

**SANTA BARBARA COUNTY BOARD OF EDUCATION
Policy Committee Meeting**

May 11, 2022 – 8:30 a.m.
Virtual meeting, online via Zoom

MINUTES

The Santa Barbara County Board of Education’s Board Policy Committee held this meeting on Wednesday, May 11, 2022, as a virtual meeting due to the COVID-19 pandemic. Assembly Bill 361 allows local agencies flexibility in conducting public meetings virtually during a declared state of emergency.

UNAPPROVED

In Attendance: Marybeth Carty, Judy Frost, Bruce Porter, Susan Salcido, Mari Baptista, Bridget Baublits, Bill Ridgeway (departed at 8:50 a.m.)

GENERAL FUNCTIONS

1. Call to order

The meeting was called to order at 8:30 a.m. by Committee Chair Porter.

2. Public comments

None.

ACTION ITEMS

3. Approval of minutes of meeting held March 18, 2022

Minutes of meeting held March 18, 2022 were approved.

MOVED: Mrs. Carty

SECONDED: Mrs. Frost

VOTE: Passed 3-0

4. Review proposed revised and new board policies (BP) listed below and recommend approval by the full board:

- BP 9250 – Remuneration, Reimbursement and Other Benefits (Revised)
- BP 5144.3 – Student Expulsion Appeals (Revised)
- BP 0402.4 – Authorization of County Charter Schools (New)
- BP 0420.41 – Oversight of County Charter Schools (New)
- BP 0420.42 – Renewal of County Charter Schools (New)
- BP 0420.43 – Revocation of County Charter Schools (New)

The committee reviewed proposed revised board policy (BP) listed below and further revised it and approved recommending the full board adopt the further revised BP:

BP 9250 – Remuneration, Reimbursement and Other Benefits (Revised)

MOVED: **Mrs. Carty** SECONDED: **Mrs. Frost** VOTE: **Passed 3-0**

The committee reviewed proposed revised and new board policies (BP) listed below and approved recommending the full board adopt the board policies:

BP 5144.3 – Student Expulsion Appeals (Revised)

MOVED: **Mrs. Frost** SECONDED: **Mrs. Carty** VOTE: **Passed 3-0**

BP 0402.4 – Authorization of County Charter Schools (New)

MOVED: **Mrs. Frost** SECONDED: **Mrs. Carty** VOTE: **Passed 3-0**

BP 0420.41 – Oversight of County Charter Schools (New)

MOVED: **Mrs. Carty** SECONDED: **Mrs. Frost** VOTE: **Passed 3-0**

BP 0420.42 – Renewal of County Charter Schools (New)

MOVED: **Mrs. Frost** SECONDED: **Mrs. Carty** VOTE: **Passed 3-0**

BP 0420.43 – Revocation of County Charter Schools (New)

MOVED: **Mrs. Frost** SECONDED: **Mrs. Carty** VOTE: **Passed 3-0**

5. Review the board policy listed below for deletion because it has been incorporated into BP 9250 and recommend the full board approve the deletion:
 - BP 1005 – Former Members: Health and Welfare Benefits

The committee approved recommending the full board delete BP 1005 – Former Members: Health and Welfare Benefits.

MOVED: **Mrs. Frost** SECONDED: **Mrs. Carty** VOTE: **Passed 3-0**

6. Review the board policy listed below and consider whether to revise it or take no action and leave it as it is:
 - BP 5117.1 – Interdistrict attendance appeals

The committee reviewed and revised BP 5117.1 and approved recommending the full board adopt revised BP 5117.1 – Interdistrict attendance appeals.

MOVED: **Mrs. Frost**

SECONDED: **Mrs. Carty**

VOTE: **Passed 3-0**

Committee Chair Porter stated that the board policies would go forward to the full board for approval. On behalf of the committee, he commended staff for their work on the board policies.

INFORMATION ITEMS

7. Expulsion appeals draft guide and form

The expulsion appeals draft guide and form were presented as information items.

8. Interdistrict attendance appeals guide and form

The interdistrict attendance appeals guide and form were presented as information items.

ADJOURNMENT

9. Adjourn

The meeting was adjourned at 9:15 a.m.

MOVED: **Mr. Porter**

SECONDED: **Mrs. Carty**

VOTE: **Passed 3-0**

Human Resources-Related Board Policies for the Santa Barbara County Board of Education 2022-2023

Red=revised from current

Blue=New

8/22	10/22	TBD	TBD	TBD	Policy #	Title	Original Adopted Date	Last Revised Date
X					4000	Concepts And Roles	PENDING	
X					4020	Drug And Alcohol-Free Workplace	10/1989	09/07/2017
X					4030	Nondiscrimination In Employment	10/07/1976	12/11/2020
X					4033	Lactation Accommodation	PENDING	
	X				4040	Acceptable Use Agreement	PENDING	
						CERTIFICATED		
X					4100	Certificated Personnel	PENDING	
	X				4111	Recruitment And Selection	PENDING	
	X				4111.2	Legal Status Requirement	PENDING	
	X				4112.2	Certification	PENDING	
	X				4112.21	Interns	PENDING	
	X				4112.8	Employment Of Relatives	PENDING	
	X				4112.9	Employee Notifications	PENDING	
		X			4113	Assignment	11/01/2004	
		X			4113.4	Temporary Modified/Light-Duty Assignment	10/01/1995	
X					4113.5	Working Remotely	PENDING	
		X			4114	Transfers	PENDING	
X					4115	Evaluation/Supervision	07/01/2000	08/01/2014
		X			4116	Probationary/Permanent Status	PENDING	
		X			4117.13	Early Retirement Option	PENDING	
		X			4117.2	Resignation	PENDING	
		X			4117.3	Personnel Reduction	PENDING	
		X			4118	Dismissal/Suspension/Disciplinary Action	PENDING	
		X			4119.1	Civil And Legal Rights	PENDING	
X					4119.11	Sexual Harassment	12/01/2015	10/01/2020
		X			4119.21	Professional Standards	PENDING	
		X			4119.22	Dress And Grooming	PENDING	
		X			4119.23	Unauthorized Release Of Confidential Privileged Information	PENDING	
		X			4119.24	Maintaining Appropriate Adult-Student Interactions	PENDING	
X					4119.25	Political Activities Of Employees	PENDING	
			X		4119.41	Employees With Infectious Disease	PENDING	
			X		4119.42	Exposure Control Plan For Bloodborne Pathogens	PENDING	
			X		4119.43	Universal Precautions	PENDING	

Human Resources-Related Board Policies for the Santa Barbara County Board of Education 2022-2023

			X		4121	Temporary/Substitute Personnel	PENDING	
X					4131	Staff Development	11/01/2008	07/01/2015
			X		4132	Publication Or Creation Of Materials	PENDING	
			X		4135	Soliciting And Selling	PENDING	
X					4136	Nonschool Employment	09/01/1991	07/01/2008
			X		4140	Bargaining Units	PENDING	
			X		4141	Collective Bargaining Agreement	PENDING	
			X		4141.6	Concerted Action/Work Stoppage	PENDING	
			X		4143	Negotiations/Consultation	PENDING	
	X				4143.1	Public Notice - Personnel Negotiations	07/01/2001	03/01/2007
X					4144	Complaints	PENDING	
X					4151	Employee Compensation	PENDING	
X					4154	Health And Welfare Benefits	PENDING	
				X	4156.2	Awards And Recognition	PENDING	
				X	4156.3	Employee Property Reimbursement	PENDING	
				X	4157	Employee Safety	PENDING	
				X	4158	Employee Security	PENDING	
				X	4159	Employee Assistance Programs	PENDING	
X					4161	Leaves	12/01/1988	07/01/2008
X					4161.9	Catastrophic Leave Program	PENDING	
						CLASSIFIED		
X					4200	Classified Personnel	PENDING	
	X				4211	Recruitment And Selection	PENDING	
	X				4211.2	Legal Status Requirement	PENDING	
	X				4212.8	Employment Of Relatives	PENDING	
	X				4212.9	Employee Notifications	PENDING	
		X			4213.4	Temporary Modified/Light-Duty Assignment	PENDING	
X					4213.5	Working Remotely	PENDING	
X					4215	Evaluation/Supervision	PENDING	
		X			4216	Probationary/Permanent Status	PENDING	
		X			4217.2	Resignation	PENDING	
		X			4218	Dismissal/Suspension/Disciplinary Action	PENDING	
		X			4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)	PENDING	
		X			4219.1	Civil And Legal Rights	PENDING	
X					4219.11	Sexual Harassment	PENDING	
		X			4219.21	Professional Standards	PENDING	
		X			4219.22	Dress And Grooming	PENDING	
		X			4219.23	Unauthorized Release Of Confidential/Privileged Information	PENDING	

Human Resources-Related Board Policies for the Santa Barbara County Board of Education 2022-2023

		X			4219.24	Maintaining Appropriate Adult-Student Interactions	PENDING	
X					4219.25	Political Activities Of Employees	06/01/1996	12/01/2020
			X		4219.41	Employees With Infectious Disease	PENDING	
			X		4219.42	Exposure Control Plan For Bloodborne Pathogens	PENDING	
			X		4219.43	Universal Precautions	PENDING	
			X		4222	Teacher Aides/Paraprofessionals	PENDING	
X					4231	Staff Development	PENDING	
			X		4232	Publication Or Creation Of Materials	PENDING	
			X		4235	Soliciting And Selling	PENDING	
X					4236	Nonschool Employment	PENDING	
			X		4240	Bargaining Units	PENDING	
			X		4241	Collective Bargaining Agreement	PENDING	
			X		4241.6	Concerted Action/Work Stoppage	PENDING	
			X		4243	Negotiations/Consultation	PENDING	
	X				4243.1	Public Notice - Personnel Negotiations	PENDING	
X					4244	Complaints	PENDING	
X					4251	Employee Compensation	PENDING	
X					4254	Health And Welfare Benefits	07/01/2009	10/01/2015
				X	4256.2	Awards And Recognition	PENDING	
				X	4256.3	Employee Property Reimbursement	PENDING	
				X	4257	Employee Safety	PENDING	
				X	4258	Employee Security	PENDING	
				X	4259	Employee Assistance Programs	PENDING	
X					4261	Leaves	PENDING	
					4261.3	Professional Standards	PENDING	
X					4261.9	Catastrophic Leave Program	PENDING	
						MANAGEMENT		
X					4300	Administrative And Supervisory Personnel	06/01/1998	
	X				4301	Administrative Staff Organization	PENDING	
	X				4311	Recruitment And Selection	PENDING	
	X				4311.2	Legal Status Requirement	PENDING	
	X				4312.1	Contracts	PENDING	
	X				4312.8	Employment Of Relatives	PENDING	
	X				4312.9	Employee Notifications	PENDING	
		X			4313.2	Demotion/Reassignment	PENDING	
		X			4313.4	Temporary Modified/Light-Duty Assignment	PENDING	
X					4313.5	Working Remotely	PENDING	
		X			4314	Transfers	PENDING	

Human Resources-Related Board Policies for the Santa Barbara County Board of Education 2022-2023

X					4315	Evaluation/Supervision	PENDING	
		X			4317.13	Early Retirement Option	PENDING	
		X			4317.2	Resignation	PENDING	
		X			4319.1	Civil And Legal Rights	PENDING	
X					4319.11	Sexual Harassment	PENDING	
		X			4319.21	Professional Standards	PENDING	
		X			4319.22	Dress And Grooming	PENDING	
		X			4319.23	Unauthorized Release Of Confidential/Privileged Information	PENDING	
		X			4319.24	Maintaining Appropriate Adult-Student Interactions	PENDING	
X					4319.25	Political Activities Of Employees	PENDING	
			X		4319.41	Employees With Infectious Disease	PENDING	
			X		4319.42	Exposure Control Plan For Bloodborne Pathogens	PENDING	
			X		4319.43	Universal Precautions	PENDING	
X					4331	Staff Development	PENDING	
			X		4332	Publication or Creation of Materials	PENDING	
			X		4335	Soliciting And Selling	PENDING	
X					4336	Nonschool Employment	PENDING	
			X		4340	Bargaining Units	PENDING	
X					4344	Complaints	PENDING	
X					4351	Employee Compensation	PENDING	
X					4354	Health And Welfare Benefits	PENDING	
				X	4356.2	Awards And Recognition	PENDING	
				X	4356.3	Employee Property Reimbursement	PENDING	
				X	4357	Employee Safety	PENDING	
				X	4358	Employee Security	PENDING	
				X	4359	Employee Assistance Programs	PENDING	
X					4361	Leaves	PENDING	
X					4361.9	Catastrophic Leave Program	PENDING	

TOTAL=137



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – CONCEPTS AND ROLES

BP 4000

The County Board of Education and the County Superintendent of Schools recognize that the success of SBCEO students and programs hinges on effective personnel. The County Board of Education and the Superintendent desire to establish safe and supportive working conditions that will attract and retain staff members who are highly qualified and dedicated to the education and welfare of students. The SBCEO's personnel policies and related regulations shall be designed to ensure a supportive, positive climate and shall be consistent with collective bargaining agreements, personnel commission rules, and in conformance with state and federal law and regulations, as applicable.

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

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

The County Superintendent of Schools or designee shall assign and supervise the work of all employees and shall evaluate their work in accordance with effective accountability systems approved by the Superintendent. The Superintendent or designee also shall recommend disciplinary action against employees when warranted pursuant to Board policy, administrative regulations, personnel commission rules, exclusive bargaining agreements, and/or state or federal law, as applicable.

The County Superintendent of Schools recognizes that every employee has a stake in the SBCEO's successful operation. The Superintendent encourages all SBCEO employees to express their ideas, concerns and proposals related to the improvement of working conditions and the total educational program. The Superintendent or designee shall establish procedures whereby the Superintendent will receive and consider employee suggestions.

Policy Reference Disclaimer:

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State

Ed. Code 35020

Description

Duties of employees fixed by governing board



Ed. Code 35035
Ed. Code 35160
Gov. Code 3540-3549.3

Powers and duties of the superintendent; transfer authority
Authority of governing boards
Educational Employment Relations Act

Cross References

Code

4030
4030
4111
4115
4115
4118
4118
4131
4141
4143
4144
4144
4151
4211
4215
4218
4218
4218.1
4231
4241
4243
4244
4244
4251
4300
4300
4301
4311
4315
4331
4344
4344
4351
9000

Description

[Nondiscrimination in Employment](#)
[Nondiscrimination in Employment](#)
[Recruitment and Selection](#)
[Evaluation/Supervision](#)
[Evaluation/Supervision](#)
[Dismissal/Suspension/Disciplinary Action](#)
[Dismissal/Suspension/Disciplinary Action](#)
[Staff Development](#)
[Collective Bargaining Agreement](#)
[Negotiations/Consultation](#)
[Complaints](#)
[Complaints](#)
[Employee Compensation](#)
[Recruitment and Selection](#)
[Evaluation/Supervision](#)
[Dismissal/Suspension/Disciplinary Action](#)
[Dismissal/Suspension/Disciplinary Action](#)
[Dismissal/Suspension/Disciplinary Action \(Merit System\)](#)
[Staff Development](#)
[Collective Bargaining Agreement](#)
[Negotiations/Consultation](#)
[Complaints](#)
[Complaints](#)
[Employee Compensation](#)
[Administrative and Supervisory Personnel](#)
[Administrative and Supervisory Personnel](#)
[Administrative Staff Organization](#)
[Recruitment and Selection](#)
[Evaluation/Supervision](#)
[Staff Development](#)
[Complaints](#)
[Complaints](#)
[Employee Compensation](#)
[Role of the Board](#)

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – LACTATION ACCOMMODATION

BP 4033

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

An employee shall notify the employee's supervisor or other appropriate personnel in advance of the intent to request an accommodation. The supervisor shall respond to the request and shall work with the employee to make arrangements. If needed, the supervisor shall address scheduling to ensure that the employee's essential job duties are covered during the break time. Lactation accommodations shall be granted unless limited circumstances exist as specified in law. (Labor Code 1031, 1032; 29 USC 207)

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

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

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

Break Time and Location Requirements

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

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

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

1. Is shielded from view and free from intrusion while the employee is expressing milk
2. Is safe, clean, and free of hazardous materials, as defined in Labor Code 6382
3. Contains a place to sit and a surface to place a breast pump and personal items
4. Has access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump

5. Has access to a sink with running water and a refrigerator or, if a refrigerator cannot be provided, another cooling device suitable for storing milk in close proximity to the employee's workspace

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

Dispute Resolution

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

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State

2 CCR 11035-11051

Civ. Code 43.3

Ed. Code 200-262.4

Gov. Code 12926

Gov. Code 12940

Gov. Code 12945

Lab. Code 1030-1034

Lab. Code 6382

Description

[Unlawful sex discrimination: pregnancy, childbirth and related medical conditions](#)

[Right of mothers to breastfeed in any public or private location](#)

[Prohibition of discrimination](#)

Definitions

Unlawful discriminatory employment practices

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

Lactation Accommodation

Procedure for listing hazardous substances

Federal

29 USC 207

Description

Fair Labor Standards Act

Management Resources

CA Department of Industrial Relations
Publication

CA Department of Public Health Publication
CDC Publication

Fair Employment and Housing Commission
Decision

Federal Register

Health Resources & Services Admin
Publication

Office of the Surgeon General Publication

U.S. DoL, Wage and Hour Div., Publication

U.S. DoL, Wage and Hour Div., Publication

Website

Website

Website

Website

Website

Description

Rest Periods/Lactation Accommodation, Frequently Asked Questions

Lactation Accommodation for Employers

Lactation Support Program Toolkit

Department of Fair Employment and Housing v. Acosta Tacos (Chavez), FEHC Precedential Decision 09-03P, 2009

Reasonable Break Time for Nursing Mothers, December 21, 2010, Vol. 78, No. 244, pages 80073-70079

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

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

Frequently Asked Questions- Break Time for Nursing Mothers

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

[California Department of Industrial Relations, Division of Labor and Standards Enforcement](#)

[California Department of Public Health](#)

[California Women, Infants and Children Program](#)

[Centers for Disease Control and Prevention](#)

[Health Resources and Services Administration](#)



Website
Website

Cross References

Code

0410
4030
4030
4112.9
4112.9-E PDF(1)
4144
4144
4161.8
4212.9
4212.9-E PDF(1)
4244
4244
4261.8
4312.9
4312.9-E PDF(1)
4344
4344
4361.8

[Office of the Surgeon General](#)

[U.S. Department of Labor, Wage and Hour Division, Break Time for Nursing Mothers](#)

Description

[Nondiscrimination In District Programs And Activities](#)
[Nondiscrimination In Employment](#)
[Nondiscrimination In Employment](#)
[Employee Notifications](#)
[Employee Notifications](#)
[Complaints](#)
[Complaints](#)
[Family Care And Medical Leave](#)
[Employee Notifications](#)
[Employee Notifications](#)
[Complaints](#)
[Complaints](#)
[Family Care And Medical Leave](#)
[Employee Notifications](#)
[Employee Notifications](#)
[Complaints](#)
[Complaints](#)
[Family Care And Medical Leave](#)

ADOPTED BY COUNTY BOARD:
REVISED:

PENDING



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – CERTIFICATED PERSONNEL

BP 4100

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

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

The County Superintendent of Schools or designee strongly encourages certificated staff to continually improve their skills and pursue excellence within their profession.

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

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State

Ed. Code 44006
Ed. Code 90
Gov. Code 3543.2

Description

Certificated person
Definition, certificated and certified
Scope of representation

Cross References

Code

4111
4115
4115
4131
4141
4211
4241
4311

Description

[Recruitment And Selection](#)
[Evaluation/Supervision](#)
[Evaluation/Supervision](#)
[Staff Development](#)
[Collective Bargaining Agreement](#)
[Recruitment And Selection](#)
[Collective Bargaining Agreement](#)
[Recruitment And Selection](#)

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – WORKING REMOTELY

BP 4113.5

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

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

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

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

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

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

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

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

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



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

Policy Reference Disclaimer:

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State

Gov. Code 12900-12996
Gov. Code 6250-6270
Lab. Code 226.7
Lab. Code 6400
Lab. Code 6401

Description

Fair Employment and Housing Act
California Public Records Act
Mandated meal, rest, or recovery periods
Safe and healthful employment and place of employment
Unsafe workplace

Federal

42 USC 12101-12213

Description

Equal opportunity for individuals with disabilities

Management Resources

Website

Description

[California Department of Industrial Relations](#)

Cross References**Code**

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[Access To District Records](#)
[Access To District Records](#)
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[Emergencies And Disaster Preparedness Plan](#)
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[Nondiscrimination In Employment](#)
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[Reasonable Accommodation](#)
[Employee Use Of Technology](#)
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[Assignment](#)
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[Professional Standards](#)
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4241	Collective Bargaining Agreement
4251	Employee Compensation
4254	Health And Welfare Benefits
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4257	Employee Safety
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4315	Evaluation/Supervision
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4351	Employee Compensation
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5125	Student Records
5125	Student Records

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – POLITICAL ACTIVITIES OF EMPLOYEES

BP 4119.25

The County Board of Education and the County Superintendent of Schools recognize the importance of political activity, voting, and civic engagement, and respect the right of SBCEO employees to engage in political discussions and activities as individuals on their own time and at their own expense. When engaging in such activities, employees shall make it clear that they are acting on their own behalf and not as representatives of the SBCEO.

SBCEO employees, as members of the community, may use school facilities for meetings, including political activities, as permitted under the Civic Center Act and SBCEO policy.

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

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Management Resources

Attorney General Opinion
Attorney General Opinion
Attorney General Opinion
Court Decision

Court Decision

PERB Ruling

Website
Website
Website

Description

84 Ops.Cal.Atty.Gen. 52 (2001)
84 Ops.Cal.Atty.Gen. 106 (2001)
77 Ops.Cal.Atty.Gen. 56 (1994)
Downs v. Los Angeles Unified School District, (9th Cir. 2000) 228 F.3d 1003
California Teachers Association v. Governing Board of San Diego Unified School District, (1996) 45 Cal.App. 4th 1383
San Diego Community College District, (2001) PERB Dec. No.1467
[CSBA](#)
[California Public Employment Relations Board](#)
[California Attorney General's Office](#)

State

Ed. Code 38130-38139
Ed. Code 51520
Ed. Code 7050-7057
Elec. Code 18304
Gov. Code 3543.1
Gov. Code 82041.5
Gov. Code 8314
Pen. Code 424
Public Employment Relations Board Rulings

Description

Civic Center Act
Prohibited solicitations on school premises
Political activities of school officers and employees
Prohibition against use of district seal in campaign literature
Rights of employee organizations
Mass mailing
Unlawful use of state resources
Embezzlement and falsification of accounts by public officers
City of Sacramento, (2019) PERB Dec. No. 2702m

ADOPTED BY COUNTY BOARD: Pending
REVISED:



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – COMPLAINTS

BP 4144

The County Board of Education and the County Superintendent of Schools recognize the need to establish a process to allow employees and job applicants to have their concerns heard in an expeditious and unbiased manner. The Superintendent or designee expects that employees will make every effort to resolve complaints and disagreements informally before filing a formal complaint.

The County Superintendent of Schools prohibits retaliation against complainants. The Superintendent or designee may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint.

All matters related to a complaint shall be kept confidential and any document, communication, or record regarding the complaint shall be placed in a separate file and shall not be placed in an employee's personnel file.

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Management Resources

Website

Description

[CSBA](#)

State

5 CCR 4900-4965

Description

Nondiscrimination in elementary and secondary education programs

Ed. Code 200-262.4

[Educational equity; prohibition of discrimination on the basis of sex](#)

Ed. Code 35186

Complaints regarding teacher vacancy or misassignment

Ed. Code 44110-44114

Reporting by school employees of improper governmental activity

Gov. Code 3543

Public school employees' rights

Gov. Code 3543.1

Rights of employee organizations

Gov. Code 53296-53299

Disclosure of confidential information; whistleblower

Gov. Code 54957

Complaints against employees; right to open session

Lab. Code 1102.5-1106

Whistleblower protections

Cross References

Code

0430

Description

[Comprehensive Local Plan For Special Education](#)

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[Comprehensive Local Plan For Special Education](#)

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – EMPLOYEE COMPENSATION

BP 4151

In order to recruit and retain employees committed to the SBCEO's goals for student learning, the County Board of Education and the County Superintendent of Schools recognize the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

The County Superintendent of Schools shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the SBCEO office. (Education Code 45022, 45023, 45160, 45162, 45268)

Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for education level and years of experience, unless the County Superintendent of Schools and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the County Superintendent of Schools or designee.

The County Superintendent of Schools or designee shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. (Education Code 45038, 45039, 45048, 45165)

In extraordinary circumstances or emergency situations, the County Superintendent of Schools or designee may determine to continue to compensate employees during periods of extended closure or disruption of normal SBCEO operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

The County Superintendent of Schools or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

Overtime Compensation

SBCEO employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day or 40 hours in one work week, or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work. However, teachers, school administrators, and other employees in positions established by the County Superintendent of Schools as executive, administrative, or professional shall be exempt from overtime rules. (Education Code 45128, 45130; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32)

When authorized in a collective bargaining agreement or other agreement between the SBCEO and employees, an employee may take compensatory time off in lieu of overtime compensation, provided the employee has not accrued compensatory time in excess of the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within 12 calendar months after making the request if the use of the compensatory



time does not unduly disrupt SBCEO operations. (Education Code 45129; 29 USC 207; 29 CFR 553.20-553.25)

For each nonexempt employee, the County Superintendent of Schools or designee shall maintain records on the employee's wages, hours, and other information specified in 29 CFR 516.5-516.6.

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Federal

26 CFR 1.409A-1
26 USC 409A
29 CFR 516.4
29 CFR 516.5-516.6
29 CFR 541.0-541.710

29 CFR 553.1-553.51
29 USC 201-219
29 USC 203
29 USC 207
29 USC 213

Description

Definitions and covered plans
Deferred compensation plans
Notice of minimum wage and overtime provisions
Records
Exemptions for executive, administrative, and professional employees
Fair Labor Standards Act; applicability to public agencies
Fair Labor Standards Act
Definitions
Fair Labor Standards Act
Exemptions from minimum wage and overtime requirements

Management Resources

Court Decision
Office of Management and Budget
Publication

Website
Website
Website
Website

Description

Flores v. City of San Gabriel, 9th Cir., June 2, 2016, No. 14-56421
Administrative Relief for Recipients & Applicants of Fed. Fin.
Assist. Directly Impacted by COVID-19 Due to Loss, Memo M-20-17, March 19, 2020
[U.S. Department of Labor, Wage and Hour Division](#)
[School Services of California, Inc.](#)
[Internal Revenue Service](#)
[CSBA](#)

State

8 CCR 11040

Ed. Code 45022-45061.5
Ed. Code 45023
Ed. Code 45028
Ed. Code 45127-45133.5
Ed. Code 45160-45169
Ed. Code 45268
Gov. Code 3540-3549
Gov. Code 3543.2
Gov. Code 3543.7
Lab. Code 226
Lab. Code 232

Description

[Wages and hours; definitions of administrative, executive, and professional employees](#)
Salaries
Availability of salary schedule
Salary schedule and exceptions
Classified employees; work week; overtime provisions
Salaries for classified employees
Salary schedule for classified service in merit system districts
Meeting and negotiating
Scope of representation
Duty to meet and negotiate in good faith
Employee access to payroll records
Disclosure of wages

Cross References

Code
0430
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Description

[Comprehensive Local Plan For Special Education](#)
[Comprehensive Local Plan For Special Education](#)



ADOPTED BY COUNTY BOARD: Pending
REVISED:

PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – HEALTH AND WELFARE BENEFITS

BP 4154

The County Board of Education and the County Superintendent of Schools recognize that health and welfare benefits are essential to promote employee health and productivity and are an important part of the compensation offered to employees. The SBCEO shall provide health and welfare benefits for employees in accordance with state and federal law and subject to negotiated employee agreements.

Certificated management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for certificated employees. Classified management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for classified employees.

For purposes of granting benefits, a registered domestic partner and the registered domestic partner's child shall have the same rights, protections, and benefits as a spouse and spouse's child. (Family Code 297.5, 300)

The SBCEO shall offer full-time employees who work an average of 35 hours or more per week and their dependents up to age 26 years a health insurance plan that includes coverage for essential health benefits, pays at least 60 percent of the medical expenses covered under the terms of the plan, and meets all other requirements of the federal Patient Protection and Affordable Care Act.

With respect to eligibility to participate in the health benefits plan or the level of health benefits provided, the SBCEO shall not discriminate in favor of employees who are among the highest paid 25 percent of all SBCEO employees. (26 USC 105; 42 USC 300gg-16)

Continuation of Coverage

Retired certificated employees, other employees who would otherwise lose coverage due to a qualifying event specified in law and administrative regulation, and their qualified beneficiaries may continue to participate in the SBCEO's group health and welfare benefits in accordance with state and federal law.

Unless otherwise provided for in the applicable collective bargaining agreement, covered employees and their qualified beneficiaries may receive continuation coverage by paying the premiums, dues, and other charges, including any increases in premiums, dues, and costs incurred by the SBCEO in administering the program.

Confidentiality

The County Superintendent or designee shall not use or disclose any employee's medical information the SBCEO possesses without the employee's authorization obtained in accordance with Civil Code 56.21, except for the purpose of administering and maintaining employee benefit plans and for other purposes specified in law. (Civil Code 56.20)

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Federal
1 USC 7

Description
[Definition of marriage, spouse](#)



26 CFR 1.105-11
26 CFR 54.4980B-1-54.4980B-10
26 CFR 54.4980H-1-54.4980H-6
26 USC 105

26 USC 4980B
26 USC 4980H

26 USC 5000A
26 USC 6056
29 USC 1161-1168
42 USC 1395-1395g
42 USC 300gg-16

42 USC 300gg-300gg95
45 CFR 164.500-164.534

Management Resources

California School Boards Association
Publication
Internal Revenue Service Notification

U.S. Department of Treasury Publication

Website
Website

Website
Website
Website

State

Civ. Code 56.10-56.16
Civ. Code 56.20-56.245
Ed. Code 17566
Ed. Code 35208
Ed. Code 35214

Ed. Code 44041-44042
Ed. Code 44986
Ed. Code 45136
Ed. Code 7000-7008
Fam. Code 297-297.5

Fam. Code 300
Gov. Code 12940
Gov. Code 22750-22944
Gov. Code 53200-53210
H&S Code 1366.20-1366.29
H&S Code 1367.08

H&S Code 1373
H&S Code 1373.621
H&S Code 1374.58

Ins. Code 10116.5
Ins. Code 10128.50-10128.59

Self-insured medical reimbursement plan
COBRA continuation coverage
Patient Protection and Affordable Care Act
Self-insured medical reimbursement plan; definition of highly compensated individual
COBRA continuation coverage
Penalty for noncompliance with employer-provided health care requirements
Minimum essential coverage
Report of health coverage provided to employees
COBRA continuation coverage
Medicare benefits
Group health plan; nondiscrimination in favor of highly compensated individuals
Patient Protection and Affordable Care Act
Health Insurance Portability and Accountability Act (HIPAA)

Description

Health Policy: Implications of Covered California for School Boards, Districts and Personnel, Governance Brief, January 2013
2011-1 Affordable Care Act Nondiscrimination Provisions
Applicable to Insured Group Health Plans
Fact Sheet: Final Regulations Implementing Employer Shared Responsibility Under the Affordable Care Act (ACA) for 2015
[U.S. Department of Labor](#)
[U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services](#)
[Internal Revenue Service](#)
[CSBA](#)
[California Employment Development Department](#)

Description

[Disclosure of information by medical providers](#)
[Use and disclosure of medical information by employers](#)
Self-insurance fund
Liability insurance
Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company)
Payroll deductions for collection of premiums
Leave of absence, state disability benefits
Benefits for classified employees
Health and welfare benefits, retired certificated employees
Rights, protections, benefits under the law; registered domestic partners
Definition of marriage
Unlawful discriminatory employment practices
Public Employees' Medical and Hospital Care Act
Group insurance
Cal-COBRA program, health insurance
Disclosure of fees and commissions paid related to health care service plan
Health services plan, coverage for dependent children
Continuation coverage, age 60 or older after five years with district
Coverage for registered domestic partners, health service plans and health insurers
Continuation coverage, age 60 or older after five years with district
Cal-COBRA program, disability insurance



Ins. Code 10277-10278

Ins. Code 10604.5

Ins. Code 12670-12692.5

Lab. Code 2800.2

Lab. Code 4856

Unemp. Ins. Code 2613

Group and individual health insurance, coverage for dependent children

Annual disclosure of fees and commissions paid

Conversion coverage

Notification of availability of continuation health coverage

Health benefits for spouse of peace officer killed in performance of duties

Disability insurance; notice of rights and benefits

Cross References

Code

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4241.6

Description

[Comprehensive Local Plan For Special Education](#)

[Comprehensive Local Plan For Special Education](#)

[Concerted Action/Work Stoppage](#)

[Concerted Action/Work Stoppage](#)

[Concerted Action/Work Stoppage](#)

[Concerted Action/Work Stoppage](#)

ADOPTED BY COUNTY BOARD:

REVISED:

PENDING



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – CATASTROPHIC LEAVE PROGRAM

BP 4161.9

The County Board of Education and the County Superintendent of Schools recognizes that SBCEO employees may desire to assist other employees who have an urgent need for a leave of absence but do not have sufficient accrued leave to cover their absence. The Superintendent or designee shall establish a catastrophic leave program by which employees may donate accrued vacation and/or sick leave credits, which shall be placed into a pool for use by eligible employees.

Donations made under the catastrophic leave program shall be strictly voluntary.

The SBCEO's policy and procedures regarding catastrophic leave shall be included in the employee handbook. The County Superintendent of Schools or designee may notify employees annually, or more frequently if the need arises, of the process for donating leave for this purpose.

An employee may apply to use donated leave credits in accordance with the accompanying administrative regulation when the employee has exhausted all applicable paid leaves of absence and a catastrophic illness or injury incapacitates the employee or a member of the employee's family for an extended period of time. (Education Code 44043.5)

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State	Description
Ed. Code 44043.5	Catastrophic leave
Ed. Code 44977	Salary schedule for substitute employees
Ed. Code 44978	Sick leave, certificated employees
Ed. Code 44983	Compensation during leave, certificated employees
Ed. Code 45190-45191	Sick leave and vacation, classified employees
Ed. Code 45196	Salary deductions during sick leave, classified employees
Lab. Code 245-249	Healthy Workplaces, Healthy Families Act of 2014

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – CLASSIFIED PERSONNEL

BP 4200

The County Board of Education adopted the Merit System as provided for in the California Education Code Article 6 commencing with Section 45240 of Chapter 5, Part 25, Title 2, due to the County of Santa Barbara having a merit system (civil service) in effect. At the time of adoption in 1975, certain duties and functions were transferred by the Santa Barbara County Board of Supervisors to the County Board of Education, pursuant to Education Code Section 1080 and as provided for in Education Code Section 1310.

The County Board of Education, the Personnel Commission, and the County Superintendent of Schools recognize that classified personnel provide essential services that support and enhance the SBCEO's educational program. The County Superintendent of Schools shall fill each of its classified positions with qualified persons, consistent with position requirements and personnel commission rules.

The County Superintendent of Schools shall classify all employees and positions within the jurisdiction of the commission, except for those employees and positions exempt from classified service, as the classified service. (Education Code 45256)

Individuals who possess certification qualifications shall not be prohibited from being employed in a classified position. (Education Code 45104)

The commission shall prescribe, amend, and interpret, subject to this article, such rules as may be necessary to insure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness. (Education Code 45260)

The commission rules shall provide for the procedures to be followed by the County Superintendent of Schools as they pertain to the classified service regarding applications, examinations, eligibility, appointments, promotions, demotions, transfers, dismissals, resignations, layoffs, reemployment, vacations, leaves of absence, compensation within classification, job analyses and specifications, performance evaluations, public advertisement of examinations, rejection of unfit applicants without competition, and any other matters necessary to carry out the provisions and purposes of this article. (Education Code 45261)

With respect to those matters which are a subject of negotiation under the provisions of Section 3543.2 of the Government Code, such rules as apply to each bargaining unit shall be in accordance with the negotiated agreement, if any, between the exclusive representative for that unit and the public school employer. (Education Code 45261)

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State

Ed. Code 45100-45139

Ed. Code 45160-45169

Description

Employment of classified staff

Salaries for classified employees

Classified Personnel– Board Policy 4200



Ed. Code 45190-45210
 Ed. Code 45220-45320
 Ed. Code 49406
 Ed. Code 51760-51769.5

Management Resources
 Website

Cross References

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 4218.1
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Leaves of absence (classified)
 Merit system, classified employees
 Examination for tuberculosis
 Work experience education

Description

[California School Employees Association](#)

Description

[Goals For The School District](#)
[Contracts](#)
[District Police/Security Department](#)
[District Police/Security Department](#)
[School Bus Drivers](#)
[Recruitment And Selection](#)
[Health Examinations](#)
[Criminal Record Check](#)
[Criminal Record Check](#)
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[Health Examinations](#)
[Criminal Record Check](#)
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[Evaluation/Supervision](#)
[Layoff/Rehire](#)
[Dismissal/Suspension/Disciplinary Action](#)
[Dismissal/Suspension/Disciplinary Action](#)
[Dismissal/Suspension/Disciplinary Action \(Merit System\)](#)
[Staff Development](#)
[Collective Bargaining Agreement](#)
[Recruitment And Selection](#)
[Health Examinations](#)
[Criminal Record Check](#)
[Criminal Record Check](#)

ADOPTED BY COUNTY BOARD:
 REVISED:

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PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – WORKING REMOTELY

BP 4213.5

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

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

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

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

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

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

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

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

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



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

Policy Reference Disclaimer:

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State

Gov. Code 12900-12996

Gov. Code 6250-6270

Lab. Code 226.7

Lab. Code 6400

Lab. Code 6401

Federal

42 USC 12101-12213

Management Resources

Website

Description

Fair Employment and Housing Act

California Public Records Act

Mandated meal, rest, or recovery periods

Safe and healthful employment and place of employment

Unsafe workplace

Description

Equal opportunity for individuals with disabilities

Description

[California Department of Industrial Relations](#)

Cross References**Code**

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Description

[COVID-19 Mitigation Plan](#)

[Access To District Records](#)

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[Emergencies And Disaster Preparedness Plan](#)

[Emergencies And Disaster Preparedness Plan](#)

[Emergency Schedules](#)

[District Records](#)

[District Records](#)

[Nondiscrimination In Employment](#)

[Nondiscrimination In Employment](#)

[Reasonable Accommodation](#)

[Employee Use Of Technology](#)

[Employee Use Of Technology](#)

[Assignment](#)

[Assignment](#)

[Evaluation/Supervision](#)

[Evaluation/Supervision](#)

[Dismissal/Suspension/Disciplinary Action](#)

[Dismissal/Suspension/Disciplinary Action](#)

[Professional Standards](#)

[Professional Standards](#)

[Staff Development](#)

[Collective Bargaining Agreement](#)

[Employee Compensation](#)

[Health And Welfare Benefits](#)

[Health And Welfare Benefits](#)

[Employee Property Reimbursement](#)

[Employee Safety](#)

[Employee Safety](#)

[Work-Related Injuries](#)

[Ergonomics](#)

[Personal Illness/Injury Leave](#)

[Evaluation/Supervision](#)

[Dismissal/Suspension/Disciplinary Action](#)

[Dismissal/Suspension/Disciplinary Action](#)

[Professional Standards](#)



4219.21-E PDF(1)

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4319.21

4319.21-E PDF(1)

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4357.1

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[Professional Standards](#)

[Collective Bargaining Agreement](#)

[Employee Compensation](#)

[Health And Welfare Benefits](#)

[Health And Welfare Benefits](#)

[Employee Property Reimbursement](#)

[Employee Safety](#)

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[Work-Related Injuries](#)

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[Student Records](#)

[Student Records](#)

ADOPTED BY COUNTY BOARD:

Pending

REVISED:



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – EVALUATION/SUPERVISION

BP 4215

The County Board of Education and the County Superintendent of Schools recognize that appropriate supervision and regular, comprehensive evaluations can help employees to continually improve in the performance of their responsibilities. Evaluations shall be made in accordance with procedures specified in negotiated contracts and based on job-specific standards of performance.

The County Superintendent of Schools expects supervisors to gauge employees' on-the-job effectiveness and skills in a fair, objective, and consistent manner. Evaluations shall address the competence and care with which the employee executes their assigned responsibilities. As appropriate, evaluations also may address the extent to which the employee works cooperatively with others and observes school or SBCEO rules and regulations.

The County Superintendent of Schools or designee shall ensure that evaluation ratings have uniform meaning throughout the SBCEO.

Evaluations shall be used to recognize the exemplary skills and accomplishments of staff and to identify areas needing improvement. When the evaluation indicates areas needing improvement, the County Superintendent of Schools expects employees to accept responsibility and take initiative to improve their performance. The Superintendent or designee shall assist employees in obtaining needed job skills.

The evaluation shall be dated and signed by both the employee and the supervisor. The County Superintendent of Schools or designee shall ensure that classified employees have access to rules and procedures related to performance evaluations.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Management Resources

Website
Website

Description

[CSBA](#)
[California School Employees Association](#)

State

Ed. Code 45113
Ed. Code 45261
Ed. Code 45262
Gov. Code 3543.2

Description

Notification of charges, classified employees
Subjects of rules (merit system districts)
Distribution of rules
Scope of representation

ADOPTED BY COUNTY BOARD: Pending
REVISED:



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – **SEXUAL HARASSMENT**

BP 4219.11

The following policy shall apply to all SBCEO employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the SBCEO.

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

Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions.

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

Sexual Harassment Reports and Complaints

SBCEO employees who feel that they have been sexually harassed in the performance of their SBCEO responsibilities or who have knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to their direct supervisor, an SBCEO administrator, or the SBCEO's Title IX Coordinator. Employees may bypass their supervisor in filing a complaint if the supervisor is the subject of the complaint. A supervisor or administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or AR 4030 - Nondiscrimination in Employment, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 4119.12/4219.12/4319.12 concurrently meets the requirements of AR 4030.

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Upon investigation of a sexual harassment complaint, any SBCEO employee found to have engaged or participated in sexual harassment or to have aided, abetted, incited, compelled, or



coerced another to commit sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

Policy Reference Disclaimer:

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Federal

20 USC 1681-1688

34 CFR 106.1-106.9

34 CFR 106.51-106.61

42 USC 2000e-2000e-17

Description

Title IX of the Education Amendments of 1972

Nondiscrimination on the basis of sex in education programs or activities

Nondiscrimination on the basis of sex in employment in education program or activities

Title VII, Civil Rights Act of 1964, as amended

Management Resources

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

U.S. Equal Employment Opportunity Com.

Publication

Website

Website

Website

Description

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Promising Practices for Preventing Harassment, November 2017

[U.S. Equal Employment Opportunity Commission](#)

[U.S. Department of Education, Office for Civil Rights](#)

[California Department of Fair Employment and Housing](#)

State

2 CCR 11006-11086

2 CCR 11021

2 CCR 11023

2 CCR 11024

2 CCR 11034

5 CCR 4900-4965

Ed. Code 200-262.4

Gov. Code 12900-12996

Gov. Code 12940

Gov. Code 12950

Gov. Code 12950.1

Lab. Code 1101

Lab. Code 1102.1

Description

[Discrimination in employment](#)

[Discrimination in employment - retaliation](#)

[Harassment and discrimination prevention and correction](#)

[Required training and education on harassment based on sex, gender identity and expression, and sexual orientation](#)

[Terms, conditions, and privileges of employment](#)

Nondiscrimination in elementary and secondary education programs

[Educational equity; prohibition of discrimination on the basis of sex](#)

Fair Employment and Housing Act

Unlawful discriminatory employment practices

Sexual harassment

Sexual harassment training

Political activities of employees

Discrimination: sexual orientation

Cross References

Code

0430

0430

Description

[Comprehensive Local Plan For Special Education](#)

[Comprehensive Local Plan For Special Education](#)



REVISED:



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – STAFF DEVELOPMENT

BP 4231

The County Board of Education and the County Superintendent of Schools recognize that classified staff does essential work that supports a healthy school environment and the educational program. Classified staff shall have opportunities to participate in staff development activities in order to improve job skills, learn best practices, retrain as appropriate in order to meet changing conditions in the SBCEO, and/or enhance personal growth.

The County Superintendent of Schools or designee shall involve classified staff, site and SBCEO administrators, and others, as appropriate, in the development of the SBCEO's staff development program. The Superintendent or designee shall ensure that the SBCEO's staff development program is aligned with SBCEO goals, school improvement objectives, the local control and accountability plan, and other SBCEO and school plans.

Staff development may address general workplace skills and/or skills and knowledge specific to the duties of each classified position, including, but not limited to, the following topics: (Education Code 45391)

1. Student learning and achievement
 - a. How paraprofessionals can assist teachers and administrators to improve the academic achievement of students
 - b. Alignment of curriculum and instructional materials with Common Core State Standards
 - c. The management and use of state and local student data to improve student learning
 - d. Best practices in appropriate interventions and assistance to at-risk students
2. Student and campus safety
3. Education technology, including management strategies and best practices regarding the use of education technology to improve student performance
4. School facility maintenance and operations, including best practices in the operation and maintenance of school facilities, such as green technology and energy efficiency, that help reduce the use and cost of energy at school sites
5. Special education, including best practices to meet the needs of special education students and to comply with any new state and federal mandates
6. School transportation and bus safety
7. Parent involvement, including ways to increase parent involvement at school sites



8. Food service, including food preparation to provide nutritional meals, food safety, and food management
9. Health, counseling, and nursing services
10. Environmental safety, including pesticides and other possibly toxic substances so that they may be safely used at school sites

For classroom instructional aides or other classified staff involved in direct instruction of students, staff development activities may also include academic content of the core curriculum, teaching strategies, classroom management, or other training designed to improve student performance, conflict resolution, and relationships among students. Such professional learning opportunities shall be evaluated based on criteria specified in Education Code 44277 and BP 4131 - Staff Development.

The SBCEO's staff evaluation process may be used to recommend additional individualized staff development for individual employees.

The County Superintendent of Schools or designee shall provide a means for continual evaluation of the benefit of staff development activities to staff and students and shall regularly evaluate the effectiveness of the staff development program.

Policy Reference Disclaimer:

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Management Resources

Public Employment Relations Board
Decision

Website
Website

Description

United Faculty of Contra Costa Community College District v.
Contra Costa Community College District, (1990) PERB Order No.
804, 14 PERC P21, 085

[California School Employees Association](#)
[California Association of School Business Officials](#)

State

Ed. Code 44032
Ed. Code 44277
Ed. Code 45380-45387
Ed. Code 45390-45392
Ed. Code 52060-52077
Ed. Code 56240-56245
Gov. Code 3543.2

Description

Travel expense payment
Professional growth programs for individual teachers
Retraining and study leave (classified employees)
Professional development for classified school employees
Local control and accountability plan
Staff development; service to persons with disabilities
Scope of representation

Cross References**Code**

0430
0430
6173
6173
6173-E(1)
6173-E(2)

Description

[Comprehensive Local Plan For Special Education](#)
[Comprehensive Local Plan For Special Education](#)
[Education For Homeless Children](#)
[Education For Homeless Children](#)
[Education For Homeless Children](#)
[Education For Homeless Children](#)

ADOPTED BY COUNTY BOARD: Pending



REVISED:



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – NONSCHOOL EMPLOYMENT

BP 4236

In order to help maintain public trust in the integrity of SBCEO operations, the County Board of Education and the County Superintendent of Schools expect all employees to give the responsibility of their positions precedence over any other outside employment. An SBCEO employee may receive compensation for outside activities as long as these activities are not inconsistent, incompatible, in conflict with, or inimical to the employee's SBCEO duties.

An outside activity shall be considered inconsistent, incompatible, or inimical to SBCEO employment when such activity: (Government Code 1126)

1. Requires time periods that interfere with the proper, efficient discharge of the employee's duties
2. Entails compensation from an outside source for activities which are part of the employee's regular duties
3. Involves using the SBCEO's name, prestige, time, facilities, equipment, or supplies for private gain
4. Involves service which will be wholly or in part subject to the approval or control of another SBCEO employee or Board member

An employee wishing to accept outside employment that may be inconsistent, incompatible, in conflict with, or inimical to the employee's duties shall file a written request with the employee's immediate supervisor describing the nature of the employment and the time required. The supervisor shall evaluate each request based on the employee's specific duties within the SBCEO and determine whether to grant authorization for such employment.

The supervisor shall inform the employee whether the outside employment is prohibited. The employee may appeal a supervisor's denial of authorization to the County Superintendent of Schools or designee. An employee who continues to pursue a prohibited activity may be subject to disciplinary action.

Tutoring

A certificated employee shall not accept any compensation or other benefit for tutoring a student enrolled in the certificated employee's class(es). An employee who wishes to tutor another SBCEO student shall first request authorization from the employee's supervisor in accordance with this Board policy. If authorization is granted, the employee shall not use SBCEO facilities, equipment, or supplies when providing the tutoring service.

Policy Reference Disclaimer:

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Management Resources

Attorney General Opinion
Website
Website

Description

70 Ops.Cal.Atty.Gen. 157 (1987)
[Fair Political Practices Commission](#)
[CSBA](#)

**State**

5 CCR 80334
Ed. Code 35160
Ed. Code 35160.1
Ed. Code 51520
Gov. Code 1126
Gov. Code 1127
Gov. Code 1128

Description

Unauthorized private gain or advantage
Authority of governing boards
Broad authority of school districts
Prohibited solicitations on school premises
Incompatible activities of employees
Incompatible activities; off duty work
Incompatible activities, attorney

ADOPTED BY COUNTY BOARD: PENDING



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – COMPLAINTS

BP 4244

The County Board of Education and the County Superintendent of Schools recognize the need to establish a process to allow employees and job applicants to have their concerns heard in an expeditious and unbiased manner. The Superintendent expects that employees will make every effort to resolve complaints and disagreements informally before filing a formal complaint.

The County Superintendent of Schools prohibits retaliation against complainants. The Superintendent or designee may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint.

All matters related to a complaint shall be kept confidential and any document, communication, or record regarding the complaint shall be placed in a separate file and shall not be placed in an employee's personnel file.

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Management Resources

Website

Description

[CSBA](#)

State

5 CCR 4900-4965

Description

Nondiscrimination in elementary and secondary education programs

Ed. Code 200-262.4

Ed. Code 35186

Ed. Code 44110-44114

Gov. Code 3543

Gov. Code 3543.1

Gov. Code 53296-53299

Gov. Code 54957

Lab. Code 1102.5-1106

[Educational equity: prohibition of discrimination on the basis of sex](#)

Complaints regarding teacher vacancy or misassignment

Reporting by school employees of improper governmental activity

Public school employees' rights

Rights of employee organizations

Disclosure of confidential information; whistleblower

Complaints against employees; right to open session

Whistleblower protections

Cross References

Code

0430

0430

Description

[Comprehensive Local Plan For Special Education](#)

[Comprehensive Local Plan For Special Education](#)

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – EMPLOYEE COMPENSATION

BP 4251

In order to recruit and retain employees committed to the SBCEO's goals for student learning, the County Board of Education and the County Superintendent of Schools recognize the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

The County Superintendent of Schools shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the SBCEO office. (Education Code 45022, 45023, 45160, 45162, 45268)

Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for education level and years of experience, unless the County Superintendent of Schools or designee and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the County Superintendent of Schools or designee.

The County Superintendent of Schools or designee shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. (Education Code 45038, 45039, 45048, 45165)

In extraordinary circumstances or emergency situations, the County Superintendent of Schools or designee may determine to continue to compensate employees during periods of extended closure or disruption of normal SBCEO operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

The County Superintendent of Schools or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

Overtime Compensation

SBCEO employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day or 40 hours in one work week, or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work. However, teachers, school administrators, and other employees in positions established by the County Superintendent of Schools as executive, administrative, or professional shall be exempt from overtime rules. (Education Code 45128, 45130; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32)

When authorized in a collective bargaining agreement or other agreement between the SBCEO and employees, an employee may take compensatory time off in lieu of overtime compensation, provided the employee has not accrued compensatory time in excess of the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within 12 calendar months after making the request if the use of the compensatory



time does not unduly disrupt SBCEO operations. (Education Code 45129; 29 USC 207; 29 CFR 553.20-553.25)

For each nonexempt employee, the County Superintendent of Schools or designee shall maintain records on the employee's wages, hours, and other information specified in 29 CFR 516.5-516.6.

Policy Reference Disclaimer:

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Federal

26 CFR 1.409A-1
26 USC 409A
29 CFR 516.4
29 CFR 516.5-516.6
29 CFR 541.0-541.710

29 CFR 553.1-553.51
29 USC 201-219
29 USC 203
29 USC 207
29 USC 213

Description

Definitions and covered plans
Deferred compensation plans
Notice of minimum wage and overtime provisions
Records
Exemptions for executive, administrative, and professional employees
Fair Labor Standards Act; applicability to public agencies
Fair Labor Standards Act
Definitions
Fair Labor Standards Act
Exemptions from minimum wage and overtime requirements

Management Resources

Court Decision
Office of Management and Budget
Publication

Website
Website
Website
Website

Description

Flores v. City of San Gabriel, 9th Cir., June 2, 2016, No. 14-56421
Administrative Relief for Recipients & Applicants of Fed. Fin.
Assist. Directly Impacted by COVID-19 Due to Loss, Memo M-20-17, March 19, 2020
[U.S. Department of Labor, Wage and Hour Division](#)
[School Services of California, Inc.](#)
[Internal Revenue Service](#)
[CSBA](#)

State

8 CCR 11040

Ed. Code 45022-45061.5
Ed. Code 45023
Ed. Code 45028
Ed. Code 45127-45133.5
Ed. Code 45160-45169
Ed. Code 45268
Gov. Code 3540-3549
Gov. Code 3543.2
Gov. Code 3543.7
Lab. Code 226
Lab. Code 232

Description

[Wages and hours; definitions of administrative, executive, and professional employees](#)
Salaries
Availability of salary schedule
Salary schedule and exceptions
Classified employees; work week; overtime provisions
Salaries for classified employees
Salary schedule for classified service in merit system districts
Meeting and negotiating
Scope of representation
Duty to meet and negotiate in good faith
Employee access to payroll records
Disclosure of wages

Cross References

Code
0430
0430

Description

[Comprehensive Local Plan For Special Education](#)
[Comprehensive Local Plan For Special Education](#)

ADOPTED BY COUNTY BOARD: Pending



REVISED:



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – LEAVES

BP 4261

The County Board of Education and the County Superintendent of Schools shall provide for paid and unpaid leaves of absence for employees in accordance with law, Board policy, administrative regulation, collective bargaining agreements, and merit system rules, as applicable.

The County Superintendent of Schools recognizes the following justifiable reasons for employee absence:

1. Personal illness or injury
2. Industrial accident or illness
3. Family care and medical leave
4. Military service
5. Personal necessity and personal emergencies
6. Disability leave for certificated employees in accordance with Education Code 44986
7. Vacations for classified staff and certificated management staff, as applicable
8. Sabbaticals for purposes of study or training related to the employee's job duties
9. Attendance at work-related meetings and staff development opportunities
10. Compulsory leave

Long-Term Leaves

With County Superintendent of Schools or designee approval, an employee may receive a leave of absence, without pay and without accruing seniority or service credit, for a period of up to one school year. Applications for long-term leave shall be made in writing and shall state the purpose for which leave is requested. All long-term leave agreements shall be in writing and shall state the terms and conditions of the leave, including the conditions governing the employee's return.

At the end of a long-term leave, the employee shall be reinstated to a similar position as that held at the time leave was granted, unless otherwise agreed upon.

The County Superintendent of Schools or designee shall consider any written request by an employee to return to work prior to the expiration date of the leave.

Administrative and Supervisory Personnel

Certificated administrative and supervisory employees who are not subject to the SBCEO's bargaining agreement for certificated employees shall generally be entitled to those leave provisions provided in the bargaining agreement for other certificated employees unless



otherwise specified in individual contract, memorandums of understanding, Board policy, administrative regulation, or law.

Classified administrative and supervisory employees who are not subject to the SBCEO's bargaining agreement for classified employees shall generally be entitled to those leave provisions provided in the bargaining agreement for other classified employees unless otherwise specified in individual contract, memoranda of understanding, Board policy, administrative regulation, or law.

Policy Reference Disclaimer:

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Federal

29 USC 2601-2654
38 USC 4301-4334

Description

Family Care and Medical Leave Act
Uniformed Services Employment and Reemployment Rights Act of 1994

State

Ed. Code 22850-22856
Ed. Code 44018
Ed. Code 44036-44037
Ed. Code 44043.5
Ed. Code 44800
Ed. Code 44842
Ed. Code 44940
Ed. Code 44962-44988
Ed. Code 45059

Description

Pension benefits, STRS members on military leave
Compensation for employees on active military duty
Leaves of absence for judicial and official appearances
Catastrophic leave
Effect of active military service on status of employees
Reemployment notices, certificated employees
Compulsory leave of absence for certificated persons
Leave of absence (certificated)
Employee ordered to active military/naval duty, computation of salary
Leaves of absence (classified)
Rights, protections, benefits under the law; registered domestic partners
California Family Rights Act
Pension benefits, PERS members on military leave
Rights of employee organizations
Scope of representation
Leaves for victims of domestic violence, sexual assault or specified felonies
Leave for emergency personnel
Leave for volunteer firefighters
Time off to visit child's school
Illness of child, parent, spouse or domestic partner
Military leave
Leave when spouse on leave from military deployment

Ed. Code 45190-45210
Fam. Code 297-297.5

Gov. Code 12945.1-12945.2
Gov. Code 20990-21013
Gov. Code 3543.1
Gov. Code 3543.2
Lab. Code 230-230.2

Lab. Code 230.3
Lab. Code 230.4
Lab. Code 230.8
Lab. Code 233
M&V Code 395-395.9
M&V Code 395.10

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – CATASTROPHIC LEAVE PROGRAM

BP 4261.9

The County Board of Education and the County Superintendent of Schools recognizes that SBCEO employees may desire to assist other employees who have an urgent need for a leave of absence but do not have sufficient accrued leave to cover their absence. The County Superintendent of Schools or designee shall establish a catastrophic leave program by which employees may donate accrued vacation and/or sick leave credits, which shall be placed into a pool for use by eligible employees.

Donations made under the catastrophic leave program shall be strictly voluntary.

The SBCEO's policy and procedures regarding catastrophic leave shall be included in the employee handbook. The County Superintendent of Schools or designee may notify employees annually, or more frequently if the need arises, of the process for donating leave for this purpose.

An employee may apply to use donated leave credits in accordance with the accompanying administrative regulation when the employee has exhausted all applicable paid leaves of absence and a catastrophic illness or injury incapacitates the employee or a member of the employee's family for an extended period of time. (Education Code 44043.5)

Policy Reference Disclaimer:

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State

Ed. Code 44043.5
Ed. Code 44977
Ed. Code 44978
Ed. Code 44983
Ed. Code 45190-45191
Ed. Code 45196
Lab. Code 245-249

Description

Catastrophic leave
Salary schedule for substitute employees
Sick leave, certificated employees
Compensation during leave, certificated employees
Sick leave and vacation, classified employees
Salary deductions during sick leave, classified employees
Healthy Workplaces, Healthy Families Act of 2014

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – ADMINISTRATIVE AND SUPERVISORY PERSONNEL

BP 4300

The County Board of Education and the County Superintendent of Schools recognize that effective management is vital to the success of SBCEO students and programs. Management personnel are expected to demonstrate initiative and good judgment in the development, implementation, and oversight of SBCEO programs. Supervisors shall promote the productivity, professional growth, and teamwork of SBCEO staff.

The County Board of Education and the County Superintendent of Schools shall adopt policies and regulations related to administrative and supervisory personnel insofar as they are needed to comply with law and describe terms of employment within the SBCEO.

The County Superintendent of Schools or designee may establish or abolish any or all positions of the senior management of the classified service. Any employee occupying a senior management position abolished by the County Superintendent of Schools or designee shall become a member of the classified or certificated service in a position to which the employee would otherwise be entitled if the employee had not been in a senior management position. (Education Code 45104.5)

Policy Reference Disclaimer:

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Management Resources

Court Decision

Description

Auer v. Robbins, (1997) 117 S.Ct. 905

State

Ed. Code 35031

Ed. Code 45100.5

Ed. Code 45104.5

Ed. Code 45108.5

Ed. Code 45108.7

Ed. Code 45128

Ed. Code 45130

Ed. Code 45256.5

Gov. Code 3540

Gov. Code 3540.1

Gov. Code 3543.4

Gov. Code 3545

Description

Term of employment

Senior classified management positions

Abolishment of senior classified management positions

Definition of senior classified management employees

Waiver of provisions of 45108.5

Overtime

Exclusion from overtime provisions

Designation of certain senior classified management positions

Purpose

Public employment definitions

Management position; representation

Appropriateness of unit; basis

ADOPTED BY COUNTY BOARD:

Pending

REVISED:



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – WORKING REMOTELY

BP 4313.5

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

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

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

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

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

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

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

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

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



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

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Gov. Code 12900-12996

Gov. Code 6250-6270

Lab. Code 226.7

Lab. Code 6400

Lab. Code 6401

Federal

42 USC 12101-12213

Management Resources

Website

Description

Fair Employment and Housing Act

California Public Records Act

Mandated meal, rest, or recovery periods

Safe and healthful employment and place of employment

Unsafe workplace

Description

Equal opportunity for individuals with disabilities

Description

[California Department of Industrial Relations](#)

Cross References**Code**

0470

1340

1340

3516

3516

3516.5

3580

3580

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4040

4040-E PDF(1)

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4119.21

4119.21-E PDF(1)

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4157.2

4161.1

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4219.21

Description

[COVID-19 Mitigation Plan](#)

[Access To District Records](#)

[Access To District Records](#)

[Emergencies And Disaster Preparedness Plan](#)

[Emergencies And Disaster Preparedness Plan](#)

[Emergency Schedules](#)

[District Records](#)

[District Records](#)

[Nondiscrimination In Employment](#)

[Nondiscrimination In Employment](#)

[Reasonable Accommodation](#)

[Employee Use Of Technology](#)

[Employee Use Of Technology](#)

[Assignment](#)

[Assignment](#)

[Evaluation/Supervision](#)

[Evaluation/Supervision](#)

[Dismissal/Suspension/Disciplinary Action](#)

[Dismissal/Suspension/Disciplinary Action](#)

[Professional Standards](#)

[Professional Standards](#)

[Staff Development](#)

[Collective Bargaining Agreement](#)

[Employee Compensation](#)

[Health And Welfare Benefits](#)

[Health And Welfare Benefits](#)

[Employee Property Reimbursement](#)

[Employee Safety](#)

[Employee Safety](#)

[Work-Related Injuries](#)

[Ergonomics](#)

[Personal Illness/Injury Leave](#)

[Evaluation/Supervision](#)

[Dismissal/Suspension/Disciplinary Action](#)

[Dismissal/Suspension/Disciplinary Action](#)

[Professional Standards](#)



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4257.1

4257.2

4261.1

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4319.21

4319.21-E PDF(1)

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4357.1

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4361.1

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5125

[Professional Standards](#)

[Collective Bargaining Agreement](#)

[Employee Compensation](#)

[Health And Welfare Benefits](#)

[Health And Welfare Benefits](#)

[Employee Property Reimbursement](#)

[Employee Safety](#)

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[Work-Related Injuries](#)

[Ergonomics](#)

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[Evaluation/Supervision](#)

[Professional Standards](#)

[Employee Compensation](#)

[Health And Welfare Benefits](#)

[Health And Welfare Benefits](#)

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[Employee Safety](#)

[Employee Safety](#)

[Work-Related Injuries](#)

[Ergonomics](#)

[Personal Illness/Injury Leave](#)

[Student Records](#)

[Student Records](#)

ADOPTED BY COUNTY BOARD:

Pending

REVISED:



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – EVALUATION/SUPERVISION

BP 4315

The County Board of Education and the County Superintendent of Schools believe that regular, comprehensive evaluations designed to hold administrative and supervisory staff accountable for their performance are key to improving their instructional leadership and management skills. Evaluations shall be linked to the SBCEO's vision and goals and school improvement plans.

Evaluations shall be used to recognize the exemplary skills and accomplishments of administrative and supervisory employees, serve as a criterion for contract renewals, and identify areas needing improvement. When the evaluation indicates areas needing improvement, the County Superintendent of Schools expects employees to take the initiative to improve their performance and for their supervisors to assist them in obtaining needed job skills.

Administrative and supervisory employees shall be evaluated in accordance with provisions of employee contracts and/or applicable collective bargaining agreements as appropriate.

The County Superintendent of Schools or designee shall make written evaluation procedures available to all administrative and supervisory employees.

An employee shall be evaluated annually for the first, second, and third years of employment as an administrator or supervisor in the SBCEO, and at least every two years thereafter, unless otherwise provided for in an employee contract or collective bargaining agreement. Evaluations may occur between scheduled periods at the request of the employee, the employee's supervisor, or the County Superintendent of Schools or designee.

The County Superintendent of Schools or designee shall establish clear, objective criteria for evaluation based on the job responsibilities of each administrative or supervisory position.

Evaluation criteria for certificated school program administrators may be based on the California Professional Standards for Educational Leaders (CPSEL) and also may include, but not be limited to, evidence of: (Education Code 44671)

1. Academic growth of students, based on multiple measures which may include student work as well as student and school longitudinal data that demonstrate academic growth over time

Assessments used for this purpose shall be valid and reliable and used for the intended purposes and for the appropriate student populations. Local and state academic assessments may include, but are not limited to, state standardized assessments and formative, summative, benchmark, end-of-chapter, end-of-course, Advanced Placement, International Baccalaureate, college entrance, and performance assessments.

2. Effective and comprehensive teacher evaluations, including, but not limited to, curricular and management leadership, ongoing professional development, teacher-principal teamwork, and professional learning communities
3. Culturally responsive instructional strategies to address and eliminate the achievement gap
4. The ability to analyze quality instructional strategies and provide effective feedback that leads to instructional improvement

5. High expectations for all students and leadership to ensure active student engagement and learning
6. Collaborative professional practices for improving instructional strategies
7. Effective school management, including personnel and resource management, organizational leadership, sound fiscal practices, a safe campus environment, and appropriate student behavior
8. Meaningful self-assessment to improve as a professional educator, which may include, but not be limited to, a self-assessment based on the CPSEL and the identification of areas of strengths and areas for professional growth to engage in activities to foster professional growth
9. Consistent and effective relationships with students, parents/guardians, teachers, staff, and other administrators

The evaluation shall be dated and signed by the employee and evaluator. The employee may respond in writing to the evaluation within a reasonable time after receiving a copy of the evaluation. The response shall be attached to the evaluation and placed in the employee's personnel file.

Policy Reference Disclaimer:

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Management Resources

Commission on Teacher Credentialing
Publication
Website
Website
Website
Website

Description

California Professional Standards for Educational Leaders,
February 2014
[CSBA](#)
[Commission on Teacher Credentialing](#)
[California Department of Education](#)
[Association of California School Administrators](#)

State

Ed. Code 35171
Ed. Code 44660-44665

Ed. Code 44670-44671
Ed. Code 45113
Gov. Code 3540.1
Gov. Code 3543.2
Gov. Code 3545

Description

Availability of rules and regulations for evaluation of performance
Evaluation and assessment of performance of certificated employees
Principal evaluation
Notification of charges, classified employees
Public employment definitions
Scope of representation
Appropriateness of unit; basis

ADOPTED BY COUNTY BOARD: Pending
REVISED:



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – **SEXUAL HARASSMENT**

BP 4319.11

The following policy shall apply to all SBCEO employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the SBCEO.

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

Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions.

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

The County Superintendent of Schools or designee shall periodically evaluate the effectiveness of the SBCEO'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 SBCEO'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

SBCEO employees who feel that they have been sexually harassed in the performance of their SBCEO responsibilities or who have knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to their direct supervisor, a SBCEO administrator, or the SBCEO's Title IX Coordinator. Employees may bypass their supervisor in filing a complaint if the supervisor is the subject of the complaint. A supervisor or administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or AR 4030 - Nondiscrimination in Employment, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration

under state law, the Title IX Coordinator shall ensure that any implementation of AR 4119.12/4219.12/4319.12 concurrently meets the requirements of AR 4030.

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Upon investigation of a sexual harassment complaint, any SBCEO employee found to have engaged or participated in sexual harassment or to have aided, abetted, incited, compelled, or coerced another to commit sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

Policy Reference Disclaimer:

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Federal

20 USC 1681-1688
34 CFR 106.1-106.9

34 CFR 106.51-106.61

42 USC 2000e-2000e-17

Description

Title IX of the Education Amendments of 1972

Nondiscrimination on the basis of sex in education programs or activities

Nondiscrimination on the basis of sex in employment in education program or activities

Title VII, Civil Rights Act of 1964, as amended

Management Resources

Court Decision
Court Decision
Court Decision

Court Decision
Court Decision

Court Decision
U.S. Equal Employment Opportunity Com.
Publication
Website
Website
Website

Description

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998
Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57
Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Promising Practices for Preventing Harassment, November 2017

[U.S. Equal Employment Opportunity Commission](#)

[U.S. Department of Education, Office for Civil Rights](#)

[California Department of Fair Employment and Housing](#)

State

2 CCR 11006-11086
2 CCR 11021
2 CCR 11023
2 CCR 11024

2 CCR 11034
5 CCR 4900-4965

Ed. Code 200-262.4
Gov. Code 12900-12996
Gov. Code 12940
Gov. Code 12950
Gov. Code 12950.1
Lab. Code 1101
Lab. Code 1102.1

Description

[Discrimination in employment](#)

[Discrimination in employment - retaliation](#)

[Harassment and discrimination prevention and correction](#)

[Required training and education on harassment based on sex, gender identity and expression, and sexual orientation](#)

[Terms, conditions, and privileges of employment](#)

Nondiscrimination in elementary and secondary education programs

[Educational equity; prohibition of discrimination on the basis of sex](#)

Fair Employment and Housing Act

Unlawful discriminatory employment practices

Sexual harassment

Sexual harassment training

Political activities of employees

Discrimination: sexual orientation



Cross References

Code

0430

0430

Description

[Comprehensive Local Plan For Special Education](#)

[Comprehensive Local Plan For Special Education](#)

ADOPTED BY COUNTY BOARD:

Pending

REVISED:



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – POLITICAL ACTIVITIES OF EMPLOYEES

BP 4319.25

The County Board of Education and the County Superintendent of Schools recognize the importance of political activity, voting, and civic engagement, and respects the right of SBCEO employees to engage in political discussions and activities as individuals on their own time and at their own expense. When engaging in such activities, employees shall make it clear that they are acting on their own behalf and not as representatives of the SBCEO.

SBCEO employees, as members of the community, may use school facilities for meetings, including political activities, as permitted under the Civic Center Act and SBCEO policy.

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

Policy Reference Disclaimer:

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Management Resources

Attorney General Opinion
Attorney General Opinion
Attorney General Opinion
Court Decision

Court Decision

PERB Ruling

Website

Website

Website

Description

84 Ops.Cal.Atty.Gen. 52 (2001)
84 Ops.Cal.Atty.Gen. 106 (2001)
77 Ops.Cal.Atty.Gen. 56 (1994)
Downs v. Los Angeles Unified School District, (9th Cir. 2000) 228 F.3d 1003
California Teachers Association v. Governing Board of San Diego Unified School District, (1996) 45 Cal.App. 4th 1383
San Diego Community College District, (2001) PERB Dec. No.1467

[CSBA](#)

[California Public Employment Relations Board](#)

[California Attorney General's Office](#)

State

Ed. Code 38130-38139
Ed. Code 51520
Ed. Code 7050-7057
Elec. Code 18304
Gov. Code 3543.1
Gov. Code 82041.5
Gov. Code 8314
Pen. Code 424
Public Employment Relations Board Rulings

Description

Civic Center Act
Prohibited solicitations on school premises
Political activities of school officers and employees
Prohibition against use of district seal in campaign literature
Rights of employee organizations
Mass mailing
Unlawful use of state resources
Embezzlement and falsification of accounts by public officers
City of Sacramento, (2019) PERB Dec. No. 2702m

ADOPTED BY COUNTY BOARD: Pending

REVISED:



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – STAFF DEVELOPMENT

BP 4331

The County Board of Education and the County Superintendent of Schools recognize that professional development enhances employee effectiveness and contributes to personal growth. Staff development for administrative and supervisory personnel shall be designed to guide institutional improvement, build leadership skills, and enhance overall management efficiency.

The County Superintendent of Schools or designee shall develop a plan for administrator support and development activities that is based on a systematic assessment of the needs of SBCEO students and staff and is aligned to the SBCEO's vision, goals, local control and accountability plan, and other comprehensive plans.

The SBCEO's staff development program for SBCEO and school administrators may include, but is not limited to, the following topics:

1. Personnel management, including best practices on hiring, recruitment, assignment, and retention of staff
2. Effective fiscal management and accountability practices
3. Academic standards and standards-aligned curriculum and instructional materials
4. Leadership training to improve the academic achievement of all students, including capacity building in pedagogies of learning, instructional strategies that meet the varied learning needs of students, and student motivation
5. The use of student assessments, including analysis of disaggregated assessment results to identify needs and progress of student subgroups
6. The use of technology to improve student performance and district operations
7. Creation of safe and inclusive school environments
8. Parental involvement and community collaboration
9. Employee relations
10. Effective school and SBCEO planning processes

The SBCEO's staff evaluation process may be used to recommend additional staff development for individual employees.

The County Superintendent of Schools or designee shall evaluate the benefit to staff and students of professional development activities.

Policy Reference Disclaimer:



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State

Ed. Code 44681-44689.2
Ed. Code 52060-52077

Description

Administrator training and evaluation
Local control and accountability plan

Management Resources

Website
Website
Website
Website
WestEd Publication

Description

[Association of California School Administrators](#)
[Commission on Teacher Credentialing](#)
[WestEd](#)
[California Department of Education](#)
California Professional Standards for Educational Leaders, 2001

Cross References

Code

0000
0100
0200
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0450
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0460
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Description

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[Philosophy](#)
[Goals For The School District](#)
[Nondiscrimination In District Programs And Activities](#)
[Equity](#)
[School Plans/Site Councils](#)
[School Plans/Site Councils](#)
[District Technology Plan](#)
[District Technology Plan](#)
[Comprehensive Safety Plan](#)
[Comprehensive Safety Plan](#)
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[Hazardous Substances](#)

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4030	Nondiscrimination In Employment
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5141.52	Suicide Prevention



5141.52	Suicide Prevention
5145.12	Search And Seizure
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5145.3	Nondiscrimination/Harassment
5145.9	Hate-Motivated Behavior
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5148	Child Care And Development
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5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
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6000	Concepts And Roles
6011	Academic Standards
6020	Parent Involvement
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6111	School Calendar
6120	Response To Instruction And Intervention
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6142.91	Reading/Language Arts Instruction
6142.92	Mathematics Instruction
6142.93	Science Instruction
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
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6162.51	State Academic Achievement Tests
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6173.1	Education For Foster Youth
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6174	Education For English Learners
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6178	Career Technical Education
6178	Career Technical Education

ADOPTED BY COUNTY BOARD: Pending
 REVISED:



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – NONSCHOOL EMPLOYMENT

BP 4336

In order to help maintain public trust in the integrity of district operations, the County Board of Education and the County Superintendent of Schools expect all employees to give the responsibility of their positions precedence over any other outside employment. An SBCEO employee may receive compensation for outside activities as long as these activities are not inconsistent, incompatible, in conflict with, or inimical to his/her district duties.

An outside activity shall be considered inconsistent, incompatible, or inimical to SBCEO employment when such activity: (Government Code 1126)

1. Requires time periods that interfere with the proper, efficient discharge of the employee's duties
2. Entails compensation from an outside source for activities which are part of the employee's regular duties
3. Involves using the district's name, prestige, time, facilities, equipment, or supplies for private gain
4. Involves service which will be wholly or in part subject to the approval or control of another SBCEO employee or County Board of Education member

An employee wishing to accept outside employment that may be inconsistent, incompatible, in conflict with, or inimical to the employee's duties shall file a written request with the employee's immediate supervisor describing the nature of the employment and the time required. The supervisor shall evaluate each request based on the employee's specific duties within the SBCEO and determine whether to grant authorization for such employment.

The supervisor shall inform the employee whether the outside employment is prohibited. The employee may appeal a supervisor's denial of authorization to the County Superintendent of School or designee. An employee who continues to pursue a prohibited activity may be subject to disciplinary action.

Tutoring

A certificated employee shall not accept any compensation or other benefit for tutoring a student enrolled in the employee's class(es). An employee who wishes to tutor another SBCEO student shall first request authorization from the employee's supervisor in accordance with this Board policy. If authorization is granted, the employee shall not use SBCEO facilities, equipment, or supplies when providing the tutoring service.

Policy Reference Disclaimer:



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Management Resources

Attorney General Opinion
Website
Website

Description

70 Ops.Cal.Atty.Gen. 157 (1987)
[Fair Political Practices Commission](#)
[CSBA](#)

State

5 CCR 80334
Ed. Code 35160
Ed. Code 35160.1
Ed. Code 51520
Gov. Code 1126
Gov. Code 1127
Gov. Code 1128

Description

Unauthorized private gain or advantage
Authority of governing boards
Broad authority of school districts
Prohibited solicitations on school premises
Incompatible activities of employees
Incompatible activities; off duty work
Incompatible activities, attorney

ADOPTED BY COUNTY BOARD:

Pending

REVISED:



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – COMPLAINTS

BP 4344

The County Board of Education and the County Superintendent of Schools recognize the need to establish a process to allow employees and job applicants to have their concerns heard in an expeditious and unbiased manner. The County Superintendent of Schools expects that employees will make every effort to resolve complaints and disagreements informally before filing a formal complaint.

The County Superintendent of Schools prohibits retaliation against complainants. The Superintendent or designee may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint.

All matters related to a complaint shall be kept confidential and any document, communication, or record regarding the complaint shall be placed in a separate file and shall not be placed in an employee's personnel file.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Management Resources

Website

Description

[CSBA](#)

State

5 CCR 4900-4965

Description

Nondiscrimination in elementary and secondary education programs

Ed. Code 200-262.4

[Educational equity; prohibition of discrimination on the basis of sex](#)

Ed. Code 35186

Complaints regarding teacher vacancy or misassignment

Ed. Code 44110-44114

Reporting by school employees of improper governmental activity

Gov. Code 3543

Public school employees' rights

Gov. Code 3543.1

Rights of employee organizations

Gov. Code 53296-53299

Disclosure of confidential information; whistleblower

Gov. Code 54957

Complaints against employees; right to open session

Lab. Code 1102.5-1106

Whistleblower protections

Cross References

Code

0430

Description

[Comprehensive Local Plan For Special Education](#)

0430

[Comprehensive Local Plan For Special Education](#)

ADOPTED BY COUNTY BOARD:

Pending

REVISED:



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – EMPLOYEE COMPENSATION

BP 4351

In order to recruit and retain employees committed to the SBCEO's goals for student learning, the County Board of Education and the County Superintendent of Schools recognize the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

The County Superintendent of Schools shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the SBCEO office. (Education Code 45022, 45023, 45160, 45162, 45268)

Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for education level and years of experience, unless the County Superintendent of Schools and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the County Superintendent of Schools or designee.

The County Superintendent of Schools or designee shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. (Education Code 45038, 45039, 45048, 45165)

In extraordinary circumstances or emergency situations, the County Superintendent of Schools or designee may determine to continue to compensate employees during periods of extended closure or disruption of normal SBCEO operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

The County Superintendent of Schools or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

Overtime Compensation

SBCEO employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day or 40 hours in one work week, or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work. However, teachers, school administrators, and other employees in positions established by the County Superintendent of Schools as executive, administrative, or professional shall be exempt from overtime rules. (Education Code 45128, 45130; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32)

When authorized in a collective bargaining agreement or other agreement between the SBCEO and employees, an employee may take compensatory time off in lieu of overtime compensation, provided the employee has not accrued compensatory time in excess of the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within 12 calendar months after making the request if the use of the compensatory time does not unduly disrupt SBCEO operations. (Education Code 45129; 29 USC 207; 29 CFR 553.20-553.25)



For each nonexempt employee, the County Superintendent of Schools or designee shall maintain records on the employee's wages, hours, and other information specified in 29 CFR 516.5-516.6.

Policy Reference Disclaimer:

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Federal

26 CFR 1.409A-1
 26 USC 409A
 29 CFR 516.4
 29 CFR 516.5-516.6
 29 CFR 541.0-541.710

29 CFR 553.1-553.51
 29 USC 201-219
 29 USC 203
 29 USC 207
 29 USC 213

Description

Definitions and covered plans
 Deferred compensation plans
 Notice of minimum wage and overtime provisions
 Records
 Exemptions for executive, administrative, and professional employees
 Fair Labor Standards Act; applicability to public agencies
 Fair Labor Standards Act
 Definitions
 Fair Labor Standards Act
 Exemptions from minimum wage and overtime requirements

Management Resources

Court Decision
 Office of Management and Budget
 Publication

Website
 Website
 Website
 Website

Description

Flores v. City of San Gabriel, 9th Cir., June 2, 2016, No. 14-56421
 Administrative Relief for Recipients & Applicants of Fed. Fin. Assist. Directly Impacted by COVID-19 Due to Loss, Memo M-20-17, March 19, 2020
[U.S. Department of Labor, Wage and Hour Division](#)
[School Services of California, Inc.](#)
[Internal Revenue Service](#)
[CSBA](#)

State

8 CCR 11040

Ed. Code 45022-45061.5
 Ed. Code 45023
 Ed. Code 45028
 Ed. Code 45127-45133.5
 Ed. Code 45160-45169
 Ed. Code 45268
 Gov. Code 3540-3549
 Gov. Code 3543.2
 Gov. Code 3543.7
 Lab. Code 226
 Lab. Code 232

Description

[Wages and hours; definitions of administrative, executive, and professional employees](#)
 Salaries
 Availability of salary schedule
 Salary schedule and exceptions
 Classified employees; work week; overtime provisions
 Salaries for classified employees
 Salary schedule for classified service in merit system districts
 Meeting and negotiating
 Scope of representation
 Duty to meet and negotiate in good faith
 Employee access to payroll records
 Disclosure of wages

Cross References

Code

0430
 0430

Description

[Comprehensive Local Plan For Special Education](#)
[Comprehensive Local Plan For Special Education](#)

ADOPTED BY COUNTY BOARD: Pending



REVISED:



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – HEALTH AND WELFARE BENEFITS

BP 4354

The County Board of Education and the County Superintendent of Schools recognize that health and welfare benefits are essential to promote employee health and productivity and are an important part of the compensation offered to employees. The SBCEO shall provide health and welfare benefits for employees in accordance with state and federal law and subject to negotiated employee agreements.

Certificated management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for certificated employees. Classified management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for classified employees.

For purposes of granting benefits, a registered domestic partner and the registered domestic partner's child shall have the same rights, protections, and benefits as a spouse and spouse's child. (Family Code 297.5, 300)

The SBCEO shall offer full-time employees who work an average of 35 hours or more per week and their dependents up to age 26 years a health insurance plan that includes coverage for essential health benefits, pays at least 60 percent of the medical expenses covered under the terms of the plan, and meets all other requirements of the federal Patient Protection and Affordable Care Act

With respect to eligibility to participate in the health benefits plan or the level of health benefits provided, the SBCEO shall not discriminate in favor of employees who are among the highest paid 25 percent of all SBCEO employees. (26 USC 105; 42 USC 300gg-16)

Continuation of Coverage

Retired certificated employees, other employees who would otherwise lose coverage due to a qualifying event specified in law and administrative regulation, and their qualified beneficiaries may continue to participate in the SBCEO's group health and welfare benefits in accordance with state and federal law.

Unless otherwise provided for in the applicable collective bargaining agreement, covered employees and their qualified beneficiaries may receive continuation coverage by paying the premiums, dues, and other charges, including any increases in premiums, dues, and costs incurred by the SBCEO in administering the program.

Confidentiality

The County Superintendent or designee shall not use or disclose any employee's medical information the SBCEO possesses without the employee's authorization obtained in accordance with Civil Code 56.21, except for the purpose of administering and maintaining employee benefit plans and for other purposes specified in law. (Civil Code 56.20)

Policy Reference Disclaimer:

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Federal
1 USC 7

Description
[Definition of marriage, spouse](#)



26 CFR 1.105-11
 26 CFR 54.4980B-1-54.4980B-10
 26 CFR 54.4980H-1-54.4980H-6
 26 USC 105

26 USC 4980B
 26 USC 4980H

26 USC 5000A
 26 USC 6056
 29 USC 1161-1168
 42 USC 1395-1395g
 42 USC 300gg-16

42 USC 300gg-300gg95
 45 CFR 164.500-164.534

Management Resources

California School Boards Association
 Publication
 Internal Revenue Service Notification

U.S. Department of Treasury Publication

Website
 Website

Website
 Website
 Website

State

Civ. Code 56.10-56.16
 Civ. Code 56.20-56.245
 Ed. Code 17566
 Ed. Code 35208
 Ed. Code 35214

Ed. Code 44041-44042
 Ed. Code 44986
 Ed. Code 45136
 Ed. Code 7000-7008
 Fam. Code 297-297.5

Fam. Code 300
 Gov. Code 12940
 Gov. Code 22750-22944
 Gov. Code 53200-53210
 H&S Code 1366.20-1366.29
 H&S Code 1367.08

H&S Code 1373
 H&S Code 1373.621
 H&S Code 1374.58

Ins. Code 10116.5
 Ins. Code 10128.50-10128.59

Self-insured medical reimbursement plan
 COBRA continuation coverage
 Patient Protection and Affordable Care Act
 Self-insured medical reimbursement plan; definition of highly compensated individual
 COBRA continuation coverage
 Penalty for noncompliance with employer-provided health care requirements
 Minimum essential coverage
 Report of health coverage provided to employees
 COBRA continuation coverage
 Medicare benefits
 Group health plan; nondiscrimination in favor of highly compensated individuals
 Patient Protection and Affordable Care Act
 Health Insurance Portability and Accountability Act (HIPAA)

Description

Health Policy: Implications of Covered California for School Boards, Districts and Personnel, Governance Brief, January 2013
 2011-1 Affordable Care Act Nondiscrimination Provisions
 Applicable to Insured Group Health Plans
 Fact Sheet: Final Regulations Implementing Employer Shared Responsibility Under the Affordable Care Act (ACA) for 2015
[U.S. Department of Labor](#)
[U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services](#)
[Internal Revenue Service](#)
[CSBA](#)
[California Employment Development Department](#)

Description

[Disclosure of information by medical providers](#)
[Use and disclosure of medical information by employers](#)
 Self-insurance fund
 Liability insurance
 Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company)
 Payroll deductions for collection of premiums
 Leave of absence, state disability benefits
 Benefits for classified employees
 Health and welfare benefits, retired certificated employees
 Rights, protections, benefits under the law; registered domestic partners
 Definition of marriage
 Unlawful discriminatory employment practices
 Public Employees' Medical and Hospital Care Act
 Group insurance
 Cal-COBRA program, health insurance
 Disclosure of fees and commissions paid related to health care service plan
 Health services plan, coverage for dependent children
 Continuation coverage, age 60 or older after five years with district
 Coverage for registered domestic partners, health service plans and health insurers
 Continuation coverage, age 60 or older after five years with district
 Cal-COBRA program, disability insurance



Ins. Code 10277-10278

Ins. Code 10604.5

Ins. Code 12670-12692.5

Lab. Code 2800.2

Lab. Code 4856

Unemp. Ins. Code 2613

Group and individual health insurance, coverage for dependent children

Annual disclosure of fees and commissions paid

Conversion coverage

Notification of availability of continuation health coverage

Health benefits for spouse of peace officer killed in performance of duties

Disability insurance; notice of rights and benefits

Cross References

Code

0430

0430

4141.6

4141.6

4241.6

4241.6

Description

[Comprehensive Local Plan For Special Education](#)

[Comprehensive Local Plan For Special Education](#)

[Concerted Action/Work Stoppage](#)

[Concerted Action/Work Stoppage](#)

[Concerted Action/Work Stoppage](#)

[Concerted Action/Work Stoppage](#)

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – LEAVES

BP 4361

The County Board of Education and the County Superintendent of Schools shall provide for paid and unpaid leaves of absence for employees in accordance with law, Board policy, administrative regulation, collective bargaining agreements, and merit system rules, as applicable.

The County Superintendent of Schools recognizes the following justifiable reasons for employee absence:

1. Personal illness or injury
2. Industrial accident or illness
3. Family care and medical leave
4. Military service
5. Personal necessity and personal emergencies
6. Disability leave for certificated employees in accordance with Education Code 44986
7. Vacations for classified staff and certificated management staff, as applicable
8. Sabbaticals for purposes of study or training related to the employee's job duties
9. Attendance at work-related meetings and staff development opportunities
10. Compulsory leave

Long-Term Leaves

With County Superintendent of Schools or designee approval, an employee may receive a leave of absence, without pay and without accruing seniority or service credit, for a period of up to one school year. Applications for long-term leave shall be made in writing and shall state the purpose for which leave is requested. All long-term leave agreements shall be in writing and shall state the terms and conditions of the leave, including the conditions governing the employee's return.

At the end of a long-term leave, the employee shall be reinstated to a similar position as that held at the time leave was granted, unless otherwise agreed upon.

The County Superintendent of Schools or designee shall consider any written request by an employee to return to work prior to the expiration date of the leave.

Administrative and Supervisory Personnel

Certificated administrative and supervisory employees who are not subject to the SBCEO's bargaining agreement for certificated employees shall generally be entitled to those leave provisions provided in the bargaining agreement for other certificated employees unless



otherwise specified in individual contract, memorandums of understanding, Board policy, administrative regulation, or law.

Classified administrative and supervisory employees who are not subject to the SBCEO's bargaining agreement for classified employees shall generally be entitled to those leave provisions provided in the bargaining agreement for other classified employees unless otherwise specified in individual contract, memoranda of understanding, Board policy, administrative regulation, or law.

Policy Reference Disclaimer:

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Federal

29 USC 2601-2654
38 USC 4301-4334

Description

Family Care and Medical Leave Act
Uniformed Services Employment and Reemployment Rights Act of 1994

State

Ed. Code 22850-22856
Ed. Code 44018
Ed. Code 44036-44037
Ed. Code 44043.5
Ed. Code 44800
Ed. Code 44842
Ed. Code 44940
Ed. Code 44962-44988
Ed. Code 45059

Description

Pension benefits, STRS members on military leave
Compensation for employees on active military duty
Leaves of absence for judicial and official appearances
Catastrophic leave
Effect of active military service on status of employees
Reemployment notices, certificated employees
Compulsory leave of absence for certificated persons
Leave of absence (certificated)
Employee ordered to active military/naval duty, computation of salary

Ed. Code 45190-45210
Fam. Code 297-297.5

Leaves of absence (classified)
Rights, protections, benefits under the law; registered domestic partners

Gov. Code 12945.1-12945.2
Gov. Code 20990-21013
Gov. Code 3543.1
Gov. Code 3543.2
Lab. Code 230-230.2

California Family Rights Act
Pension benefits, PERS members on military leave
Rights of employee organizations
Scope of representation
Leaves for victims of domestic violence, sexual assault or specified felonies

Lab. Code 230.3
Lab. Code 230.4
Lab. Code 230.8
Lab. Code 233
M&V Code 395-395.9
M&V Code 395.10

Leave for emergency personnel
Leave for volunteer firefighters
Time off to visit child's school
Illness of child, parent, spouse or domestic partner
Military leave
Leave when spouse on leave from military deployment

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – CATASTROPHIC LEAVE PROGRAM

BP 4361.9

The County Board of Education and the County Superintendent of Schools recognizes that SBCEO employees may desire to assist other employees who have an urgent need for a leave of absence but do not have sufficient accrued leave to cover their absence. The County Superintendent of Schools or designee shall establish a catastrophic leave program by which employees may donate accrued vacation and/or sick leave credits, which shall be placed into a pool for use by eligible employees.

Donations made under the catastrophic leave program shall be strictly voluntary.

The SBCEO's policy and procedures regarding catastrophic leave shall be included in the employee handbook. The County Superintendent of Schools or designee may notify employees annually, or more frequently if the need arises, of the process for donating leave for this purpose.

An employee may apply to use donated leave credits in accordance with the accompanying administrative regulation when the employee has exhausted all applicable paid leaves of absence and a catastrophic illness or injury incapacitates the employee or a member of the employee's family for an extended period of time. (Education Code 44043.5)

Policy Reference Disclaimer:

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State	Description
Ed. Code 44043.5	Catastrophic leave
Ed. Code 44977	Salary schedule for substitute employees
Ed. Code 44978	Sick leave, certificated employees
Ed. Code 44983	Compensation during leave, certificated employees
Ed. Code 45190-45191	Sick leave and vacation, classified employees
Ed. Code 45196	Salary deductions during sick leave, classified employees
Lab. Code 245-249	Healthy Workplaces, Healthy Families Act of 2014

ADOPTED BY COUNTY BOARD:
REVISED:

Pending



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY - DRUG AND ALCOHOL-FREE WORKPLACE

BP 4020

The County Board of Education and the County Superintendent of Schools believe 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 of Schools or designee shall notify employees of the SBCEO'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 SBCEO within five days of their conviction for violation in the workplace of any criminal drug statute. (Government Code 8355; 41 USC 8103)

The County Superintendent of Schools 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 SBCEO's collective bargaining agreements, the County Superintendent of Schools 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 of Schools 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 SBCEO'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



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State

Ed. Code 44011

Ed. Code 44425

Ed. Code 44836

Ed. Code 44940

Ed. Code 44940.5

Ed. Code 45123

Ed. Code 45304

Gov. Code 8350-8357

Federal

20 USC 7111-7117

21 CFR 1308.01-1308.49

21 USC 812

41 USC 8101-8106

Management Resources

Court Decision

Court Decision

Website

Website

Website

Description

Controlled substance offense

Conviction of a sex or narcotic offense

Employment of certificated persons convicted of controlled substance offenses

Compulsory leave of absence for certificated persons

Procedures when employees are placed on compulsory leave of absence

Employment after conviction of controlled substance offense

Compulsory leave of absence for classified persons

Drug-free workplace

Description

Safe and Drug Free Schools and Communities Act

Schedule of controlled substances

Schedule of controlled substances

Drug-Free Workplace Act

Description

Cahoon v. Governing Board of Ventura USD, (2009) 171

Cal.App.4th 381

Ross v. RagingWire Telecommunications, Inc., (2008) 42 Cal.4th 920

[California Department of Education](#)

[California Department of Health Care Services](#)

[U.S. Department of Labor](#)

Cross References

Code

3513.4

4032

4112

4112.41

4112.41

4112.42

4112.42

4112.9

4112.9-E PDF(1)

4118

4118

4119.21

4119.21-E PDF(1)

4159

4212

4212.41

4212.41

4212.42

4212.42

4212.9

4212.9-E PDF(1)

4218

4218

4219.21

4219.21-E PDF(1)

Description

[Drug And Alcohol Free Schools](#)

[Reasonable Accommodation](#)

[Appointment And Conditions Of Employment](#)

[Employee Drug Testing](#)

[Employee Drug Testing](#)

[Drug And Alcohol Testing For School Bus Drivers](#)

[Drug And Alcohol Testing For School Bus Drivers](#)

[Employee Notifications](#)

[Employee Notifications](#)

[Dismissal/Suspension/Disciplinary Action](#)

[Dismissal/Suspension/Disciplinary Action](#)

[Professional Standards](#)

[Professional Standards](#)

[Employee Assistance Programs](#)

[Appointment And Conditions Of Employment](#)

[Employee Drug Testing](#)

[Employee Drug Testing](#)

[Drug And Alcohol Testing For School Bus Drivers](#)

[Drug And Alcohol Testing For School Bus Drivers](#)

[Employee Notifications](#)

[Employee Notifications](#)

[Dismissal/Suspension/Disciplinary Action](#)

[Dismissal/Suspension/Disciplinary Action](#)

[Professional Standards](#)

[Professional Standards](#)



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4312.41
4312.41
4312.42
4312.42
4312.9
4312.9-E PDF(1)
4319.21
4319.21-E PDF(1)
4359

[Employee Assistance Programs](#)
[Employee Drug Testing](#)
[Employee Drug Testing](#)
[Drug And Alcohol Testing For School Bus Drivers](#)
[Drug And Alcohol Testing For School Bus Drivers](#)
[Employee Notifications](#)
[Employee Notifications](#)
[Professional Standards](#)
[Professional Standards](#)
[Employee Assistance Programs](#)

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

PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – NONDISCRIMINATION IN EMPLOYMENT

BP 4030

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

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

The SBCEO shall not inquire into any employee's immigration status nor discriminate against an employee on the basis of immigration status, unless there is clear and convincing evidence that the SBCEO is required to do so in order to comply with federal immigration law. (2 CCR 11028) Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:

1. Hiring, compensation, terms, conditions, and other privileges of employment
2. Taking of adverse employment actions such as termination or denial of employment, promotion, job assignment, or training
3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities or that has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive work environment
4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:
 - a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status
 - b. Religious creed discrimination based on an employee's religious belief or observance, including religious dress or grooming practices, or based on the SBCEO's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement

- c. Requiring medical or psychological examination of a job applicant or making an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity
- d. Failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee who has requested such accommodations in order to determine the effective reasonable accommodations, if any, to be provided to the employee

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

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

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

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

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

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

The SBCEO shall maintain and preserve all applications, personnel, membership, or employment referral records and files for at least four years after the records are initially created or received or, for an applicant or a terminated employee, for four years after the date the employment action was taken. However, when the SBCEO is notified that a complaint has been filed with the

California Department of Fair Employment and Housing, records related to the employee involved shall be maintained and preserved until the later of the first date after the time for filing a civil action has expired or the first date after the complaint has been fully and finally disposed of and all administrative proceedings, civil actions, appeals, or related proceedings have been terminated. (Government Code 12946)

Policy Reference Disclaimer:

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State

2 CCR 11006-11086
2 CCR 11023
2 CCR 11024

2 CCR 11027-11028
5 CCR 4900-4965

Civ. Code 51.7
Ed. Code 200-262.4
Gov. Code 11135
Gov. Code 11138
Gov. Code 12900-12996
Gov. Code 12940-12952
Gov. Code 12960-12976
Pen. Code 422.56

Description

[Discrimination in employment](#)
[Harassment and discrimination prevention and correction](#)
[Required training and education on harassment based on sex, gender identity and expression, and sexual orientation](#)
[National origin and ancestry discrimination](#)
Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
[Freedom from violence or intimidation](#)
[Prohibition of discrimination](#)
Unlawful discrimination
Rules and regulations
Fair Employment and Housing Act
Unlawful employment practices
Unlawful employment practices; complaints
Definitions, hate crimes

Federal

20 USC 1681-1688
28 CFR 35.101-35.190
29 USC 621-634
29 USC 794
34 CFR 100.6
34 CFR 104.7
34 CFR 104.8
34 CFR 106.8

34 CFR 106.9
34 CFR 110.1-110.39
42 USC 12101-12213
42 USC 2000d-2000d-7
42 USC 2000e-2000e-17
42 USC 2000ff-2000ff-11
42 USC 2000h-2-2000h-6
42 USC 6101-6107

Description

Discrimination based on sex or blindness, Title IX
Americans with Disabilities Act
Age Discrimination in Employment Act
Rehabilitation Act of 1973, Section 504
Compliance information
Designation of responsible employee for Section 504
Notice
Designation of responsible employee and adoption of grievance procedures
Severability
Nondiscrimination on the basis of age
Equal opportunity for individuals with disabilities
Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended
Genetic Information Nondiscrimination Act of 2008
Title IX of the Civil Rights Act of 1964
Age discrimination in federally assisted programs

Management Resources

CA Dept of Fair Employment and Housing Publication
CA Dept of Fair Employment and Housing Publication

Description

Transgender Rights in the Workplace
Workplace Harassment Guide for California Employers



CA Dept of Fair Employment and Housing Publication
CA Dept of Fair Employment and Housing Publication
Court Decision
Court Decision

U.S. DOE Office for Civil Rights Publication
U.S. Equal Employment Opportunity Comm Publication
U.S. Equal Employment Opportunity Comm Publication
Website
Website
Website

Cross References

Code

0410
0470
1113
1113
1113-E PDF(1)
1114
1114
1240
1240
1312.1
1312.1
1312.3
1312.3
1312.3-E PDF(1)
1312.3-E PDF(2)
3312
3530
3530
3580
3580
3600
4000
4032
4033
4111
4111.2
4111.2
4112.4
4112.41
4112.41
4112.6
4112.8
4112.9

Your Rights and Obligations as a Pregnant Employee

California Law Prohibits Workplace Discrimination and Harassment
Shephard v. Loyola Marymount, (2002) 102 Cal.Appl 4th 837
Thomson v. North American Stainless LP, (2011) 131 S.Ct. 863
Notice of Non-Discrimination, August 2010

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999
EEOC Compliance Manual

[California Department of Fair Employment and Housing](#)
[U.S. Department of Education, Office for Civil Rights](#)
[U.S. Equal Employment Opportunity Commission](#)

Description

[Nondiscrimination In District Programs And Activities](#)
[COVID-19 Mitigation Plan](#)
[District And School Web Sites](#)
[District And School Web Sites](#)
[District And School Web Sites](#)
[District-Sponsored Social Media](#)
[District-Sponsored Social Media](#)
[Volunteer Assistance](#)
[Volunteer Assistance](#)
[Complaints Concerning District Employees](#)
[Complaints Concerning District Employees](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Contracts](#)
[Risk Management/Insurance](#)
[Risk Management/Insurance](#)
[District Records](#)
[District Records](#)
[Consultants](#)
[Concepts And Roles](#)
[Reasonable Accommodation](#)
[Lactation Accommodation](#)
[Recruitment And Selection](#)
[Legal Status Requirement](#)
[Legal Status Requirement](#)
[Health Examinations](#)
[Employee Drug Testing](#)
[Employee Drug Testing](#)
[Personnel Files](#)
[Employment Of Relatives](#)
[Employee Notifications](#)

4112.9-E PDF(1)	Employee Notifications
4113.5	Working Remotely
4114	Transfers
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.1	Civil And Legal Rights
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4119.12	Title IX Sexual Harassment Complaint Procedures
4119.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures
4119.22	Dress And Grooming
4119.23	Unauthorized Release Of Confidential/Privileged Information
4119.41	Employees With Infectious Disease
4131	Staff Development
4144	Complaints
4144	Complaints
4151	Employee Compensation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4211	Recruitment And Selection
4211.2	Legal Status Requirement
4211.2	Legal Status Requirement
4212.4	Health Examinations
4212.41	Employee Drug Testing
4212.41	Employee Drug Testing
4212.6	Personnel Files
4212.8	Employment Of Relatives
4212.9	Employee Notifications
4212.9-E PDF(1)	Employee Notifications
4213.5	Working Remotely
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.1	Civil And Legal Rights
4219.11	Sexual Harassment
4219.11	Sexual Harassment
4219.12	Title IX Sexual Harassment Complaint Procedures
4219.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures
4219.22	Dress And Grooming
4219.23	Unauthorized Release Of Confidential/Privileged Information
4219.41	Employees With Infectious Disease
4231	Staff Development
4244	Complaints
4244	Complaints
4251	Employee Compensation
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4311	Recruitment And Selection



4311.2	Legal Status Requirement
4311.2	Legal Status Requirement
4312.4	Health Examinations
4312.41	Employee Drug Testing
4312.41	Employee Drug Testing
4312.6	Personnel Files
4312.8	Employment Of Relatives
4312.9	Employee Notifications
4312.9-E PDF(1)	Employee Notifications
4313.5	Working Remotely
4319.1	Civil And Legal Rights
4319.11	Sexual Harassment
4319.11	Sexual Harassment
4319.12	Title IX Sexual Harassment Complaint Procedures
4319.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures
4319.22	Dress And Grooming
4319.23	Unauthorized Release Of Confidential/Privileged Information
4319.41	Employees With Infectious Disease
4331	Staff Development
4344	Complaints
4344	Complaints
4351	Employee Compensation
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4361.5	Military Leave
4361.8	Family Care And Medical Leave
9000	Role Of The Board
9321-E PDF(1)	Closed Session
9321-E PDF(2)	Closed Session
9321	Closed Session

ADOPTED BY COUNTY BOARD: July 3, 1975

REVISED: October 7, 1976, February 7, 1991, May 7, 1992, April 7, 1994, September 2, 1999, May 6, 2004, February 2, 2012, December 12, 2013, September 7, 2017, December 13, 2019, December 11, 2020, PENDING



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – EVALUATION/SUPERVISION

BP 4115

The County Board of Education and the County Superintendent of Schools believe that regular, comprehensive evaluations designed to hold instructional staff accountable for their performance are key to improving their teaching skills and raising students' levels of achievement.

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

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

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

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

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

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

The County Superintendent of Schools or designee shall ensure that evaluation ratings have uniform meaning and are uniformly applied throughout the SBCEO.

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Management Resources

Commission on Teacher Credentialing
Publication
Website
Website
Website

Description

California Standards for the Teaching Profession, 2009
[National Board for Professional Teaching Standards](#)
[CSBA](#)
[Commission on Teacher Credentialing](#)



Website

[California Department of Education](#)

State

Ed. Code 33039
Ed. Code 35171
Ed. Code 44660-44665

Gov. Code 3543.2

Description

State guidelines for teacher evaluation procedures
Availability of rules and regulations for evaluation of performance
Evaluation and assessment of performance of certificated employees
Scope of representation

ADOPTED BY COUNTY BOARD: July 3, 1975
REVISED: May 7, 1992, April 7, 1994, PENDING



PROVISIONS RELATING TO ALL EMPLOYEES

NEW

BOARD POLICY – **SEXUAL HARASSMENT**

BP 4119.11

The following policy shall apply to all SBCEO employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the SBCEO.

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

Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions.

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

Sexual Harassment Reports and Complaints

SBCEO employees who feel that they have been sexually harassed in the performance of their SBCEO responsibilities or who have knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to their direct supervisor, a SBCEO administrator, or the SBCEO's Title IX Coordinator. Employees may bypass their supervisor in filing a complaint if the supervisor is the subject of the complaint. A supervisor or administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or AR 4030 - Nondiscrimination in Employment, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 4119.12/4219.12/4319.12 concurrently meets the requirements of AR 4030.

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Upon investigation of a sexual harassment complaint, any SBCEO employee found to have engaged or participated in sexual harassment or to have aided, abetted, incited, compelled, or



coerced another to commit sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

Policy Reference Disclaimer:

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Federal

20 USC 1681-1688

34 CFR 106.1-106.9

34 CFR 106.51-106.61

42 USC 2000e-2000e-17

Description

Title IX of the Education Amendments of 1972

Nondiscrimination on the basis of sex in education programs or activities

Nondiscrimination on the basis of sex in employment in education program or activities

Title VII, Civil Rights Act of 1964, as amended

Management Resources

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

U.S. Equal Employment Opportunity Com.

Publication

Website

Website

Website

Description

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Promising Practices for Preventing Harassment, November 2017

[U.S. Equal Employment Opportunity Commission](#)

[U.S. Department of Education, Office for Civil Rights](#)

[California Department of Fair Employment and Housing](#)

State

2 CCR 11006-11086

2 CCR 11021

2 CCR 11023

2 CCR 11024

2 CCR 11034

5 CCR 4900-4965

Ed. Code 200-262.4

Gov. Code 12900-12996

Gov. Code 12940

Gov. Code 12950

Gov. Code 12950.1

Lab. Code 1101

Lab. Code 1102.1

Description

[Discrimination in employment](#)

[Discrimination in employment - retaliation](#)

[Harassment and discrimination prevention and correction](#)

[Required training and education on harassment based on sex, gender identity and expression, and sexual orientation](#)

[Terms, conditions, and privileges of employment](#)

Nondiscrimination in elementary and secondary education programs

[Educational equity; prohibition of discrimination on the basis of sex](#)

Fair Employment and Housing Act

Unlawful discriminatory employment practices

Sexual harassment

Sexual harassment training

Political activities of employees

Discrimination: sexual orientation

Cross References**Code**

0430

0430

Description

[Comprehensive Local Plan For Special Education](#)

[Comprehensive Local Plan For Special Education](#)

ADOPTED BY COUNTY BOARD: February 5, 1987

Sexual Harassment – Board Policy 4119.11



REVISED: May 7, 1992, April 7, 1994, April 6, 1995, February 2, 2012, September 7, 2017, December 13, 2019, December 11, 2020, PENDING

PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – STAFF DEVELOPMENT

BP 4131

The County Board of Education and the County Superintendent of Schools believe that, in order to maximize student learning and achievement, certificated staff members must be continuously learning and improving their skills. The County Superintendent of Schools or designee shall develop a program of ongoing professional development which includes opportunities for teachers to enhance their instructional and classroom management skills and become informed about changes in pedagogy and subject matter.

The County Superintendent of Schools or designee shall involve teachers, site and SBCEO administrators, and others, as appropriate, in the development of the SBCEO's staff development program. The County Superintendent of Schools or designee shall ensure that the SBCEO's staff development program is aligned with SBCEO priorities for student achievement, school improvement objectives, the local control and accountability plan, and other SBCEO and school plans.

The SBCEO's staff development program shall assist certificated staff in developing knowledge and skills, including, but not limited to:

1. Mastery of subject-matter knowledge, including current state and SBCEO academic standards
2. Use of effective, subject-specific teaching methods, strategies, and skills
3. Use of technologies to enhance instruction
4. Sensitivity to and ability to meet the needs of diverse student populations, including, but not limited to, students of various racial and ethnic groups, students with disabilities, English learners, economically disadvantaged students, foster youth, gifted and talented students, and at-risk students
5. Understanding of how academic and career technical instruction can be integrated and implemented to increase student learning
6. Knowledge of strategies that encourage parents/guardians to participate fully and effectively in their children's education
7. Effective classroom management skills and strategies for establishing a climate that promotes respect, fairness, tolerance, and discipline, including conflict resolution and hatred prevention
8. Ability to relate to students, understand their various stages of growth and development, and motivate them to learn
9. Ability to interpret and use data and assessment results to guide instruction
10. Knowledge of topics related to student health, safety, and welfare
11. Knowledge of topics related to employee health, safety, and security



The County Superintendent of Schools or designee shall, in conjunction with teachers, interns, and administrators, as appropriate, develop an individualized program of professional growth to increase competence, performance, and effectiveness in teaching and classroom management and, as necessary, to assist them in meeting state or federal requirements to be fully qualified for their positions.

Professional learning opportunities offered by the SBCEO shall be evaluated based on the criteria specified in Education Code 44277. Such opportunities may be part of a coherent plan that combines school activities within a school, including lesson study or co-teaching, and external learning opportunities that are related to academic subjects taught, provide time to meet and work with other teachers, and support instruction and student learning. Learning activities may include, but are not limited to, mentoring projects for new teachers, extra support for teachers to improve practice, and collaboration time for teachers to develop new instructional lessons, select or develop common formative assessments, or analyze student data. (Education Code 44277)

The SBCEO's staff evaluation process may be used to recommend additional individualized staff development for individual employees.

The County Superintendent of Schools or designee may budget funds for actual and reasonable expenses incurred by staff who participate in staff development activities.

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Federal 20 USC 6601-6702	Description Preparing, Training and Recruiting High Quality Teachers and Principals
Management Resources Commission on Teacher Credentialing Publication CSBA Publication Public Employment Relations Board Decision Website Website Website Website	Description California Standards for the Teaching Profession, 2009 Governing to the Core: Professional Development for Common Core, Governance Brief, May 2013 United Faculty of Contra Costa Community College District v. Contra Costa Community College District, (1990) PERB Order No. 804, 14 PERC P21, 085 CSBA Commission on Teacher Credentialing California Subject Matter Projects California Department of Education, Professional Learning
State 5 CCR 13025-13044 5 CCR 80021 5 CCR 80021.1 5 CCR 80023-80026.6 Ed. Code 44032 Ed. Code 44259.5 Ed. Code 44277 Ed. Code 44300 Ed. Code 44325-44328 Ed. Code 44450-44468 Ed. Code 44570-44578 Ed. Code 44830.3 Staff Development – Board Policy 4131	Description Professional development and program improvement Short-term staff permit Provisional internship permit Emergency permits Travel expense payment Standards for teacher preparation Professional growth programs for individual teachers Emergency permits District interns University intern program Inservice training, secondary education Employing district interns



Ed. Code 45028
Ed. Code 48980
Ed. Code 52060-52077
Ed. Code 56240-56245
Ed. Code 99200-99206
Gov. Code 3543.2

Salary schedule and exceptions
Parent/Guardian notifications
Local control and accountability plan
Staff development; service to persons with disabilities
Subject matter projects
Scope of representation

Cross References

Code

0430
0430
6173
6173
6173-E(1)
6173-E(2)

Description

[Comprehensive Local Plan For Special Education](#)
[Comprehensive Local Plan For Special Education](#)
[Education For Homeless Children](#)
[Education For Homeless Children](#)
[Education For Homeless Children](#)
[Education For Homeless Children](#)

ADOPTED BY COUNTY BOARD:
REVISED: PENDING

September 2, 1999



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – NONSCHOOL EMPLOYMENT

BP 4136

In order to help maintain public trust in the integrity of SBCEO operations, the County Board of Education and the County Superintendent of Schools expect all employees to give the responsibility of their positions precedence over any other outside employment. An SBCEO employee may receive compensation for outside activities as long as these activities are not inconsistent, incompatible, in conflict with, or inimical to the employee's SBCEO duties.

An outside activity shall be considered inconsistent, incompatible, or inimical to SBCEO employment when such activity: (Government Code 1126)

1. Requires time periods that interfere with the proper, efficient discharge of the employee's duties
2. Entails compensation from an outside source for activities which are part of the employee's regular duties
3. Involves using the SBCEO's name, prestige, time, facilities, equipment, or supplies for private gain
4. Involves service which will be wholly or in part subject to the approval or control of another SBCEO employee or Board member

An employee wishing to accept outside employment that may be inconsistent, incompatible, in conflict with, or inimical to the employee's duties shall file a written request with the employee's immediate supervisor describing the nature of the employment and the time required. The supervisor shall evaluate each request based on the employee's specific duties within the SBCEO and determine whether to grant authorization for such employment.

The supervisor shall inform the employee whether the outside employment is prohibited. The employee may appeal a supervisor's denial of authorization to the County Superintendent of Schools or designee. An employee who continues to pursue a prohibited activity may be subject to disciplinary action.

Tutoring

A certificated employee shall not accept any compensation or other benefit for tutoring a student enrolled in the certificated employee's class(es). An employee who wishes to tutor another SBCEO student shall first request authorization from the employee's supervisor in accordance with this Board policy. If authorization is granted, the employee shall not use SBCEO facilities, equipment, or supplies when providing the tutoring service.

Policy Reference Disclaimer:

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Management Resources

Attorney General Opinion
Website
Website

Description

70 Ops.Cal.Atty.Gen. 157 (1987)
[Fair Political Practices Commission](#)
[CSBA](#)

**State**

5 CCR 80334
Ed. Code 35160
Ed. Code 35160.1
Ed. Code 51520
Gov. Code 1126
Gov. Code 1127
Gov. Code 1128

Description

Unauthorized private gain or advantage
Authority of governing boards
Broad authority of school districts
Prohibited solicitations on school premises
Incompatible activities of employees
Incompatible activities; off duty work
Incompatible activities, attorney

ADOPTED BY COUNTY BOARD: December 1, 1983
REVISED: May 7, 1992, April 7, 1994, PENDING



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – LEAVES

BP 4161

The County Board of Education and the County Superintendent of Schools shall provide for paid and unpaid leaves of absence for employees in accordance with law, Board policy, administrative regulation, collective bargaining agreements, and merit system rules, as applicable.

The County Superintendent of Schools recognizes the following justifiable reasons for employee absence:

1. Personal illness or injury
2. Industrial accident or illness
3. Family care and medical leave
4. Military service
5. Personal necessity and personal emergencies
6. Disability leave for certificated employees in accordance with Education Code 44986
7. Vacations for classified staff and certificated management staff, as applicable
8. Sabbaticals for purposes of study or training related to the employee's job duties
9. Attendance at work-related meetings and staff development opportunities
10. Compulsory leave

Long-Term Leaves

With County Superintendent of Schools or designee approval, an employee may receive a leave of absence, without pay and without accruing seniority or service credit, for a period of up to one school year. Applications for long-term leave shall be made in writing and shall state the purpose for which leave is requested. All long-term leave agreements shall be in writing and shall state the terms and conditions of the leave, including the conditions governing the employee's return.

At the end of a long-term leave, the employee shall be reinstated to a similar position as that held at the time leave was granted, unless otherwise agreed upon.

The County Superintendent of Schools or designee shall consider any written request by an employee to return to work prior to the expiration date of the leave.

Administrative and Supervisory Personnel



Certificated administrative and supervisory employees who are not subject to the SBCEO's bargaining agreement for certificated employees shall generally be entitled to those leave provisions provided in the bargaining agreement for other certificated employees unless otherwise specified in individual contract, memorandums of understanding, Board policy, administrative regulation, or law.

Classified administrative and supervisory employees who are not subject to the SBCEO's bargaining agreement for classified employees shall generally be entitled to those leave provisions provided in the bargaining agreement for other classified employees unless otherwise specified in individual contract, memoranda of understanding, Board policy, administrative regulation, or law.

Policy Reference Disclaimer:

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Federal

29 USC 2601-2654
38 USC 4301-4334

Description

Family Care and Medical Leave Act
Uniformed Services Employment and Reemployment Rights Act of 1994

State

Ed. Code 22850-22856
Ed. Code 44018
Ed. Code 44036-44037
Ed. Code 44043.5
Ed. Code 44800
Ed. Code 44842
Ed. Code 44940
Ed. Code 44962-44988
Ed. Code 45059

Description

Pension benefits, STRS members on military leave
Compensation for employees on active military duty
Leaves of absence for judicial and official appearances
Catastrophic leave
Effect of active military service on status of employees
Reemployment notices, certificated employees
Compulsory leave of absence for certificated persons
Leave of absence (certificated)
Employee ordered to active military/naval duty, computation of salary

Ed. Code 45190-45210
Fam. Code 297-297.5

Leaves of absence (classified)
Rights, protections, benefits under the law; registered domestic partners

Gov. Code 12945.1-12945.2
Gov. Code 20990-21013
Gov. Code 3543.1
Gov. Code 3543.2
Lab. Code 230-230.2

California Family Rights Act
Pension benefits, PERS members on military leave
Rights of employee organizations
Scope of representation
Leaves for victims of domestic violence, sexual assault or specified felonies

Lab. Code 230.3
Lab. Code 230.4
Lab. Code 230.8
Lab. Code 233
M&V Code 395-395.9
M&V Code 395.10

Leave for emergency personnel
Leave for volunteer firefighters
Time off to visit child's school
Illness of child, parent, spouse or domestic partner
Military leave
Leave when spouse on leave from military deployment

ADOPTED BY COUNTY BOARD:

July 3, 1975

REVISED: May 7, 1992, April 7, 1994, September 7, 2017, PENDING



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – POLITICAL ACTIVITIES OF EMPLOYEES

BP 4219.25

The County Board of Education and the County Superintendent of Schools recognize the importance of political activity, voting, and civic engagement, and respects the right of SBCEO employees to engage in political discussions and activities as individuals on their own time and at their own expense. When engaging in such activities, employees shall make it clear that they are acting on their own behalf and not as representatives of the SBCEO.

SBCEO employees, as members of the community, may use school facilities for meetings, including political activities, as permitted under the Civic Center Act and SBCEO policy.

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

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Management Resources

Attorney General Opinion
Attorney General Opinion
Attorney General Opinion
Court Decision

Court Decision

PERB Ruling

Website

Website

Website

Description

84 Ops.Cal.Atty.Gen. 52 (2001)
84 Ops.Cal.Atty.Gen. 106 (2001)
77 Ops.Cal.Atty.Gen. 56 (1994)
Downs v. Los Angeles Unified School District, (9th Cir. 2000) 228 F.3d 1003
California Teachers Association v. Governing Board of San Diego Unified School District, (1996) 45 Cal.App. 4th 1383
San Diego Community College District, (2001) PERB Dec. No.1467

[CSBA](#)

[California Public Employment Relations Board](#)

[California Attorney General's Office](#)

State

Ed. Code 38130-38139
Ed. Code 51520
Ed. Code 7050-7057
Elec. Code 18304
Gov. Code 3543.1
Gov. Code 82041.5
Gov. Code 8314
Pen. Code 424
Public Employment Relations Board Rulings

Description

Civic Center Act
Prohibited solicitations on school premises
Political activities of school officers and employees
Prohibition against use of district seal in campaign literature
Rights of employee organizations
Mass mailing
Unlawful use of state resources
Embezzlement and falsification of accounts by public officers
City of Sacramento, (2019) PERB Dec. No. 2702m

ADOPTED BY COUNTY BOARD: May 6, 1982

REVISED: May 7, 1992, April 7, 1994, PENDING



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – HEALTH AND WELFARE BENEFITS

BP 4254

The County Board of Education and the County Superintendent of Schools recognize that health and welfare benefits are essential to promote employee health and productivity and are an important part of the compensation offered to employees. The SBCEO shall provide health and welfare benefits for employees in accordance with state and federal law and subject to negotiated employee agreements.

Certificated management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for certificated employees. Classified management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for classified employees.

For purposes of granting benefits, a registered domestic partner and the registered domestic partner's child shall have the same rights, protections, and benefits as a spouse and spouse's child. (Family Code 297.5, 300)

The SBCEO shall offer full-time employees who work an average of 35 hours or more per week and their dependents up to age 26 years a health insurance plan that includes coverage for essential health benefits, pays at least 60 percent of the medical expenses covered under the terms of the plan, and meets all other requirements of the federal Patient Protection and Affordable Care Act.

With respect to eligibility to participate in the health benefits plan or the level of health benefits provided, the SBCEO shall not discriminate in favor of employees who are among the highest paid 25 percent of all SBCEO employees. (26 USC 105; 42 USC 300gg-16)

Continuation of Coverage

Retired certificated employees, other employees who would otherwise lose coverage due to a qualifying event specified in law and administrative regulation, and their qualified beneficiaries may continue to participate in the SBCEO's group health and welfare benefits in accordance with state and federal law.

Unless otherwise provided for in the applicable collective bargaining agreement, covered employees and their qualified beneficiaries may receive continuation coverage by paying the premiums, dues, and other charges, including any increases in premiums, dues, and costs incurred by the SBCEO in administering the program.

Confidentiality

The County Superintendent or designee shall not use or disclose any employee's medical information the SBCEO possesses without the employee's authorization obtained in accordance with Civil Code 56.21, except for the purpose of administering and maintaining employee benefit plans and for other purposes specified in law. (Civil Code 56.20)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal
1 USC 7

Description
[Definition of marriage, spouse](#)



26 CFR 1.105-11
 26 CFR 54.4980B-1-54.4980B-10
 26 CFR 54.4980H-1-54.4980H-6
 26 USC 105

26 USC 4980B
 26 USC 4980H

26 USC 5000A
 26 USC 6056
 29 USC 1161-1168
 42 USC 1395-1395g
 42 USC 300gg-16

42 USC 300gg-300gg95
 45 CFR 164.500-164.534

Management Resources

California School Boards Association
 Publication
 Internal Revenue Service Notification

U.S. Department of Treasury Publication

Website
 Website

Website
 Website
 Website

State

Civ. Code 56.10-56.16
 Civ. Code 56.20-56.245
 Ed. Code 17566
 Ed. Code 35208
 Ed. Code 35214

Ed. Code 44041-44042
 Ed. Code 44986
 Ed. Code 45136
 Ed. Code 7000-7008
 Fam. Code 297-297.5

Fam. Code 300
 Gov. Code 12940
 Gov. Code 22750-22944
 Gov. Code 53200-53210
 H&S Code 1366.20-1366.29
 H&S Code 1367.08

H&S Code 1373
 H&S Code 1373.621
 H&S Code 1374.58

Ins. Code 10116.5
 Ins. Code 10128.50-10128.59

Self-insured medical reimbursement plan
 COBRA continuation coverage
 Patient Protection and Affordable Care Act
 Self-insured medical reimbursement plan; definition of highly compensated individual
 COBRA continuation coverage
 Penalty for noncompliance with employer-provided health care requirements
 Minimum essential coverage
 Report of health coverage provided to employees
 COBRA continuation coverage
 Medicare benefits
 Group health plan; nondiscrimination in favor of highly compensated individuals
 Patient Protection and Affordable Care Act
 Health Insurance Portability and Accountability Act (HIPAA)

Description

Health Policy: Implications of Covered California for School Boards, Districts and Personnel, Governance Brief, January 2013
 2011-1 Affordable Care Act Nondiscrimination Provisions
 Applicable to Insured Group Health Plans
 Fact Sheet: Final Regulations Implementing Employer Shared Responsibility Under the Affordable Care Act (ACA) for 2015
[U.S. Department of Labor](#)
[U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services](#)
[Internal Revenue Service](#)
[CSBA](#)
[California Employment Development Department](#)

Description

[Disclosure of information by medical providers](#)
[Use and disclosure of medical information by employers](#)
 Self-insurance fund
 Liability insurance
 Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company)
 Payroll deductions for collection of premiums
 Leave of absence, state disability benefits
 Benefits for classified employees
 Health and welfare benefits, retired certificated employees
 Rights, protections, benefits under the law; registered domestic partners
 Definition of marriage
 Unlawful discriminatory employment practices
 Public Employees' Medical and Hospital Care Act
 Group insurance
 Cal-COBRA program, health insurance
 Disclosure of fees and commissions paid related to health care service plan
 Health services plan, coverage for dependent children
 Continuation coverage, age 60 or older after five years with district
 Coverage for registered domestic partners, health service plans and health insurers
 Continuation coverage, age 60 or older after five years with district
 Cal-COBRA program, disability insurance



Ins. Code 10277-10278

Ins. Code 10604.5

Ins. Code 12670-12692.5

Lab. Code 2800.2

Lab. Code 4856

Unemp. Ins. Code 2613

Group and individual health insurance, coverage for dependent children

Annual disclosure of fees and commissions paid

Conversion coverage

Notification of availability of continuation health coverage

Health benefits for spouse of peace officer killed in performance of duties

Disability insurance; notice of rights and benefits

Cross References

Code

0430

0430

4141.6

4141.6

4241.6

4241.6

Description

[Comprehensive Local Plan For Special Education](#)

[Comprehensive Local Plan For Special Education](#)

[Concerted Action/Work Stoppage](#)

[Concerted Action/Work Stoppage](#)

[Concerted Action/Work Stoppage](#)

[Concerted Action/Work Stoppage](#)

ADOPTED BY COUNTY BOARD: May 1, 1980

REVISED: May 7, 1992, April 7, 1994, PENDING



STUDENTS

BP 5141.21
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POLICY – ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

The County Board believes that regular school attendance is critical to student learning and that students who need to take medication prescribed or ordered for them by their authorized health care providers should have an opportunity to participate in the educational program.

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 shall be administered in accordance with the student's individualized education program or Section 504 services plan, as applicable.

For the administration of medication to other students during school or school-related activities, the County Superintendent or designee shall develop protocols which shall include options for allowing a parent/guardian to administer medication to their child at school, designate other individuals to do so on the parent/guardian's behalf, and, with the child's authorized health care provider's approval, request the County Education Office's permission for the parent/guardian's child to self-administer a medication or self-monitor and/or self-test for a medical condition. Such processes shall be implemented in a manner that preserves campus security, minimizes instructional interruptions, and promotes student safety and privacy.

The County Superintendent or designee shall make epinephrine auto-injectors available at each school for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from an anaphylactic reaction. (Education Code 49414)

The County Superintendent or designee shall make naloxone hydrochloride or another opioid antagonist available for emergency medical aid to any person suffering, or reasonably believed to be suffering, from an opioid overdose. (Education Code 49414.3)

Because of the conflict between state and federal law regarding the legality of medicinal cannabis, the County Board prohibits the administration of medicinal cannabis to students on school grounds by parents/guardians or school personnel.

The County Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators, to design procedures or measures for addressing an emergency such as a public disaster or epidemic.

Administration of Medication by School Personnel

When allowed by law, medication prescribed to a student by an authorized health care provider may be administered by a school nurse or, when a school nurse or other

medically licensed person is unavailable and the physician has authorized administration of medication by unlicensed personnel for a particular student, by other designated school personnel with appropriate training. School nurses and other designated school personnel shall administer medications to students in accordance with law, board policy, administrative regulation, and, as applicable, the written statement provided by the student's parent/guardian and authorized health care provider. Such personnel shall be afforded appropriate liability protection.

The County Superintendent or designee shall ensure that school personnel designated to administer any medication receive appropriate training and, as necessary, retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual. (Education Code 49414, 49414.3, 49414.5, 49423, 49423.1)

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

Legal Reference:

BUSINESS AND PROFESSIONS CODE

2700-2837 Nursing, especially

3500-3546 Physician assistants

4119.2 Acquisition of epinephrine auto-injectors

4119.8 Acquisition of naloxone hydrochloride or another opioid antagonist

CODE OF REGULATIONS, TITLE 5

600-611 Administering medication to students

EDUCATION CODE

48980 Notification at beginning of term

49407 Liability for treatment

49408 Emergency information

49414 Emergency epinephrine auto-injectors

49414.3 Emergency medical assistance; administration of medication for opioid overdose

49414.5 Providing school personnel with voluntary emergency training

49422-49427 Employment of medical personnel, especially:

49423 Administration of prescribed medication for student

49423.1 Inhaled asthma medication

49480 Continuing medication regimen; notice

HEALTH AND SAFETY CODE

11362.7-11362.85 Medical cannabis

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 21

812 Schedule of controlled substances

844 Penalties for possession of controlled substance

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

COURT DECISION

American Nurses Association v. Torlakson, (2013) 57 Cal.4th 570

Management Resources:

AMERICAN DIABETES ASSOCIATION PUBLICATIONS

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

Training Standards for the Administration of Epinephrine Auto-Injectors, rev. 2015

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

Program Advisory on Medication Administration, 2005

NATIONAL DIABETES EDUCATION PROGRAM PUBLICATIONS

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

WEB SITES

[CSBA](#)

[American Diabetes Association](#)

[California Department of Education](#)

[National Diabetes Education Program](#)

[U.S. Department of Health and Human Services, National Institutes of Health, Blood Institute, asthma information](#)

ADOPTED BY COUNTY BOARD: October 5, 1989

REVISED: January 6, 1994

April 7, 1994

February 2, 2012

September 7, 2017



STUDENTS

BP 5141.21

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POLICY – ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

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CODE OF REGULATIONS, TITLE 5

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49414.5 Providing school personnel with voluntary emergency training

49422-49427 Employment of medical personnel, especially:

49423 Administration of prescribed medication for student

49423.1 Inhaled asthma medication

49480 Continuing medication regimen; notice

HEALTH AND SAFETY CODE

11362.7-11362.85 Medical cannabis

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 21

812 Schedule of controlled substances

844 Penalties for possession of controlled substance

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794 Rehabilitation Act of 1973, Section 504

COURT DECISION

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Program Advisory on Medication Administration, 2005

NATIONAL DIABETES EDUCATION PROGRAM PUBLICATIONS

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WEB SITES

[CSBA](#)

[American Diabetes Association](#)

[California Department of Education](#)

[National Diabetes Education Program](#)

[U.S. Department of Health and Human Services, National Institutes of Health, Blood Institute, asthma information](#)

ADOPTED BY COUNTY BOARD: October 5, 1989

REVISED: January 6, 1994, April 7, 1994, February 2, 2012, September 7, 2017

Suggested additions to BP 5117.1 – IDT Attendance Appeals. BP 5117.1 was remanded back to the Board Policy Committee by the board on June 2, 2022.

Criteria for consideration in Appeals:

1. *(B) add language: The transfer of a student who is the child of an active military parent may not be prohibited.*
2. *(E) add language: The impacted district(s) must demonstrate in writing that the student's transfer would result in undue hardship on the district's resident students in terms of overcrowding and/or would be a violation of district policy or a collective bargaining agreement regarding class size goals.*
3. *(F) a specialized and specific academic program or service, unavailable in the district of residence, but necessary to the student's career or academic objectives or academic advancement and not based solely on the student's interest or desires, or extracurricular activities or athletics.*
4. *(G) The student's plan to move in the near future and desire to begin the semester or school year in his or her new school district. The student and his/her parent/guardian must offer written proof of their plan to move into the district of proposed attendance; such written proof may be a rental agreement, a contract to purchase new property, or similar document.*
5. *(H) Other exceptional or extraordinary circumstances which would weigh heavily in favor of the appellant student or the affected school district. The parent/guardian or school district must specify and describe the type of exceptional or extraordinary circumstances and its effect on the appellant or the resident students of the district.*
6. *(I) Failure to qualify for any of the above listed criteria shall result in denial of the appeal.*

The following documents were presented as is,
to the County Board on June 2, 2022.

POLICY -- INTERDISTRICT ATTENDANCE APPEALS

BP 5117.1

In accordance with the provisions of California Education Code section 46601, the County Board of Education will consider appeals following the failure or refusal of a school district to issue an inter-district attendance permit or to enter into an agreement allowing inter-district attendance. Any such appeal must be submitted in writing by a person having legal custody of the student denied inter-district attendance and must be filed within thirty (30) calendar days of the failure or refusal of the school district to issue a permit. Failure to appeal within the required time is good cause for denial of the appeal. An appeal shall be accepted only upon verification by the County Superintendent of Schools or designee that appeals within the districts have been exhausted.

Within thirty (30) calendar days of receipt of a written appeal, the County Board of Education will determine whether the student should be permitted to attend in the district in which the student desires to attend and the applicable period of time. The County Superintendent or designee may, for good cause, extend this thirty-day period for an additional five (5) school days if the time requirement for an appeal hearing is impractical for the County Board of Education. Additionally, the County Superintendent or designee may grant a continuance of any applicable time requirement for a specified number of days for any other reason upon good cause shown.

~~Upon receiving the concurrence of the County Board of Education President, the County Superintendent may assign appeal hearings to one or more administrative panel(s) authorized to conduct hearings on its behalf. The panel(s) must consist of at least three (3) impartial and certificated members appointed by the County Board of Education. No member of the impartial administrative panel(s) shall be a member of the County Board of Education, nor be employed by the school district of residence or the district of desired attendance. The administrative panel(s) shall render a recommendation within three (3) school days after the hearing and the County Board of Education shall render a final decision within ten (10) school days of the administrative panel's recommendation.~~

Inter-district transfer appeals may be heard in closed session if necessary, to protect pupil confidentiality, as long as to do so would not violate the Brown Act. The County Board of Education shall deliberate in closed session if the appeal is heard in closed session. In such cases, the decision of the County Board of Education and the vote of each member shall be announced in open session immediately following the closed session.

Families with appeals for multiple children may have the appeals heard separately or as one. The County Board of Education will conduct a separate vote on the appeal of each child.

Adequate notice shall be provided to all parties of the date and time of any hearing scheduled, and of the opportunity to submit written statements and documentation and to be heard on the matter. All written statements and supporting documentation must be

STUDENTS

POLICY -- INTERDISTRICT ATTENDANCE APPEALS

BP 5117.1

attached to the appeal or the response to the appeal so that the County Board of Education and the parties have ample time to prepare for the appeal hearing. The County Board of Education may, in its discretion, permit parties to present additional written documentation at the time of the hearing. In exercising that discretion the County Board of Education may consider factors that it deems relevant including but not limited to the following: (1) whether the opposing party will be unfairly prejudiced by the late submission of the additional documentation because it will be unable to adequately respond to the additional documentation; (2) the reasons why the party offering the additional documentation did not timely submit that documentation with their appeal or response; and (3) whether acceptance of the additional documentation will unduly delay the hearing on the appeal or the ability of the County Board of Education to timely rule on the merits of the appeal. An appeal may be remanded for further consideration if local remedies at the district level have not been exhausted or new evidence or grounds for request are produced.

The County Board of Education, in its discretion, may decide to limit the time each party has to present their position at the appeal hearing. The parties will be notified in advance of the hearing of any time limit imposed by the County Board of Education.

Each party to the appeal or their counsel may present oral statements to the County Board of Education. Each party may also present the oral statements of witnesses having knowledge of the facts relating to the appeal. The statements of parties and witnesses shall be taken in a narrative form and the parties and witnesses shall not be administered an oath prior to making their statements. No party shall have the right to examine or question the witnesses of the other party. The County Board of Education may do so at its discretion.

The County Superintendent, or designee, shall investigate to determine whether local remedies in the matter have been exhausted and to provide any additional information deemed useful to the County Board of Education in reaching a decision.

Students who are under consideration for expulsion or who have been expelled may not appeal inter-district attendance denials or rescissions while expulsion proceedings are pending, or during the term of the expulsion.

Although the County Board of Education has broad discretion, disposition of inter-district attendance appeals will generally be based upon the presumptions that: (a) the pupil is normally required to attend school in the district of residence of either the parent or the legal guardian; (b) such issues should be settled by the governing boards of the district(s) involved; and (c) only in extraordinary situations would the County Board of Education reverse the decisions of the local school board(s). The County Board of Education's scope of review of an inter-district appeal includes determining whether the subject school

STUDENTS

POLICY -- INTERDISTRICT ATTENDANCE APPEALS

BP 5117.1

district(s) acted in compliance with the Education Code regarding inter-district transfers.

The County Board does not conduct the appeal hearing de novo. Instead it acts as an appellate body and examines the record before it to ascertain whether:

- (1) The district's policy was adhered to and consistently applied; and
- (2) The district's decision is supported by substantial evidence;

The County Board grants deference to the decision of governing board and existing district policies where the decision being appealed was made by the governing board and was adequately explained to the parent or guardian and will not override a lawful district policy absent a showing of substantial harm to the student.

In determining whether the appeal presents an extraordinary situation exists that supports a reversal of the decision of the governing board, the County Board may consider the following factors:

- (a) A substantial danger to the student's health or safety. There must be evidence of threats or injuries to the student or evidence that the student's health, welfare or safety is otherwise in clear, present, and continuing jeopardy or danger at the school of required attendance.
- (b) A severe hardship to parents or guardians, which is substantially greater than inconvenience, which would negatively affect the student's success in school. The parent or guardian must specify and describe the type of hardship in writing.
- (c) Continuity of attendance involving situations where a student has been allowed to attend a school in a district of non-residency, but the district alters policy.
- (d) The negative financial impact of educating the student (district of desired attendance) or losing the student (district of residence).
- (e) Overcrowding/Lack of space for the student in the receiving district, or evidence that the educational goals of the district will be otherwise impaired if it was required to admit the student and similarly situated students.

In applying these factors, the County Board may give them the weight it considers appropriate under the circumstances of each case.

The County Board ordinarily will not consider the following factors in determining whether an extraordinary situation exists:

- (a) The academic performance or reputation of a district or school;
- (b) Matters of preference or inconvenience to parents, the student, or the students' siblings caused by the parents' place of employment, transportation, child care or the availability of after-school options (unless considered under the district's policy)

STUDENTS

POLICY -- INTERDISTRICT ATTENDANCE APPEALS

BP 5117.1

that will occur if the student is required to attend school in the student's district of residence.

The County Board's discretion is limited to granting or denying an appeal to attend in a particular district and not with regard to an individual school. The inter-district attendance appeal shall be denied unless the majority of all of the members of the County Board of Education (regardless of the number of members hearing the appeal) vote to grant the appeal. Once the County Board of Education has ruled on an appeal, it may not reconsider that ruling at a subsequent meeting.

ADOPTED BY COUNTY BOARD:
REVISED:

July 3, 1975
January 6, 1994
April 7, 1994
June 12, 2008
December 2, 2010
December 11, 2014

POLICY -- INTERDISTRICT ATTENDANCE APPEALS

BP 5117.1

In accordance with the provisions of California Education Code section 46601, the County Board of Education will consider appeals following the failure or refusal of a school district to issue an inter-district attendance permit or to enter into an agreement allowing inter-district attendance. Any such appeal must be submitted in writing by a person having legal custody of the student denied inter-district attendance and must be filed within thirty (30) calendar days of the failure or refusal of the school district to issue a permit. Failure to appeal within the required time is good cause for denial of the appeal. An appeal shall be accepted only upon verification by the County Superintendent of Schools or designee that appeals within the districts have been exhausted.

Within thirty (30) calendar days of receipt of a written appeal, the County Board of Education will determine whether the student should be permitted to attend in the district in which the student desires to attend and the applicable period of time. The County Superintendent or designee may, for good cause, extend this thirty-day period for an additional five (5) school days if the time requirement for an appeal hearing is impractical for the County Board of Education. Additionally, the County Superintendent or designee may grant a continuance of any applicable time requirement for a specified number of days for any other reason upon good cause shown.

Inter-district transfer appeals may be heard in closed session if necessary, to protect pupil confidentiality, as long as to do so would not violate the Brown Act. The County Board of Education shall deliberate in closed session if the appeal is heard in closed session. In such cases, the decision of the County Board of Education and the vote of each member shall be announced in open session immediately following the closed session.

Families with appeals for multiple children may have the appeals heard separately or as one. The County Board of Education will conduct a separate vote on the appeal of each child.

Adequate notice shall be provided to all parties of the date and time of any hearing scheduled, and of the opportunity to submit written statements and documentation and to be heard on the matter. All written statements and supporting documentation must be attached to the appeal or the response to the appeal so that the County Board of Education and the parties have ample time to prepare for the appeal hearing. The County Board of Education may, in its discretion, permit parties to present additional written documentation at the time of the hearing. In exercising that discretion the County Board of Education may consider factors that it deems relevant including but not limited to the following: (1) whether the opposing party will be unfairly prejudiced by the late submission of the additional documentation because it will be unable to adequately respond to the additional documentation; (2) the reasons why the party offering the additional documentation did not timely submit that documentation with their appeal or response; and (3) whether acceptance of the additional documentation will unduly delay the hearing.

STUDENTS

POLICY -- INTERDISTRICT ATTENDANCE APPEALS

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on the appeal or the ability of the County Board of Education to timely rule on the merits of the appeal. An appeal may be remanded for further consideration if local remedies at the district level have not been exhausted or new evidence or grounds for request are produced.

The County Board of Education, in its discretion, may decide to limit the time each party has to present their position at the appeal hearing. The parties will be notified in advance of the hearing of any time limit imposed by the County Board of Education.

Each party to the appeal or their counsel may present oral statements to the County Board of Education. Each party may also present the oral statements of witnesses having knowledge of the facts relating to the appeal. The statements of parties and witnesses shall be taken in a narrative form and the parties and witnesses shall not be administered an oath prior to making their statements. No party shall have the right to examine or question the witnesses of the other party. The County Board of Education may do so at its discretion.

The County Superintendent, or designee, shall investigate to determine whether local remedies in the matter have been exhausted and to provide any additional information deemed useful to the County Board of Education in reaching a decision.

Students who are under consideration for expulsion or who have been expelled may not appeal inter-district attendance denials or rescissions while expulsion proceedings are pending, or during the term of the expulsion.

Although the County Board of Education has broad discretion, disposition of inter-district attendance appeals will generally be based upon the presumptions that: (a) the pupil is normally required to attend school in the district of residence of either the parent or the legal guardian; (b) such issues should be settled by the governing boards of the district(s) involved; and (c) only in extraordinary situations would the County Board of Education reverse the decisions of the local school board(s). The County Board of Education's scope of review of an inter-district appeal includes determining whether the subject school district(s) acted in compliance with the Education Code regarding inter-district transfers.

The County Board does not conduct the appeal hearing de novo. Instead it acts as an appellate body and examines the record before it to ascertain whether:

- (1) The district's policy was adhered to and consistently applied; and
- (2) The district's decision is supported by substantial evidence;

The County Board grants deference to the decision of governing board and existing district policies where the decision being appealed was made by the governing board and

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was adequately explained to the parent or guardian and will not override a lawful district policy absent a showing of substantial harm to the student.

In determining whether the appeal presents an extraordinary situation exists that supports a reversal of the decision of the governing board, the County Board may consider the following factors:

- (a) A substantial danger to the student's health or safety. There must be evidence of threats or injuries to the student or evidence that the student's health, welfare or safety is otherwise in clear, present, and continuing jeopardy or danger at the school of required attendance.
- (b) A severe hardship to parents or guardians, which is substantially greater than inconvenience, which would negatively affect the student's success in school. The parent or guardian must specify and describe the type of hardship in writing.
- (c) Continuity of attendance involving situations where a student has been allowed to attend a school in a district of non-residency, but the district alters policy.
- (d) The negative financial impact of educating the student (district of desired attendance) or losing the student (district of residence).
- (e) Overcrowding/Lack of space for the student in the receiving district, or evidence that the educational goals of the district will be otherwise impaired if it was required to admit the student and similarly situated students.

In applying these factors, the County Board may give them the weight it considers appropriate under the circumstances of each case.

The County Board ordinarily will not consider the following factors in determining whether an extraordinary situation exists:

- (a) The academic performance or reputation of a district or school;
- (b) Matters of preference or inconvenience to parents, the student, or the students' siblings caused by the parents' place of employment, transportation, child care or the availability of after-school options (unless considered under the district's policy) that will occur if the student is required to attend school in the student's district of residence.

The County Board's discretion is limited to granting or denying an appeal to attend in a particular district and not with regard to an individual school. The inter-district attendance appeal shall be denied unless the majority of all of the members of the County Board of Education (regardless of the number of members hearing the appeal) vote to grant the appeal. Once the County Board of Education has ruled on an appeal, it may not reconsider that ruling at a subsequent meeting.

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