee Information

The Superintendent or designee shall distribute to employees information provided by the California Department of Education regarding acquired immune deficiency syndrome (AIDS), AIDS-related conditions, and hepatitis B. This information shall include, but not be limited to, any appropriate methods employees may use to prevent exposure to AIDS and hepatitis B, including information concerning the availability of a vaccine to prevent contraction of hepatitis B, and that the cost of this vaccination may be covered by the health plan benefits of the employees. Information shall be distributed at least annually, or more frequently if there is new information supplied by the California Department of Education. (Health and Safety Code 120875, 120880)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

Infection Control Practices

The Superintendent or designee shall ensure that the worksite is effectively maintained in a clean and sanitary condition, and shall implement an appropriate

written schedule for cleaning and decontamination of the worksite. (8 CCR 5193(d))

Where occupational exposure remains after the institution of engineering and work practice controls, the Superintendent or designee shall provide appropriate personal protective equipment at no cost to the employee. Such equipment may include gloves, gowns, masks, eye protection, and other devices that do not permit blood or other potentially infectious materials to pass through or reach the employee's clothes, skin, eyes, mouth or other mucous membranes under normal conditions of use. The Superintendent or designee shall maintain, repair, make accessible and require employees to use and properly handle protective equipment. (8 CCR 5193(d))

The Superintendent or designee shall provide handwashing facilities which are readily accessible to employees. When provision of handwashing facilities is not feasible, the Superintendent or designee shall provide an appropriate antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes. (8 CCR 5193(d))

For the prevention of infectious disease, employees shall routinely: (8 CCR 5193(d))

1. Perform all procedures involving blood or other potentially infectious materials in such a manner as to minimize splashing, spraying, spattering, and generating droplets of these substances.
2. Use personal protective equipment as appropriate.
 - a. Appropriate clothing, including but not limited to, gowns, aprons, lab coats, clinic jackets or similar outer garments, shall be worn in occupational exposure situations.

If a garment becomes penetrated by blood or other potentially infectious materials, the employee shall remove the garment immediately or as soon as feasible. All personal protective equipment shall be removed prior to leaving the work area. When removed, it shall be placed in an appropriately designated area or container for storage, washing, decontamination or disposal.

- b. Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes and nonintact skin, and when handling or touching contaminated items or surfaces.

Disposable gloves shall be replaced as soon as practical when contaminated, or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised. They shall not be washed or decontaminated for reuse. Utility gloves may be decontaminated for reuse if the integrity of the gloves is not

compromised, but must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

- c. Masks in combination with eye protection devices or face shields shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably anticipated.
3. Wash hands and other skin surfaces thoroughly with soap and running water:
 - a. Immediately or as soon as feasible following contact of hands or any other skin or mucous membranes with blood or other potentially infectious materials.
 - b. Immediately after removing gloves or other personal protective equipment.

When handwashing facilities are not available, the employee shall use antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes. In such instances, hands shall be washed with soap and running water as soon as feasible.

4. Refrain from eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses in work areas with a reasonable likelihood of occupational exposure.
5. Clean and decontaminate all equipment and environmental and work surfaces after contact with blood or other potentially infectious material, no later than the end of the shift or more frequently as required by state regulations.
6. Rather than using the hands directly, use mechanical means such as a brush and dust pan, tongs or forceps to clean up broken glassware which may be contaminated.
7. Use effective patient-handling techniques and other methods designed to minimize the risk of a sharps injury in all procedures involving the use of sharps in patient care.

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.24 - Specialized Health Care Services)

- a. Needleless systems shall be used to administer medication or fluids, withdraw body fluids after initial venous or arterial access is established, and conduct any other procedure involving the potential for an exposure incident for which a needleless system is available as an alternative to the use of needle devices. If needleless systems are not used, needles or non-needle sharps with engineered sharps injury protection shall be used.

- b. Contaminated needles or other sharps shall not be broken, bent, recapped, removed from devices, or stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.
 - c. Disposable sharps shall not be reused.
8. Handle, store, treat and dispose of regulated waste in accordance with Health and Safety Code 117600-118360 and other applicable state and federal regulations.
- a. Immediately or as soon as possible after use, contaminated sharps shall be placed in containers meeting the requirements of 8 CCR 5193(d)(3)(D). Containers shall be easily accessible, maintained upright throughout use where feasible, and replaced as necessary to avoid overfilling.
 - b. Specimens of blood or other potentially infectious material shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport or shipping.

(cf. 4157/4257/4357 - Employee Safety)
(cf. 5141.1 - Accidents)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.23 - Infectious Disease Prevention)
(cf. 5141.6 - Student Health and Social Services)
(cf. 6145.2 - Athletic Competition)

Adopted: June 24, 2015

**Piedmont Unified School District
Administrative Regulation**

AR 4121
Personnel

TEMPORARY/SUBSTITUTE PERSONNEL

Hiring

The Board of Education may employ substitute certificated personnel to fill positions of regularly employed persons absent from service. (Education Code 44917)

Substitute personnel may be employed on an on-call, day-to-day basis.

In addition, after September 1 of any school year, the Board may employ substitute personnel for the remainder of the school year for positions for which no regular employee is available. The district shall first demonstrate to the Commission on Teacher Credentialing the inability to acquire the services of a qualified regular employee. (Education Code 44917)

During the period of their preferred right to reappointment, permanent and probationary certificated employees who have been laid off due to a reduction in force shall be offered prior opportunity for substitute service. (Education Code 44955, 44956, 44957)

Classification

The Board may classify as a temporary employee a teacher who is employed at least one semester and up to one school year. Persons whose service begins in the second semester and before March 15 may be classified as temporary employees even if employed for less than a semester. The Board shall determine the number of persons who shall be so employed based on the absence of regular employees due to leaves or long-term illness. (Education Code 44920)

Each new substitute and temporary employee shall receive a written statement at the time of initial employment during each school year indicating his/her employment status and salary. This statement shall clearly indicate the temporary nature of employment and the length of time for which the person is being employed. (Education Code 44916)

The Superintendent or designee shall ensure that substitute and temporary employees are appropriately trained, assigned, oriented and evaluated.

Substitution Teachers Pool

The Board directs the Superintendent to develop a pool of qualified substitute teachers. The Superintendent shall provide public notice of the basic skills proficiency test requirements and the dates and locations of test administration. Individuals who are known to be qualified as substitutes in other respects shall be encouraged to take the state basic skills proficiency test at its earliest administration. (Education Code 44830)

Qualifications

Any person employed on a substitute or temporary basis in a position requiring certification qualifications shall possess the appropriate credential or permit authorizing his/her employment in such positions and shall meet all other requirements of law for certificated positions.

All persons employed on a substitute or temporary basis in a capacity designated in his/her credential shall be required to demonstrate basic skills proficiency in reading, writing and mathematics pursuant to Education Code 44252.5, unless exempted by law. (Education Code 44830)

Qualifications for Special Education

A noncredentialed person shall not substitute for any special education certificated position. (Education Code 56060)

A person holding a valid credential authorizing substitute teaching may serve as a substitute for a special education teacher for a period not to exceed 20 school days unless, upon application by the district, a 20-day extension is approved by the Superintendent of Public Instruction. In extraordinary circumstances the district may seek an extension longer than 20 days. (Education Code 56061)

In placing substitute teachers in special education classrooms, the district shall give first priority to substitute teachers with the appropriate special education credential and second priority to substitute teachers with any other special education credential. If no substitute with a special education credential is available, the district shall use a substitute teacher with a regular teaching credential. (Education Code 56062)

The Superintendent or designee shall recruit and maintain lists of appropriately credentialed substitute teachers. He/she shall contact institutes of higher education with approved special education programs for possible recommendations of appropriately credentialed special education personnel. (Education Code 56063)

Scheduling/Benefits/Evaluation

A substitute shall teach less than seventy-five percent of the number of days the regular schools of the district were in session in any one school year.

A substitute employed for a full semester or more for a teacher on leave will be placed at his/her appropriate position in the salary schedule and will be eligible for fringe benefits.

The Superintendent or designee shall recruit, screen and recommend to the Board candidates for substitute employment. He/she shall develop methods of evaluating substitute teachers, and recommend the retention on the Board's approved substitute list of only substitutes who have performed their duties satisfactorily.

Legal Reference:

EDUCATION CODE

44252.5 State basic skills assessment required for certificated personnel

44300 Emergency teaching or specialist permits
44830 Employment of certificated persons; requirements of proficiency in basic skills
44839.5 Employment of retirant
44845-44846 Criteria for reemployment preferences
44914 Substitute and probationary employment in computation for classification as permanent employee
44915 Classification of probationary employees
44916 Time of classification; statement of employment status
44917 Classification of substitute employees
44918 Substitute or temporary employee deemed probationary employee; reemployment rights
44919 Classification of temporary employees
44920 Employment of certain temporary employees; classifications
44921 Employment of temporary employees; reemployment rights (unified and high school districts)
44953 Dismissal of substitute employees
44954 Release of temporary employees
44956 Rights of laid-off permanent employees to substitute positions
44957 Rights of laid-off probationary employees to substitute positions
44977 Salary schedule for substitute employees
45030 Substitutes
45041 Computation of salary
45042 Alternative method of computation for less than one school year
45043 Compensation for employment beginning in the second semester
56060-56063 Substitute teachers in special education
CODE OF REGULATIONS, TITLE 5
5502 Filing of notice of physical examination for employment of retired person
5503 Physical examination for employment of retired persons

Approved: February 9, 2000

**Piedmont Unified School District
Administrative Regulation**

AR 4122
Personnel

STUDENT TEACHERS/INTERNSHIPS

The Board of Education encourages cooperation with the colleges and universities in the training of student teachers because the public school offers an essential ingredient-- direct experience with pupils and teachers at work in the classroom. Therefore, the schools of this district will accept students from accredited institutions of higher learning as student teachers. The Board delegates the authority to select practice teachers to the Superintendent or designee. Recommendation for said selection shall be made by the institution with the agreement of the Superintendent.

Practice teachers shall comply with the health examination policy of their institution as it applies to certificated personnel. Student teachers, while serving in the schools of this district, shall be responsible for their conduct and performance to the supervising teacher, college supervisor and principal.

The regular teacher shall maintain responsibility for the class or grade to which a student teacher is assigned, including the determination of the scholarship marks for the marking period and the semester.

The regular classroom teacher shall remain in his/her classroom with the student teacher except when, by previous arrangement with the principal, the student teacher is assigned full responsibility for the classroom.

Practice teachers shall be encouraged to participate in school activities throughout the district and the assurance that no single group of pupils will be subject to excessive student teacher classroom hours.

Legal Reference:

EDUCATION CODE

44320 Professional preparation, student teaching education courses

44321 Student internship courses

44450-44467 Teacher Education Internship Act of 1967

Adopted: February 9, 2000

**Piedmont Unified School District
Board Policy**

BP 4123
Personnel

HOME TEACHERS

Properly credentialed teachers will be employed by the district on an hourly basis to provide home instruction for children who are unable to attend school by reason of disabling physical and/or mental conditions. The work of the home teacher shall be directed and evaluated by the school principal, director of special education or designee.

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**Piedmont Unified School District
Administrative Regulation**

AR 4125
Personnel

ADULT EDUCATION TEACHERS

Applications for adult school part-time teaching positions are available to PUSD teachers, other employees and persons not working for the district who are hired to teach courses in their particular field of expertise, and who have appropriate credentialing requirements. These positions include teaching classes at the district's adult school sites during the regular school year and/or the summer session.

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**Piedmont Unified School District
Board Policy**

BP 4127
Personnel

TEMPORARY ATHLETIC TEAM COACHES

The Board of Education recognizes the importance of hiring qualified temporary athletic team coaches for the District's sports program.

The Superintendent or designee shall establish qualification criteria for all athletic coaches in accordance with law and with District standards and priorities. These criteria shall ensure that all temporary coaches possess an appropriate level of competence, knowledge and skill.

Any certificated teacher employed by the District who applies for a position as a temporary athletic team coach and who satisfies the qualification criteria established for the position shall first be offered the position. (Education Code 44919)

In addition, all coaches shall be subject to Board policy, administrative regulation and the codes of ethical conduct published by the state and the California Interscholastic Federation.

(cf. 5131.1 - Bus Conduct)
(cf. 6145.2 - Athletic Competition)

Legal Reference:

EDUCATION CODE

35179.7 Interscholastic athletic program and activities

44010 Sex offense

44011 Controlled substance offense

44424 Conviction of a crime

44808 Liability when students are not on school property

44919 Classification of temporary employees

CODE OF REGULATIONS, TITLE 5

5531 Supervision of extracurricular activities of pupils

5590-5596 Duties of temporary athletic team coaches

COURT DECISIONS

CTA v. Rialto Unified School District, (1997)14 Cal. 4th 627

San Jose Teachers Association, CTA, NEA v. Barozzi, (1991) 230 Cal. App. 3d 1376,
281 Cal. Rptr. 724

Adopted: February 9, 2000

**Piedmont Unified School District
Board Policy**

BP 4128
Personnel

SHARED TEACHING ASSIGNMENTS

The Board of Education realizes that for personal reasons, a certificated teacher sometimes may prefer to share the responsibility, salary and benefits of a full-time teaching position with one of his/her fellow teachers. When those sharing a position have compatible work patterns and similar goals, this situation can benefit teachers and students alike. By accommodating requests for shared teaching assignments, the district is more likely to retain teachers of outstanding capabilities.

The Superintendent or designee may authorize two teachers to share one full teaching assignment under terms and conditions specified in the agreement between the Board of Education and the Piedmont Certificated Employee Organization.

Legal Reference:
GOVERNMENT CODE
3543.2 Scope of representation

Adopted: February 9, 2000

**Piedmont Unified School District
Board Policy**

**BP 4131
Personnel**

STAFF DEVELOPMENT

The Board of Education believes that in order to maximize student learning certificated staff members must be continuously learning and improving their skills. The Superintendent or designee shall develop a program of ongoing professional development which includes opportunities for teachers and certificated teaching assistants to enhance their instructional and classroom management skills and increase their knowledge of academic content in the core curriculum. The program may include but is not limited to:

1. Mastery of discipline-based knowledge, including the state-adopted standards, and effective subject-specific skills
2. Teaching methods and strategies, including the use of technologies to enhance instruction
3. Sensitivity to the needs of diverse student populations, including minorities, students with disabilities, English language learners and economically disadvantaged students, and ability to meet those needs
4. Knowledge of strategies that enable parents/guardians to participate fully and effectively in their children's education
5. Effective classroom management skills, ability to relate to students, understand their various stages of growth and development, and motivate them to learn
6. Training related to student health, safety and welfare

The district's staff development program shall provide maximum opportunities for staff participation without impacting the number of instructional days offered to students as required by law.

The Superintendent or designee shall ensure that the district meets its obligations related to the professional growth of individual probationary and permanent teachers.

Because the Board believes that intensive professional development is especially critical during the beginning years of a teacher's career, the Superintendent or designee shall develop a voluntary program of individualized support and assistance for first-year and second-year teachers.

The Board may budget funds for actual and reasonable expenses incurred by staff who participate in staff development activities.

The Superintendent or designee shall provide a means for continual evaluation of the benefit of these activities to staff and students.

Legal Reference:

EDUCATION CODE

44032 Travel expense payment
44277-44279 Professional growth requirements for maintaining valid credentials
44279.1-44279.7 Beginning Teacher Support and Assessment Program (BTSA)
44560 Inservice preparation in ethnic backgrounds
44570-44578 Inservice training - personnel, secondary education
44579-44579.5 Instructional Time and Staff Development Reform Program
44580-44591 Inservice training - personnel, elementary teachers
44630-44643 Professional Development and Program Improvement Act of 1968
44681-44689 Administrator training and evaluation
44700-44705 Classroom teacher instructional improvement program
44755-44759.7 Inservice training in reading instruction, grades K-3 and 4-8
48980 Notification of parents/guardians: schedule of minimum days
51210 Courses of study for grades 1-6
51220 Courses of study for grades 7-12
51226.3 Legislative intent for staff development on the Great Irish Famine
52800-52870 School-Based Program Coordination Act
54720-54734 School-Based Pupil Motivation and Maintenance Program
56240-56245 Staff development; service to persons with disabilities

GOVERNMENT CODE

3543.2 Scope of representation of employee organization

CODE OF REGULATIONS, TITLE 5

6000-6002 Instructional time and staff development reform program
13025-13044 Professional development and program improvement programs

UNITED STATES CODE, TITLE 20

6101-6251 School-to-Work Opportunities Act of 1994
6601-6702 Dwight D. Eisenhower Professional Development Program

Adopted: February 9, 2000

**Piedmont Unified School District
Board Policy**

BP 4131.5
Personnel

PROFESSIONAL GROWTH

The Board of Education recognizes its obligation to help teachers meet their responsibility for fulfilling the professional growth requirements of their credentials. The Board expects that the increased competence attained by these teachers during their professional growth activities will contribute significantly to the district's educational program.

The Superintendent or designee shall maintain procedures for the selection of professional growth advisors. These procedures shall be designed to provide for the best possible match between teachers and advisors.

Professional growth activities shall remain in accordance with provisions of negotiated employee contracts.

Legal Reference:

EDUCATION CODE

44277-44279 Requirements for professional growth

CALIFORNIA CODE OF REGULATIONS, TITLE 5

80550-80565 Generally, especially:

80550 Professional growth requirements definitions

80552-80553 Specific renewal requirements

80554-80555 Elements of professional growth plan and professional growth record

80556 Professional growth advisors, and employing agencies; roles and responsibilities

80558 Definition of professional growth activities

80565 Professional service requirements

Management Resources:

CTC PUBLICATIONS

California Professional Growth Manual, second revision (1990)

Adopted: February 9, 2000

**Piedmont Unified School District
Board Policy**

BP 4136
Personnel

NONSCHOOL EMPLOYMENT

Personnel of the school district may receive compensation for outside activities as long as such activities are not inconsistent, incompatible or in conflict with the duties of the employee, or the duties, functions or responsibilities of the school district.

The Superintendent is authorized to determine which outside activities are inconsistent, incompatible or in conflict with any employee's duties.

Such outside activities may be prohibited if they:

1. Involve the use of district time, facilities, equipment or supplies, or the name, prestige or influence of the district for private gain or advantage.
2. Involve the acceptance of any money or other consideration from any person or agency, other than this school district, for the performance of any act which the district would normally consider a part of the duties of the employee.
3. Make such time demands of the employee that there is interference with the proper discharge of the employee's duties.
4. Would be unethical, or bring disrepute to the district or cause poor public relations between the district and the community.

Upon determining that an employee's outside job is incompatible with district employment, the Superintendent or designee shall so inform the employee. An employee who continues to pursue an incompatible activity may be subject to disciplinary action. Appeals shall be addressed in accordance with law, Board policy and administrative regulations.

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4119.1/4319.1 - Civil and Legal Rights)
(cf. 4144/4244/4344 - Complaints)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

35160 Authority of Board of Education

35160.1 Broad authority of school districts

51520 Prohibited solicitation on school premises

GOVERNMENT CODE

1126 Incompatible activities of employees

Adopted: February 9, 2000

PIEDMONT UNIFIED SCHOOL DISTRICT
Board Policy

Personnel

BP 4137

TUTORING

To preclude conflicts of interest, teachers may not accept any kind of remuneration for tutoring a student enrolled in any of their classes. Teachers who tutor other students must perform this service outside of school facilities and make their own arrangements with parents/ guardians for the fees to be charged. The Board encourages teachers to tutor only in subjects or grade levels for which they are certificated.

Exceptions to this policy must be referred to the Superintendent for consideration.

(cf. 4119.21/4219.21/4319.21 - Codes of Ethics)
(cf. 4135 - Soliciting and Selling)

Legal Reference:
GOVERNMENT CODE
1126 Incompatible activities of employees

Adopted: February 9, 2000

**Piedmont Unified School District
Board Policy**

BP 4140
Personnel

BARGAINING UNITS

The Board of Education recognizes the right of public school employees to form bargaining units, select an employee organization as the exclusive representative of their unit, and be represented by that organization in their employment relationship with the district.

The Board is committed to negotiating in good faith and respecting the rights of employees and employee organizations. As required by law, the Board shall negotiate only with the exclusive representative of each bargaining unit.

(cf. 4141 - Collective Bargaining Agreement)
(cf. 4143 - Negotiations/Consultation)

Employees shall not be intimidated, restrained, coerced or discriminated against, either by the district or by employee organizations, because of their membership or nonmembership in an employee organization. Membership in any organization shall not be required as a condition of employment in the district.

Legal Reference:
GOVERNMENT CODE
3540-3549.3 Educational Employment Relations Act

Adopted: February 9, 2000

**Piedmont Unified School District
Board Policy**

**BP 4141
Personnel**

COLLECTIVE BARGAINING AGREEMENT

Each agreement entered into by the Board of Education with a duly recognized exclusive representative shall constitute a commitment by the Board to the provisions of the agreement for its duration. Amendments to the agreement shall be duly executed in writing by both parties.

An executed copy of each written agreement between the Board and exclusive representative shall be filed with the Public Employment Relations Board within sixty calendar days after execution of each such agreement.

The provisions of the employee agreement shall be binding on the Board and on all employees covered by the agreement. Policies or regulations of the Board which conflict with provisions of the negotiated employee agreement shall not be binding on those employees who are covered by the terms of such agreement.

Legal Reference:

EDUCATION CODE

35160 Authority of Board of Education

35160.1 Broad authority of school districts

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

CODE OF REGULATIONS, TITLE 8

31001-32997 Regulations of employee relations boards

Policy PIEDMONT UNIFIED SCHOOL DISTRICT
adopted: February 9, 2000 Piedmont, California

**Piedmont Unified School District
Board Policy**

BP 4141.6
Personnel

CONCERTED ACTION/WORK STOPPAGE

The Board of Education recognizes the importance of maintaining positive relations with employees, employee organizations, parents/guardians and community members throughout the collective bargaining process. In the event of an impasse in negotiations, the Board shall make a good faith effort to reach an agreement with the employee organization through participation in state mediation and fact-finding procedures.

(cf. 4141 - Collective Bargaining Agreement)
(cf. 4143 - Negotiations/Consultation)

During any threatened or actual withholding of services, the Board shall keep parents/guardians and community informed about the status of district negotiations, the educational program and safety measures that have been taken by the district.

When feasible, the Board desires to keep schools operating during any work stoppage. The Superintendent or designee shall take steps necessary in order to help ensure the safety of students, staff and district property during a work stoppage. Such steps shall be reported to the Board as soon as possible.

The Board believes that employees shall be held accountable for their behavior during any labor dispute. The district may take disciplinary action against employees, taking into account the seriousness of the behavior and the district's efforts to rebuild relations following the withholding of services by employees.

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

35204 Contract with attorney in private practice

35205 Contract for legal services

37200-37202 Instructional days

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act, especially:

3543.5-3543.6 Unfair labor practices

3548-3548.8 Impasse procedures

INSURANCE CODE

10116 Employee continuation of insurance coverage

UNITED STATES CODE, TITLE 29

1161-1169 Continuation coverage and additional standards for group health plan

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

Fresno Unified School District, 1982, PERB Dec. No. 208, 6 PERC 13110

Konocti Unified School District, 1982, PERB Dec. No. 217, 6 PERC 13152

Management Resources:
CSBA PUBLICATIONS
Before the Strike: Planning Ahead in Difficult Negotiations, 1996

Adopted: February 9, 2000

**Piedmont Unified School District
Administrative Regulation**

AR 4141.6
Personnel

CONCERTED ACTION/WORK STOPPAGE

Maintenance of District Operations

At the discretion of the Superintendent or designee, employees reporting for duty may be temporarily assigned to other duties. In addition, the Superintendent or designee may hire qualified substitute and/or temporary employees as needed to maintain district operations and shall recommend to the Board of Education an appropriate rate of pay for such employees for the period of the work stoppage.

(cf. 4113 - Assignment)
(cf. 4121 - Temporary/Substitute Personnel)

Days of instruction lost due to a work stoppage may be made up following the end of the normal school year.

(cf. 6111 - School Calendar)

Strike Plan

The Superintendent or designee may establish a committee to develop a plan in the event of a work stoppage. This committee may include district-level staff, legal counsel, the district's negotiator and parents/ guardians.

The strike plan shall address, at a minimum, the following elements:

1. Roles and responsibilities during a work stoppage, including roles of the Board, Superintendent, district-level staff, legal counsel, principals, certificated or classified staff when they are not participating in the strike, substitutes and other employees
2. Criteria for keeping schools open during a work stoppage including potential costs, availability of qualified substitutes or other staffing, the ability to maintain the quality of the educational program and other essential services, and the ability to ensure the safety of students and staff
3. Maintenance of the educational program, including availability of lesson plans and instructional materials, alternatives for handling special education and other programs as appropriate
4. Internal communications among district staff and the Board during a work stoppage
5. Plans for obtaining, paying and communicating with temporary or substitute employees

6. Status of district-paid benefits, including health care, insurance, vacation and sick leave benefits

(cf. 4154 - Health and Welfare Benefits)
(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)
(cf. 4161.2/4261.2/4361.3 - Personal Leaves)
(cf. 4261.1 - Personal Illness/Injury Leave)

7. Communications with parents/guardians, the media, business partners, public officials and other community members that identify key messages, strategies and district spokespersons

(cf. 1100 - Communications with the Public)
(cf. 1112 - Media Relations)
(cf. 4143.1 - Public Notice - Personnel Negotiations)

8. Equipment and supply needs

9. Desirability and feasibility of conducting extracurricular activities during a work stoppage including an analysis of the number of events and activities that would be affected, the availability of staffing, the degree of student and/or community participation and the ability to provide adequate security at events

(cf. 6145 - Extracurricular and Cocurricular Activities)

10. Identification of outside resources who may be called upon to help with school operations

11. Coordination with law enforcement and other agencies

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)

12. Appropriate safeguards for the safety of students, working employees, substitutes, volunteers, parent/guardians and Board members

(cf. 0450 - Comprehensive Safety Plan)

14. Provisions for safe, effective board meetings

15. Cost estimates for the various strategies to be implemented during a work stoppage

16. Legal remedies available to enjoin the work stoppage if possible or to file unfair labor practice charges against the employee organization

17. Continuation of negotiations during a work stoppage

(cf. 4143 - Negotiations/Consultation)

18. Plans for resuming normal district operations, rebuilding relations and disciplining

employees if necessary after the work stoppage

Activities of Employees

The district shall not impose or threaten to impose reprisals, discriminate or threaten to discriminate, or otherwise interfere with, restrain or coerce employees for the exercise of their rights. (Government Code 3543.5-3543.6)

Employees engaging in a work stoppage shall not prevent access to school facilities by other employees, substitutes or students; use or threaten physical violence or bodily injury; trespass; distribute malicious or defamatory leaflets or materials; or otherwise coerce or intimidate individuals in the conduct of school business.

During an actual or threatened work stoppage, an employee shall not retain in his/her possession any district property, including but not limited to student attendance and grading records, lesson plans, keys, equipment and supplies.

(cf. 3512 - Equipment)

Employees shall not use students to distribute messages that promote or explain the position of any employee organization that is contemplating or engaged in a work stoppage. In addition, employees shall not use classroom or other duty time to promote an employee organization's position in negotiations or in a work stoppage.

When students raise questions related to a work stoppage, teachers shall approach the subject in accordance with the district's policy on controversial issues and shall not allow such discussions to interfere with their regular teaching responsibilities.

(cf. 6144 - Controversial Issues)

Salary and Benefits

Employees withholding services shall not receive salary or unemployment benefits during the period of the work stoppage.

Any employee withholding services may be subject to the loss of payroll deduction privileges.

The district may not pay contributions to health care benefits if employees fail to work the minimum number of hours per month as specified in the collective bargaining agreement, Board policy or administrative regulation. However, the district shall offer employees the option of paying their own coverage under COBRA. (29 USC 1161-1169)

If the district determines that it will withhold its contributions to employees' life and disability insurance, employees shall be offered an opportunity to retain these coverages by paying the contributions themselves. (Insurance Code 10116)

Employees whose vacation leave has been authorized prior to the work stoppage shall receive vacation pay for the authorized period.

If an employee is on a paid sick or disability leave when the work stoppage begins,

he/she shall be entitled to continued payment as long as he/she remains ill or disabled and is otherwise eligible according to Board policy and collective bargaining agreements.

The Superintendent or designee may determine that credit shall not be applied toward probationary service, salary schedule advancement, permanent status, vacation earnings, retirement credit or sick leave accrual during the period of time that employees withhold services.

Approved: February 9, 2000

**Piedmont Unified School District
Board Policy**

BP 4143
Personnel

NEGOTIATIONS

The Board of Education is legally responsible for negotiating in good faith with exclusive employee representatives on wages, hours of employment, and other terms and conditions of employment identified in law as being within the scope of representation. (Government Code 3543.2)

The Board recognizes its responsibility to represent the public's interests in the collective bargaining process. The Board and/or Superintendent shall keep the public informed about the progress of negotiations and the ways in which negotiations affect district goals.

In reaching agreements on employee contracts, the Board shall balance the needs of staff and the priorities of the district in order to provide students with a high-quality instructional program based on a sound, realistic budget.

The Board endorses and uses an interest-based, nonadversarial approach to collective bargaining. The goal of negotiations shall be to reach an agreement which meets the interests of all concerned.

The Board believes that effective negotiations require the input of all levels of the administration. The Board shall establish a bargaining team to assist in analyzing contract provisions and conducting contract negotiations.

The Board with its bargaining team shall establish standards of conduct pertaining to the negotiations process for individual Board members and members of the bargaining team. Meetings related to negotiations are not subject to state open meeting laws and shall be held in closed session. Matters discussed in these meetings shall be kept in strict confidence.

The Board shall provide its negotiator(s) with expected outcomes and clear parameters for acceptable contract provisions and may initiate proposals which promote the realization of district goals. The Board shall closely monitor the progress of negotiations and carefully consider how proposed contract provisions would affect the district's short- and long-term goals.

Legal Reference:
GOVERNMENT CODE
3540-3549.3 Educational Employment Relations Act

Adopted: February 9, 2000

**Piedmont Unified School District
Board Policy**

BP 4143.1
Personnel

PUBLIC NOTICE - PERSONNEL NEGOTIATIONS

The Board of Education has a responsibility to represent the public's interest in negotiations with employee organizations. The Board shall inform the public about contract proposals and shall disclose the major provisions of the proposed agreement as required by law.

Legal Reference:

GOVERNMENT CODE

3547 Proposals relating to representation; informing public, adoption of proposals; new subjects; regulations

3547.5 Major provisions of agreement with exclusive representative

CODE OF REGULATIONS, TITLE 8

32075 PERB regional office defined

32900 EERA and HEERA public notice: requirements for Board of Educations to adopt policy

32910 Filing of EERA or HEERA complaint

Management Resources:

CDE MANAGEMENT ADVISORIES

0515.92 Public Disclosure of Collective Bargaining Agreements, 92-01

CSBA PUBLICATIONS

Public Notice and Disclosure, Resource Guide for Employment Relations, December 1996

Adopted: February 9, 2000

**Piedmont Unified School District
Board Policy**

BP 4144
Personnel

COMPLAINTS

The Board of Education recognizes that provisions for dealing with grievances are an essential part of good personnel administration.

The Board expects the Superintendent to establish procedures for dealing promptly and equitably with complaints which may be resolved expeditiously without resorting to more formal grievance procedures.

Specific procedures shall be provided for management, supervisory and confidential employees to seek redress through clearly defined channels and to appeal to the Board.

Legal Reference:
GOVERNMENT CODE
3543 Public school employees' rights

Adopted: February 9, 2000

**Piedmont Unified School District
Administrative Regulation**

AR 4144
Personnel

COMPLAINTS

It is the Board of Education intent that conflicts arising between personnel at the administrative level be resolved on an informal basis. Employees involved in the conflict should meet, discuss the issue and arrive at a possible resolution. If the parties cannot resolve the conflict between them, they should meet with their common supervisor, if one exists, or the complainant may appeal to the Superintendent. The Superintendent shall render a written decision to both parties within 10 working days after the appeal.

If satisfaction is not attained through the above process, the same written complaint may be sent to the Board within 10 working days. If the above steps were not followed, the Board may refer the matter back to the appropriate step.

If the Board decides to meet in closed session to resolve the conflict, both parties may request appropriate persons of their choosing to be present.

Within one month of the hearing, the Board shall render its decision in writing. The Board's decision shall be binding.

Any and all complaints must be processed within a three month period of the alleged occurrence.

Approved: February 9, 2000

**Piedmont Unified School District
Board Policy**

BP 4151
Personnel

EMPLOYEE COMPENSATION

In order to secure and hold staff committed to student learning, the Board of Education recognizes the importance of an attractive compensation package which includes salaries, health benefits and other amenities.

The Board shall adopt separate salary schedules for certificated, classified, and management/supervisory/confidential personnel. These schedules shall comply with law and negotiated agreements and shall be printed and made available for inspection at the district office. Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.

(cf. 4121 - Temporary/Substitute Personnel)
(cf. 4141 - Collective Bargaining Agreement)

Legal Reference:

EDUCATION CODE

44492-44494 Mentor teacher stipends
44977 Salary deductions during absence
45022-45061 Salaries, especially:
45023 Availability of salary schedule
45028 Salary schedule for certificated employees
45030 Salary schedule for substitutes
45032 Power of Board of Education to increase salaries
45160-45169 Salaries for classified employees
45268 Salary schedule for classified service in merit system districts

GOVERNMENT CODE

3540-3549 Meeting and negotiating, especially:
3543.2 Scope of representation
3543.7 Duty to meet and negotiate in good faith

Adopted: February 9, 2000

**Piedmont Unified School District
Board Policy**

BP 4152
Personnel

SALARY CHECKS AND DEDUCTIONS

The Board of Education may in its discretion act in behalf of individual employees to deduct a certain amount from the employee's paycheck and remit an equal amount to an agent designated by the employee. It is the purpose of this policy to designate those purpose not otherwise mandated by law for which the Board is willing to act in behalf of an employee.

No deduction may be made from the wages of an employee except for federal income tax and social security and state income tax without proper authorization. Pension deductions are certified by the State Teacher's Retirement System or the Public Employee's Retirement system; all other deductions are certified only by the employee.

The Board has authorized that deductions may be made from an employee's paycheck upon his/her authorization on the appropriate from, for the following purposes:

1. Health, dental and welfare insurance premiums for employee and dependents.
2. Payments to credit union.
3. IRS Code Section 125 Plan.
4. Bona fide organization dues.
5. IRS Section 403(b) Plan.
6. District and employee organization insurance programs.

Employees may request that salary deductions be made for those purposes authorized by law and Board policy.

Legal Reference:

EDUCATION CODE

44041 Deductions in salary payment as requested by employee

44042 Payroll deduction for collection of insurance premium

45060 Deductions for organization dues

45161 Service fees

45166 Time of payment of compensation

45167 Error in compensation

45168 Deductions for dues of employee organization

GOVERNMENT CODE

3502.5 Agency shop

3543.1(d) Right of employee organizations to have dues withheld

Adopted: February 9, 2000 Piedmont, California

**Piedmont Unified School District
Board Policy**

BP 4154
Personnel

HEALTH AND WELFARE BENEFITS

The District shall provide health and welfare benefits for certificated and classified employees in bargaining units. Benefits will be provided in accordance with negotiated employee agreements.

Benefits for employees who are not in bargaining units shall be the same unless otherwise specified in Board policy or individual contract.

The Superintendent or designee shall advise all employees of their rights and responsibilities related to continuing their health insurance benefits when their eligibility changes.

Retired Certificated Employees

The District health insurance program shall be available to retired former certificated employees and their spouses. (Education Code 7000)

Continuation of Health Insurance Program for Retired Employees

Any employee retiring under provisions of the State Teacher's Retirement System or the Public Employees Retirement System may continue coverage under this program in accordance with the provisions of the negotiated employee agreements.

Coverage under this program will continue only as long as the retiree reimburses the district monthly for the premium paid the insurance carrier. Retirees who fail to make this payment will no longer be eligible for the program.

(cf. 3530 - Risk Management/Insurance)
(cf. 4141 - Collective Bargaining Agreement)

Legal Reference:

EDUCATION CODE

1252 Power to contract for group workers' compensation insurance (county superintendent)

7000-7005 Health and welfare benefits, retired certificated employees

7008 Employees disabled by violent act in scope of employment

35208 Liability insurance

35213 Reimbursement for loss, destruction or damage of personal property

35214 Liability insurance (self-insurance)

44041 Deductions in salary payment as requested by employee

44042 Payroll deduction for collection of insurance premium

44986 Leave of absence for disability allowance applicant

45136 Benefits for classified

GOVERNMENT CODE

22009.03 Public agency includes school districts

22156 Medicare coverage for school district employees

22754 Definitions

22858 Application of education code provisions relating to mandatory inclusion of certain retirees in local health and welfare benefit plans

22859 Participation in Medicare reimbursement program

53200-53210 Group insurance, especially

53200 Definitions: group insurance, local agency; health and welfare benefits, employees

UNEMPLOYMENT INSURANCE CODE

2613 Education program; notice of rights and benefits

CONSOLIDATED OMNIBUS RECONCILIATION ACT

Public Law 99-272

Adopted: February 9, 2000

**Piedmont Unified School District
Board Policy**

BP 4156.3
Personnel

EMPLOYEE PROPERTY REIMBURSEMENT

The Board of Education authorizes the Superintendent or designee to pay the cost of replacing or repairing employee personal property, except cash, which has been stolen or intentionally destroyed or damaged while being used for work-related purposes.

No reimbursement shall be made for accidental damage or for any loss due to lack of personal supervision or failure to keep property in a secured area.

The maximum payment shall be the amount specified by the district's insurance carrier for such loss.

(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 5131.5 - Vandalism, Theft and Graffiti)

Reimbursement for personal items used for work-related purposes shall be made only if:
(Education Code 35213)

1. Use of the personal property was approved by the principal, site supervisor or designee before the property was brought to school or district premises
2. At that time, the employee and district representative agreed on the value of the property

Legal Reference:

EDUCATION CODE

35213 Reimbursement for loss, destruction or damage of personal property

48904 Liability of parent/guardian for willful misconduct; withholding of grades, diplomas and transcripts

CIVIL CODE

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

Adopted: February 9, 2000

**Piedmont Unified School District
Board Policy**

BP 4157
Personnel

Employee Safety

The Board of Education believes that safety is every employee's responsibility. The Board expects all employees to use safe work practices and to report and correct any unsafe conditions which may occur. Supervisors shall constantly promote safety and correct any unsafe work practice through education, training and enforcement.

Working conditions and equipment shall be maintained in compliance with standards prescribed by federal, state, and local laws and regulations.

Legal Reference:

EDUCATION CODE

32066 Safety: public and private institutions

32210-32224 Safety: public institutions

LABOR CODE

6305 Occupational safety and health standards; special order

6310 Retaliation for filing complaint prohibited

6401.7 Injury prevention programs

CODE OF REGULATIONS, TITLE 8

3203 Injury and Illness Prevention Program

Policy PIEDMONT UNIFIED SCHOOL DISTRICT
adopted: February 9, 2000 Piedmont, California

Personnel

EMPLOYEE SECURITY

The Board of Education desires to provide a safe, orderly working environment for all employees. As part of the district's comprehensive school safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for assisting them in the event of an emergency situation.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131.4 - Campus Disturbances)

The Superintendent or designee shall ensure that employees are informed, in accordance with law, regarding crimes and offenses by students who may pose a danger in the classroom. Any employee against whom violence or any threat of violence has been directed in the workplace shall notify their site supervisor immediately. The Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace. In addition, the Superintendent or designee may initiate legal proceedings against any individual to recover damages for injury caused by the willful misconduct of that individual to the person or property of an employee or another person on district premises.

(cf. 3320 - Claims and Actions Against the District)

(cf. 3515.4 - Recovery for Property Loss or Damage)

The Superintendent or designee shall ensure that employees are trained in crisis prevention and intervention techniques in order to protect themselves and students. Staff development may include training in classroom management, effective communication techniques, and crisis resolution.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Use of Pepper Spray

Employees may not carry or possess pepper spray on school property or at school activities. On a case-by-case basis, however, the Superintendent or designee may allow an employee to possess pepper spray that meets the requirements of Penal Code 12403.7 when justified by unusual dangerous circumstances. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.

(cf. 4118 - Suspension/Disciplinary Action)

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

Reporting of Injurious Objects

The Board requires employees to take immediate action upon being made aware that any person is in possession of an unauthorized injurious object on school grounds or at a school-related or school-sponsored activity. The employee shall use his/her own judgment as to the potential danger involved and, based upon this analysis, shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately call 911 and the principal

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

When informing the principal about the possession or seizure of a weapon or dangerous device, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

Legal Reference:

EDUCATION CODE

32210-32212 Willful disturbance, public schools or meetings

32225-32226 Communication devices

35204 Contract with attorney in private practice or use of administrative advisor

35205 Contract for legal services

35208 Liability insurance

35213 Reimbursement for loss, destruction or damage of school property

44014 Report of assault by pupil against school employee

44807 Duty concerning conduct of students

48201 Transfer of Student Records

48900-48926 Grounds for suspension or expulsion

48902 Notification of law enforcement authorities if student violates assault or controlled substance provision

48904 Parental liability

48905 Injury or damage to person or property of school district employee; request for legal action

49079 Notification to teacher; student who has engaged in acts constituting grounds for suspension or expulsion

49330-49335 Injurious objects

CIVIL CODE

51.7 Freedom from violence or intimidation

CODE OF CIVIL PROCEDURE

527.8 Workplace violence safety act

GOVERNMENT CODE

995-996.4 Defense of public employees

3543.2 Scope of representation

PENAL CODE

71 Threatening public officers and employees and school officials

240-246.3 Assault and battery, including:

241.2 Assault on school or park property against any person

241.3 Assault against school bus drivers

241.6 Assault on school employee includes board member

242 Definition of battery

243 Battery; definition of "injury" and "serious bodily injury"

243.2 Battery on school or park property against any person

243.3 Battery against school bus drivers

243.6 Battery against school employee includes board member

245.5 Assault with deadly weapon; school employee includes board member

290 Registration of sex offenders

601 Trespass by person making credible threat

626-626.11 School Crimes

626.9 Gun-Free School Zone Act of 1995

626.10 Exceptions to bringing weapons on school grounds

646.9 Stalking

12403.7 Weapons approved for self defense

WELFARE AND INSTITUTIONS CODE

827 Juvenile court proceedings; reports; confidentiality

828.1 District police or security department, disclosure of juvenile records

COURT DECISIONS

City of San Jose v. William Garbett, (2010) 190 Cal. App. 4th 526

WEB SITES

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

California Department of Education, Safe Schools and Violence Prevention Office:

<http://www.cde.ca.gov/ls/ss>

Policy PIEDMONT UNIFIED SCHOOL DISTRICT

Adopted: February 9, 2000 Piedmont, California

Revised: June 13, 2018

PIEDMONT UNIFIED SCHOOL DISTRICT
Administrative Regulation
Personnel

AR 4158

Employee Security

An employee may use reasonable and necessary force when necessary for self-defense, to protect another person or property, to quell a disturbance threatening physical injury to others, or to obtain possession of weapons or other dangerous objects on or within the control of a student.

[\(Education Code 44807, 49001\)](#)

[\(cf. 5131.7 - Weapons and Dangerous Instruments\)](#)

[\(cf. 5144 - Discipline\)](#)

Employees shall promptly report to their principal or other immediate supervisor any attack, assault or physical threat made against them by a student.

Both the employee and the principal or other immediate supervisor shall promptly report such instances to the appropriate local law enforcement agency.

[\(Education Code 44014\)](#)

In addition, employees shall promptly report to their principal or supervisor, and may report to law enforcement, any attack, assault or threat made against them on school grounds by any other individual.

[\(cf. 3515.2 - Disruptions\)](#)

Reports of attack, assault or threat also shall be forwarded immediately to the Superintendent or designee.

An employee whose person or property is injured or damaged by willful misconduct of a student may ask the district to pursue legal action against the student or the student's parent/guardian.

[\(Education Code 48905\)](#)

[\(cf. 3515.4 - Recovery for Property Loss or Damage\)](#)

Notice Regarding Student Offenses Committed While Under School Jurisdiction

The Superintendent or designee shall inform the teacher of each student who has engaged in, or is reasonably suspected of, any act during the previous three school years which could constitute grounds for suspension or expulsion under Education Code 48900, with the exception of the possession or use of tobacco products, or Education Code 48900.2, 48900.3, 48900.4, or 48900.7. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency.

[\(Education Code 49079\)](#)

[\(cf. 5125 - Student Records\)](#)

[\(cf. 5144.1 - Suspension and Expulsion/Due Process\)](#)

Upon receiving a transfer student's record regarding acts committed by the student that resulted in his/her suspension or expulsion, the Superintendent or designee shall inform any of the student's teacher(s) that the student was suspended from his/her former district and of the act that resulted in the suspension or expulsion.

[\(Education Code 48201\)](#)

Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

[\(Education Code 49079\)](#)

Notice Regarding Student Offenses Committed While Outside School Jurisdiction
When informed by the court that a minor student has been found by a court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism or graffiti, the Superintendent or designee shall so inform the school principal.

[\(Welfare and Institution Code 827\)](#)

The principal shall disseminate this information to the counselor(s) who directly supervises or reports on the student's behavior or progress. The principal also may inform any teacher or administrator he/she thinks may need the information so as to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability.

[\(Welfare and Institutions Code 827\)](#)

Any court-initiated information that a teacher, counselor or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff and probation officer is necessary to rehabilitate the student or to protect students and staff.

[\(Welfare and Institutions Code 827\)](#)

When a student is removed from school as a result of his/her offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to public school. If the student is returned to a different district, the Superintendent shall transmit the information provided by the student's parole or probation officer to the Superintendent of the new district of attendance.

[\(Welfare and Institutions Code 827\)](#)

Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first; it shall then be destroyed.

[\(Welfare and Institutions Code 827\)](#)

Procedures to Maintain Confidentiality of Student Offenses

In order to maintain confidentiality when providing information about student offenses to counselors and teachers of classes/programs to which a student is assigned, the principal or designee shall send the staff member a written notification requesting him/her to review a student's file in the school office as soon as practicable. This notification shall not name or otherwise identify the student. The staff member shall be asked to initial the notification and return it to the principal or designee.

The staff member shall also initial the student's file when reviewing it in the school office. Once the district has made a good faith effort to comply with the notification requirement of Education Code 49079 and Welfare and Institutions Code 827, an employee's failure to review the file constitutes district compliance with the requirement to provide notice to the teacher.

Adopted: June 13, 2018

Piedmont Unified School District Board Policy

BP 4200 Personnel

Classified Personnel

The Board of Education shall fill each of its classified positions with qualified persons, consistent with position requirements. The primary role of classified personnel is to provide services that support and enhance the district's educational program.

(cf. 0200 - Goals for the School District)
(cf. 4211 - Recruitment and Selection)

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

(cf. 4215 - Evaluation/Supervision)

Classification of Employees

The Board shall classify all employees and positions not requiring certification qualifications as the classified service, except for those employees and positions specifically exempt from classified service. (Education Code 45103)

Individuals who possess certification qualifications shall not be prohibited from being employed in a classified position. (Education Code 45104)

(cf. 4211 - Recruitment and Selection)
(cf. 4212 - Appointment and Conditions of Employment)

Assignment

Classified employees shall be assigned by their immediate supervisors with the approval of the Superintendent or designee. They shall be required to perform those duties prescribed by the Board for the position the employee holds, in accordance with applicable job descriptions and collective bargaining agreements.

(cf. 4119.3/4319.3 - Duties of Personnel)
(cf. 4141 - Collective Bargaining Agreement)

Legal Reference:

EDUCATION CODE

45100-45139 Employment of classified staff
45160-45169 Salaries and differential compensation
45190-45210 Resignation and leaves of absence
45220-45320 Merit system

49406 Examination for tuberculosis
51760-51769.5 Work experience education

Management Resources:

WEB SITES

California School Employees Association: <http://www.csea.com>

Policy PIEDMONT UNIFIED SCHOOL DISTRICT
adopted: February 12, 2003 Piedmont, California

**Piedmont Unified School District
Administrative Regulation**

AR 4200
Personnel

Classified Personnel

Individuals hired solely for the following purposes are exempt from the classified service:
(Education Code 45103)

1. Substitute or short-term employees who are employed for less than 75 percent of the school year to replace any classified employee who is temporarily absent from duty
2. Part-time playground positions (noon duty aides), when the employees are not otherwise employed in classified positions in the district
3. Apprentices and professional experts employed on a temporary basis for a specific project
4. Full-time day students employed part time
5. Part-time students employed part time in any program conducted by a community college district pursuant to Education Code 51760 et seq. and which is financed by state or federal funds

Persons hired solely for purposes which are exempted from the classified service shall nevertheless fulfill the obligations of classified employees related to physical examinations pursuant to Education Code 45122, fingerprinting pursuant to Education Code 45125, and tuberculosis tests pursuant to Education Code 49406. Employment for such purposes after conviction of a sex or controlled substance offense shall be subject to the provisions of Education Code 45123 and 45124. (Education Code 45106)

(cf. 4112.4 - Health Examinations)
(cf. 4212.5 - Criminal Record Check)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Regulation PIEDMONT UNIFIED SCHOOL DISTRICT
approved: February 9, 2000 Piedmont, California
revised: February 12, 2003

**Piedmont Unified School District
Board Policy**

**BP 4211
Personnel**

Recruitment and Selection
(Classified Employees)

In order to secure quality personnel, the district shall maintain an effective recruitment program based upon alertness to good candidates, initiative that results in prompt action, and good personnel practices in dealing with applicants.

The Superintendent or designee shall determine the personnel needs of the District. He/she shall locate suitable candidates and make recommendations to the Board of Education for employment.

No inquiry shall be made with regard to the actual or perceived race, color, religious creed, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, veteran status, gender, or sexual orientation of persons proposed for or seeking employment. Questions regarding handicap shall be asked only when directly related to the job.

District employment practices shall not discriminate against authorized aliens. Legally-required inquiries to assure employment eligibility status shall be made in accordance with Board policy and administrative regulation.

(cf. 4111.2 - Legal Status Requirement)

The Superintendent shall ensure that persons nominated for employment meet all qualifications established by law and by the Board.

(cf. 4112.4 - Health Examinations)

Legal Reference:

EDUCATION CODE

200-261 Prohibition of discrimination on the basis of sex

44066 Limitations on certification requirements

45103-45138 Employment (classified employees)

49406 Examination for tuberculosis

CODE OF REGULATIONS, TITLE 5

30-31 Affirmative Action Employment Programs

TITLE VII, Civil Rights Act as amended by Title IX, Equal Employment Opportunity Act

IMMIGRATION REFORM AND CONTROL ACT OF 1986

Policy PIEDMONT UNIFIED SCHOOL DISTRICT
Adopted: February 9, 2000

Piedmont Unified School District Administrative Regulation

AR 4212
Personnel

Appointment And Conditions Of Employment

The Board of Education shall approve the appointment of all full-time, part-time and hourly classified employees. Temporary, substitute, short-term and student employees may be appointed by the Superintendent or designee. The position and the pay rate shall be reported to the Board at a regular meeting.

Individuals appointed to the classified staff shall:

1. Not have been convicted of a violent or serious felony (Education Code 45122.1)
2. Submit to fingerprinting as required by law (Education Code 45125)
3. Submit to a physical examination or proof thereof as required by law and Board policy (Education Code 45122, 49406)
4. File the oath or affirmation of allegiance required by Government Code 3100-3109

Classified staff shall also fulfill any other requirements as specified by law or Board policy.

When first employed and upon each subsequent change in classification, classified employees other than short-term, limited-term or provisional employees shall be given two copies of their class specification, salary data, assignment or work location, duty hours and prescribed work week. Salary data shall specify pay period (monthly, semimonthly or other) and applicable rates of compensation (daily, hourly, overtime and differential rates). Employees shall keep one copy of this information and shall sign and date the other copy and return it to their supervisor. (Education Code 45169)

Legal Reference:

EDUCATION CODE

35161 Powers and duties

44066 Limitation on certification requirements

45103 Classified service in districts not incorporating the merit system

45104 Positions not requiring certification qualifications

45105 Positions under various acts not requiring certification qualifications;
classification

45108 Restricted positions

45113 Rules and regulations for classified service in districts not incorporating the merit
system

45122 Physical examinations

45122.1 Classified employees, conviction of a violent or serious felony

45125 Use of personal identification cards to ascertain conviction of crime

45169 Employee salary data
45272 Vacancies in classified services for districts incorporating the merit system
45344.5 Demonstrated proficiency in basic skills
49406 Examination for tuberculosis
51216 Student proficiency
GOVERNMENT CODE
3100-3109 Oaths or affirmations of allegiance for disaster service workers and public employees
12940-12950 Unlawful employment practices
PENAL CODE
667.5 Prior prison terms, enhancement of prison terms
1192.7 Plea bargaining limitation

Regulation PIEDMONT UNIFIED SCHOOL DISTRICT
approved: February 9, 2000 Piedmont, California

**Piedmont Unified School District
Administrative Regulation**

**Piedmont Unified School District
Board Policy**

**Piedmont Unified School District
Administrative Regulation**

AR 4212.5
Personnel

Criminal Record Check
(Classified Employee)

Applicants for Employment

Each person to be employed in a classified position, including temporary, substitute and part-time positions, shall be required to submit fingerprint identification data. However, secondary school students attending a district school who are to be employed in a temporary or part-time position shall not be required to submit fingerprint identification data. (Education Code 45125)

The Superintendent or designee shall ensure that each person to be employed submits fingerprints, either electronically through the Live Scan system or on fingerprint identification card, for processing by the Department of Justice. If the district is using the Live Scan system, the Superintendent or designee shall also provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

The Superintendent or designee shall request the Department of Justice to forward one copy of the applicant's fingerprint identification data to the Federal Bureau of Investigation for the purpose of obtaining any record of previous convictions if the applicant: (Education Code 45125)

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

The Board of Education shall not employ an applicant until the Department of Justice completes its check of the state criminal history files. (Education Code 45125)

(cf. 4212 - Appointment and Conditions of Employment)

The Superintendent or designee shall ensure that no person is hired who has been convicted of a violent or serious felony as listed in Penal Code 667.5(c) or 1192.7(c), unless that person has obtained a certificate of rehabilitation or pardon. (Education Code 45122.1)

The Superintendent or designee may hire a classified employee without waiting for the disposition of the employee's criminal history files upon a determination that an emergency or exceptional situation exists and that a delay in filling the position would endanger student health or safety. (Education Code 45125)

(cf. 4112.6 - Personnel Files)

(cf. 4112.62/4312.62 - Maintenance of Criminal Offender Records)

Subsequent Arrest Notification

The Superintendent or designee shall request subsequent arrest notification from the Department of Justice as provided under Penal Code 11105.2. (Education Code 45125)

Current Employees

Upon notification by telephone from the Department of Justice that a current temporary, substitute or probationary classified employee has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay, unless the employee has received a certificate of rehabilitation and a pardon. (Education Code 45122.1)

Upon receipt of written notification of the fact of conviction from the Department of Justice, the Superintendent or designee shall terminate the temporary, substitute or probationary employee without regard to any other procedure for termination specified in the Education Code or district procedures, unless that employee has received a certificate of rehabilitation and a pardon. (Education Code 45122.1)

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

If the employee challenges the Department of Justice record and the Department of Justice withdraws in writing its notification, the Superintendent or designee shall immediately reinstate the employee with full restoration of salary and benefits. (Education Code 45122.1)

Legal Reference:

EDUCATION CODE

44332.6 Criminal record check, county board of education

44346.1 Applicants for credential, conviction of a violent or serious felony

44830.1 Certificated employees, conviction of a violent or serious felony

44830.2 Certificated employees; Interagency agreements

45122.1 Classified employees, conviction of a violent or serious felony

45125 Use of personal identification cards to ascertain conviction of crime

45125.01 Classified employees; interagency agreements

45125.1 Fingerprint for contractors

45125.5 Automated records check

45126 Duty of Department of Justice to furnish information

GOVERNMENT CODE

6200-6203 Crimes related to public records

PENAL CODE

502 Unauthorized access to computers
667.5 Violent felonies
1192.7 Serious felonies
11075-11081 Criminal record dissemination
11105-11105.75 Criminal identification
11140-11144 Furnishing of state criminal history information
13300-13305 Local summary criminal history information
CODE OF REGULATIONS, TITLE 11
703 Release of criminal offender record information
708 Destruction of criminal offender record information

Management Resources:

WEB SITES

Department of Justice/Attorney General's Office: <http://www.caag.state.ca.us/app>

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

Approved: February 9, 2000
Revised: September 25, 2002

**Piedmont Unified School District
Board Policy**

BP 4215
Personnel

EVALUATION/SUPERVISION
(Classified Employee)

The Board of Education recognizes that appropriate supervision and regular, comprehensive evaluations can help employees to continually improve in the performance of their responsibilities. Evaluations shall be made in accordance with procedures specified in negotiated contracts and based on job-specific standards of performance.

(cf. 4141 - Collective Bargaining Agreement)

The Board expects supervisors to gauge employees' on-the-job effectiveness and appraise their major accomplishments and progress in a fair, objective and consistent manner. Evaluations shall address the competence and care with which the employee executes his/her assigned responsibilities. As appropriate, evaluations also may address the extent to which the employee works cooperatively with others and observes school or district rules and regulations.

(cf. 4219.21 - Code of Ethics)

Legal Reference:

EDUCATION CODE

45113 Rules and regulations for the classified service in districts not incorporating the merit system

45261 Subjects of rules (merit system districts)

45262 Printing and distribution of rules

GOVERNMENT CODE

3543.2 Scope of representation

Adopted: February 9, 2000

PIEDMONT UNIFIED SCHOOL DISTRICT
Administrative Regulation

Personnel

AR 4216

DISCIPLINARY ACTION / SUSPENSION / DISMISSAL
(Classified Employees)

Termination of Probationary Employment

At any time prior to the expiration of the probationary period, the Governing Board may, at its discretion, dismiss a probationary classified employee from District employment. A probationary employee shall not be entitled to a hearing.

Involuntary Suspension Without Pay, Demotion, Reduction of Pay Step in Class, or Dismissal of Permanent Classified Employees

Permanent classified employees shall be subject to disciplinary action (suspension without pay, demotion, reduction of pay step in class, dismissal) only for cause. The Board's determination of the sufficiency of the cause for disciplinary action shall be conclusive.

1. Causes

In addition to any disqualifying or actionable causes otherwise provided for by statute or by policy or regulation of this District, each of the following constitutes cause for disciplinary action against a permanent classified employee:

- a. Falsifying any information supplied to the school district, including, but not limited to, information supplied on application forms, employment records, or any other school district records.
- b. Incompetency.
- c. Inefficiency.
- d. Neglect of duty.
- e. Insubordination.
- f. Dishonesty.
- g. Drinking alcoholic beverages while on duty or in such close time proximity thereto as to cause any detrimental effect upon the employee or upon employees associated with him/her, upon the District or the students.
- h. Illegal possession or use of a controlled substance at work or away from work, being under the influence of a controlled substance while on duty or in such close time proximity thereto as to cause any detrimental effect

upon the employee or upon employees associated with him/her, upon the District or the students, or furnishing a controlled substance to a minor.

- i. Conviction of a felony, conviction of any sex offense made relevant by provisions of law, or conviction of a misdemeanor which is of such a nature as to adversely affect the employee's ability to perform the duties and responsibilities of his/her position. A plea or verdict of guilty, or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section.
- j. Absence without leave.
- k. Immoral conduct.
- l. Discourteous treatment of the public, students, or other employees.
- m. Improper political activity.
- n. Willful disobedience.
- o. Misuse of District property or supplies.
- p. Violation of District, Board or departmental rule, policy, or procedure.
- q. Failure to possess or keep in effect any license, certificate, or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position.
- r. Refusal to take and subscribe any oath or affirmation which is required by law in connection with his/her employment.
- s. Physical or mental disability, which disability precludes the employee from the proper performance of his/her duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law regulating retirement of employees.
- t. Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, or age against the public or other employees while acting in the capacity of a District employee.
- u. Unlawful retaliation against any other District officer or employee or member of the public who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to actual or suspected violation of any law of this State or the United States occurring on the job or directly related thereto.
- v. Any other failure of good behavior either during or outside of duty hours which is of such nature that it causes discredit to the District or his/her employment.

- w. Repeated unexcused tardiness or failure to report to work or excessive absence, or abuse of sick leave.
- x. Abandonment of position.
- y. Persistent violation of or refusal to obey safety rules or regulations.
- z. Commission, aiding or advocating the commission of acts of criminal syndicalism, as prohibited by Chapter 188, Statutes of 1919, or in any amendment thereof as defined in Education Code Section 44932.
- aa. Offering anything of value, or any service, or any special treatment to another employee, or to any member of the public in exchange for special treatment in connection with District employment.
- bb. Conduct directed at another employee or a student which seriously alarms, annoys or harasses the person.

Except as defined in letter s. above, no disciplinary action shall be taken for any cause which arose prior to the employee's becoming permanent, nor for any cause which arose more than two years preceding the date of the filing of the notice of cause unless such cause was concealed or not disclosed by such employee when it could be reasonably assumed that the employee would have disclosed the facts to the District.

2. Initiation and Notification of Charges

A probationary employee may be recommended for release by his/her immediate supervisor or principal subject to Board ratification of the recommendation. The employee so released has no right to appeal.

The District Superintendent or designee may initiate a disciplinary action as defined herein against a permanent classified employee. A disciplinary action is defined as suspension without pay, demotion, reduction of pay step in class or dismissal.

In all cases involving a disciplinary action, the Superintendent or designee shall prepare a statement of charges which shall be served upon the employee personally unless the employee's whereabouts are unknown and unascertainable, in which case the statement of charges shall be served by registered or certified mail, return receipt requested, and first class mail to the employee's last known address. The statement of charges shall include:

- a. A statement of the nature of the disciplinary action (suspension without pay, demotion, reduction of pay step in class, or dismissal).
- b. A statement of the cause or causes therefore as set forth above.
- c. A statement of the specific acts or omissions upon which the causes are based. If violation of rule, policy, or regulation of the District is alleged,

the rule, policy, or regulation violated shall be set forth in the charges.

- d. A statement of the employee's right to appeal the recommendation and the manner and time within which his/her appeal must be filed.
- e. A card or paper, the signing and filing of which shall constitute a demand for hearing and a denial of all charges.
- f. The employee may, upon request, have copies of the material on which the charges are based.

3. Employment Status Pending Appeal or Waiver - Unpaid Suspension

Except as provided herein, any employee against whom a recommendation of disciplinary action has been issued shall remain on active duty status and responsible for fulfilling the duties of the position pending his/her appeal or waiver thereof.

In cases where the Superintendent or designee has determined that a permanent classified employee should be dismissed, and that continuation of the employee in active duty status after a written recommendation of such disciplinary action has been issued would result in an unreasonable risk of harm to students, staff, or property during the time the proceedings are pending, the Superintendent or designee may order the employee immediately suspended from his/her duties without pay in conjunction with the recommendation of disciplinary action. Such suspension order shall be in writing and shall include a statement setting forth the reasons why such suspension is deemed necessary. Any such suspension order shall be served upon the employee personally unless the employee's whereabouts are unknown and unascertainable, in which case the statement of charges shall be served by registered or certified mail, return receipt requested, and first class mail to the employee's last known address, immediately after issuance. Except in cases of emergency, at least five calendar days prior to the effective date of any order of suspension without pay issued in conjunction with any recommendation of disciplinary action involving dismissal, the Superintendent or designee shall give the employee written notice of the proposed recommendation of dismissal, including notice that immediate suspension without pay is being considered, the reasons for the proposed dismissal and for the proposed immediate suspension without pay, materials upon which the proposed action is based, and the right to respond either orally or in writing to the Superintendent or designee prior to the issuance of the final recommendation and order.

4. Time Limit of Suspension

Any suspensions (except a suspension imposed under #3 above) invoked under these rules against any one person in the classified service for one or more periods shall not aggregate more than 90 work days in any 12-month period; provided, however, this time limitation is inapplicable to cases in which a recommendation of dismissal is modified by the Board to a suspension.

5. Right to Appeal

Within ten calendar days after personal service, or fifteen calendar days after mail service, of the recommendation of disciplinary action described above, the employee may appeal by signing and filing the card or paper included with the recommendation. Any other written document signed and appropriately filed within the specified time limit by the employee shall constitute a sufficient notice of appeal. A notice of appeal is filed only by delivering the notice of appeal to the office of the Superintendent or designee during normal work hours of that office. A notice of appeal may be mailed to the office of the Superintendent or designee but must be received or postmarked no later than the time limit stated herein. In cases where an order of suspension without pay has been issued in conjunction with a recommendation of dismissal, any appeal of the recommendation of dismissal shall also constitute an appeal of the suspension order, and the necessity of the order shall be an issue in the appeal hearing.

If the employee fails to file a notice of appeal within the time specified in these rules, he/she shall be deemed to have waived his/her right to appeal, and the Governing Board may order the recommended disciplinary action into effect immediately.

6. Suspension and Involuntary Demotion Hearings

- (1) The Board may delegate a suspension or involuntary demotion hearing to the Superintendent or designee.
- (2) The designee shall submit a written recommended decision to the Board. The recommended decision shall include proposed findings of fact and determination of issues. A copy of the recommended decision shall be sent to the employee.
- (3) Prior to making a final decision, the Board shall afford the employee the opportunity to present arguments to it on the sufficiency of cause for disciplinary action.
- (4) The Board may accept, reject or modify the recommended decision. The decision of the Board shall be final. The written decision of the Board shall be served on the employee personally or by certified mail.

7. Dismissal Hearings

a. Step One - Informal Hearing

At the request of the employee, an informal hearing may be held before the Superintendent or designee. At the informal hearing, the employee may present a brief statement of the case and the Superintendent or designee may enter a determination in the matter. If the employee is dissatisfied with the Superintendent's or designee's decision, he/she may proceed to the formal hearing step.

b. Step Two - Formal Hearing

A request for a formal hearing must be filed in the Superintendent's Office during normal business hours, in writing within five calendar days of the date of the Superintendent's or designee's decision in the informal hearing. If the District receives a timely request for a hearing, a formal hearing before the Board shall be scheduled and be conducted as follows:

- (1) The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board or Hearing Officer and the availability of counsel and witnesses.
- (2) The hearing shall be conducted in closed session, unless the employee requests, in writing, that the matter be heard in open session.
- (3) The Board President shall review the hearing rules with both parties at the beginning of the hearing. In any case in which the Governing Board hears the appeal, the Governing Board may use the services of its counsel or a Hearing Officer in ruling upon procedural questions, objections to evidence, and issues of law. If the appeal is heard by the Governing Board, the Governing Board shall affirm, modify or revoke the recommended disciplinary action.
- (4) The District administrator recommending disciplinary action, or other representative, shall present evidence, including witnesses and documents, as appropriate, to establish the grounds for discipline and the appropriateness of the recommended disciplinary action.
- (5) The employee may be represented at the hearing, may present witnesses, and shall be entitled to cross-examine witnesses.
- (6) If the Board conducts the hearing in closed session, at the conclusion of the hearing, the Board shall dismiss the parties and their representatives in order to deliberate on the case. If the Board conducts the hearing in open session, it shall adjourn to closed session to deliberate on the case. Only the Board and its representatives may be present during this deliberation.
- (7) In arriving at a decision or a proposed decision on the propriety of the proposed disciplinary action, the Board or the Hearing Officer may consider the records of any prior disciplinary action proceedings against the employee in which a disciplinary action was ultimately sustained and any records that were contained in the employee's disciplinary files and introduced into evidence at the hearing.

(8) The Board shall reconvene in open or closed session to report out its decision.

c. Hearing before Hearing Officer

The Board reserves the right to refer a dismissal case to a Hearing Officer. In those cases the above rules still apply, except that the Hearing Officer would be required to submit a proposed decision to the Board within 30 days of the hearing, which may be accepted, rejected or modified by the Board.

d. Amended/Supplemental Charges

At any time before the disciplinary action is finally submitted to the Board or to a Hearing Officer for decision, the District may, with the consent of the board or Hearing Officer, serve on the employee and file with the board an amended or supplemental recommendation of disciplinary action.

If the amended or supplemental recommendation presents new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare his/her defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegation may be made orally at the hearing and shall be noted on the record.

e. Hearing Decision

The decision of the Board shall be in writing and shall contain findings of fact and the disciplinary action approved, if any. The findings may reiterate the language of the pleadings or simply refer to them.

The decision of the Governing Board shall be certified to the Superintendent or designee who recommended the disciplinary action, and he/she shall enforce and follow this decision. A copy of the decision shall be delivered to the appellant or his/her designated representative personally or by registered mail. The decision of the Board shall be final.

f. Failure to Request a Hearing

If the employee does not request a hearing within the specified time limit, disciplinary action may be taken without a hearing.

8. Compulsory Dismissal

The District shall not employ or retain in employment any person who has been convicted of any sex offense as defined in Education Code 44010 or any controlled substance offense as defined in Education Code 44011. If any such conviction is reversed and the person acquitted or charges dismissed except as otherwise provided below, the employee may be reemployed by the District,

although reemployment is not a guarantee. (Education Code 45123)

The District reserves the right to dismiss an employee for any acts upon which the original criminal charges were based, despite the disposition by the courts. If dismissal is recommended and upheld, an employee will not be reemployed or compensated for the time he/she was suspended unless otherwise required by law. An employee shall be given notice of the possibility of not being reimbursed during mandatory suspension if he/she is ultimately dismissed for the acts upon which the original charges were based.

Legal References:

EDUCATION CODE

35161 Delegation of powers and duties
44009 Conviction of specified crimes
44010 Sex offense
44011 "Controlled substance offense" defined
45101 Definitions (including "disciplinary action," "cause")
45109 Fixing of duties
45113 Rules and regulations for classified service in Districts not incorporating the merit system
45116 Notice of disciplinary action
45123 Employment after conviction of sex or narcotics offense
45302 Demotion and removal from permanent classified service
45303 Additional cause for suspension or dismissal of employees in classified service
45304 Suspension for reasonable cause; filing of charges; employee charged with mandatory or optional leave of absence offense

VEHICLE CODE

1808.8 School bus drivers; dismissal for safety-related cause

UNITED STATE CODE, TITLE 42

12101-12213 Americans with Disabilities Act

COURT DECISIONS

California School Employees v. Livingston Union School District, (2007) 149 Cal. App. 4th 391

CSEA v. FOOTHILL COMMUNITY COLLEGE DISTRICT, 52 Cal. App. 3rd 150, 155-156, 124 Cal. Rptr 830 (1975) (Conduct unbecoming an employee "too vague")

See also: PUSD Board Policy 4118, "Suspension / Disciplinary Action"

Accepted: June 10, 2009

**PIEDMONT UNIFIED SCHOOL DISTRICT
Board Policy**

BP 4217.2
Personnel

**RESIGNATION
(Classified Personnel)**

Any District employee who desires to resign his/her position shall submit, in writing, a letter of resignation which indicates the date which the employee intends as his/her last day at work. Ample notice of intention to resign should be given by an employee who plans to leave the district. Normally, no less than two weeks notice should be given.

Positive supervisorial action is required to determine if the cause(s) of employee resignation may be adjusted. Supervisors should consider factors of employee value to the District, availability of replacement, and costs of training a replacement.

The Superintendent is authorized to accept the written resignation of any employee on behalf of the Board of Education, and the resignation shall become effective immediately on acceptance by the Superintendent. Once the Superintendent or designee has accepted and set an effective date for this resignation, the resignation may not thereafter be withdrawn by the employee.

Legal Reference:

EDUCATION CODE

[45201](#) Power of governing board to accept resignation and fix its effective date

[44930](#) acceptance and date of resignation

Adopted: February 9, 2000
Revised: October 8, 2003

PIEDMONT UNIFIED SCHOOL DISTRICT
Board Policy
Dismissal/Suspension/Disciplinary Action

BP 4218
Personnel

The Board of Education expects all employees to perform their jobs satisfactorily and to exhibit professional and appropriate conduct. A classified employee may be disciplined for unprofessional conduct or unsatisfactory performance in accordance with law or any applicable collective bargaining agreement, Board policy, and administrative regulation.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 4000 - Concepts and Roles)
(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4141/4241 - Collective Bargaining Agreement)
(cf. 4200 - Classified Personnel)

Disciplinary actions shall be based on the particular facts and circumstances involved and the severity of the employee's conduct or performance. The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

(cf. 4030 - Nondiscrimination in Employment)
(cf. 4112.6/4212.6/4312.6 - Personnel Files)
(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

A probationary classified employee may be dismissed by the Superintendent or designee at any time prior to the expiration of the probationary period.

(cf. 4216 - Probationary/Permanent Status)

Permanent classified employees shall be subject to disciplinary action only for cause as specified in the accompanying administrative regulation. (Education Code 45113)

Procedures for Disciplinary Proceedings

If a permanent classified employee receives a notice from the Superintendent or designee of a recommended suspension, demotion, involuntary reassignment, or dismissal, the employee may request a Board hearing on the matter.

If the employee fails to request a hearing within the time specified in the notice, the employee is deemed to have waived the right to do so, and the Board may order the

recommended disciplinary action into effect immediately.

If a timely request is submitted, a hearing shall be conducted by the Board, except that, if the matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a minor, the matter shall be referred to an administrative law judge to determine whether sufficient cause exists for disciplinary action against the employee. (Education Code 45113, 45312)

(cf. 3515.3 - District Police/Security Department)

The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board and the availability of legal counsel and witnesses. The employee shall be notified of the time and place of the hearing.

The hearing shall be held in closed session, unless the employee requests that the matter be heard in an open session meeting. (Government Code 54957)

(cf. 9321 - Closed Session)

The employee shall be entitled to appear personally, produce evidence, and be represented by legal counsel.

The Board may use the services of its legal counsel in ruling upon procedural questions, objections to evidence, and issues of law. The Board may review and consider the records of any prior personnel action proceedings against the employee in which a disciplinary action was ultimately sustained and any records contained in the employee's personnel files and introduced into evidence at the hearing. The Board shall not be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made by the Board.

At any time before a matter is submitted to the Board for decision, the Superintendent or designee may, with the consent of the Board, serve on the employee and file with the Board an amended or supplemental recommendation of disciplinary action. If the amended or supplemental recommendation includes new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegation may be made orally at the hearing and shall be noted on the record.

Following the hearing, the Board shall affirm, modify, or reject the disciplinary action recommended by the Superintendent or designee. The decision of the Board shall be in writing and shall contain findings of fact and the disciplinary action approved, if any. The decision of the Board shall be final.

Within 10 working days of the Board's final decision, a copy of the decision shall be delivered to the employee and/or designated representative personally or by registered mail.

In cases involving an allegation of egregious misconduct, the ruling of the administrative law judge shall be binding on the district and the employee. (Education Code 45113)

Legal Reference:

EDUCATION CODE

- 35161 Delegation of powers and duties
- 44009 Conviction of specified crimes
- 44010 Sex offense
- 44011 "Controlled substance offense" defined
- 44031 Personnel file
- 44940 Leave of absence; employee charged with mandatory or optional leave of absence offense
- 44940.5 Compulsory leave of absence; procedures; extension; compensation; bond or security
- 44990-44994 Testimony of minor witnesses at dismissal or suspension hearings
- 45101 Definitions (including "disciplinary action," "cause")
- 45109 Fixing of duties
- 45113 Rules and regulations for classified service in districts not incorporating the merit system
- 45123 Employment after conviction of sex or narcotics offense
- 45124 Dismissal of sexual psychopath
- 45202 Transfer of accumulated sick leave and other benefits following dismissal
- 45240-45320 Merit system, classified employees

CODE OF CIVIL PROCEDURE

- 1286.2 Grounds for vacating decision of arbitrator

GOVERNMENT CODE

- 11500-11529 Administrative adjudication
- 12900-12996 Fair Employment and Housing Act
- 54957 Brown Act open meeting laws; closed session

HEALTH AND SAFETY CODE

- 11054 Schedule I; substances included
- 11055 Schedule II, substances included
- 11056 Schedule III, substances included
- 11357-11361 Marijuana
- 11363 Peyote
- 11364 Opium
- 11370.1 Possession of controlled substances with a firearm

PENAL CODE

- 187 Murder
- 667.5 Sex offenders
- 830.32 Peace officers employed by district
- 1192.7 Violent or serious felony
- 11165.2-11165.6 Child abuse or neglect, definitions

VEHICLE CODE

1808.8 School bus drivers; dismissal for safety-related cause

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

COURT DECISIONS

California School Employees Association v. Bonita Unified School District, (2008) No. B200141

California School Employees v. Livingston Union School District, (2007) 149 Cal.App 4th 391

CSEA v. Foothill Community College District, (1975) 52 Cal.App. 3rd 150, 155-156, 124 Cal. Rptr 830

Adopted: October 23, 2019

PIEDMONT UNIFIED SCHOOL DISTRICT
Administrative Regulation
Dismissal/Suspension/Disciplinary Action

AR 4218
Personnel

Causes for Disciplinary Action

A permanent classified employee may be subject to suspension, demotion, involuntary reassignment, or dismissal for one or more of the following causes:

1. Immoral conduct, including, but not limited to, egregious misconduct that is the basis for a sex offense as defined in Education Code 44010, a controlled substance offense as defined in Education Code 44011, or child abuse and neglect as described in Penal Code 11165.2-11165.6

(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)

(cf. 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

2. Conduct that constitutes a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c)

3. Unlawful discrimination, including harassment, against any student or other employee

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

4. Violation of or refusal to obey state or federal law or regulation, Board policy, or district or school procedure

5. Falsification of any information supplied to the district, including, but not limited to, information supplied on application forms, employment records, or any other school district records

6. Unsatisfactory performance

7. Unprofessional conduct

8. Dishonesty

9. Neglect of duty or absence without leave
10. Insubordination
11. Use of alcohol or a controlled substance while on duty or in such close time proximity thereto as to affect the employee's performance
 - (cf. 4020 - Drug and Alcohol-Free Workplace)
 - (cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)
 - (cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)
 - (cf. 4159/4259/4359 - Employee Assistance Program)
12. Destruction or misuse of district property
 - (cf. 4040 - Employee Use of Technology)
13. Failure to fulfill any ongoing condition of employment including, but not limited to, maintenance of any license, certificate, or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position
 - (cf. 4112.4/4212.4/4312.4 - Health Examinations)
 - (cf. 4212 - Appointment and Conditions of Employment)
14. A physical or mental condition which precludes the employee from the proper performance of duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law
 - (cf. 4030 - Nondiscrimination in Employment)
 - (cf. 4032 - Reasonable Accommodation)
15. Retaliation against any person who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on or directly related to the job
 - (cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)
16. Violation of Education Code 45303 or Government Code 1028 (advocacy of communism)
17. Any other misconduct which is of such nature that it causes discredit or injury to the district or the employee's position

An employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for acting to protect a student, or for refusing to

infringe on a student's protected conduct, when that student is exercising free speech or press rights pursuant to Education Code 48907 or 48950. (Education Code 48907, 48950)

(cf. 5145.2 - Freedom of Speech/Expression)

No disciplinary action shall be taken for any cause which arose before the employee became permanent, nor for any cause which arose more than two years before the date of the filing of the notice of cause unless this cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee would have disclosed the facts to the district. (Education Code 45113)

(cf. 4216 - Probationary/Permanent Status)

Initiation and Notification of Charges

The Superintendent or designee shall file any recommendation for a disciplinary action in writing with the Board of Education. A copy of the recommendation shall be served upon the employee either personally or by registered or certified mail, return receipt requested, at the employee's last known address.

The notice shall, in ordinary and concise language, inform the employee of the specific charge(s) or cause(s) for the disciplinary action, the specific acts and omissions upon which the action is based, and, if applicable, the district rule or regulation that the employee has allegedly violated. In addition, the notice shall include the employee's right to a hearing on those charges, the time within which the hearing may be requested which shall be not less than five days after service of the notice to the employee, and a card or paper which the employee may sign and file to deny the charges and request a hearing. (Education Code 45113, 45116)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Request for Hearing

Within the time specified in the notice of the recommendation of disciplinary action, the employee may request a hearing on the charges by signing and filing the card or paper included with the notice. (Education Code 45113)

Any other written document signed and appropriately filed within the specified time limit by the employee shall constitute a sufficient notice of the request for a hearing. The request shall be delivered to the office of the Superintendent or designee during normal work hours of that office. If mailed to the office of the Superintendent or designee, it must be received or postmarked no later than the time limit specified by the district. In cases where an order of suspension without pay has been issued in conjunction with a recommendation of dismissal, any request for a hearing on the dismissal shall also constitute a request to hear the suspension order, and the necessity of the suspension

order shall be an issue in the hearing.

Employment Status Pending a Hearing

A classified employee against whom a recommendation of disciplinary action has been issued shall remain on active duty status pending any hearing on the charges, unless the Superintendent or designee determines that the employee's continuance in active duty would present an unreasonable risk of harm to students, staff, or property. The Superintendent or designee may, in writing, order the employee immediately suspended from duty without pay and shall state the reasons that the suspension is deemed necessary. The suspension order shall be served upon the employee either personally or by registered or certified mail, return receipt requested, immediately after issuance.

Compulsory Leave of Absence

Upon being informed by law enforcement that a classified employee has been charged with a "mandatory leave of absence offense," the Superintendent or designee shall immediately place the employee on a leave of absence. A mandatory leave of absence offense includes:

1. Any sex offense as defined in Education Code 44010
2. Violation or attempted violation of Penal Code 187 (murder or attempted murder)
3. Any offense involving the unlawful sale, use, or exchange to minors of controlled substances as listed in Health and Safety Code 11054, 11055, and 11056

The Superintendent or designee may place on an immediate compulsory leave of absence a classified employee who is charged with an "optional leave of absence offense," defined as a controlled substance offense specified in Education Code 44011 and Health and Safety Code 11357-11361, 11363, 11364, and 11370.1 except as it relates to marijuana, mescaline, peyote, or tetrahydrocannabinols.

An employee's compulsory leave for a mandatory or optional leave of absence offense may extend for not more than 10 days after the entry of judgment in the criminal proceedings. However, the compulsory leave may be extended if the Board gives notice, within 10 days after the entry of judgment in the proceedings, that the employee will be dismissed within 30 days from the date of service of the notice unless the employee demands a hearing on the dismissal.

Adopted: October 23, 2019

**Piedmont Unified School District
Board Policy**

BP 4219.21
Personnel

CODE OF ETHICS

The Board of Education expects district employees to maintain the highest ethical standards, to follow district policies and regulations, and to abide by state and national laws. Employee conduct should enhance the integrity of the district and the goals of the educational program.

The Board encourages district employees to accept as guiding principles the codes of ethics published by professional associations to which they may belong.

(cf. 9271 - Code of Ethics)

Legal Reference:
CODE OF REGULATIONS, TITLE 5
80331-80338 Rules of Conduct for Professional Educators

Adopted: February 9, 2000

Piedmont Unified School District Board Policy

BP 4219.41 Personnel

Employees With Infectious Disease

The Board of Education encourages each employee to inform the district as soon as possible if he/she contracts an infectious disease which creates a physical or mental disability. The Board will reasonably accommodate the needs of such individuals.

The Board may reassign or grant disability leave to an employee who is unable to perform his/her job responsibilities because of illness or because the employee's illness significantly endangers his/her health or safety or the health or safety of others.

No employee will be discriminated against because of his/her disability. Legal protections established for disabled persons extend to individuals significantly impaired by infectious diseases.

When informed that an employee has a disabling infectious disease, the Superintendent or designee may request that the employee sign a release form to provide confidential medical information and records.

In determining a reasonable accommodation of the employee's condition, the Superintendent or designee may consult with public health officials or physicians with expertise in the diagnosis and treatment of infectious disease. The Superintendent or designee may also communicate with the employee's physician regarding the employee's ability to perform the essential requirements of the job with reasonable accommodation and without posing significant health or safety risks to the employee or others.

The Superintendent or designee shall prepare a confidential report which includes his/her recommendation and the medical information upon which it is based. These recommendations shall take into consideration:

1. The nature of the disease and the probability of its being transmitted, including the duration and severity of the risk
2. The physical condition of the employee, including diagnosis, treatment, and prognosis of the condition
3. The actual requirements of the employee's job and the expected type of interaction with others in the school setting

This report shall be forwarded to the Board for confidential review and action.

The job assignment of an employee with a disabling infectious disease shall be reevaluated whenever there is a change in medical knowledge or in the employee's medical regimen or health which might affect his/her assignment.

Confidentiality

The Board and the Superintendent or designee shall ensure that employee rights to confidentiality are strictly observed. The district shall disclose medical record information only to the extent required or permitted by law. The medical records of any employee with a disabling infectious disease shall be held in strict confidence.

Legal Reference:

CIVIL CODE

56-56.37 Confidentiality of medical information

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE

120975-121020 Mandated blood testing and confidentiality to protect public health

CODE OF REGULATIONS, TITLE 2

7293.5 et seq.

UNITED STATES CODE, TITLE 29

701 et seq. Rehabilitation Act

UNITED STATES CODE, TITLE 42

12101-12213 Americans With Disabilities Act

Policy PIEDMONT UNIFIED SCHOOL DISTRICT
adopted: February 9, 2000 Piedmont, California

**Piedmont Unified School District
Board Policy**

**BP 4227
Personnel**

Temporary Athletic Team Coaches

The Board of Education recognizes the importance of hiring qualified temporary athletic team coaches for the district's sports program.

The Superintendent or designee shall establish qualification criteria for all athletic coaches in accordance with law and with district standards and priorities. These criteria shall ensure that all temporary coaches possess an appropriate level of competence, knowledge and skill.

Any certificated teacher employed by the district who applies for a position as a temporary athletic team coach and who satisfies the qualification criteria established for the position shall first be offered the position. (Education Code 44919)

In addition, all coaches shall be subject to Board policy, administrative regulation and the codes of ethical conduct published by the state and the California Interscholastic Federation.

(cf. 5131.1 - Bus Conduct)
(cf. 6145.2 - Athletic Competition)

Legal Reference:

EDUCATION CODE

35179.7 Interscholastic athletic program and activities

44010 Sex offense

44011 Controlled substance offense

44424 Conviction of a crime

44808 Liability when students are not on school property

44919 Classification of temporary employees

CODE OF REGULATIONS, TITLE 5

5531 Supervision of extracurricular activities of pupils

5590-5596 Duties of temporary athletic team coaches

COURT DECISIONS

CTA v. Rialto Unified School District, (1997)14 Cal. 4th 627

San Jose Teachers Association, CTA, NEA v. Barozzi, (1991) 230 Cal. App. 3d 1376,
281 Cal. Rptr. 724

Policy PIEDMONT UNIFIED SCHOOL DISTRICT
adopted: February 9, 2000 Piedmont, California

**Piedmont Unified School District
Board Policy**

**BP 4231
Personnel**

Staff Development

Classified staff shall have opportunities to participate in staff development activities in order to improve job skills, retrain to meet changing conditions in the district and/or enhance personal growth.

1. The role of classified staff in achieving district goals
2. The use of technologies to improve job performance
3. Effective interaction with other staff, students, parents/guardians and community members
4. Issues related to student health, safety and welfare

Legal Reference:

EDUCATION CODE

44032 Travel expense payment

44579-44579.4 Instructional Time and Staff Development Reform Program

45380-45387 Retraining and study leave (classified)

56240-56245 Staff development; service to persons with disabilities

GOVERNMENT CODE

3543.2 Scope of representation of employee organization

CODE OF REGULATIONS, TITLE 5

6000-6002 Instructional Time and Staff Development Reform Program

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

San Mateo City School District, (1984) PERB Dec. No. 375, 8 PERC 15021

Jefferson School Districts, (1980) PERB Dec. No. 133, 4 PERC 11117

Policy PIEDMONT UNIFIED SCHOOL DISTRICT
adopted: February 9, 2000 Piedmont, California

Piedmont Unified School District Board Policy

BP 4241.6 Personnel

Concerted Action/Work Stoppage

The Board of Education recognizes the importance of maintaining positive relations with employees, employee organizations, parents/guardians and community members throughout the collective bargaining process. In the event of an impasse in negotiations, the Board shall make a good faith effort to reach an agreement with the employee organization through participation in state mediation and fact-finding procedures.

(cf. 4141 - Collective Bargaining Agreement)
(cf. 4143 - Negotiations/Consultation)

During any threatened or actual withholding of services, the Board shall keep parents/guardians and community informed about the status of district negotiations, the educational program and safety measures that have been taken by the district.

When feasible, the Board desires to keep schools operating during any work stoppage. The Superintendent or designee shall take steps necessary in order to help ensure the safety of students, staff and district property during a work stoppage. Such steps shall be reported to the Board as soon as possible.

The Board believes that employees shall be held accountable for their behavior during any labor dispute. The district may take disciplinary action against employees, taking into account the seriousness of the behavior and the district's efforts to rebuild relations following the withholding of services by employees.

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

35204 Contract with attorney in private practice

35205 Contract for legal services

37200-37202 Instructional days

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act, especially:

3543.5-3543.6 Unfair labor practices

3548-3548.8 Impasse procedures

INSURANCE CODE

10116 Employee continuation of insurance coverage

UNITED STATES CODE, TITLE 29

1161-1169 Continuation coverage and additional standards for group health plan

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

Fresno Unified School District, 1982, PERB Dec. No. 208, 6 PERC 13110

Konocti Unified School District, 1982, PERB Dec. No. 217, 6 PERC 13152

Management Resources:

CSBA PUBLICATIONS

Before the Strike: Planning Ahead in Difficult Negotiations, 1996

Policy PIEDMONT UNIFIED SCHOOL DISTRICT
adopted: February 9, 2000 Piedmont, California

Piedmont Unified School District Administrative Regulation

AR 4241.6
Personnel

Concerted Action/Work Stoppage

Maintenance of District Operations

At the discretion of the Superintendent or designee, employees reporting for duty may be temporarily assigned to other duties. In addition, the Superintendent or designee may hire qualified substitute and/or temporary employees as needed to maintain district operations and shall recommend to the Board of Education an appropriate rate of pay for such employees for the period of the work stoppage.

(cf. 4113 - Assignment)
(cf. 4121 - Temporary/Substitute Personnel)

Days of instruction lost due to a work stoppage may be made up following the end of the normal school year.

(cf. 6111 - School Calendar)

Strike Plan

The Superintendent or designee may establish a committee to develop a plan in the event of a work stoppage. This committee may include district-level staff, legal counsel, the district's negotiator and parents/ guardians.

The strike plan shall address, at a minimum, the following elements:

1. Roles and responsibilities during a work stoppage, including roles of the Board, Superintendent, district-level staff, legal counsel, principals, certificated or classified staff when they are not participating in the strike, substitutes and other employees
2. Criteria for keeping schools open during a work stoppage including potential costs, availability of qualified substitutes or other staffing, the ability to maintain the quality of the educational program and other essential services, and the ability to ensure the safety of students and staff
3. Maintenance of the educational program, including availability of lesson plans and instructional materials, alternatives for handling special education and other programs as appropriate
4. Internal communications among district staff and the Board during a work stoppage
5. Plans for obtaining, paying and communicating with temporary or substitute employees

6. Status of district-paid benefits, including health care, insurance, vacation and sick leave benefits

(cf. 4154 - Health and Welfare Benefits)
(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)
(cf. 4161.2/4261.2/4361.3 - Personal Leaves)
(cf. 4261.1 - Personal Illness/Injury Leave)

7. Communications with parents/guardians, the media, business partners, public officials and other community members that identify key messages, strategies and district spokespersons

(cf. 1100 - Communications with the Public)
(cf. 1112 - Media Relations)
(cf. 4143.1 - Public Notice - Personnel Negotiations)

8. Equipment and supply needs

9. Desirability and feasibility of conducting extracurricular activities during a work stoppage including an analysis of the number of events and activities that would be affected, the availability of staffing, the degree of student and/or community participation and the ability to provide adequate security at events

(cf. 6145 - Extracurricular and Cocurricular Activities)

10. Identification of outside resources who may be called upon to help with school operations

11. Coordination with law enforcement and other agencies

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)

12. Appropriate safeguards for the safety of students, working employees, substitutes, volunteers, parent/guardians and Board members

(cf. 0450 - Comprehensive Safety Plan)

14. Provisions for safe, effective board meetings

15. Cost estimates for the various strategies to be implemented during a work stoppage

16. Legal remedies available to enjoin the work stoppage if possible or to file unfair labor practice charges against the employee organization

17. Continuation of negotiations during a work stoppage

(cf. 4143 - Negotiations/Consultation)

18. Plans for resuming normal district operations, rebuilding relations and disciplining

employees if necessary after the work stoppage

Activities of Employees

The district shall not impose or threaten to impose reprisals, discriminate or threaten to discriminate, or otherwise interfere with, restrain or coerce employees for the exercise of their rights. (Government Code 3543.5-3543.6)

Employees engaging in a work stoppage shall not prevent access to school facilities by other employees, substitutes or students; use or threaten physical violence or bodily injury; trespass; distribute malicious or defamatory leaflets or materials; or otherwise coerce or intimidate individuals in the conduct of school business.

During an actual or threatened work stoppage, an employee shall not retain in his/her possession any district property, including but not limited to student attendance and grading records, lesson plans, keys, equipment and supplies.

(cf. 3512 - Equipment)

Employees shall not use students to distribute messages that promote or explain the position of any employee organization that is contemplating or engaged in a work stoppage. In addition, employees shall not use classroom or other duty time to promote an employee organization's position in negotiations or in a work stoppage.

When students raise questions related to a work stoppage, teachers shall approach the subject in accordance with the district's policy on controversial issues and shall not allow such discussions to interfere with their regular teaching responsibilities.

(cf. 6144 - Controversial Issues)

Salary and Benefits

Employees withholding services shall not receive salary or unemployment benefits during the period of the work stoppage.

Any employee withholding services may be subject to the loss of payroll deduction privileges.

The district may not pay contributions to health care benefits if employees fail to work the minimum number of hours per month as specified in the collective bargaining agreement, Board policy or administrative regulation. However, the district shall offer employees the option of paying their own coverage under COBRA. (29 USC 1161-1169)

If the district determines that it will withhold its contributions to employees' life and disability insurance, employees shall be offered an opportunity to retain these coverages by paying the contributions themselves. (Insurance Code 10116)

Employees whose vacation leave has been authorized prior to the work stoppage shall receive vacation pay for the authorized period.

If an employee is on a paid sick or disability leave when the work stoppage begins,

he/she shall be entitled to continued payment as long as he/she remains ill or disabled and is otherwise eligible according to Board policy and collective bargaining agreements.

The Superintendent or designee may determine that credit shall not be applied toward probationary service, salary schedule advancement, permanent status, vacation earnings, retirement credit or sick leave accrual during the period of time that employees withhold services.

Approved: February 9, 2000

Piedmont Unified School District Administrative Regulation

AR 4300
Personnel

Management, Supervisory And Confidential Personnel

Management, supervisory and confidential positions shall be defined as follows:
(Government Code 3540.1)

1. Management employees are those having significant responsibilities for formulating district policies or administering district programs and who serve in a position which the Board of Education has legally designated as a management position.

2. Supervisory employees are those who, using independent judgment:

a. Have the authority to make recommendations to the Superintendent or designee concerning employee hiring, transfer, suspension, layoff, recall, promotion, discharge, assignment, reward, or discipline

b. Assign work to employees and direct them

c. Adjust employee grievances

(cf. 2100 - Administrative Staff Organization)

3. Confidential employees are those employees who, in the regular course of their duties, have access to or possess information relating to the district's employer-employee relations.

Designation of Management/Confidential Employees

The Board of Education designates the following as management and confidential positions. All individuals serving in these positions and such other positions that may be designated shall be members of the management team.

1. Management

Superintendent

Assistant Superintendent - Curriculum and Personnel

Assistant Superintendent - Business Manager

Principals

Assistant Principals

Director - Special Education

Supervisor - Buildings and Grounds

Fiscal Services Supervisor

2. Confidential

Superintendent Secretary

Administrative Services Secretary

Personnel Technician

Regulation PIEDMONT UNIFIED SCHOOL DISTRICT
approved: February 9, 2000 Piedmont, California

**Piedmont Unified School District
Administrative Regulation**

AR 4311
Personnel

RECRUITMENT AND SELECTION

Recruitment and Screening

When a management position vacancy is known or anticipated, the Superintendent or designee shall determine the need and qualifications for the position. As soon as possible, notice of the vacancy shall be published within the district and may be published through other recruitment sources.

In selecting candidates for formal interview, the Superintendent or designee shall:

1. Review valid transfer requests
2. Review the current applicant file
3. Establish an interview committee
4. Arrange interviews for the best qualified applicants
5. Provide the interview committee with each candidate's complete personnel folder, a set of questions to be asked, rating sheets, and related instructions.

The interview committee shall rank candidates in order of priority. When all interviews have been completed, committee members may discuss candidates before recommending finalists. All discussions and recommendations shall be confidential.

A special effort shall be made to interview candidates who qualify for consideration under the district's affirmative action plan.

Selection

When finalists have been identified, the Superintendent or designee shall interview in person or by telephone those individuals given as references who have had the greatest opportunity to observe the finalists' professional activities.

The Superintendent or designee shall interview the finalists and submit a recommendation to the Board. No management position shall be filled without concurrence of both the Superintendent or designee and the Board.

If the Superintendent or designee cannot make a recommendation in full confidence, he/she shall be directed to declare the position open and undertake a new search.

When a final recommendation is approved, the Superintendent or designee shall contact the finalist to obtain acceptance of an offer of employment.

The salary and placement of newly elected staff shall be determined by the Board. Employment shall be subject to the possession of valid, appropriate credentials.

(cf. 4112.4 - Health Examinations)

As soon as the position is filled, the Superintendent or designee shall notify all candidates who were not selected.

Approved: February 9, 2000

**Piedmont Unified School District
Board Policy**

**BP 4313.2
Personnel**

Promotion/Demotion/Reassignment

The Board of Education may promote, demote, and reassign management and confidential employees when such action is determined to be in the best interest of the district. The Board shall consider the recommendation of the Superintendent or designee when making decisions related to promotion, demotion and reassignment.

The Superintendent or designee shall ensure that the district complies with all applicable statutory deadlines and due process procedures.

(cf. 4317.3 - Personnel Reduction)

Legal Reference:

EDUCATION CODE

- 35031 Senior management employee in the classified service: nonreelection
- 44660-44665 Evaluation and assessment of performance of certificated employees
- 44850.1 No tenure in administrative or supervisory positions
- 44896 Transfer of administrator or supervisor to teaching position
- 44951 Continuation in position unless notified (position requiring administrative or supervisory credential)
- 45101 Definitions (including disciplinary action, cause)
- 45113 Rules for classified service in districts not incorporating the merit system

Adopted: February 9, 2000

Piedmont Unified School District Administrative Regulation

AR 4313.2 Personnel

Promotion/Demotion/Reassignment

Certificated Management and Supervisory Personnel

Certificated employees holding an administrative or supervisory credential may be released and placed in a different position for the following year.

Before March 15, the Board of Education shall meet and determine whether the identified employee may be released from his/her position effective the end of the school year and reassigned to a different position.

By March 15, the employee shall be notified of the Board's action by registered mail or in person. If the notice is presented to the employee in person, the employee's signature acknowledging receipt of the notice shall be obtained on the district's copy of the written notice. (Education Code 44951)

Before July 1, the Board shall take additional action to bring into effect the release and reassignment of employees who received the above notice.

If the reassignment is to a teaching position, the Board shall give the employee, if requested, a written statement of the reasons for the reassignment. If these reasons include incompetency as an administrator or supervisor, the district shall have completed an evaluation of the employee within the 60-day period immediately preceding the notice date. (Education Code 44896)

Classified Management, Supervisory and Confidential Personnel

For personnel in this classification:

"Demotion" means assignment to an inferior position or status, without the employee's written voluntary consent. (Education Code 45101)

"Reclassification" means the upgrading of a position to a higher classification as a result of the gradual increase of the duties being performed by the incumbent in such position. (Education Code 45101)

If assigned to a position within a bargaining unit, management, supervisory and confidential classified employees shall be reclassified at the discretion of the district subject to provisions of the applicable collective bargaining agreement.

(cf. 4312.1 - Contracts)

Any decision regarding the demotion of a permanent management, supervisory or confidential classified employee shall be subject to the causes, appeal rights, and

procedure set forth in district policy, regulation or collective bargaining agreements for disciplinary action against classified employees. (Education Code 45113)

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

The Board shall provide 45 days' notice before demoting a deputy, associate or assistant superintendent or employee in the senior management of the classified service. (Education Code 35031)

In initiating the involuntary reassignment of a classified manager, the Superintendent or designee shall provide the classified manager with prior written notice of the intent to reassign him/her to a designated position. The notice will inform the manager of the specific reasons for the reassignment, his/her right to a hearing, and the time within which an appeal must be filed. The notice shall also contain a card or paper for requesting a hearing. The classified manager may, within five days after receiving such notice, file a written request for hearing before the Board.

The request for hearing shall be filed in the office of the Superintendent or designee. If the manager fails to file a request for hearing as specified above, he/she will be deemed to have waived the right to a hearing and the reassignment may be made effective immediately.

If a request for hearing is filed as specified above, a hearing shall be scheduled before the Board. The Board shall hear the matter, with the party initiating the reassignment bearing the burden of proving the reasons for the reassignment. The hearing shall be recorded by a reporter or tape recording. After the hearing, the Board shall determine whether to approve, modify, or revoke the reassignment. The decision of the Board shall be final.

Regulation PIEDMONT UNIFIED SCHOOL DISTRICT
approved: February 9, 2000 Piedmont, California

**Piedmont Unified School District
Board Policy**

BP 4315
Personnel

EVALUATION/SUPERVISION

(Certificated Management/Classified Management/Confidential Employee)

Certificated Management

The Board of Education shall establish and define job responsibilities for administrative personnel. The evaluation and assessment of the competency of administrative personnel shall be based on:

1. The administrator's progress toward agreed-upon goals, objectives and tasks
2. General expectations of performance which recognize professional responsibility, accountability and attitude
3. The fulfillment of responsibilities contained in the specific job descriptions adopted by the Board
4. Additional factors as determined by the Superintendent or designee

The evaluation shall recognize the worth and needs of the individual in the total working environment and shall provide direction toward the improvement of his/her effectiveness.

District administrators will be reviewed annually in the first three years of their employment. All other administrators shall be evaluated formally at least every other school year. Annually each administrator shall solicit input from faculty and staff. Evaluation is a continuous process and may occur between scheduled periods at the request of the administrator, the administrator's immediate supervisor, the evaluator or any higher supervisor.

Formal management evaluations shall be recorded in writing on a form prescribed by the Superintendent or designee. The evaluation shall include recommendations for improvement if needed. Assistance shall be provided by the district to this end.

The evaluation report must be signed by the evaluator and the evaluatee. The signature of the evaluated administrator indicates that he/she has received the report; it does not necessarily show agreement with the evaluation unless so indicated above his/her signature. A copy of the report is given to the administrator. The employee may make a written response to the evaluation at any time up to ten days after receiving a copy of the evaluation. The response shall be attached to the evaluation and placed in the employee's personnel file.

The Superintendent or designee shall develop regulations and procedures for the evaluation of all administrative and supervisory personnel. These written regulations and procedures shall be available to administrative and supervisory personnel.
(Education Code 35171)

Classified Management Employees

Classified management personnel will be evaluated according to the procedures developed by the Superintendent or designee and approved by the Board. The evaluation shall include recommendations for improvement. Assistance shall be provided by the district to this end.

The evaluation form must be signed by both the person being evaluated and the supervisor making the evaluation. The signature of the evaluated management employee indicates that he/she has received the report; it does not necessarily show agreement with the evaluation unless so indicated above the signature of the employee. The employee may make written response to the evaluation at any time up to 10 days after receiving a copy of the evaluation. The response shall be attached to the evaluation and placed in the employee's personnel file.

Confidential Personnel

The Superintendent or designee shall develop appropriate procedures for the evaluation of confidential personnel. Evaluations shall be administered in the same manner and time schedule as classified employees who have similar but nonconfidential positions with the district.

Legal Reference:

EDUCATION CODE

33039 State guidelines for teacher evaluation procedures

35171 Availability of rules and regulations for evaluation of performance

44660-44665 Evaluation and assessment of performance of certificated employees

45113 Rules and regulations for the classified service in districts not incorporating the merit system

GOVERNMENT CODE

3543.2 Scope of representation (re evaluation procedures)

Policy PIEDMONT UNIFIED SCHOOL DISTRICT
adopted: February 9, 2000 Piedmont, California

**Piedmont Unified School District
Board Policy**

**BP 4315.1
Personnel**

Staff Evaluating Teachers

The Board of Education expects that administrators assigned to evaluate teachers shall:

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

(cf. 4115 - Evaluation/Supervision)

(cf. 4131 - Staff Development)

(cf. 4131.5 - Professional Growth)

(cf. 4331 - Staff Development)

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6146.1 - High School Graduation Requirements/Standards of Proficiency)

(cf. 6146.5 - Elementary School Promotion/Standards of Proficiency)

The Superintendent or designee shall ensure that administrators who evaluate teachers meet the above criteria.

(cf. 4315 - Evaluation/Supervision)

Legal Reference:

EDUCATION CODE

33039 Guidelines for teacher evaluation

44660-44665 Evaluation and assessment of performance of certificated employees

44681-44689 Administrator training and evaluation

GOVERNMENT CODE

3543.2 Scope of representation (re evaluation procedures)

Policy PIEDMONT UNIFIED SCHOOL DISTRICT
adopted: February 9, 2000 Piedmont, California

**Piedmont Unified School District
Administrative Regulation**

AR 4317.2
Personnel

Resignation

The Superintendent is authorized to accept the written resignation of any management team employee in behalf of the Board of Education, and the resignation shall become effective immediately on acceptance by the Superintendent.

A resignation presented to and accepted by the Superintendent may not be withdrawn by the employee.

Legal Reference:

EDUCATION CODE

44930 Acceptance and date of resignation

California Court of Appeals, First District, 1980 AMERICAN FEDERATION OF TEACHERS, LOCAL NO. 1050 v. BOARD OF EDUCATION OF PASADENA UNIFIED SCHOOL DISTRICT (see California School Law Digest, Vol. VIII No. 8, August 1980, page 97)

Regulation PIEDMONT UNIFIED SCHOOL DISTRICT
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**Piedmont Unified School District
Administrative Regulation**

AR 4317.3
Personnel

PERSONNEL REDUCTION

(Certificated Management/Classified Management/Confidential Employee)

When the District needs to reduce the kind and/or number of management staff, layoff proceedings shall be initiated at the recommendation of the Superintendent or designee and after consultation with legal counsel.

Certificated Management

When the District needs to reduce the number and/or kind of certificated management staff and also needs to reduce the overall number of certificated employees, the District shall proceed pursuant to the requirements of Education Code 44955. By March 15, affected employees shall be notified of the Board's action by registered mail or in person.

When the District needs to reduce the number and/or kind of certificated management staff and intends to place the displaced personnel in other certificated positions (causing no reduction in the overall number of certificated employees of the District), the District shall proceed pursuant to Education Code 44951. By March 15, affected employees shall be notified of the Board's action by registered mail or in person. If the notice is presented in person, the employee's signature acknowledging receipt of the notice shall be obtained on the District's copy of the notice.

During the time period between five days after enactment of the Budget Act and August 15, the Board may determine that the total revenue limit per ADA has not increased by at least two percent and that the District needs to reduce the number and/or kind of management staff pursuant to Education Code 44955.5. In such a situation, the Board shall adopt a schedule of notice and hearings and shall otherwise proceed pursuant to Education Code 44951 or 44955.

An employee who has served as an administrator in the District for at least two years shall have permanent certificated status in the District as a teacher. (Education Code 44893, 44894, 44929.21) However, the period of employment in the administrative position is not included when calculating seniority related to layoff and reemployment, except for: (Education Code 44956.5)

1. Site administrators who are entitled to earn up to three years' seniority for these purposes.
2. Administrators who were initially employed in an administrative position before July 1, 1983.

Classified Management/Confidential Employees

Classified managers shall be entitled to the same procedure and have the same layoff rights as all other classified employees.

(cf. 4217.3 - Layoff/Rehire)

(cf. 4300 - Management, Supervisory and Confidential Personnel)

Senior Management of the Classified Service

The Board may by resolution abolish any or all positions of the senior management of the classified service. Any employee occupying a senior management position abolished by Board action shall become a member of the classified or certificated service in a position to which he/she would otherwise be entitled if the employee had not been in a senior management position. (Education Code 45104.5)

Legal Reference:

EDUCATION CODE

44951 Continuation in position unless notified

44955 Certificated employee layoff

44955.5 Termination of certificated employees; insufficient increase in revenue limits

44956 Reemployment rights of laid-off certificated employees

44956.5 Seniority of certificated administrators

45100.5 Senior management positions

45104.5 Abolition of position

45108.5 Senior management employee

45114 Layoff and reemployment procedures

45117 Notice of layoff

45298 Reemployment and promotional exam

45308 Order of layoff and reemployment

Approved: February 9, 2000

**Piedmont Unified School District
Board Policy**

**BP 4319.1
Personnel**

Civil And Legal Rights

Employees shall be entitled to full rights of citizenship and religious or political activities of any employee or lack thereof shall not be grounds for any discipline or discrimination with respect to the professional employment of such employee, providing said activities do not violate any local, state or federal laws.

Nondiscrimination

The conditions of employment in the district, including wages, hours, terms and benefits, shall be applied without regard to actual or perceived race, color, religious creed, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, veteran status, gender, or sexual orientation. Thereby the Board of Education seeks to extend the advantages of public education with full equality of educational opportunity to all students and personnel.

Grievances

No employee, employee association representatives, member of any employee organization of any other participant in a grievance procedure shall suffer reprisals in any way or suffer any professional disadvantage by reason of participation in the processing of any grievance. The Superintendent will provide procedures for alleged violations of Title IX, Equal Educational Opportunity Act.

Discipline

No employee will be discipline, reprimanded, reduced in rank or compensation or deprived of any professional advantage without just cause.

Association Membership

No employee shall suffer any professional disadvantage by reason of the employee's membership in an employee association in its lawful activities.

Policy PIEDMONT UNIFIED SCHOOL DISTRICT
adopted: February 9, 2000 Piedmont, California

**Piedmont Unified School District
Board Policy**

**BP 4331
Personnel**

Staff Development

The Board of Education recognizes that professional development opportunities enhance employee effectiveness and contribute to personal growth. Staff development for management, supervisory and confidential personnel shall be designed to build leadership skills and overall management efficiency.

The Superintendent or designee shall develop a plan for administrator support and development activities which is based on a systematic assessment of unmet needs of district students and staff and which is tied to the district's vision and goals. The Board desires that all administrators share in planning activities which are pertinent to their specific areas of responsibility.

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)
(cf. 6010 - Goals and Objectives)

Within budget parameters, the Superintendent or designee may approve participation in activities which will benefit individual administrators and enhance their contributions to the district.

(cf. 3350 - Travel Expenses)

The Superintendent or designee shall provide a means for continual evaluation of the benefit of these activities to staff and students, including evaluation by participating administrators.

(cf. 0500 - Accountability)

Legal Reference:
EDUCATION CODE
44681-44689.5 Administrator training and evaluation

Policy PIEDMONT UNIFIED SCHOOL DISTRICT
adopted: February 9, 2000 Piedmont, California