



Substitute Handbook



Service and Leadership

Revised 4/15/2020

Welcome...

As a substitute, you play a vital role in the education of students in Santa Barbara County.

By stepping into the classroom when regular staff are unavailable, you provide continuity for students as well as an opportunity for them to learn from and relate to a different adult.

At the same time, working as a substitute provides you with the opportunity to observe teachers and other instructional staff in a classroom environment and learn about a variety of educational settings and the needs of students at different stages of development and with a variety of abilities.

The Santa Barbara County Education Office appreciates the energy and skill you bring to our educational environment. We value and appreciate your service.

Sincerely,



Mari Minjarez Baptista
Assistant Superintendent, Human Resources

Preparing for Your Assignment

1. Identify school site and confirm directions
2. Inquire regarding the school dress code if applicable
3. Sign in/check in with school office/classroom staff
4. Obtain a visitor badge if required
5. Introduce yourself to staff
6. Print lesson plans if available
7. Familiarize yourself with emergency protocols in the classroom and review with staff
8. Review the substitute binder/packet

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Contact and Resources

The following persons can answer questions about:
Extension

964-4711+

<i>Assistant Superintendent, Human Resources</i>	Mari Minjarez Baptista.....	5279
<i>Certificated and Classified Substitutes</i>	Wendy Garcia.....	5258
<i>Change of Address, Phone, Status, Dependents</i>	Wendy Garcia.....	5258
<i>Child Abuse and Prevention Mandated Reporter</i>	Toni Gutierrez.....	2402
<i>Credentials</i>	Wendy Garcia.....	5258
<i>Director, Classified Human Resources</i>	Amy Ramos.....	5256
<i>Frontline -Automated Calling System</i>	Wendy Garcia.....	5258
<i>Harassment in Employment</i>	Mari Minjarez Baptista.....	5279
<i>Payroll</i>	Erin Kerrutt-Dent..(A-D).....	5215
	Jill Krzyston.....(E-M).....	5297
	Claudia Weinstein (N-Z).....	5230
	Jessica Hallberg.....	5453
<i>Retirement CALPERS</i>		888.225.7377
<i>Retirement CalSTRS</i>		800.228.5453
<i>Sexual Harassment Training</i>	Toni Gutierrez.....	2402
<i>Tuberculosis Testing</i>	Toni Gutierrez.....	2402
<i>Work Injury and Workers' Compensation</i>	Wendy Garcia.....	5258

SBCEO Website: www.sbceo.org

The Santa Barbara County Education Office website address above contains information on our programs and services, including forms that are useful to current employees. We encourage you to familiarize yourself by navigating our website.

SBCEO Programs

Special Education provides educational services to students with disabilities who live within the boundaries of districts with 800 or fewer pupils. It also provides services to students with low incidence, severe or profound disabilities county-wide, to students with disabilities in juvenile court schools, and to more than 500 preschool and infant children with developmental delays. Related services include speech/language instruction, orientation/mobility instruction, counseling, occupational and physical therapy, nursing services, and specialized instruction in regular, resource, or special education classrooms.

Child Development provides valuable childcare, early learning, school readiness, and health support to 5,000 eligible children from birth to 12 years of age, their families, community agencies, and school districts countywide.

Juvenile Court and Community Schools provides vital educational services to incarcerated youth as well as students seeking an alternative setting in which they can be more successful. Peter B. FitzGerald Community School in Santa Maria serves a range of students: those who are transitioning back to district schools from court schools after a criminal conviction; those who have been referred by Probation or Social Services; and those students who have been expelled from school. Residential court schools include Los Robles High at Los Prietos Boys Camp and Dos Puertas School at Santa Maria Juvenile Hall; these schools serve students who have violated the law and been removed from home by the court. Students live at the schools, in facilities operated by the County Probation Department.

Pay and Timekeeping

Warrants

Under Education Code Section 45048 all employees are paid on the last business day of the month by direct deposit or a manual warrant based on your selection. ("Warrant" is another word for check.)

If your personal circumstances change and would like to change the person you designated to receive any outstanding paychecks or other warrants in the event of your death, please be sure to fill out a new form.

Deductions

If you wish to modify your W-4 form (state and federal withholding), please obtain the form in Payroll or the Human Resources Department.

Rate of Pay

Certificated (Teaching) Substitute

As a substitute teacher you are paid as follows:

Full Day 4+ to 8 hours

First through 20 th day	\$140.00
21 st through 40 th day	\$145.00
41 day and beyond	\$150.00

Partial Day 1 to 4 hours

First through 20 th day	\$70.00
21 st through 40 th day	\$72.50
41 day and beyond	\$75.00

For the purposes of salary advancement, the number days worked are cumulative, from one assignment to another and from one school year to the next.

Classified (Non-Teaching) Substitute

Substitutes are usually at Step A of the salary range for that classification. The Classified Salary Schedule can be found here:

<https://www.sbceo.org/domain/58>

Substitutes whose education and/or experience substantially exceeds the minimum qualifications for the classification may be placed at a higher step in range (up to Step E), upon approval of the hiring department.

The hourly rates for the three most common substitute positions are as follows:

- Child Care Assistant, Child Development - \$14.89
- Paraprofessional, Special Education - \$17.42
- Teaching Assistant, Juvenile Court & Community Schools - \$19.02

For questions regarding substitute pay please contact:

Wendy Garcia.....wgarcia@sbceo.org (805) 964-4711 x5258

Time Sheets

Time sheets are available by PDF and to print at the Santa Barbara County Education Office website here.

- ***Certificated (Teaching) Substitute*** - A full day is considered worked 4+ to 8 hours, a partial day is 1-4 hours.
- ***Classified (Non-Teaching) Substitute*** – Paid on an hourly basis.

Time sheets are due to payroll with all necessary signatures by the 5th of each month for processing. It is recommended that you keep a record of the dates you substitute. This is especially helpful if you are subbing in more than one program. This is your record in case you discover an error on your pay warrant.

Direct Deposit

As a substitute, you are eligible for direct deposit. You may obtain a direct deposit form from Human Resources or Payroll by calling (805) 964-4711.

Retirees CalPERS/CalSTRS

In order to meet the requirements of the CalPERS and CalSTRS retirement systems, SBCEO posts and pays retiree earnings twice per month. Substitutes who are CalPERS or CalSTRS retired annuitants are required to submit timesheets twice per month according to both schedules below.

The deadlines for submitting substitute timesheets, and the corresponding paydays, are as follows:

- For hours worked the **1st - 14th** of the month, the time sheet is due the **15th** of the month to the department for which you worked the hours.

You will be paid for these hours on the regular payday (**last day of the month**). If the last day of a month falls on a weekend or holiday, payday will be the last business day of the month prior to the weekend/holiday. According to this schedule, direct deposit is available if selected.

- For hours worked the **15th - 31st**, the time sheet is due to the department on the **1st** of the following month.

You will be paid for these hours on supplemental payroll (**10th day of the following month**). If the 10th of a month falls on a weekend or holiday, payday will be the business day prior to the 10th.

Supplemental payroll will be in the form of a paper check (no direct deposit), in accordance with Santa Barbara County Auditor-Controller requirements.

For questions regarding pay please contact Payroll.....(805) 964-4711

Substitute Sick Leave

Healthy Workplaces/Healthy Families Act of 2014

Paid Sick Leave for Substitutes and Hourly Employees

- Entitlement - Each employee who works in California for the same employer for 30 or more days within a year from the beginning of employment is entitled to paid sick leave. Paid sick leave accrues upon employment at a rate of 1 hour per 30 hours worked for a maximum of 3 days or 24-hours and is paid at the employee's regular wage rate. Accrual shall begin on the first day of employment. PERS retired annuitants are not eligible.

- Usage - An employee may use accrued paid sick days beginning on the 90th day of employment. If an employee needing to cancel an approved assignment for the following reasons:
 - o Diagnosis, care or treatment of an existing health condition or preventive care for self or family member.
"Family member" is defined as (1) a child, which for purposes of this article means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status; (2) a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child; (3) a spouse; (4) a registered domestic partner; (5) a grandparent; (6) a grandchild; (7) a sibling.
 - o Employee is a victim of domestic violence, sexual assault, or stalking.
- The office will provide paid sick days upon the oral or written request by:
 - o Submitting a substitute timesheet indicating the date of the leave and noting HFA Sick Leave. Indicate the person and location you would have filled in for if you had been available to accept the assignment. Also indicate the number of sick leave hours being used (minimum of 2 hours not to exceed 8 hours in one day).
 - o Submit an Absence Request form and write "Substitute HFA" at the top of the form and fill out the form referencing the same number of hours as indicated on the substitute timesheet.

The office limits the use of paid sick days to 24 hours or three days per year. Paid sick leave can be utilized only on days on which the office has offered the employee a job assignment, and the employee declines the assignment for one of the above-stated reasons. Accrued paid sick leave may be carried over to the next year up to a cap of 48 hours or 6 days.

For questions regarding pay please contact Payroll.....(805) 964-4711

Expectations and Requirements

Responsibilities of the Substitute Teacher/Aide

A substitute is expected to perform all the duties of a regular classroom teacher/aide. Likewise, substitutes are expected to be familiar with and adhere to SBCEO's policies and procedures, as well as the policies and procedures of the school site. Important issues related to substituting include but are not limited to the following items:

Accepting and Cancelling Jobs - If a substitute must cancel a job after accepting an assignment, the substitute should do so at the earliest possible opportunity. Once a job has been accepted, it is critical that the substitute either fulfills the commitment or cancels the job in a timely manner.

Ethical Behavior - Substitutes are expected to conduct themselves in a professional manner at all times when carrying out their duties. Professional behavior includes engaging in respectful and courteous conduct toward co-workers, school staff, students, and parents. Communicating clearly and fostering a collaborative and positive learning and working environment can help you optimize your productivity and effectiveness in the workplace.

Substitute/Student Relationships - Substitutes are expected to maintain the highest professional, moral, and ethical standards while fostering an atmosphere conducive to learning. Substitutes should exercise caution and sound judgment in interactions with students. Through consistently and appropriately applying classroom management and disciplinary methods and establishing and maintaining professional boundaries. This policy applies to both expectations in and outside of the educational setting.

Cell Phone Use - All cellular phones must be on silent and out of sight during the school day. No personal cell phone usage (including but not limited to calls, texts, and gaming) should occur during instructional time or when students are present. Cell phones may be used only during designated breaks and lunch. Landlines are available in the classroom in an event of an emergency or when otherwise needed.

Classroom Phone Etiquette

We are all ambassadors for public education, and by serving the public, students, staff promptly and courteously, we help create an environment of trust and faith in the organization and public education in general. Our goal is to have phone calls answered by a person, whenever possible, during regular business hours as long as it is not a disruption to student services.

Here are some guidelines for representing the office professionally:

1. Maintain professionalism at all times.
2. Identify yourself with your name and department, classroom or room number.
3. If you are answering for someone else, take the name, phone number, and message and relay it to the appropriate individual or department. Our goal is to respond the same day to each caller.

Punctuality - Substitutes are expected to be on duty the same length of time as the regular classroom teacher or aide. Substitute teachers are to report to duty no less than 30 minutes before school starts, find the classroom, locate the lesson plans, prepare the room and instructional materials, and otherwise prepare for a successful day of substituting. Classroom aide substitutes report accordingly to the hourly assignment schedule. The exact beginning and ending times for substitutes may vary from school to school, so be certain to pay close attention to the start times as indicated by the substitute system.

Maintaining Eligibility

- **Credentials – Substitute Teachers**

You are required to hold a valid California teaching credential or substitute permit in order to maintain eligibility for certificated substitute teaching.

As a courtesy, Human Resources generally sends renewal reminders two months in advance of the expiration of your teaching credential or substitute permit. However, keep in mind that you are ultimately responsible for renewing and maintaining valid certification. For renewing online: <https://www.ctc.ca.gov/>.

For questions regarding credential/permit renewals please contact:

Wendy Garcia.....wgarcia@sbceo.org (805) 964-4711 x5258

- **Tuberculosis Testing**

State law requires that all employees obtain a tuberculosis clearance every four years, by completing a TB risk assessment or having a PPD skin test. If you have tested positive on a prior skin test, you will be required to have a chest X-ray instead of the skin test. Please advise the healthcare provider if you have previously had a positive skin test.

Human Resources will notify you in advance of the expiration of your tuberculosis clearance. If you fail to obtain a tuberculosis clearance before the expiration date, you will not be permitted to report to work until you obtain the clearance.

For questions regarding tuberculosis testing please contact:

Toni Gutierrez.....tgutierrez@sbceo.org (805) 964-4711 x2402

- **Trainings**

- *Child Abuse Mandated Reporter Training*

As a substitute, you are a mandated reporter. Mandated reporters are persons who may come into contact with children during their employment and are required by law to report reasonable suspicion of child abuse or neglect. Training is conducted annually; upon completion of the required training module, please submit your certificate to Human Resources.

The link to the web-based trainings that you are required to complete:

<https://www.getssafetytrained.com/>

You will need to register as a new user unless you have already done so previously for SBCEO. Click on "S" for SBCEO. Select SBCEO and you will see a list of trainings. Select Child Abuse Reporting for Educators, under Property, Liability & School Safety (non-SBCEO email address is needed).

- *Sexual Harassment Training*

California law mandates that all staff including substitutes, be trained in sexual harassment awareness and prevention. Training is required by law once every

two years and within 6 months of hire date for new staff. Upon completion please submit a certificate to Human Resources.

The link to the web-based online course that meets the 1-hour interactive requirement for non-supervisory staff is: <https://www.getsaftytrained.com/>. You will need to register as a new user unless you have already done so previously for SBCEO. Click on "S" for SBCEO. Select SBCEO and you will see a list of trainings.

Select Sexual Harassment Prevention Training for Non-Supervisory Personnel SB1343 (non-SBCEO email address is needed).

For questions regarding trainings please contact:

Toni Gutierrez.....tgutierrez@sbceo.org (805) 964-4711 x2402

- **To Remain Active as a Substitute** - You must maintain regular work activity within one school year (at least one time). Should you wish to voluntarily have your name removed from the substitute list, please submit your request in writing/email, to Wendy Garcia in Human Resources, Email: wgarcia@sbceo.org.

General Information

Frontline Education - Automated Calling System

Our Special Education and Juvenile Court and Community Schools uses an automated service for finding and managing substitute assignments. This service, called Frontline Education, is a phone- and internet-based system that assists you in locating assignments. The system is available 24 hours a day, 7 days a week. Frontline uses three methods to make assignments available to substitutes:

1. You can search for and accept available jobs, change personal settings, update your calendar, and personalize your available call times by visiting Frontline on the internet at <https://app.frontlineeducation.com>. If the absent employee has uploaded lesson plans on the internet, you will be able to view them online once you take the assignment.
2. You may interact with the Frontline system by calling the toll-free, automated voice instruction menu at (800) 942-3767. The system allows you to proactively search for assignments and manage existing assignments. We recommend calling to check the computer recording of your name by pressing Option 4.
3. Frontline will also make phone calls to substitutes to offer assignments. SBCEO has selected the following hours as standard call times when the Frontline service may call for substitutes: 5:30 a.m. - 11:59 a.m. in the morning and 5:50 p.m. - 9:30 p.m. in the evening.

Important Notes:

- In order to access the Frontline system online, you will need to enter the username and password you created. To access the phone system, you will need the ID and PIN number that were provided to you when you registered.
- Turn on your notifications which allows you to be notified when there are assignments available
- When in your account, click on Frontline Support for Substitute Help, FAQ's, and training videos.
- If you accept an assignment, Frontline will issue a confirmation number. Please remember that your transaction is not complete until Frontline supplies you with a confirmation number.
- For an assignment site location address, please click on the Scheduled Jobs tab, then click on the orange location flag to the right of the assignment box.
- Once a job has been accepted, it is critical that the substitute either fulfills the commitment or cancels the job in a timely manner by contacting the program contact or Human Resources. Repeated failure to fulfill commitments or canceling acceptance of assignments may result in removal from the list of SBCEO's authorized substitutes.
- Frontline will automatically make a recording of your name for SBCEO on the phone system. To review or change the recording of your name, call in to Frontline and select option 4. We recommend that you do this to ensure that your name is pronounced correctly on the recording.

For questions regarding the Frontline system, please contact:

Wendy Garcia.....All Substitutes wgarcia@sbceo.org (805) 964-4710 x5258

Child Development Substitute Support

The individual supporting with coordinating sub assignment and will be in contact with you periodically and available to respond to your e-mails and voicemails.

Substitute support contact.....dbomer@sbceo.org (805) 964-4711

Juvenile Court and Community Schools Substitute Support

The individual supporting with coordinating sub assignments and will be in contact with you periodically and available to respond to your e-mails and voicemails. The designated times you can expect to hear from someone in the department are as follows:

Monday - Friday

- 6:00 AM - 8:00 AM and various times throughout the day

Substitute support contact.....mpacheco@sbceo.org (805) 938-0860

Special Education Substitute Support

The individual supporting with coordinating sub assignments and will be in contact with you periodically and available to respond to your text messages or voicemails. The designated times you can expect to hear from someone in the department are as follows:

Monday - Friday

- 6:30 AM - 8:00 AM
- 4:00 PM - 8:00 PM

Substitute support contact.....alarcon@sbceo.org (805) 680-4139

Public Information

Media Requests

The County Education Office has the following rules regarding media requests:

- Please direct all inquiries from the media to the Public Information Office at x5290.
- The only staff authorized to release information to the media include the Superintendent, Assistant Superintendents, and the Director of Communications.
- If you become aware of an emergency situation or controversial issue that might result in attention from the media or public, please bring it to the attention of your supervisor. Supervisors will inform the Public Information Office as soon as possible.



List of school districts – 2019-20

Ballard School District (K-6) 601*
 Allan Pelletier, Superintendent/Principal
 2425 School St.
 Solvang, CA 93463 (805) 688-4812

Blochman Union School District (K-8).. 602*
 Doug Brown, Superintendent/Principal
 4949 Foxen Canyon Rd.
 Santa Maria, CA 93454 (805) 937-1148

Buellton Union School District (K-8) 604*
 Dr. Randal Haggard, Superintendent
 301 Second St.
 Buellton, CA 93427 (805) 686-2767

Carpinteria Unif. School Dist. (K-12) ... 605*
 Diana Rigby, Superintendent
 1400 Linden Ave.
 Carpinteria, CA 93013 (805) 684-4511

Cold Spring School District (K-6) 607*
 Dr. Amy Alzina, Superintendent/Principal
 2243 Sycamore Canyon Rd.
 Santa Barbara, CA 93108 (805) 969-2678

College School District (TK-8) 608*
 Maureen Donner, Superintendent
 3525 Pine St.
 Santa Ynez, CA 93460 (805) 686-7300

Cuyama Jt. Unif. School Dist. (K-12)..... 609*
 Dr. Stephen Bluestein, Superintendent
 2300 Highway 166, New Cuyama, CA 93254
 (661) 766-2482

Goleta Union School District (K-6) 610*
 Dr. Donna Lewis, Superintendent
 401 North Fairview Ave.
 Goleta, CA 93117 (805) 681-1200

Guadalupe Union School District (K-8)...611*
 Dr. Emilio Handall, Superintendent
 4465 Ninth St., P.O. Box 788
 Guadalupe, CA 93434-0788 ... (805) 343-2114

Hope School District (K-6) 612*
 Anne Hubbard, Superintendent
 3970 La Colina Rd.
 Santa Barbara, CA 93110 (805) 682-2564

Lompoc Unif. School District (K-12)..... 613*
 Trevor McDonald, Superintendent
 1301 North A St., P. O. Box 8000
 Lompoc, CA 93438-8000 (805) 736-2371

Los Olivos School District (K-8)..... 615*
 Dr. Vicky Dudek, Superintendent/Principal
 2540 Alamo Pintado Ave., P.O. Box 208
 Los Olivos, CA 93441-0208 ... (805) 688-4025

Montecito Union School Dist. (K-6) 616*
 Anthony Ramii, Superintendent
 385 San Ysidro Rd.
 Santa Barbara, CA 93108 (805) 969-3249

Orcutt Union School District (K-12) 617*
 Dr. Deborah Blow, Superintendent
 500 Dyer St.
 Orcutt, CA 93455 (805) 938-8900

Santa Barbara Unified School District (K-12) 619*
 Cary Matsuoka, Superintendent
 720 Santa Barbara St.
 Santa Barbara, CA 93101 (805) 963-4338

Santa Maria-Bonita School Dist. (K-8) . 621*
 Luke Ontiveros, Superintendent
 708 South Miller St.
 Santa Maria, CA 93454 (805) 928-1783

Santa Maria Jt. Union High School District (9-12) 620*
 John Davis, Acting Superintendent
 2560 Skyway Dr.
 Santa Maria, CA 93455 (805) 922-4573

Santa Ynez Valley Union High School District (9-12)..... 622*
 Scott Cory, Superintendent
 2975 East Highway 246, P.O. Box 398
 Santa Ynez, CA 93460 (805) 688-6487

Solvang School District (K-8)..... 623*
 Dr. Steven Seaford, Superintendent
 565 Atterdag Rd.
 Solvang, CA 93463 (805) 688-4810

Vista del Mar Un. School Dist. (K-8) 624*
 Dr. Randal Haggard, Superintendent
 9467 San Julian Rd.
 Gaviota, CA 93117 (805) 686-1880

COMMUNITY COLLEGES

Allan Hancock College 600*
 Dr. Kevin Walthers, Superintendent/President
 800 South College Dr.
 Santa Maria, CA 93454 (805) 922-6966

Santa Barbara City College 618*
 Dr. Helen Benjamin, Interim Superintendent/President
 721 Cliff Dr.
 Santa Barbara, CA 93109 (805) 965-0581

SELPA (805) 683-1424 651*

Santa Barbara County Education Office

4400 Cathedral Oaks Rd.
 P.O. Box 6307
 Santa Barbara, CA 93160-6307
 Phone: (805) 964-4711 Fax: (805) 964-4712
 Direct station dialing: (805) 964-4710, plus ext. sbceo.org

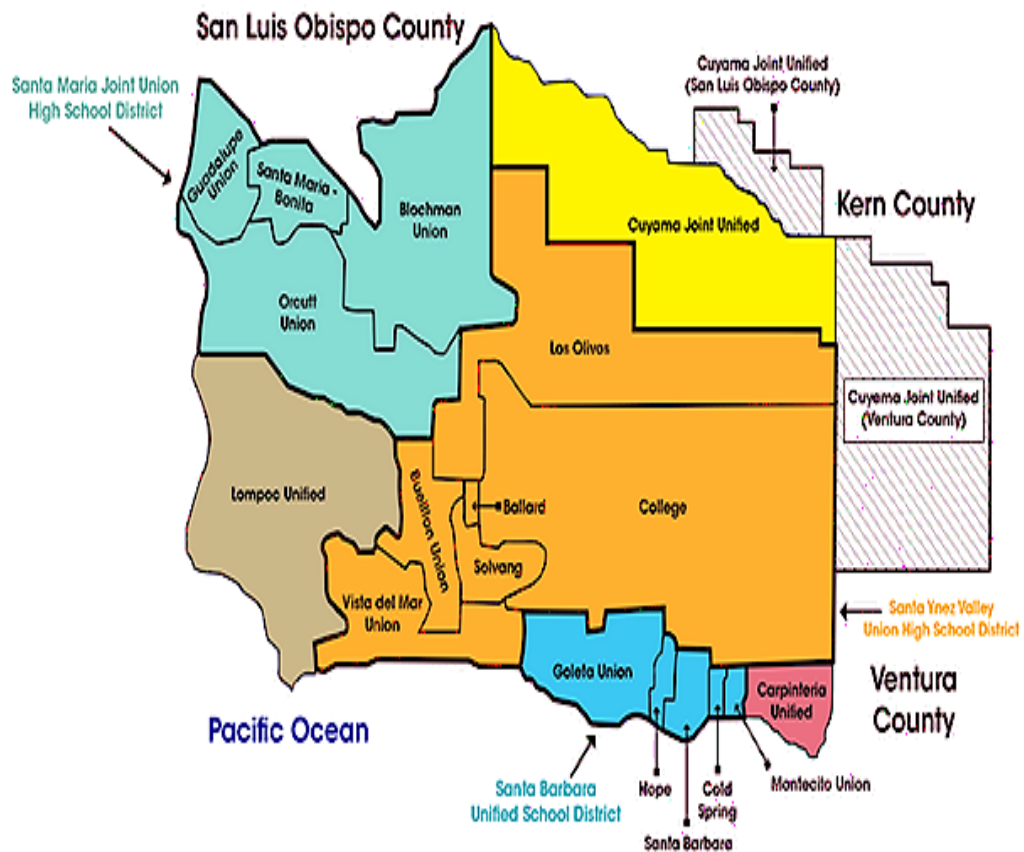
Dr. Susan Salcido, Superintendent
 Bill Ridgeway, Asst. Supt., Administrative Services
 Ellen Barger, Asst. Supt., Curriculum and Instruction
 Bridget Baublits, Asst. Supt., Educational Services
 Mari Minjarez Baptista, Asst. Supt., Human Resources
 Kirsten Escobedo, Asst. Supt., Special Education

North County Liaison Office

402 Farnel Rd.
 Santa Maria, CA 93458-4960
 Phone: (805) 349-0443 Fax: (805) 928-5414
 (805) 964-4710, ext. 2203 (Santa Barbara)

**Three-digit speed call numbers are for internal use only*

County School Districts Map



High School District legend:

- Carpinteria Unified
- Santa Barbara Unified
- Cuyama Joint Unified
- Santa Maria Joint Union
- Lompoc Unified
- Santa Ynez Valley Union

Changes in Address, Phone Number, or Marital Status

Please fill out the Address Change form if you change your name, address, or telephone number, or marital status.

If you change your name, you will need to obtain a new social security card and bring the original card to Human Resources to make a copy.

The change of address form is available in Human Resources.



SANTA BARBARA
County Education Office
Susan C. Sakido, Superintendent

4400 Cathedral Oaks Road
P.O. Box 6307
Santa Barbara, California 93160-6307
(805) 964-4711 • FAX: (805) 964-4712

**Employee Change of
Address/Telephone/Name
Form**

Certificated _____

Classified _____

Please Type or Print

Employee's name _____

Is this a change? If so, former name: _____
(For name change, please provide a copy of your new Social Security card.)

Department: _____

New address: _____
(Number/Street)

(City) (State) (Zip)

Telephone Number: () _____
(Include area code)c

Email address: _____

Effective
date of change _____

Employee's Signature _____

Date _____

HR-14 REV 03/10

Distribution: White – Fiscal Services; Yellow – Human Resources;
Pink – Department; Goldenrod – Accounts Payable

Status as a Disaster Service Worker

California Government Code Section 3100 declares that public employees are disaster service workers. In the event that a local, state or federal emergency is declared, all employees of the Santa Barbara County Education Office are subject to disaster service activities as assigned to them by their supervisors.

Safety Concerns

All students and employees are our highest priority at SBCEO. If you have any concerns regarding safety and security, we encourage you to communicate promptly to a school administrator, co-workers or any on-site staff. Schools and other school districts follow different procedures. Familiarize yourself with the practices and ask your on-site staff for information.

SBCEO Employment

Retirement

If you are thinking about retirement, you may obtain information as follows, depending on which system you are contributing to:

- CalPERS website <https://www.calpers.ca.gov> (888) 225-7377
- CalSTRS website: <https://www.calstrs.ca.gov> (800) 228-5453
- Social Security Administration website: <https://www.ssa.gov/>(800)772-1213

Work-Related Injury or Illness

<i>Employer:</i> Santa Barbara County Education Office P.O. Box 6307 Santa Barbara, CA 93160-6307 (805) 964-4711	<i>Carrier:</i> Workers' Compensation Administrators 265 East Donovan Road Santa Maria, CA 93454 (805) 922-9157
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Return to Work

After any treatment, for a work-related injury by a doctor or other facility, you must present a written release from the physician clearing you to return to work and stating specific restriction, if any.

If you suffer a work-related injury, illness, or exposure please contact (preferably within 24 hours):

Wendy Garcia.....wgarcia@sbceo.org (805) 964-4710 x5258

You must first have authorization from Human Resources for medical treatment of work-related injuries.

Board Policies and Administrative Regulations

SBCEO is committed to fostering and maintaining healthy, productive, positive, and safe work and learning environments. These appendices contain important policies and regulations we have adopted in order to fulfill this commitment and to establish procedures for responding to concerns raised by members of our community.

Appendix A. Child Abuse and Reporting.....	page 20
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Appendices

Appendix A

Child Abuse and Reporting

Under §11165.9 of the Penal Code, you have an obligation to report known and suspected incidents of child abuse and are identified as “mandated reporter.”

Section 11166 of the Penal Code requires any child care custodian, medical practitioner, non-medical practitioner, or employee of a child protective agency who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or 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 possible by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

Section 11166 follows:

“A mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report to the agency immediately or as soon as is practicably possible by telephone and the mandated reporter shall prepare and send, fax, or electronically transmit a written follow-up report thereof within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any nonprivileged documentary evidence the mandated reporter possesses relating to the incident.”

Board Policy 6141.4 – Child Abuse and Reporting

The County Board is committed to supporting the safety and well-being of County Education Office students and desires to facilitate the prevention of and response to child abuse and neglect. The County Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

The County Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

Child Abuse Prevention

The County Education Office’s instructional program shall include age-appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain students’ rights to live free of abuse, include instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, inform students of available resources, and teach students how to obtain help and disclose incidents of abuse.

The County Education Office’s program also may include age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention. Upon written request of a student’s parent/guardian, the student shall be excused from taking such instruction.

The County Superintendent or designee shall, to the extent feasible, seek to incorporate community resources into the County Education Office’s child abuse prevention programs and may use these resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

Child Abuse Reporting

The County Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

Procedures for reporting child abuse shall be included in the County Education Office comprehensive safety plan. (Education Code 32282)

County Education Office employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

The County Superintendent or designee shall provide training regarding the duties of mandated reporters.

Legal Reference:

EDUCATION CODE

32280-32288 Comprehensive school safety plans
33195 Heritage schools, mandated reporters
33308.1 Guidelines on procedure for filing child abuse complaints
44252 Teacher credentialing
44691 Staff development in the detection of child abuse and neglect
44807 Duty concerning conduct of students
48906 Notification when student released to peace officer
48987 Dissemination of reporting guidelines to parents
49001 Prohibition of corporal punishment
51220.5 Parenting skills education
51900.6 Sexual abuse and sexual assault awareness and prevention

PENAL CODE

152.3 Duty to report murder, rape, or lewd or lascivious act
273a Willful cruelty or unjustifiable punishment of child; endangering life or health
288 Definition of lewd or lascivious act requiring reporting
11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

15630-15637 Dependent adult abuse reporting

CODE OF REGULATIONS, TITLE 5

4650 Filing complaints with CDE, special education students

UNITED STATES CODE, TITLE 42

11434a McKinney-Vento Homeless Assistance Act; definitions

COURT DECISIONS

Camreta v. Greene (2011) 131 S.Ct. 2020

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve
Health Framework for California Public Schools, Kindergarten Through Grade Twelve

WEB SITES

California Attorney General's Office, Suspected Child Abuse Report Form:
http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf
California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss/ap>
California Department of Social Services, Children and Family Services Division: <http://www.childsworld.ca.gov>
U.S. Department of Health and Human Services, Child Welfare Information Gateway:
<https://www.childwelfare.gov/can>

ADOPTED BY COUNTY BOARD: October 5, 1989

REVISED: May 7, 1992, April 7, 1994, February 2, 2012, September 7, 2017, December 13, 2019

Administrative Regulation 6141.41 – Child Abuse and Reporting

Definitions

Child abuse or neglect includes the following: (Penal Code 11165.5, 11165.6)

Definitions

Child abuse or neglect includes the following: (Penal Code 11165.5, 11165.6)

1. A physical injury or death inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1
3. Neglect of a child as defined in Penal Code 11165.2

4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4 Child abuse or neglect does not include:
 1. A mutual affray between minors (Penal Code 11165.6)
 2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of the peace officer's employment (Penal Code 11165.6)
 3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)
 4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect the school employee, or to obtain weapons or other dangerous objects within the control of a student (Education Code 49001)
 5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by a student (Education Code 4900)
 6. Homelessness or classification as an unaccompanied minor (Penal Code 11165.15)
 7. Mandated reporters include, but are not limited to, teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; athletic coaches, administrators, and directors; administrators and employees of a licensed child day care facility; Head Start teachers; district police or security officers; licensed nurses or health care providers; and administrators, presenters, and counselors of a child abuse prevention program. (Penal Code 11165.7)
 8. Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on the person's training and experience, to suspect child abuse or neglect. However, reasonable suspicion does not require certainty that child abuse or neglect has occurred, nor does it require a specific medical indication of child abuse or neglect. (Penal Code 11166)
 9. Reportable Offenses
 10. A mandated reporter shall make a report using the procedures provided below whenever, in the mandated reporter's professional capacity or within the scope of the mandated reporter's employment, the mandated reporter has knowledge of or observes a child whom the mandated reporter knows, or reasonably suspects has been the victim of child abuse or neglect. (Penal Code 11166)
 11. Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency. (Penal Code 11166.05, 11167)
 12. Any employee who reasonably believes that the employee has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury against a victim who is a child under age 14 shall notify a peace officer. (Penal Code 152.3, 288)
 13. Responsibility for Reporting

14. The reporting duties of mandated reporters are individual and cannot be delegated to another person. (Penal Code 11166)

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code 11166)

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166)

Any person not identified as a mandated reporter who has knowledge of or observes a child whom the person knows, or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code 11166)

Reporting Procedures

1. Initial Telephone Report

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11165.9, 11166)

Child Welfare Services 1-
800-367-0166

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572). (Penal Code 11166, 11168)

The Department of Justice form may be obtained from the County Education Office or other appropriate agencies, such as the county probation or welfare department or the police or sheriff's department.

Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location, and, where applicable, school, grade, and class
- c. The names, addresses, and telephone numbers of the child's parents/guardians
- d. The name, address, telephone number, and other relevant personal information about the person who might have abused or neglected the child
- e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

The mandated reporter shall make a report even if some of this information is not known or is uncertain to the mandated reporter. (Penal Code 11167)

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05. (Penal Code 11167)

3. Internal Reporting

The mandated reporter shall not be required to disclose the mandated reporter identity to the mandated reporter's supervisor, the program supervisor, or the County Superintendent or designee. (Penal Code 11166)

However, employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the program supervisor as soon as possible after the initial telephone report to the appropriate agency. When so notified, the program supervisor shall inform the County Superintendent or designee.

The program supervisor so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy, and administrative regulation. At the mandated reporter's request, the program supervisor may assist in completing and filing the necessary forms.

Reporting the information to an employer, supervisor, principal, school psychologist, co- worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

Training

Within the first six weeks of each school year, the County Superintendent or designee shall provide training on mandated reporting requirements to County Education Office employees and persons working on their behalf who are mandated reporters. Any school personnel hired during the school year shall receive such training within the first six weeks of employment. (Education Code 44691; Penal Code 11165.7)

The County Superintendent or designee shall use the online training module provided by the California Department of Social Services or report the alternate training used to the California Department of Education. (Education Code 44691)

The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. In addition, the training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified. (Education Code 44691; Penal Code 11165.7)

The County Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training. (Education Code 44691)

In addition, at least once every three years, school personnel may receive training in the prevention of child abuse, including sexual abuse, on school grounds, by school personnel, or in school-sponsored programs. (Education Code 44691)

Victim Interviews by Social Services

Whenever the Department of Social Services or another government agency is investigating suspected child abuse or neglect that occurred within the child's home or out-of-home care facility, the student may be interviewed by an agency representative during school hours, on school premises. The County Superintendent or designee shall give the student the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the student. (Penal Code 11174.3)

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the program supervisor or designee shall inform the selected person of the following requirements: (Penal Code 11174.3)

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable the child to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.

4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

Release of Child to Peace Officer

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the County Superintendent or designee and/or program supervisor shall not notify the parent/guardian, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. (Education Code 48906)

Parent/Guardian Complaints

Upon request, the County Superintendent or designee shall provide parents/guardians with procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a County Office employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to individually file a report using the procedures described above for mandated reporters.

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650.

Notifications

The County Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations under Penal Code 11166, and their confidentiality rights under Penal Code 11167. The County Education Office also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

Before beginning employment, any person who will be a mandated reporter by virtue of the mandated reporter's position shall sign a statement indicating that the mandated reporter has knowledge of the reporting obligations under Penal Code 11166 and will comply with those provisions. The signed statement shall be retained by the County Superintendent or designee. (Penal Code 11166.5)

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.

The County Superintendent or designee also shall notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of the mandated reporter's professional capacity or outside the scope of the mandated reporter's employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that the person knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)
2. If a mandated reporter fails to timely report an incident of known or reasonably suspected child abuse or neglect, the mandated reporter may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code 11166)
3. No employee shall be subject to any sanction by the County Education Office for making a report unless it can be shown that the employee knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11166)

APPROVED BY COUNTY SUPERINTENDENT:
REVISED: April 7, 1994, February 2, 2012, March 2, 2015, September 15, 201

May 7, 1992

Appendix B

Drug and Alcohol-Free Workplace

Board Policy 5004 – Drug and Alcohol-Free Workplace

The County Board believes that the maintenance of a drug- and alcohol-free workplace is essential to staff and student safety and to help ensure a productive and safe work and learning environment.

An employee shall not unlawfully manufacture, distribute, dispense, possess, or use any controlled substance in the workplace. (Government Code [8355](#); 41 USC 8103)

Employees are prohibited from being under the influence of controlled substances or alcohol while on duty. For purposes of this policy, on duty means while an employee is on duty during both instructional and non-instructional time in the classroom or workplace, at extracurricular or co-curricular activities, or while transporting students or otherwise supervising them. Under the influence means that the employee's capabilities are adversely or negatively affected, impaired, or diminished to an extent that impacts the employee's ability to safely and effectively perform the employee's job.

The County Superintendent or designee shall notify employees of the County Education Office's prohibition against drug use and the actions that will be taken for violation of such prohibition. (Government Code [8355](#); 41 USC 8103)

An employee shall abide by the terms of this policy and shall notify the County Education Office, within five days, of the employee's conviction for violation in the workplace of any criminal drug statute. (Government Code [8355](#); 41 USC 8103)

The County Superintendent or designee shall notify the appropriate federal granting or contracting agency within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace. (41 USC 8103)

In accordance with law and the County Education Office's collective bargaining agreements as applicable, the County Superintendent or designee shall take appropriate disciplinary action, up to and including termination, against an employee for violating the terms of this policy and/or shall require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state, or local public health or law enforcement agency or other appropriate agency.

Drug-Free Awareness Program

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

1. The dangers of drug abuse in the workplace
2. The County Education Office's policy of maintaining a drug-free workplace
3. Available drug counseling, rehabilitation, and employee assistance programs
4. The penalties that may be imposed on employees for drug abuse violations occurring in the workplace

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

UNITED STATES CODE, TITLE 41

8101-8106 Drug-Free Workplace Act

CODE OF FEDERAL REGULATIONS, TITLE 21

[1308.01-1308.49](#) Schedule of controlled substances

COURT DECISIONS

Cahoon v. Governing Board of Ventura USD, (2009) 171 Cal.App.4th 381
Ross v. RagingWire Telecommunications, Inc., (2008) 42 Cal.4th 920

Management Resources:

WEB SITES

California Department of Alcohol and Drug Programs: <https://www.adp.ca.gov>
California Department of Education: <https://www.cde.ca.gov>
U.S. Department of Labor: <https://www.dol.gov>

ADOPTED BY COUNTY BOARD: October 1989
REVISED: May 7, 1992, April 7, 1994, April 6, 1995, September 7, 2017

Appendix C

Complaint Procedures - Discrimination

Board Policy 2005 – Public/Student/Employee Complaints Concerning Discrimination

The County Board of Education and County Superintendent of Schools expect that complaints of alleged discrimination related to programs operated by the County Education Office brought by students, employees, parents/guardians or other members of the community shall be resolved in a prompt and equitable manner. Complaints should be resolved informally whenever possible.

The County Superintendent or designee shall establish administrative regulations governing discrimination complaint procedures.

The County Board of Education and County Superintendent prohibit retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in the complaint procedures. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

The County Superintendent shall ensure that complainants are informed that injunctions, restraining orders and other civil law remedies may also be available to them. This information shall be published with the County Education Office's nondiscrimination complaint procedures and included in any related notices.

Adopted: November 1, 1984 Revised: April 7, 1994

Administrative Regulation 2005 – Public/Student/Employee Complaints: Complaints Concerning Discrimination

The following procedures shall be followed when a student, parent/guardian, community member or employee has a complaint alleging that a specific action, policy, procedure or practice discriminates against him/her on any basis specified in the County Education Office's nondiscrimination or affirmative action policies. These procedures shall not apply to complaints regarding denial of benefits/discrimination under Special Education laws.

1. Any complaint must be initiated within thirty (30) working days after a complainant knew, or should have known, of the alleged discrimination.
2. All parties involved in allegations of discrimination shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made. The complainant also shall be notified of his/her right to appeal the decision to the next level.
3. When a complaint is brought against the individual responsible for the complaint process at any level, the complainant may address the complaint directly to the next appropriate level.
4. Meetings related to a complaint shall be held at times the County Education Office determines as least likely to interfere with program schedules and operations.
5. For the protection of the complainant and the County Education Office, complaint proceedings shall be kept confidential insofar as appropriate.
6. All documents, communications and records dealing with the complaint shall be placed in a complaint file maintained by the County Education Office.
7. Time limits specified in these procedures may be revised only by written mutual agreement of all parties involved. If the County Education Office fails to respond within a specified or adjusted time limit, a complainant may proceed to the next level. If a complainant fails to take the complaint to the next step within the prescribed time, the complaint shall be considered settled at the preceding step.

Procedure

All complaints brought by students, parents/guardians, community members, or employees shall be handled in the following manner:

LEVEL I

Within twenty (20) working days of the time that the complainant knew, or reasonably should have known, of the complaint, the complainant shall meet informally with the program director (if the complainant is a student, parent/guardian, or community member), or with the immediate supervisor (if the complainant is an employee). If the complainant's concerns are not clear or cannot be resolved through informal discussion, the program director or immediate supervisor shall prepare, within ten (10) working days, a summary of his/her meeting(s) with the complainant. This report shall be available when requested by the Nondiscrimination Coordinator.

LEVEL II

1. In the event the complainant is not satisfied with the decision at Level I, s/he may submit the written complaint to the appropriate Nondiscrimination Coordinator within five (5) working days of receiving the Level I response.
2. The Nondiscrimination Coordinator shall conduct any investigation necessary to resolve the complaint, including interviews with the parties involved and appropriate witnesses, and a review of all relevant documents.
3. Within ten (10) working days of receiving the written complaint, the Nondiscrimination Coordinator will respond to the complainant in writing. In the event that a response from third parties is necessary, the Coordinator may designate up to ten (10) additional working days for investigation. Additional time may be allowed for resolution with the complainant's consent.

LEVEL III

If the complaint cannot be resolved at Level II, the complainant may present the complaint to the County Superintendent or designee, who shall review the Level II investigation file, including the written complaint and all responses from staff members. The County Superintendent/designee shall respond to the complainant in writing within ten (10) working days after his/her receipt of the investigation file.

If the County Superintendent/designee finds it necessary to conduct further investigation, s/he may designate up to ten (10) additional working days for such investigation and shall respond to the complainant in writing within ten (10) working days of completing the investigation.

In lieu of personally reviewing the complaint, the Superintendent may elect to appoint a hearing panel to review the complaint and previous decisions and make recommendations to him/her. The panel shall hear the appeal and render its recommendation to the County Superintendent within ten (10) working days.

Other Remedies

Complainants shall be informed in writing that injunctions, restraining orders and other civil law remedies may also be available to them.

Reference:

Title VII of Civil Rights Act of 1964
Title IX of Education Amendments of 1972
Section 504 of the Rehabilitation Act of 1973
Age Discrimination Act of 1975

Approved: November 1, 1984 Revised: April 7, 1994

Appendix D

Uniform Complaint Procedure

Board Policy 2006 – Uniform Complaint Procedure

The County Board recognizes that the County Education Office has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The County Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the County Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

The County Education Office's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging County Education Office violation of applicable state or federal law or regulations governing any program subject to UCP which is offered by the County Education Office and any other County Education Office-implemented program which is listed in Education Code 64000(a) including:
 - Accommodations for Pregnant and Parenting Pupils
 - Adult Education
 - After School Education and Safety
 - Agricultural Career Technical Education
 - American Indian Education Centers and Early Childhood Education Program Assessments
 - Bilingual Education
 - California Peer Assistance and Review Programs for Teachers
 - State Career Technical and Technical Education; Career Technical; and; Technical Training
 - Federal Career Technical Education
 - Child Care and Development
 - Child Nutrition
 - Compensatory Education
 - Consolidated Categorical Aid
 - Course Periods without Educational Content (for grades nine through twelve)
 - Economic Impact Aid
 - Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school County Education Office and Children of Military Families
 - English Learner Programs
 - Every Student Succeeds Act / No Child Left Behind (Titles I–VII)
 - Local Control and Accountability Plans (LCAP)
 - Migrant Education
 - Physical Education Instructional Minutes (for grades one through six)
 - Pupil Fees
 - Reasonable Accommodations to a Lactating Pupil
 - Regional Occupational Centers and Programs
 - School Plans for Student Achievement
 - School Safety Plans
 - School site Councils
 - Special Education

- State Preschool
 - State Preschool Health and Safety Issues in LEAs Exempt from Licensing
 - Tobacco-Use Prevention Education
- 2 Any complaint, by a student, employee, or other person participating in a County Education Office program or activity, alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in County Education Office programs and activities, including, in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics. (5CCR 4610)
 - 3 Any complaint alleging County Education Office noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student. (Education Code 222)
 - 4 Any complaint alleging County Education Office noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right to return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and Board-imposed graduation requirements. (Education Code 46015)
 - 5 Any complaint alleging County Education Office noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities. (5 CCR 4610)
 - 6 Any complaint alleging County Education Office noncompliance with applicable requirement of Education Code 52060-52077 related to the implementation of the local control and accountability plan, including the development of a local control funding formula budget overview for parents/guardians. (Education Code 52075)
 - 7 Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64000-64001, 65000-65001)
 - 8 Any complaint, by or on behalf of any student who is a foster youth as defined in Education Code 51225.2 alleging County Education Office noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the County Education Office's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or, district, or country; school or records transfer, or the grant of an exemption from County Board-imposed graduation requirements. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)
 - 9 Any complaint, by or on behalf of a student who transfers into the district after the second year of high school and is a homeless student or youth as defined in 42 USC 11434a, a former juvenile court school student currently enrolled in the County Education Office, a child of a military family as defined in Education Code 49701, or a migrant students as defined in Education Code 54441, or by or behalf of an immigrant student participating in a newcomer program as defined in Education Code 51225.2 in the third or fourth year of high school, alleging County Education Office noncompliance with any requirement applicable to the student regarding the grant of an exemption from County Board-imposed graduation requirements. (Education Code 51225.1)
 - 10 Any complaint, by or on behalf of a student who is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student, a child of a military family as defined in Education Code 49701, a migrant child as defined in Education Code 54441, or a newly arrived immigrant student who is participating in the newcomer program as defined in Education Code 51225.2, alleging County Education Office noncompliance with requirements for the award of credit for coursework satisfactorily completed in another school, district, or country. (Education Code 51225.2)
 - 11 Any complaint alleging County Education Office noncompliance with the requirements of Education

Code 51228.1 and 51228.2 that prohibits the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions. (Education Code 51228.3)

- 12 Any complaint alleging County Education Office noncompliance with the physical education instructional minutes requirement for students in elementary school. (Education Code 51210, 51223)
- 13 Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy.
- 14 Any other complaint as specified in a County Education Office policy.

The County Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is acceptable to all parties. ADR such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The County Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The County Education Office shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the County Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if the person is different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

When an allegation that is not subject to the UCP is included in a UCP complaint, the County Education Office shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the County Education Office's UCP.

The County Superintendent or designee shall provide training to County Education Office staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

The County Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

Non-UCP Complaints

The following complaints shall not be subject to the County Education Office's UCP but shall be referred to the specified agency: (5 CCR 4611)

- 1 Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
- 2 Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
- 3 Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the County Education Office in accordance with the procedures specified in AR 5001 – Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.
- 4 Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.

In addition, the County Education Office's Williams Uniform Complaint Procedures, AR 2006.1, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
8200-8498 Child care and development programs
8500-8538 Adult basic education
18100-18203 School libraries
32280-32289 School safety plan, uniform complaint procedures
33380-33384 California Indian Education Centers
35186 Williams uniform complaint procedures
44500-44508 California Peer Assistance and Review Program for Teachers
48853-48853.5 Foster youth
48985 Notices in language other than English
49010-49014 Student fees
49060-49079 Student records, especially
49069.5 Records of foster youth
49490-49590 Child nutrition programs
49701 Interstate Compact on Educational Opportunity for Military Children
51210 Courses of study grades 1-6
51223 Physical education, elementary schools
51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, and military-connected students; migrant students, and newly arrived immigrant students; course credits; graduation requirements
51226-51226.1 Career technical education
51228.1-51228.3 Course periods without educational content
52060-52077 Local control and accountability plan, especially:
52075 Complaint for lack of compliance with local control and accountability plan requirements
52160-52178 Bilingual education programs
52300-52462 Career technical education
52500-52616.24 Adult schools
54000-54029 Economic Impact Aid
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
56000-56865 Special education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process; school plan for student achievement
65000-65001 School site councils

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state
12900-12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE

1596.792 California Child Day Care Act; general provisions and definitions
1596.7925 California Child Care Act; health and safety regulations
104420 Tobacco-Use Prevention Education

PENAL CODE

422.55 Hate crime; definition
422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 2

11023 Harassment and discrimination prevention and correction

CODE OF REGULATIONS, TITLE 5

3080 Applicability of uniform complaint procedures to complaints regarding students with disabilities
4600-4670 Uniform complaint procedures
4680-4687 Williams uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1221 Application of laws
1232g Family Educational Rights and Privacy Act
1681-1688 Title IX of the Education Amendments of 1972
6301-6576 Title I Improving the Academic Achievement of the Disadvantaged

6801-7014 Title III language instruction for limited English proficient and immigrant students

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age Discrimination Act of 1975

12101-12213 Title II equal opportunity for individuals with disabilities

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Notification of nondiscrimination on the basis of age

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample UCP Board Policies and Procedures

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

Dear Colleague Letter: September 22, 2017

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

Dear Colleague Letter: Harassment and Bullying, October 2010

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

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

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

Family Policy Compliance Office: <https://www2.ed.gov/policy/gen/guid/fpc/>

U.S. Department of Education, Office for Civil Rights: <https://www.ed.gov/ocr>

U.S. Department of Justice: <https://www.justice.gov>

ADOPTED BY COUNTY BOARD: October 1, 1992

REVISED: April 7, 1994, November 7, 2002, February 2, 2006, February 2, 2012, December 13, 2013, June 13, 2014, September 7, 2017, January 10, 2019, November 7, 2019

Administrative Regulation 2006.1 – Williams Complaint Procedures

Types of Complaints

The County Education Office shall use the procedures described in this administrative regulation only to investigate and resolve the following: (Education Code 35186; 5 CCR 4680-4683).

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that:

- a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or County Education Office-adopted textbooks or other required instructional materials to

use in class.

- b. A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
 - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
 - d. A student was provided photocopied sheets from only a portion of a textbook or instructional material to address a shortage of textbooks or instructional materials.
2. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that:
- a. A semester begins and a teacher vacancy exists.
 - b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.
 - c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of the semester for an entire semester. (Education Code 35186; 5 CCR 4600)

Beginning of the year or semester means the first day classes necessary to serve all the students enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day students attend classes for that semester. (5 CCR 4600)

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code 35186; 5 CCR 4600)

3. Complaints regarding the condition of school facilities, including any complaint alleging that:
- a. A condition poses an emergency or urgent threat to the health or safety of students or staff.

Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of students or staff while at school, including, but not limited to, gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; structural damage creating a hazardous or uninhabitable condition; or any other condition deemed appropriate. (Education Code 17592.72)

- b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

Cleaned or maintained school restroom means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers. (Education Code 35292.5)

Open restroom means the school has kept all restrooms open during school hours when students are not in classes and has kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when the temporary closing of the restroom is necessary for student safety or to make repairs. (Education Code 35292.5)

Filing of Complaint

A complaint alleging any condition(s) specified in the section "Types of Complaints" above shall be filed with the Assistant Superintendent or designee of the program in which the complaint arises. The Assistant Superintendent or designee shall forward a complaint about problems beyond the Assistant Superintendent or

designee's authority to the County Superintendent or designee in a timely manner, but not to exceed 10 working days. (Education Code 35186; 5 CCR 4680)

Investigation and Response

The Assistant Superintendent or designee shall make all reasonable efforts to investigate any problem within the Assistant Superintendent or designee's authority. The Assistant Superintendent or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186; 5 CCR 4685)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that the complainant would like a response to the complaint, the Assistant Superintendent or designee shall report the resolution of the complaint to the complainant at the mailing address indicated on the complaint form within 45 working days of the initial filing of the complaint. At the same time, the Assistant Superintendent or designee shall report the same information to the County Superintendent or designee. (Education Code 35186; 5 CCR 4680, 4685)

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code 35186)

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the County Board of Education at a regularly scheduled meeting. (Education Code 35186; 5 CCR 4686)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3a in the section "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the Assistant Superintendent or County Superintendent or designee may file an appeal to the State Superintendent of Public Instruction within 15 days of receiving the County Education Office's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687)

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)

Reports

On a quarterly basis, the County Education Office designee shall report at a regularly scheduled board meeting to the County Superintendent and the County Board, summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (Education Code 35186; 5 CCR 4686)

Forms and Notices

The County Superintendent or designee shall ensure a Williams complaint form is available at each County Education Office program. However, complainants need not use the County Education Office's complaint form in order to file a complaint. (Education Code 35186; 5 CCR 4680)

The County Superintendent or designee shall ensure that the County Education Office's complaint form contains a space to indicate whether the complainant desires a response to the complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as the complainant wishes. (Education Code 35186; 5 CCR 4680)

The County Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186. (Education Code 35186)

Legal Reference:

EDUCATIONCODE

234.1 Prohibition of discrimination, harassment, intimidation, and bullying

1240 County superintendent of schools, duties

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School accountability report card

35186 Williams uniform complaint procedures

35292.5 Restrooms, maintenance and cleanliness

48985 Notice to parents in language other than English

60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4680-4687 Williams uniform complaint procedures

Management Resources:

WEB SITES

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

California County Superintendents Educational Services Association: <http://www.ccsesa.org>

California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc>

State Allocation Board, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

APPROVED BY COUNTY SUPERINTENDENT: March 3, 2005

REVISED: March 15, 2006, March 6, 2008, July 16, 2009, March 15, 2012, June 14, 2012, September 15, 2017, January 2, 2020

Appendix E

Sexual Harassment

Harassment of any person by an employee of the District is strictly forbidden by State and Federal law, and Board Policy 5006.

If you believe that you have been the victim of harassment or if you have witnessed harassment, please be sure to make a report following the procedures outlined in the policy and administrative regulation that follow.

Board Policy 5119.11 – Sexual Harassment

The County Board and County Superintendent of Schools are committed to providing a safe work environment that is free of harassment and intimidation. The Board and Superintendent prohibit sexual harassment against County Education Office employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

Sexual harassment includes, but is not limited to, harassment that is based on the gender, gender identity, gender expression, or sexual orientation of the victim.

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

Any County Education Office 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.

The County 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 County Education Office's sexual harassment policy to employees and others to whom the policy may apply
3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

The County Superintendent or designee shall periodically evaluate the effectiveness of the County Education Office'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 County Education Office'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 County Education Office employee who feels that they have been sexually harassed in the performance of their County Education Office responsibilities or who has knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to a supervisor (either their own or another), the County Education Office's coordinator for nondiscrimination, the County Superintendent, or, if available, a complaint hotline or an ombudsman. An employee may bypass their supervisor in filing a complaint when the supervisor is the subject of the complaint. 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 5030 - Nondiscrimination in Employment.

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

[12950.1](#) 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 42

[2000d-2000d-7](#) Title VI, Civil Rights Act of 1964

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

[106.9](#) Dissemination of policy

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

Oncala 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:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime, January 1999

WEB SITES

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

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

U.S. Department of Education, Office for Civil Rights: <https://www.ed.gov/about/offices/list/ocr/index.html>

ADOPTED BY COUNTY BOARD:

February 5, 1987

REVISED: May 7, 1992, April 7, 1994, April 6, 1995, February 2, 2012, September 7, 2017, December 13, 2019

Administrative Regulation 5119.11 – 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

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person

of the same or opposite sex in the work or educational setting when: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual
3. 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

Prohibited sexual harassment also includes conduct which, regardless of whether or not it is motivated by sexual desire, is so severe or pervasive as to unreasonably interfere with the victim's work performance or create an intimidating, hostile, or offensive work environment.

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. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects

Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

Training

The County Superintendent or designee shall ensure that all employees receive training regarding the County Education Office'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 County Education Office'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.

Every two years, the County 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)

The County Education Office'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 the supervisor becomes aware and what to do if the supervisor 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 County Education Office's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed
6. A copy of the County Education Office's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that the participant has received
7. 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
8. Practical examples of harassment based on gender identity, gender expression, and sexual orientation

The County 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

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, the County Education office/s, or other area of the office where notices of County Education Office rules, regulations, procedures, and standards of conduct are posted
2. Be provided to every County Education Office employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired
3. Appear in any program or County Education Office publication that sets forth the program's or County Education Office's comprehensive rules, regulations, procedures, and standards of conduct

All employees shall receive either a copy of an information sheet prepared by the California Department of Fair Employment and Housing (DFEH) or the County Education Office 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 County Education Office'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 County Education Office shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment and the DFEH poster regarding transgender rights. (Government Code 12950)

APPROVED BY COUNTY SUPERINTENDENT:

February 5, 1987

REVISED: May 7, 1992, April 7, 1994, February 2, 2012, September 15, 2017,
January 8, 202

Appendix F

Tobacco-Free Schools

Smoking and the use of tobacco products are strictly prohibited in all District facilities, including buildings, grounds, and vehicles.

Board Policy 4011 and Administrative Regulation 4011 – Tobacco-Free Schools

The County Board recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with County Education Office goals to provide a healthy environment for students and staff.

The County Board prohibits smoking and/or the use of tobacco products at any time in County Education Office-owned or leased buildings, on County Education Office property, and in County Education Office vehicles. (Health and Safety Code 104420, 104559)

These prohibitions apply to all employees, students, and visitors at any school- sponsored instructional program, activity, or event held on or off County Education Office property. Any written joint use agreement governing community use of County Education Office facilities or grounds shall include notice of the County Education Office's tobacco-free schools' policy and consequences for violations of the policy.

Smoking means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking. (Business and Professions Code 22950.5; Education Code 48901)

Tobacco products include: (Business and Professions Code 22950.5; Education Code 48901)

1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff
2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah
3. Any component, part, or accessory of a tobacco product, whether or not sold separately

This policy does not prohibit the use or possession of prescription products and other cessation aids that have been approved by the U.S. Department of Health and Human Services, Food and Drug Administration, such as nicotine patch or gum.

Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited. (Health and Safety Code 104495)

Legal Reference:

EDUCATION CODE

48900 Grounds for suspension/expulsion

48901 Prohibition against tobacco use by students

BUSINESS AND PROFESSIONS CODE

22950.5 Stop Tobacco Access to Kids Enforcement Act; definitions

HEALTH AND SAFETY CODE

39002 Control of air pollution from non-vehicular sources

104350-104495 Tobacco use prevention, especially:

104495 Prohibition of smoking and tobacco waste on playgrounds 104559

Tobacco use prohibition

119405 Unlawful to sell or furnish electronic cigarettes to minors

LABOR CODE

3300 Employer, definition

6304 Safe and healthful workplace

6404.5 Occupational safety and health; use of tobacco products

UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services

7111-7122 Student Support and Academic Enrichment Grants

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

PUBLIC EMPLOYMENT AND RELATIONS BOARD RULINGS

Eureka Teachers Assn. v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168) CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)

Management Resources:

WEB SITES

California Department of Education, Alcohol, Tobacco and Other Drug Prevention:

<https://www.cde.ca.gov/ls/he/at>

California Department of Education, Tobacco-Free School District Certification:

<https://www.cde.ca.gov/ls/he/at/tobaccofreecert.asp>

California Department of Public Health, Tobacco Control: <https://www.cdph.ca.gov/programs/tobacco>

Occupational Safety and Health Standards Board: <https://www.dir.ca.gov/OSHSB/oshsb.html>

U.S. Environmental Protection Agency: <https://www.epa.gov>

APPROVED BY COUNTY BOARD: June 30, 1994

REVISED: December 12, 2013, September 7, 2017

Administrative Regulation 4011 – Tobacco-Free Schools

Notifications

Information about the County Education Office's tobacco-free schools policy and enforcement procedures shall be communicated

clearly to employees, parents/guardians, students, and the community. (Health and Safety Code 104420)

The County Superintendent or designee may disseminate this information through annual written notifications, web sites, student and parent handbooks, and/or other appropriate methods of communication.

The County Superintendent or designee shall ensure that signs stating "Tobacco use is prohibited" are prominently displayed at all entrances to school property. (Health and Safety Code 104420, 104559)

Enforcement/Discipline

Any employee or student who violates the County Education Office's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

Any other person who violates the County Education Office's policy on tobacco-free schools shall be informed of the County Education Office's policy and asked to refrain from smoking. If the person fails to comply with this request, the County Superintendent or designee may:

1. Direct the person to leave school property
2. Request local law enforcement assistance in removing the person from school premises
3. If the person repeatedly violates the tobacco-free schools policy, prohibit the person from entering district property for a specified period of time

The County Superintendent or designee shall not be required to physically eject a nonemployee who is smoking or to request that the nonemployee refrain from smoking under circumstances involving a risk of physical harm to the district or any employee. (Labor Code 6404.5)

APPROVED BY COUNTY SUPERINTENDENT: June 30, 1994

REVISED: March 21, 2014, September 15, 2017