

**Administrative/Support Staff
Classified Management/Confidential**

**Administrative Regulations and Procedures
Policies 4400
Policies 4500**



**MARY JANE BURKE
Marin County Superintendent of Schools**

**MARIN COUNTY OFFICE OF EDUCATION
1111 Las Gallinas Avenue
P. O. Box 4925
San Rafael, CA 94913**

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SECTION I

**Administrative/Support Staff
Classified Management/Confidential**

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE REGULATIONS AND PROCEDURES

EMPLOYMENT

Contractual Agreement for Employment A contract for employment is entered into by the Superintendent/Governing Board and certificated employee. This contract sets forth the salary and number of workdays for each employee.

Placement on Salary Schedule All employees are approved for placement on the salary schedule by the Superintendent/Governing Board.

Calendar/Working Days The Marin County Office of Education is open to the public 12 months a year with the exception of Saturdays, Sundays, and designated school holidays. The Marin County Office of Education will be closed between Christmas and New Years Day. Staff members are held accountable to this schedule in accordance with their basic contract and their work year calendar.

Hours of Employment The Marin County Office of Education is open between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Administrative personnel are expected to be in their offices from 8:00 a.m. to 5:00 p.m., each working day or have their locations registered with their support staff.

Tuberculosis Test Prior to initial employment, each employee shall submit evidence of freedom from active tuberculosis. Results from an X-ray of the lungs or approved intradermal tuberculin test shall be filed with the personnel office every four years thereafter. The employee may apply for reimbursement for the cost of the TB test (if not covered by health insurance) by submitting the bill to the Personnel Office.

Checking Out - Year-end and Termination Upon termination, employees must turn in all keys, equipment, materials, reports, and records, etc., to immediate administrative supervisor who will in turn notify the Assistant Superintendent of Business Services prior to the release of the last payroll warrant.

PROFESSIONAL MATTERS

Committees or Professional Projects Personnel may be directed to serve on various committees or professional projects by the Superintendent or Deputy/Assistant Superintendent.

Legal Opinions When legal opinions are desired by Marin County Office of Education staff members, the County Superintendent or his/her proper Deputy/Assistant will direct the inquiry to the proper official.

Attending College Courses, Workshops, or Inservice Training Permission may be granted by the Superintendent or his/her representative for a staff member to attend late afternoon or evening courses (resident or extension) if such does not interfere with assigned responsibilities.

When such activities interfere with the contractual agreement, a special agreement shall be made between the County Superintendent and the employee. Without such an agreement, an adjustment in salary shall be made. Normally, there should be no interference with contract period.

Outside Employment Employees may, with the approval of the Superintendent, contract their services for extra pay with agencies or individuals when a) there is no interference with their contractual assignment with the Marin County Office of Education, and b) the agreements are with other than the public schools of Marin County, and c) there is clearly no conflict of interest.

School districts in Marin County wishing to contract for services of Marin County Office of Education Administrative/Support Staff must do so through the Superintendent.

Professional Organization Memberships Staff members are encouraged to join and actively participate in professional organizations. Professional dues are the responsibility of the individual staff member. The Superintendent's approval shall be obtained before staff members assume organizational responsibilities, which may infringe upon their professional working assignments.

Administrative staff members are encouraged to become members of the Marin County School Administrators Association and the Association of California School Administrators.

School or Classroom Visitation No person, other than enrolled students, their parents, and employees of the Marin County Office of Education shall enter a school or classroom without the approval of the Superintendent or his/her designee.

The Program Manager, in consultation with the affected teacher(s), shall determine the frequency, length of stay and number of visitors that may be allowed to enter the classroom(s).

The Program Manager and the affected teacher(s) shall jointly decide the appropriateness of allowing the placement of student teachers in specific classes and for scheduling classroom observations by college students.

No person shall enter the school or classroom for the purpose of photographing students, obtaining students' names or transacting any personal business with students or employees without the approval of the Superintendent or his/her designee and in the instance of students, without the approval of parents.

This does not apply to those individuals who have statutory authority to enter the schools, i.e., State Department of Education employees and peace officers.

Notification Requirements to Teachers Regarding Students Who Have Engaged in Activities Leading to Suspension or Expulsion with the Exception of Possession or Use of Tobacco/Nicotine California Education Code 49079 requires that a school district inform the teacher of every student who has engaged in activities leading to suspension or expulsion with the exception of possession or use of tobacco or other nicotine products.

Information provided to the teacher is based on any written records the district maintains or receives from a law enforcement agency regarding a student. Every school year, the information shall be from the previous three school years. Any information received by a teacher shall be received in confidence for the limited purpose for which it is provided and shall not be further disseminated by the teacher.

The Marin County Office of Education procedures for implementation of this notification requirement involves the following:

1. All student records are reviewed for the three previous school years.
2. Written notification is provided to teachers regarding those students identified according to this education code. The written notification will provide the teacher with the name of the student and a caution to the confidential nature of the notice and prohibition against further dissemination of the information. Each new student incident will result in a new notification cycle.
3. Each division will maintain a central file/record system to document teacher notification.

- a. Upon receipt of a teacher's signed notification, supervisors will forward the notice to the central file.
- b. Central file will contain three (3) consecutive years of documentation arranged in alphabetical order with control index of student names indicating year student was most recently reported and anticipated expiration of notice requirement.
- c. Annually, in August, each division will review its central file and prior to the first day of school attendance all appropriate teacher notifications will be disseminated by program administrators. Example: SDC students may be served by more than 1 teacher - SDC, DIS.
- d. Annually, in June, each division will review the central file. Prior to the first day of summer school attendance, all appropriate teacher notifications will be disseminated by the summer school program administrator.

BUSINESS MATTERS

Conferences, Meetings and Visitations With prior approval, an employee may attend meetings, conferences or school visitations.

Prior to attendance at any conference, a staff member must complete a Travel Request form and receive signed approval by the Assistant Superintendent and the Superintendent. The signed approval must accompany the expense claim submitted for reimbursement. See *Travel Rules and Regulations* for more information.

Meetings Within Bay Area and Sacramento Counties With prior approval of the division head, Administrative/Support Staff may attend meetings during the scheduled school day within Marin County and those counties listed below.

Alameda	Sacramento	Santa Clara
Contra Costa	San Francisco	Solano
Napa	San Mateo	Sonoma

Mileage Administrative/support staff will be reimbursed for prior authorized mileage. Authorized mileage is that mileage given prior approval by the immediate administrative supervisor.

Authorized mileage for night, holiday, Saturday, and Sunday meetings is reimbursed from home to destination and return home. Authorized mileage during the

regular working day is computed from the first site assignment each day to intermediate destinations. Refer to the *Rules and Regulations Governing Travel Expense* for more information.

Student Accidents If a student is injured at school, fill out a student accident form and submit it to the Division Head. Staff should inform the supervisor who is management whenever an employee or student is injured. You can get the form from your Division Head.

Budget Development Budget development is a divisional responsibility in cooperation with the Business Office.

Expenditures Requisitions for expenditures of money must be prepared on purchase order forms which are available from Division Heads or the business office. These forms must be legibly prepared and approved by the division head prior to the expenditure of any funds. Staff must check with Division Heads to assure that requests for expenditure are valid and that money is in the budget to cover requested expenditures.

PAYROLL

Pay Checks Payroll warrants for regular employees are distributed, deposited, or placed in the U.S. Mail on the last working day of the calendar month on which the Marin County Office of Education is open for business. Arrangements for the automatic bank deposit of a payroll check can be made through the Business Office, or upon initial employment.

Salary Deductions - Retirement Deductions from salaries for the State Teachers or Public Employees Retirement System benefits are mandatory and must be deducted as earned. Retirement deductions are computed by the business office staff.

Salary Deductions - Taxes Federal and state tax deductions are computed by the business office staff.

Salary Deductions - Health and Dental Benefits The Superintendent/Governing Board provides medical, dental and vision coverage for the employee and his/her dependents as outlined in the appropriate Benefit Matrices. It is understood that employees shall request only that coverage actually needed.

Salary Deductions - Other Additional deductions are available upon request of the employee with the approval of the Superintendent/Governing Board.

REPORTING INDUSTRIAL ACCIDENTS

Reporting of Industrial Accidents or Illness When an employee reports a work related injury or illness, an *Employers Report of Occupational Injury or Illness* form must be completed by the employee's supervisor who is management and sent to the Director of Personnel, for forwarding to the administrator for the Workers Compensation Self Insurance program of the Marin County Insurance Authority. It is illegal for an injured employee to complete and sign the form.

The supervisor is responsible for investigating the reported injury or illness. The form can be obtained from the Personnel Department.

Procedures should include:

1. Talk with the employee. Get the facts (i.e. time, location, circumstances, witnesses, etc.)
2. Review the scene of the accident. What do you see?
3. Talk with witnesses. Record their first responses.
4. Stress facts.
5. Fill out the form. This is to be done by the supervisor and signed by the supervisor.
6. Keep notes should further inquiry be required.

The report is for the protection of the employee, and to insure that benefits which are due an employee are received.

Notification of accident or injury:

- Death - notify the Personnel Department by phone immediately
- Other - completed claim forms must be received by Administration/Personnel Department within five days of the accident.

GOOD MEDICAL CARE IS IMPORTANT. PROVIDE FIRST AID AND GET IMMEDIATE TREATMENT.

GENERAL SERVICES

Use of Facilities, Equipment Items of furniture and equipment are not to be removed from facilities for personal use. Each division head is responsible for keeping a record of all equipment assigned to his/her personnel that is used in any location other than the Marin County Office of Education facility.

All employees and outside groups desiring to use any facilities and equipment for purposes other than the normal school program or desiring to remove equipment from programs or facilities are required to submit a request and receive prior approval from the Director of General Services.

Professional Library Professional books, magazines, and pamphlets may be requested by administrative employees. The request is submitted to the Program Manager of the Instructional Media Center. If approved, the book is processed and becomes part of the inventory of the professional library at the Instructional Media Center and is available for loan from the professional library.

Health and Safety If a staff member becomes aware of any condition affecting the health or safety of students or staff they should immediately bring the condition to the attention of their supervisor. Any emergency should be immediately reported to the appropriate authorities.

Maintenance/Custodial Work Orders Staff who requires assistance of maintenance/custodial staff should complete a work order. Work Order forms are available from the Director of General Services.

1. Complete the form giving as many details as possible in the "Description of Work to be Done" area of the form.
2. Forward the form to your immediate supervisor for processing.
3. Work orders are processed by priority needs.
 - a. Safety/health/sanitation
 - b. Security, safety of property
 - c. Rehabilitation maintenance
 - c. Improvement to building and grounds

MOVING PROCEDURES

Guidelines for Moving Procedures

Note: These Guidelines for Moving Procedures were developed by a joint committee of management and teachers. This will also appear in the Certificated Teaching Staff Administrative Regulations and Procedures. Administrative/Support Staff should be familiar with the contents of these procedures and administer them uniformly.

1. Definitions

- a. Personal Materials - teacher purchased, teacher owned, teacher made.
- b. Sort/Select Process. It is the classroom teacher's responsibility to determine:
 - 1. Materials that get "dumped", destroyed or disposed of with approval of program manager.
 - 2. Materials returned to MCOE for recycling to other teachers/programs.
 - 3. Materials sent to next site/assignment.
 - 4. Materials sent to another site via a work order.
 - 5. District materials and furniture returned to district.
- c. Work Orders - When to use during moves:
During the sort/select process, teacher to fill out a work order if a single item is to be sent to a specific location other than the site where the rest of the materials and equipment are to be moved. All work orders must first receive program manager's approval before action can be taken.

2. General Procedures

- a. Personal materials to be used in next class/center assignment of the teacher are moved along with the other supplies going to that next site.
- b. Teacher **MUST** remove his/her personal materials, which will not be used at the next site -- within a week after the ending of the current teaching assignment.

- c. As soon as move is decided, Director of General Services will send teacher a set of directions to assist teacher in preparing for the move.

Boxes will be sent to class/center with directions for packing and labeling. Mover and/or Director of General Services will visit site to determine special moving needs. Every attempt will be made to advise all parties as early as possible of the move and dates for moving.

- d. A dumpster may be provided at some centralized sites such as Gallinas and at the County Office so that teachers can dispose of broken, damaged unwanted materials that cannot be recycled. Prior to disposal, Director of General Services and/or program manager will review those items for inventory and audit purposes.

3. Conditions for Moving

- a. Class/Center Disbanded

1. Children reassigned to different programs as a result of class closure.
2. Classroom materials to be distributed where majority of students are relocated. Specific materials used for special students go with these students.
3. Furniture moved to new site or to storage using sort/select process.
4. Personal materials moved according to General Procedures a. and b.

- b. Class/Center Relocated to New Site All materials/furniture to new site sort/select to be used if any items are to be sorted, recycled or disposed. Use work order for special item move.

- c. New Class/Center Set-Up

1. Materials/Supplies - First utilized from stored surplus items.
2. Furniture - Also obtained from storage, utilizing furniture from disbanded classes or center, before requests for purchases will be approved.
3. Phone - Upon authorization by the Assistant Superintendent, the Director of General Services will arrange for installation of phone at new site before school begins, if possible.

d. Teacher Reassignment

1. Personal materials to be used in new assignment will be moved to teacher's new location.
2. All other supplies materials and furniture purchased for class/center remain.
3. Special test materials, not available in new assignment, but appropriate and not needed in class leaving, may be taken to new
4. class/center, but teacher MUST check with program manager for approval.

e. Teachers on Leave Teachers taking a leave of absence will confer with program manager regarding materials to be left for classroom use.

4. Responsibilities

- a. Marin County Office of Education administration has the responsibility to prepare new sites, i.e., maintenance, telephones, electrical needs, heating, and safety requirements.
- b. Program Managers are to work with Director of General Services regarding the physical needs of the class/center.
- c. Requests for special construction, wiring, etc. For a class/center MUST be put through on a work order. These may be teacher or program manager initiated and require approval of Assistant Superintendent.

5. Recognition

- a. It is important to recognize that during the packing/unpacking period, there are more informal student activities. It is also important to recognize that parents, instructional assistants and volunteers could be enlisted to help pack and unpack materials and supplies.
- b. It should be noted that some moves will be a result of last minute decisions by other school districts.
- c. Some moves will occur during the summer when most teachers are on vacation. In such cases, teachers affected by move will be notified so that they may, if they wish, remove their personal materials from classroom prior to the move.

- d. These procedural guidelines will not cover all contingencies and may impact on the process outlined.
- e. During the regular school year, the teacher being transferred shall be given one (1) release day to visit the new assignment and one (1) release day to prepare for the first day of instruction.

6. Compensation If a teacher is required by his/her supervisor, who is management, to work packing or unpacking on a non-work day, the teacher will be compensated \$120 per day.

MISCELLANEOUS

Hospitality Fund This fund was established to send cards, flowers and gifts to school personnel as appropriate. All Administrative/Support Staff members are assessed on the basis of need as determined by a committee. It is hoped that all members will participate willingly. Funds are spent in accordance with written procedures approved by the Superintendent.

Coffee Fund This fund is derived from staff contributions and assessments. It is established to provide coffee, tea, etc., and to assist with purchases of small equipment, refreshments, and supplies for professional meetings.

The fee schedule is as follows:

Administrator/Support Staff	-	\$72 annual, payable quarterly \$18
Psychology Staff	-	\$36 annual, payable quarterly \$9
Classified (all full-time)	-	\$42 annual, payable quarterly \$10.50

Guidelines for Administrative Staff (Administrative Staff/Support Staff/Classified Management/Confidential Staff) Donation of Sick Leave

From time to time, requests are made by members of the administrative staff (administrative staff/support staff/classified management/confidential staff) to donate sick leave to another administrative staff member who is facing a catastrophic illness or injury. "Catastrophic illness or injury" is defined as an injury that incapacitates the administrative staff member or a prolonged illness which creates a financial hardship.

In the event of catastrophic illness or injury, the administrative staff member in need of sick-leave donations must have exhausted his/her own sick leave and have a catastrophic illness/injury verified by a physician. The member should make a request to the Superintendent/Designee for sick-leave donations from other administrative staff. The Superintendent/Designee will then notify other administrative staff of the request subject to the following:

1. Any administrative staff member wishing to donate sick days must retain at least 20 days in their own sick leave bank.
2. Administrative staff members wishing to donate days shall inform the Superintendent/Designee in writing of the number of days being donated. The maximum donation by individual administrative staff members shall be 30 days.
3. The maximum number of days donated to the individual may not exceed the total of 100 days permitted for extended sick leave under California Education Code.
4. The Business Office will verify the availability of the donated days, subtract the days from the donor's account and make a transfer to the requesting administrative staff member's account.
5. The Superintendent/Designee shall inform the requesting administrative staff member of the number of days donated.

REPORTED:

Ms. Mary Jane Burke,
Marin County Superintendent of Schools

RECOMMENDATION:

Approve the above Guidelines for Administrative Staff
Donation of Sick Leave

12/9/08

POLICIES 4400

These are Superintendent/Governing Board policies relative to the Administrative/Support Staff. They are provided for your information.

4400 ADMINISTRATIVE/SUPPORT STAFF

4410 Administrative/Support Staff Positions

4411 Recruitment and Selection

4411.1 Vacancies

4411.2 Employment

4412 Interns

4420 Administrative Competence in Evaluation

4430 Compensation

4431 Salaries and Fringe Benefits

4432 Work Year Calendar

4433 Part-time Personnel

4434 Substitute Administrative/Support Staff

4440 Leaves of Absence

4441 Bereavement

4442 Sick Leave

4443 Industrial Accident

4444 Other Leaves of Absence

4444.1 Personal Necessity

4444.2 Judicial and Official Appearance

4444.3 Military

4444.4 Maternity Disability

4444.5 Study

4444.6 Uncompensated

4445 General Provisions

4450 Professional Development

4460 Early Retirement Incentive Program

4400 PERSONNEL

4401 ADMINISTRATIVE/SUPPORT STAFF

4410 ADMINISTRATIVE/SUPPORT STAFF POSITIONS

Administrative/Support Staff positions shall be established by the Superintendent/Governing Board including, but not limited to the following:

	<u>Categorically Funded</u>
Deputy Superintendent	Project Director
Assistant Superintendent	Project Coordinator
Assistant to the Superintendent	Project Manager
Director	Assistant Project Manager
Coordinator	Project Consultant
Administrative Assistant	Assistant Project Consultant
Program Manager	Project Specialist
Principal	Assistant Project Specialist
Outdoor Education Leader	Project Leader
Psychologist	Assistant Project Leader
	Senior Project Supervisor
	Project Supervisor
	Assistant Project Supervisor

References:

Approved as to form:

Deputy County Counsel

Approved by
 Marin County Board of Education - 8/8/89
 Revised - 3/24/93; 3/12/96; 6/12/2000; 3/12/2002

4000	PERSONNEL
4400	ADMINISTRATIVE/SUPPORT STAFF
4410	ADMINISTRATIVE/SUPPORT STAFF
4111	RECRUITMENT AND SELECTION
4411.1	<u>VACANCIES</u>

The Superintendent shall determine when an Administrative/Support Staff Position vacancy exists.

If a time problem arises where immediate appointment is required, the Superintendent may appoint a qualified interim replacement to fill a vacancy until the recruitment and selection procedures can be carried out and a regular appointment made.

References: Education Code 1293, 44830, 44840

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

4000	PERSONNEL
4400	ADMINISTRATIVE/SUPPORT STAFF
4110	ADMINISTRATIVE/SUPPORT STAFF POSITIONS
4111	RECRUITMENT AND SELECTION
4411.2	<u>EMPLOYMENT</u>

Written offers of employment including length of contract and salary shall
Be approved by the Superintendent/Governing Board.

References:

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

4000	PERSONNEL
4400	ADMINISTRATIVE/SUPPORT STAFF
4410	ADMINISTRATIVE/SUPPORT STAFF POSITIONS
4412	<u>INTERNS</u>

The Superintendent may employ interns within the Administrative/Support Staff. Interns work with or without compensation.

References: Education Code 1293

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

4000 PERSONNEL

4400 ALL PERSONNEL

4420 ADMINISTRATIVE COMPETENCE IN EVALUATION

The Superintendent/Governing Board shall certify that personnel assigned To evaluate teachers have demonstrated competency in instructional methodologies and evaluation of instruction for teachers they are assigned to evaluate. The Superintendent shall certify the competence of personnel recommended by the Superintendent Criteria established as a result of this policy shall be communicated to all affected individuals.

Reference: Education Code 35160 - 35160.1

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/10/99

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE REGULATIONS AND PROCEDURES
ADMINISTRATIVE COMPETENCE IN EVALUATION
(Board Policy 4420)

CRITERIA

Criteria for certification of qualified evaluators will include but not be limited to:

1. Possession of a valid California administrative credential.
2. Demonstrated knowledge and understanding of County Office of Education adopted curriculum.
3. Demonstrated knowledge and understanding of County Office of Education adopted standards of student progress.
4. Demonstrated competence in instructional methodologies.
5. Demonstrated knowledge and understanding of County Office of Education adopted policies and procedures for personnel supervision, performance evaluation and staff development.
6. Demonstrated skills in instructional supervision.
7. Demonstrated skill in techniques and procedures of evaluation of instruction.

4430 PERSONNEL
4431 ADMINISTRATIVE/SUPPORT STAFF
4430 COMPENSATION
4431 **SALARIES AND FRINGE BENEFITS**

A salary schedule for Administrative/Support Staff personnel which includes fringe benefits shall be reviewed and adopted annually by the Superintendent/Governing Board.

References: Education Code 45022, 45023, 45038
Government Code 53200-53205.15

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

4000	PERSONNEL
4400	ADMINISTRATIVE/SUPPORT STAFF
4432	COMPENSATION
4432	<u>WORK YEAR CONTRACT/CALENDAR</u>

Administrative/Support Staff employee's work year calendar and annual contract shall be approved by the Superintendent or his/her designee. The annual contract shall not exceed 224 days or the full time equivalent on the appropriate Administrative/Support Staff Salary Schedule. The work year calendar may be modified at any time by mutual agreement between the employee and the Superintendent or his/her designee. Any days worked beyond the annual contract shall be considered voluntary and shall be without compensation.

References:

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89
Revised 11/9/93; 1/10/95; 3/12/96; 4/8/97

4000	PERSONNEL
4400	ADMINISTRATIVE/SUPPORT STAFF
4430	COMPENSATION
4433	<u>PART-TIME PERSONNEL</u>

Administrative/Support Staff personnel may be employed on a part-time basis.

For the purposes of this policy, part-time is defined as less than eight hours in the day and/or less than the number of contract days constituting full time equivalent on the appropriate Administrative/Support Staff Salary Schedule.

Compensation for part-time Administrative/Support Staff personnel shall be prorated on the appropriate Administrative/Support Staff salary schedule.

Part-time Administrative/Support Staff, hired prior to April 14, 1993, and working half-time or more shall receive full fringe benefits. Fringe benefits for personnel employed less than half-time shall be proportional to those received by half-time personnel.

Employees hired after April 14, 1993, working in part-time positions of half-time or more, shall receive prorated benefits (Example - 80% position = 80% fringe benefits). Those who work less than half-time shall receive no fringe benefits, but are eligible to purchase fringe benefits. Premiums will be deducted from the employee's salary.

References: Education Code 44922, 45025

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89
Revised - 5/11/93; 4/8/97

4000	PERSONNEL
4400	ADMINISTRATIVE/SUPPORT STAFF
4430	COMPENSATION
4434	<u>SUBSTITUTE ADMINISTRATIVE/SUPPORT STAFF</u>

The Superintendent may, at his/her discretion, employ substitutes for absent Administrative/Support Staff personnel.

For purposes of computing differential pay while an Administrative/Support Staff employee is on sick leave or industrial accident leave, the substitute rate shall be the same as the rate for Substitute Teacher – Regular.

Actual pay for a Substitute Administrative/Support Staff employee shall be at a rate agreed upon by the Superintendent and the substitute.

Referenced: Education Code 1293, 45030

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education – 8/8/89

4000	PERSONNEL
4400	ADMINISTRATIVE/SUPPORT STAFF
4440	LEAVES OF ABSENCE
4441	<u>BEREAVEMENT LEAVE</u>

In the event of the death of a member of the immediate family, Administrative/Support Staff employees shall be allowed absence not to exceed three days, or five days if out of state or 375 miles of one way travel is required. No deduction shall be made from the salary of such employee nor shall such leave be deducted from leave granted by any selection of the Education Code or provided by the Superintendent/Governing Board.

Members of the immediate family means: mother, father, stepmother, step-father, legal foster parents, grandmother, grandfather, or grandchild of the employee or of spouse of the employee, and the spouse, son, son-in-law, daughter daughter-in-law, foster children, stepchildren, brother, brother-in-law, sister, sister-in-law of the employee, or any relatives living in the household of the employee or such other persons as the Superintendent may designate out of consideration of unusual circumstances and conditions.

If needed, additional absence without loss of salary maybe authorized by the Superintendent.

The employee may request uncompensated leave of absence after all paid bereavement leave is exhausted.

References: Education Code 44985

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/90

4000	PERSONNEL
4400	ADMINISTRATIVE/SUPPORT STAFF
4440	LEAVES OF ABSENCE
4442	<u>SICK LEAVE</u>

Sick leave shall be accumulated from year to year without limit and is transferable as provided in Education Code sections 44979 and 44980.

Administrative/Support Staff personnel shall be entitled to twelve (12) days of absence for illness, with full pay, for a 220-day work year. Personnel employed less than 220 days shall be entitled to such leave on a prorated basis of 1 day for each 18 days worked.

References: Education Code 1294, 44978-44980

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

4000	PERSONNEL
4400	ADMINISTRATIVE/SUPPORT STAFF
4440	LEAVES OF ABSENCE
4443	<u>INDUSTRIAL ACCIDENT LEAVE</u>

Administrative/Support Staff employees who are absent from duty because of injury or illness which results from industrial accidents, which qualify under worker's compensation insurance, shall be allowed leave with full salary to a maximum of 60 working days in any one fiscal year for any one accident or illness. Industrial accident leave shall be charged at the rate of one full day for each day of authorized absence, regardless of compensation from worker's compensation insurance.

This leave shall not accumulate from year to year and if the industrial accident or illness overlaps into a new school fiscal year, the employee shall have only that amount of leave which was not used in the prior year for the same accident or illness.

Periods of absence caused by industrial accident or illness shall not be considered a break in service.

During all paid leaves resulting from an industrial accident or industrial illness, the employee shall retain the disability check. The Marin County Office of Education shall then cause the employee to receive his/her normal wage or salary less appropriate deductions including, but not limited to, employee retirement contributions and an amount equivalent to the face amount of the temporary disability check which the employee has retained. In all cases, employee benefits are to be computed on the basis of the employee's regular wage or salary prior to the deduction of any amounts received for temporary disability payments.

(continued)

- 4000 PERSONNEL
- 4400 ADMINISTRATIVE/SUPPORT STAFF
- 4440 LEAVES OF ABSENCE
- 4443 **INDUSTRIAL ACCIDENT LEAVE** (concluded)

The Administrative/Support Staff employed must remain in California during his/her absence unless the Superintendent grants permission to leave the state.

After industrial accident leave has been exhausted, the Administrative/Support Staff employee shall be entitled to use any sick leave or other available leave provided by law or by action of the Superintendent/Governing Board to cover the injury or illness which resulted from an industrial accident while performing Marin County Office of Education work.

References: Education Code 44984

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

4000	PERSONNEL
4400	ADMINISTRATIVE/SUPPORT STAFF
4440	LEAVES OF ABSENCE
4444	OTHER LEAVES OF ABSENCE
4444.1	<u>PERSONAL NECESSITY LEAVE</u>

Administrative/Support Staff employees may use a maximum of seven (7) days of sick leave per work year for cases of personal necessity.

Personal necessary leave will be granted for the following reasons:

- a. Death or serious illness of a member of the immediate family as defined in Superintendent/Governing Board Policy 4441.
- b. Accident involving his/her person or property, or the person or property of a member of the immediate family as defined in Superintendent/Governing Board Policy 4441.
- c. Appearance in court as a litigant.
- d. Fulfillment of the requirements for adopting a child.
- e. Major religious holidays.
- f. Paternity leave for any male Administrative/Support Staff employee for the birth of a child as defined in the Labor Code section 233 (a). Paternity leave shall be taken immediately before, during or after the birth of the child.
- g. Matters of compelling personal importance.

The Superintendent may allow additional days to be used out of available sick leave in special circumstances.

(continued)

The employee shall be required to secure advance permission for leaves of absence for personal necessity of a type other than a. or b. above. The request for such leave shall be submitted in writing to his/her supervisor and shall clearly identify the type of personal necessity and shall be signed by the employee.

References: Education Code 44981

Approved as to form:

Steve Raab
Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89
Revised – 2/13/08

4000	PERSONNEL
4400	ADMINISTRATIVE/SUPPORT STAFF
4440	LEAVES OF ABSENCE
4445	OTHER LEAVES OF ABSENCE
4444.2	<u>JUDICIAL AND OFFICIAL APPEARANCE LEAVE</u>

Leave with pay shall be allowed to Administrative/Support Staff employees to appear as a witness in court, other than litigant, in response to a subpoena duly served or to respond to an official order from another governmental jurisdiction for reasons not brought about through connivance or misconduct of the employee. The allowed leave shall be for the number of days specified in the subpoena, or for all days in Court as certified by the Clerk or other authorized Officer of such Court or Grand Jury.

Leave with pay shall be allowed to Administrative/Support Staff employees regularly called for jury in the manner provided for by law.

Leave with pay granted under this policy shall be for the amount of the difference between the employee's regular earning and any amount he/she receives for jury or witness fees.

References: Education Code 44036

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

4000	PERSONNEL
4400	ADMINISTRATIVE/SUPPORT STAFF
4440	LEAVES OF ABSENCE
4444	OTHER LEAVES OF ABSENCE
4444.4	<u>MATERNITY DISABILITY LEAVE</u>

An Administrative/Support Staff employee will be granted a disability leave of absence when required to be absent from duties because of pregnancy, miscarriage, abortion, childbirth, and recovery therefrom.

An employee shall inform her immediate supervisor of any pregnancy at least four (4) months prior to the expected birth of the child.

The length of the leave of absence will be for the period of actual disability as determined by the employee and the employee's physician. The Superintendent/Governing Board may require a physician's statement or other proof and may require the physician's statement or other proof to be updated from time to time.

An employee who is disabled due to pregnancy, miscarriage, abortion, childbirth, and recovery therefrom is entitled to use her accumulated disability or sick leave benefits and is entitled to other health or disability benefits as are received by other certificated employees who are temporarily disabled, but only to the extent that such benefits are received by other temporarily disabled employees.

A personal leave of absence, without compensation or other benefits, may be granted by the Superintendent/Governing Board in the event of pregnancy or the recovery therefrom. In the event that an employee receives a personal leave of absence due to pregnancy prior to actual disability, the employee shall be entitled to transfer to disability or sick leave status to receive the benefits thereof upon becoming disabled by pregnancy, miscarriage, abortion, childbirth, or recovery, but only if the personal leave was specifically requested for this reason and if the resulting disability was caused by pregnancy, miscarriage, abortion, childbirth, or recovery therefrom.

(continued)

4000	PERSONNEL
4400	ADMINISTRATIVE/SUPPORT STAFF
4440	LEAVES OF ABSENCE
4445	OTHER LEAVES OF ABSENCE
4444.3	<u>MATERNITY DISABILITY LEAVE</u> (concluded)

The employee may continue any or all benefit plans for the period of her leave without pay. Payment of necessary premiums to the Marin County Office of Education shall continue these plans in effect.

The ability of an Administrative/Support Staff employee to return to her position after pregnancy shall be determined by the employee in consultation with her physician.

References: Education Code 44965

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

4000	PERSONNEL
4400	ADMINISTRATIVE/SUPPORT STAFF
4440	LEAVES OF ABSENCE
4444	OTHER LEAVES OF ABSENCE
4444.5	<u>STUDY LEAVES</u>

The Superintendent/Governing Board may grant study leaves to Administrative/Support Staff employees upon the recommendation of the Superintendent. Study leaves shall be for the purpose of permitting study or individual projects which will improve the skills and knowledge required of employees in their assignments and will directly benefit the schools and pupils of Marin County.

Administrative/Support Staff employees may apply for study leaves after three (3) consecutive years of employment by the Marin County Office of Education.

Study leaves may be granted for a period of 90 working days or less. Compensation shall be the difference between the salary of the person on leave and the rate for Substitute Teacher - Regular. Administrative/Support Staff employees on study leave of absence are eligible to retain fringe benefits by paying necessary premiums to the Marin County Office of Education.

In case of injury or illness of the employee during a study leave which prevents his/her completing the purpose of the leave, the study leave will be terminated and all provisions for sick leave shall apply. In the event of the death of the employee while on study leave, no repayment of salary will be required of his/her estate.

The Superintendent shall prepare administrative regulations and procedures to implement this policy.

References: Education Code 44962, 44963

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE REGULATIONS AND PROCEDURES

ADMINISTRATIVE/SUPPORT STAFF STUDY LEAVES
(Board Policy 4444.5)

ELIGIBILITY

Administrative/Support Staff employees may apply for study leaves after three (3) consecutive years of employment by the Marin County Office of Education.

CRITERIA

Study leaves shall be for the purpose of permitting study or individual projects which will improve the skills and knowledge required of employees in their assignments and/or will directly benefit the schools and pupils of Marin County.

Leaves for study must be directly related to the Administrative/Support Staff employee's assignment and should either be work toward an advanced degree or be a planned, organized program with the objective of improving competency.

Leaves for individual projects must be directly related to the Administrative/Support Staff employee's assignment and have the potential of making a significant contribution to the educational program of the Marin County Office of Education.

The absence of the Administrative/Support Staff employee may not have an adverse effect on the programs or services of the Marin County Office of Education.

LENGTH OF LEAVE AND COMPENSATION

Study leaves may be granted for a period of ninety (90) working days or less. Compensation shall be the difference between the salary of the person on leave and the rate for Substitute Teacher - Regular.

Administrative/Support Staff employees on study leave of absence are eligible to retain fringe benefits by paying necessary premiums to the Marin County Office of Education.

APPLICATION

Preliminary plans for study leaves shall be made with the full knowledge of the applicant's immediate supervisor.

Study leave applications for work toward an advanced degree shall include the name of the institution, course names and numbers, beginning and ending dates of the semester or session, and expected date the advanced degree will be conferred.

Study leave applications for work not leading toward an advanced degree shall be a planned, organized program with the objective of

Leave for individual project applications shall include a detailed plan which will specify the project goals, objectives, methodology, evaluation criteria and benefit to the pupils and schools of the County. Any patentable or copyrightable educational materials resulting from an individual project while on study leave are subject to the provisions of Superintendent/Governing Board Policy 4150.

Applications shall be submitted to the Superintendent three (3) months prior to the first date proposed for the leave. The Superintendent, or his/her designee(s), will evaluate all applications on the basis of the goals and objectives, the quality of plans for meeting the goals and objectives, and program and service needs of the Marin County Office of Education.

The Superintendent shall make the final decision as to whether or not he/she will recommend the application to the Superintendent/Governing Board for approval. The Superintendent shall communicate his/her decision to the employee in writing including, if appropriate, the reasons for denial of the application.

EVALUATION

At the conclusion of the study leave, the employee shall make a written report to the Superintendent including, but not limited to, transcripts of grades, verification of attendance at seminars, and products of individual projects.

Such evidence of completion of the goals and objectives of the study leave shall be submitted to the Superintendent within six (6) weeks of the employee's return to duty.

DEATH, INJURY OR ILLNESS

In case of injury or illness of the employee during a study leave which prevents his/her completing the purpose of the leave, the study leave will be terminated and all provisions for sick leave shall apply. In the event of the death of the employee while on study leave, no repayment of salary will be required of his/her estate.

4000	PERSONNEL
4400	ADMINISTRATIVE/SUPPORT STAFF
4440	LEAVES OF ABSENCE
4444	OTHER LEAVES OF ABSENCE
4444.6	<u>UNCOMPENSATED LEAVES OF ABSENCE</u>

The Superintendent/Governing Board may grant uncompensated leaves of absence, for a period not to exceed two consecutive school years, to Administrative/Support Staff employees upon recommendation of the Superintendent.

The Superintendent shall prepare administrative regulations and procedures to implement this policy.

References: Education Code 1294, 44962, 44963

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE REGULATIONS AND PROCEDURES

ADMINISTRATIVE/SUPPORT STAFF UNCOMPENSATED LEAVES OF ABSENCE
(Board Policy 4444.6)

The Superintendent/Governing Board may grant uncompensated leaves of absence, for a period not to exceed two consecutive school years, to Administrative/Support Staff employees upon recommendation of the Superintendent.

Application for uncompensated leaves of absence shall be made with the full knowledge of the applicant's immediate supervisor.

DEFINITIONS

Short term uncompensated leaves of absence shall be defined as being less than one half the Administrative/Support Staff employee's work year. Any Administrative/Support Staff employee may request a short term uncompensated leave of absence.

Long term uncompensated leaves of absence shall be defined as being one half, or more, the Administrative/Support Staff employee's work year. An Administrative/Support Staff employee must have been employed by the Marin County Office of Education for three (3) consecutive years before he/she will be considered for a long term uncompensated leave.

Work year shall be defined as the Administrative/Support Staff employee's approved work year calendar for the fiscal year in which the leave is requested.

APPLICATION

Application for short term uncompensated leave of absence must be submitted to the Superintendent at least six (6) weeks prior to the first date proposed for the leave. The Superintendent, at his/her discretion, may waive this time limit.

Application for long term uncompensated leaves of absence must be submitted to the Superintendent not later than March 1 prior to the year in which the leave is requested. The Superintendent, at his/her discretion, may waive this time limit.

Applications for uncompensated leaves of absence shall be in writing and include the proposed beginning and ending dates of the leave and the Administrative/Support Staff employee's reason(s) for requesting the leave.

The Superintendent shall make the final decision as to whether or not he/she will recommend the application to the Superintendent/Governing Board for approval. The Superintendent shall communicate his/her decision to the employee in writing including, if appropriate, the reason(s) for denial of the application.

PROVISIONS

An Administrative/Support Staff employee granted a long term uncompensated leave of absence shall notify the Superintendent prior to March 1 of the fiscal year during which the leave is being taken that the employee will return to duty the ensuing fiscal year. Failure to comply with this requirement will constitute a resignation on the part of the employee at the close of the fiscal year in which the employee is on leave. The Marin County Office of Education shall notify the employee, in writing, of this provision at the time the leave is granted.

Administrative/Support Staff employees on uncompensated leaves of absence are eligible to retain fringe benefits by paying necessary premiums to the Marin County Office of Education.

At the expiration of uncompensated leaves of absence, the Superintendent shall determine the Administrative/Support Staff employee's assignment, which will not be at a lower salary classification than when the employee commenced uncompensated leave of absence.

Administrative/Support Staff employees on uncompensated leaves of absence shall retain accrued sick leave but shall not earn sick leave credit while on such leaves of absence.

- 4000 PERSONNEL
- 4400 ADMINISTRATIVE/SUPPORT STAFF
- 4440 LEAVES OF ABSENCE
- 4446 GENERAL PROVISIONS**

Provisions of sick leave, maternity disability, personal necessity, study leave, industrial accident/illness, bereavement, jury duty/subpoenaed witness leave and sabbatical leave shall not be construed to apply to any Administrative/Support Staff employee during any period when the employee would not normally be performing services for the Marin County Office of Education.

References:

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

4000	PERSONNEL
4400	ADMINISTRATIVE/SUPPORT STAFF
4450	<u>PROFESSIONAL DEVELOPMENT</u>

The Superintendent/Governing Board encourages Administrative/Support Staff employees to actively participate in professional development activities.

The Superintendent shall prepare administrative regulations and procedures to implement this policy.

References:

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE REGULATIONS AND PROCEDURES

ADMINISTRATIVE/SUPPORT STAFF PROFESSIONAL DEVELOPMENT
(Board Policy 4450)

The Superintendent/Governing Board encourages Administrative/Support Staff employees to actively participate in professional development activities.

1. Professional development activities may be scheduled during working hours or outside of regular assignment.
2. Professional development activities during working hours shall be restricted to subjects and topics which relate solely to the benefit and welfare of the Marin County Office of Education and require approval of the Superintendent or his/her designee.
3. Professional development activities may be scheduled in conjunction with educational activities of other agencies.

4000 PERSONNEL

4400 ADMINISTRATIVE/SUPPORT STAFF

4460 EARLY RETIREMENT INCENTIVE PROGRAM

The Superintendent/Governing Board hereby establishes an Early Retirement Incentive program for Administrative/Support Staff employees. The following are specific components of the program.

1. Participants must apply to the Superintendent/Governing Board for admission to the program.
2. Participants must have served satisfactorily with the Marin County Office of Education for a minimum of ten (10) years.
3. Participants must have attained the age of fifty-five.
4. Participants opting for this program shall receive a one-year educational consultant service agreement, renewable annually for a period up to a total of five years or age sixty-five, whichever comes first.
5. Renewal is subject to satisfactory performance of the assigned activities.
6. Renewal must be approved by the Superintendent/Governing Board.
7. Participants selecting this plan shall serve a period of twenty (20) days per fiscal year at activities mutually agreed to by the participant and the Superintendent/Governing Board.

(continued)

4000 PERSONNEL

4400 ADMINISTRATIVE/SUPPORT STAFF

4460 EARLY RETIREMENT INCENTIVE PROGRAM

8. Participant's annual compensation for the twenty (20) day service shall be \$4,000 plus health benefits currently provided Administrative/Support Staff employees by the Superintendent/Governing Board.
9. Participants must submit a written resignation and have it accepted by the Superintendent/Governing Board prior to implementation of an Early Retirement Incentive Program contract.

References: Education Code 1300

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE REGULATIONS AND PROCEDURES

ADMINISTRATIVE/SUPPORT STAFF
EARLY RETIREMENT INCENTIVE PROGRAM
(Board Policy 4460)

An Administrative/Support Staff employee who meets the requirements of Superintendent/Governing Board Policy 4460 may initiate a request for early retirement at any time.

APPLICATION PROCESS

1. The employee discusses his/her request to participate in the Early Retirement Incentive Program with his/her immediate supervisor.
2. The immediate supervisor informs the Division Assistant Superintendent of the employee's request.
3. The employee meets with the Division Assistant Superintendent and puts the request in writing.
4. The Division Assistant Superintendent refers the employee's written request to Cabinet for action.
5. The Superintendent, or his/her designee, presents the resignation to the Superintendent/Governing Board for approval contingent upon participation in the Early Retirement Incentive Program.
6. The Superintendent, or his/her designee, sends letters to:
 - (1) the employee regarding Superintendent/Governing Board action and information about continuation of health benefits, and
 - (2) the Division Assistant Superintendent to develop the "services of the consultant" (Exhibit A of the Early Retirement Incentive Program Agreement).
7. The Superintendent, or his/her designee, and/or immediate supervisor develop Exhibit A with the employee.
8. The Superintendent, or his/her designee, completes the contract and sets up benefits.
9. The Superintendent, or his/her designee, sends copies of the approved contract to the early retiree, the Personnel Director, the Division Assistant Superintendent, and to the Business Office to be encumbered.

10. The Division Assistant Superintendent designates a supervisor for each early retiree and informs the Coordinator of Employer/Employee Relations.
11. The early retirees perform services and submit invoices.
12. The supervisor and the Division Assistant Superintendent approve invoices for services rendered and submit to the Business Office for payment.
13. The Superintendent, or his/her designee, monitors invoices and timelines.
14. The Superintendent, or his/her designee, takes list of continuing and new early retirees to the Superintendent/Governing Board in June for reporting and approval.

PERSONNEL DIVISION TIMELINES

January Report of invoices to date for continuing retirees to:

1. Division Assistant Superintendent
2. Supervisor
3. Early Retiree

May Complete Exhibit A for next fiscal year.

Report on invoices to date for continuing retirees to:

1. Division Assistant Superintendent
2. Supervisor
3. Early Retiree

June Take list of continuing and new early retirees to the Superintendent/Governing Board for reporting and approval.

Final report on invoices to date for continuing retirees to:

1. Division Assistant Superintendent
2. Supervisor
3. Early Retiree

MARIN COUNTY OFFICE OF EDUCATION
EDUCATIONAL CONSULTANT SERVICES

AGREEMENT

1. PARTIES AND DATE Effective _____, 19__, the Marin County Board of Education and the Marin County Superintendent of Schools (hereinafter "County Office of Education") and _____, (hereinafter "Consultant") mutually promise and agree as follows:
2. PURPOSE The County Office of Education desires to obtain the services of an educational consultant to supplement, and not replace, assistance from the State and County in discharging its legal obligation to provide an adequate educational program. The Consultant is specially trained, experienced and competent to perform such services.
3. SERVICES OF CONSULTANT The Consultant shall render the following educational consulting services to the County Office of Education, as more fully set forth in Exhibit A attached hereto and incorporated herein:

4. TERM The term of this agreement shall be renewable on an annual basis for a period of not to exceed ____ years, commencing _____, 19__, and terminating _____, 19__.
5. DAYS OF SERVICE The Consultant shall render twenty (20) days of consulting services during the 19__ / ____ school year.
6. PAYMENT For services hereunder, the County Office of Education shall pay the Consultant at the daily rate of \$_____ plus health benefits.
7. MANNER OF PAYMENT Payment arrangements will be mutually agreed to in writing by the County Office of Education and the Consultant as set forth in Exhibit B attached hereto and incorporated herein.
8. EXPENSES The Consultant shall be responsible for all expenses incurred in the performance of services hereunder, except expenses specifically required and approved by the County Office of Education.
9. FAILURE TO PERFORM If in the opinion of the County Office of Education, the Consultant at any time fails, refuses or neglects to completely perform any of the arranged duties under this agreement, it shall constitute a breach of the entire agreement and the County Office of Education may terminate this agreement and the Consultant shall return to the County Office of Education any monies advanced for unrendered services.
10. TERMINATION OF CONSULTANT The Consultant shall have the right to terminate in writing this employment agreement at the end of any of the said school years specified herein. Upon such election and acceptance by the County Office of Education, both parties shall be free from any further obligation hereunder.
11. MODIFICATION The terms of this agreement may be modified or amended only upon mutual agreement of the parties in writing.

12. INDEPENDENT CONTRACTOR STATUS This agreement is by and between two independent contractors and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture or association.
13. NONASSIGNABLE The Consultant shall not assign this agreement, or monies due or to become due hereunder, without prior written consent of the County Office of Education.
14. VOLUNTARY ELECTION Consultant has elected to enter the Early Retirement Incentive Program offered by the County Office of Education and has qualified for such program under the requirements established by the County Office of Education.

By: _____
Marin County Superintendent
of Schools

By: _____
Consultant

Street Address

City Zip Code

EXHIBIT A

MARIN COUNTY OFFICE OF EDUCATION
EDUCATIONAL CONSULTANT SERVICES

SERVICES OF CONSULTANT

Signed: _____
Superintendent

Date: _____

8/8/89

Signed: _____
Consultant

Date: _____

MARIN COUNTY OFFICE OF EDUCATION
EDUCATIONAL CONSULTANT SERVICES

PAYMENT OF CONSULTANT

The Marin County Office of Education shall compensate the Consultant for the services rendered under this agreement with the following conditions:

1. No payment will be made prior to the rendering of services.
2. Payment for services may be deferred.
3. Eight (8) hours of service shall constitute one consultant service day.
4. Consultant shall record hours of service performed, by date, on time sheets as provided. Time sheets shall be submitted to the Department Administrator in the County Office of Education on or before the last day of the month in which service was rendered for audit and approval for payment.
5. Payment(s) to the Consultant for services rendered under this agreement shall be made as follows:

Signed: _____
Superintendent

Signed: _____
Consultant

Date: _____

Date: _____

POLICIES 4500

These are Superintendent/Governing Board policies relative to the Confidential/Classified Management Staff. They are provided for your information

4000 PERSONNEL

4500 CONFIDENTIAL/CLASSIFIED MANAGEMENT

4510 CONFIDENTIAL/CLASSIFIED MANAGEMENT POSITIONS

The Superintendent/Governing Board designates the following positions as Confidential/Classified Management:

Confidential:

Secretaries to the Assistant Superintendent
Secretaries to the Deputy Superintendent
Secretaries to the Superintendent
Secretaries to the Assistant to the Superintendent

Classified Management:

Accountant
Assistant Transportation Manager
Business Services Manager
Credentials Analyst
Data Processing Manager
Director of Business Services
Director General Services
Director of Information Systems
Management Assistant
Personnel Director
Senior Systems Programmer Analyst
Transportation Manager

Walker Creek Classified Management:

Ranch Conference Manager
Ranch Facilities Manager
Ranch Food Service Manager
Ranch Maintenance Supervisor
Ranch Naturalist Supervisor
Manager, Outdoor Education Program
Manager, Walker Creek Ranch

References: Government Code 3540.1(c), 3540.1(g)

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89
Revised - 3/24/92; 1/10/95; 3/12/96; 6/13/2000

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4530	COMPENSATION
4531	SALARIES AND FRINGE BENEFITS
4531.1	<u>SALARIES</u>

A salary schedule for Classified Management employees shall be reviewed and adopted annually by the Superintendent/Governing Board.

A 5% differential shall be applied to the classified salary schedule for all Confidential employees.

References: Education Code 45160, 45162, 45180-45186

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education – 8/8/89

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4530	COMPENSATION
4531	SALARIES AND FRINGE BENEFITS
4531.2	<u>FRINGE BENEFITS</u>

For those employees hired prior to April 14, 1993, the Superintendent/Governing Board will provide, for Confidential/Classified Management employees working half time or more, existing medical/dental/vision/life insurance coverage for employees and dependents in an amount not to exceed the amount specified in the current Confidential/Classified Management salary schedule. Fringe benefits for Confidential/Classified Management personnel employed less than half time shall be proportional to those received by half time personnel.

Employees hired after April 14, 1993, working in part-time positions of half-time or more, shall receive prorated benefits (Example: 80% position = 80% fringe benefits). Employees who work less than half-time shall receive no fringe benefits but are eligible to purchase fringe benefits. Premiums will be deducted from the employee's salary.

References: Education Code 45136
Government Code 53200-53205.15

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89
Revised – 5/11/93

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4530	COMPENSATION
431	SALARIES AND FRINGE BENEFITS
4531.3	<u>CAREER SERVICE INCREMENTS</u>

Effective July 1, 1992, career service increments, based on date of hire, shall be paid on the following basis:

\$60 per month beginning the sixth (6th) year of service and increasing to
\$80 per month beginning the eighth (8th) year of service and increasing to
\$100 per month beginning the tenth (10th) year of service and increasing to
\$120 per month beginning the twelfth (12th) year of service and increasing to
\$140 per month, beginning the fourteenth (14th) year of service and increasing
to
\$160 per month beginning the sixteenth (16th) year of service and increasing to
\$180 per month beginning the eighteenth (18th) year of service and increasing
to
\$200 per month beginning the twentieth (20th) year of service.

An employee will receive only one (1) career service increment. An employee will receive a career service increment only in a month in which they are in paid service ten (10) or more days. The full amount of the career service increment shall be paid all regular employees who work one-half time or more and prorated for those who work less than half time.

References: Education Code 45160, 45162

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89
Revised - 5/11/93

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4530	COMPENSATION
4531	SALARIES AND FRINGE BENEFITS
4531.4	<u>RETIRED EMPLOYEE MEDICAL COVERAGE</u>

The Superintendent/Governing Board will provide medical coverage only for the retired employee only on the following basis:

- a) After ten (10) years of continuous employment with the Marin County Office of Education, fifty percent (50%) of the annual premium not to exceed \$51.60 per month.
- b) After fifteen (15) years of continuous employment with the Marin County Office of Education, one-hundred percent (100%) of the annual premium not to exceed \$102.12 per month.
- c) Benefits will be paid between the ages of 55 and 65.
- d) A retiree is a person who is receiving retirement benefits from either PERS, STRS, or the Marin County Retirement System.
- e) This policy shall be reviewed annually.
- f) In the event that a retired employee moves out of the service area for all current health care providers, the medical-only payment allowed for in a) & b) be paid directly to the medical insurance provider of the retiree's choice.

References: Education Code 45136
Government Code 53200-53205.15

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89
Revised - 1/10/95; 6/23/98

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4530	COMPENSATION
4531	SALARIES AND FRINGE BENEFITS
4531.5	<u>ADDITIONAL TRAINING</u>

A Confidential/Classified Management employee who, after employment, is required to gain specific skills to continue in an assignment shall make a written request to the Superintendent for such training.

Upon prior approval and written direction of the Superintendent, the employee shall receive compensation as follows:

- a) When training occurs during the employee's regularly assigned working hours, the employee shall be paid his/her regular rate of pay and regular benefits.
- b) When training occurs at any time other than regularly assigned working hours or workdays, the employee shall receive compensation at his/her regular rate of pay.
- c) The employee shall be reimbursed for instructional fees.
- d) This section does not apply to any employee receiving training and is eligible for reimbursement by any other governmental agency.

References: Education Code 45387

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education – 8/8/89

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4530	COMPENSATION
4531	SALARIES AND FRINGE BENEFITS
4531.6	<u>STATE DISABILITY INSURANCE BENEFITS</u>

The State Disability Insurance (SDI) program will be available for all Confidential/Classified Management personnel in accordance with State Disability Insurance regulations.

State Disability Insurance premiums shall be paid by the employee.

State Disability Insurance benefits will be integrated with other benefits in the following manner: An employee's sick leave pay shall be reduced by the amount received from SDI. In order to determine the amount of reduction a copy of the check(s) and stub(s), as received by the employee from SDI, shall be immediately submitted to the Business Office. The adjustment will be made at the next pay period unless it is estimated that the pay will not be sufficient to cover the cost. In such case, the employee will submit a check to the Business Office to bring their account current. Sick leave will be charged proportionate to the amount paid by the Superintendent/Governing Board. No SDI reduction will be made from vacation pay.

An employee may choose not to receive any sick leave pay in addition to SDI benefits. In such case the employee would continue to receive fringe benefits for the period that employee receives SDI benefits. This shall not work to extend the differential sick leave provided for in Policy 4542.

References: Education Code 45136
Government Code 53200 et seq.

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4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4530	COMPENSATION
4532	HOURS OF EMPLOYMENT
4532.1	<u>FULL TIME</u>

The workweek for full time non-exempt employees shall consist of five (5) days, eight (8) hours per day (exclusive of the daily lunch period), and forty (40) hours per week. The Superintendent, or his/her designee, may, when he/she deems it necessary, extend these hours of the regular workday or workweek on an overtime basis.

References: Education Code 45127, 45128, 45131

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Deputy County Counsel

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4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4530	COMPENSATION
4532	HOURS OF EMPLOYMENT
4532.2	<u>WORKDAY</u>

The length of the workday for each Confidential/Classified Management assignment shall be designated by the Superintendent or his/her designee. Each Confidential/Classified Management employee shall be assigned a fixed regular and ascertainable minimum number of hours per day which shall not be less than two (2) hours per day.

References: Education Code 45127, 45131, 45132

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Deputy County Counsel

Approved by
Marin County Board of Education – 8/8/89

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4530	COMPENSATION
4532	HOURS OF EMPLOYMENT
4532.3	<u>ARRIVAL AND DEPARTURE TIME</u>

The arrival and departure time for each Confidential/Classified Management employee shall be determined by the Superintendent or his/her designee.

References: Education Code 45127

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Deputy County Counsel

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4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4530	COMPENSATION
4532	HOURS OF EMPLOYMENT
4532.4	<u>REST BREAKS</u>

There will be the equivalent of a fifteen (15) minute paid rest break at approximately the middle of each four (4) hour work period. Rest breaks shall be provided for evening or special work shifts.

References: Industrial Welfare Commission Order No. 4-89

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4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4530	COMPENSATION
4532	HOURS OF EMPLOYMENT
4532.5	OVERTIME

4532.5.1 DEFINITIONS

Overtime is defined as any time required by management to be worked in excess of eight (8) hours in any one day or in excess of forty (40) hours in any one workweek.

Except for time required to work on holidays, the following positions are exempt from overtime:

Accountant	Ranch Conference Manager
Assistant Transportation Manager	Ranch Facilities Manager
Business Services Manager	Ranch Food Service Manager
Data Processing Manager	Ranch Maintenance Supervisor
Director of Business Services	Senior Systems/Programmer Analyst
Director of General Services	Transportation Manager
Director of Information Systems	
Management Assistant	
Personnel Director	

Overtime and work on holidays require prior approval of the Division Deputy/Assistant Superintendent or his/her designee.

References: Education Code 45127, 45128, 45130

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Marin County Board of Education – 8/8/89
Revised–1/10/95;3/12/96

- 4000 PERSONNEL
- 4500 CONFIDENTIAL/CLASSIFIED MANAGEMENT
- 4530 COMPENSATION
- 4532 HOURS OF EMPLOYMENT
- 4532.5 OVERTIME
- 4532.5.2 REQUIRED TO WORK**

Any Confidential/Classified Management employee may be required to work in excess of the regular established hours and/or days of work when so requested by the Superintendent or his/her designee.

References: Education Code 45127

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Marin County Board of Education – 8/8/89

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4530	COMPENSATION
4532	HOURS OF EMPLOYMENT
4532.5	OVERTIME
4532.5.3	<u>CALL BACK</u>

If any non-exempt Confidential/Classified Management employee is called back to work after he/she has worked eight (8) hours and has left his/her place of employment, or if such employee is called to work after he/she has worked five (5) days, he/she is guaranteed a minimum of two (2) hours employment.

References: Education Code 45128

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4532.5.4

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4530	COMPENSATION
4532	HOURS OF EMPLOYMENT
4532.5	OVERTIME
4532.5.4	<u>COMPENSATION</u>

Compensation for non-exempt employees for overtime will be paid in wages or in compensatory time off. Scheduling of compensatory time off will be at the employee's discretion, and with the approval of the Superintendent or his/her designee. Compensatory time off will be computed at one and one-half times the overtime worked and must be taken within the same pay period in which it was earned. Overtime wages will be computed at one and one-half times the normal rate of pay.

For work on holidays, overtime wages will be paid at the rate of two and one-half times the normal rate of pay. Compensatory time off will be computed at two and one-half times the number of overtime hours worked and must be taken in the same pay period in which it was earned.

References: Education Code 45128, 45129

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Deputy County Counsel

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4532.5.5

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4530	COMPENSATION
4532	HOURS OF EMPLOYMENT
4532.5	OVERTIME
4532.5.5	<u>PART-TIME EMPLOYEES</u>

Part-time Confidential/Classified Management employees will be eligible for overtime as follows:

Overtime for part-time non-exempt Confidential/Classified Management employees is defined as any time over five (5) days, eight (8) hours per day (exclusive of the daily lunch period) or forty (40) hours per week. Part-time employees will receive compensation for overtime as set forth in Superintendent/Governing Board Policy 4532.5.4.

References: Education Code 45128

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Deputy County Counsel

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Marin County Board of Education - 8/8/89

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4530	COMPENSATION
4533	<u>HOLIDAYS/WINTER RECESS DAYS</u>

a) Unless otherwise provided by the Superintendent/Governing Board or by law, holidays/winter recess days with full pay shall be granted annually for all regular Confidential/Classified Management employees on the following days:

January 1	New Year's Day
January (3rd Monday)	Martin Luther King, Jr. Day
February 12	Lincoln Day
February (3rd Monday)	Washington Day
May (last Monday)	Memorial Day
July 4	Independence Day
September (1st Monday)	Labor Day
September 9	Admission Day (to be taken on December 31)
November 11	Veteran's Day
Thanksgiving	As designated by the President of the United States
Day after Thanksgiving	
December 25	Christmas
December 26	Day after Christmas
December 27	Winter Recess
December 28	Winter Recess

b) Such other days, or portions of days as may be designated by the Superintendent/Governing Board, the Governor of California, the President of the United States or other proper authority. This provision shall not be interpreted to include regular holidays for state or federal employees unless specifically enumerated in this policy.

(continued)

- 4000 PERSONNEL
- 4500 CONFIDENTIAL/CLASSIFIED MANAGEMENT
- 4530 COMPENSATION
- 4533 HOLIDAYS/WINTER RECESS DAYS (concluded)**

c) Except as provided in paragraph e) below, when a holiday herein listed falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. When a holiday herein listed falls on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed.

d) Actual holidays will be placed on the school calendar by the Superintendent/ Governing Board.

e) The Marin County Office of Education will be closed for the two-week winter recess. The Christmas, December 26, December 31, and New Year's Day holidays will be placed on the calendar in combination with accrued vacation days, or if necessary, leave without pay.

- 1) Employees working on the Admission Day Holiday (September 9) will receive a paid holiday on December 31.

References: Education Code 45203, 45205

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Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89
Revised - 2/26/91; 5/11/93; 1/10/95; 3/12/96

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4540	LEAVES OF ABSENCE
4541	VACATION
4541.1	<u>ACCRUAL</u>

Each Confidential/Classified Management employee, other than emergency or limited term employees, shall accrue vacation leave with full pay as provided herein.

Full time for purposes of this policy means eight (8) hours per day, five (5) days per week, twelve (12) months per year. Part time for purposes of this policy means less than forty (40) hours per week, twelve (12) months per year.

Each accrual may accumulate to a maximum of thirty (30) working days of unused vacation leave as of September 1 of each school year. Employees having more than thirty (30) days accrued after this date shall lose those days except as provided in Superintendent/Governing Board Policy 4541.4.

Except in special cases as determined by the Superintendent, no employee may take such leave, or receive payment in lieu thereof until he/she has completed six (6) months of continuous service in the Marin County Office of Education.

No employee shall accrue any paid vacation leave for any period of leave without pay, absence without leave or suspension without pay.

Each full time Confidential/Classified Management employee shall accrue vacation leave at the rate of fifteen (15) working days per year until completion of three (3) years of service.

Each full time Confidential/Classified Management employee who has completed three (3) years of service shall accrue vacation leave at the rate of seventeen (17) working days per year until completion of five (5) years of service.

(continued)

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4540	LEAVES OF ABSENCE
4541	VACATION
4541.1	<u>ACCRUAL</u> (concluded)

Each full time Confidential/Classified Management employee who has completed five (5) years of service shall accrue vacation leave at the rate of twenty (20) working days per year until completion of ten (10) years of service.

Each full time Confidential/Classified Management employee who has completed ten (10) years of service shall accrue vacation leave at the rate of twenty-five (25) working days per year.

Each part time Confidential/Classified Management employee will receive vacation credit pro rata to full time employees.

References: Education Code 45197

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Deputy County Counsel

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Marin County Board of Education - 8/8/89

- 4000 PERSONNEL
- 4500 CONFIDENTIAL/CLASSIFIED MANAGEMENT
- 4540 LEAVES OF ABSENCE
- 4541 VACATION
- 4541.2 SCHEDULES**

Vacation schedules shall be arranged by Division Deputy/Assistant Superintendents with particular regard to the needs of the service and, whenever possible, with regard to the wishes of the Confidential/Classified Management employee. Sincere effort shall be made to arrange vacation schedules so that each employee will take as much vacation in each year as accrued to him/her in that year. Each employee's vacation may be divided as the needs of the service require or permit. No employee may take vacation leave without prior approval of the Superintendent or his/her designee. No employee may take vacation leave in advance of that actually accumulated by him/her at the time such leave is taken without the written recommendation of the Division Deputy/Assistant Superintendent concerned and approval of the Superintendent.

References: Education Code 45917

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4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4540	LEAVES OF ABSENCE
4541	VACATION
4541.3	<u>PAYMENT IN LIEU OF</u>

Each Confidential/Classified Management employee who is separated from employment after completing six (6) months of continuous service shall be entitled to payment in lieu of all unused vacation leave which he/she may have accumulated as of his/her last day of work. In the event of a deceased employee, payment shall be made to his/her estate or as otherwise provided by probate law or court order.

References: Education Code 45197

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Marin County Board of Education - 8/8/89

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4540	LEAVES OF ABSENCE
4541	VACATION
4541.4	<u>EXCEEDING MAXIMUM ALLOWABLE ACCUMULATION</u>

When an employee has accumulated the maximum allowable vacation credit and when a critical emergency prevents his/her being off duty, the Superintendent may authorize payment in lieu of vacation earned above the maximum or may permit the accumulation of excess vacation credit for the duration of the emergency.

References: Education Code 45197

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Marin County Board of Education - 8/8/89

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4540	LEAVES OF ABSENCE
4541	VACATION

4541.5 EFFECT OF OTHER LEAVES OF ABSENCE UPON VACATION

Any permanent Confidential/Classified Management employee who commences his/her prescribed vacation period and subsequently becomes ill or bereaved, as is defined in Superintendent/Governing Board Policy 4545, before his/her vacation period has been completed, may, at the employee's option, be placed on sick leave or on bereavement leave under all of the following conditions:

- a) if the illness is for three (3) consecutive days or more.
- b) If the illness or bereavement is such that had the employee been working he/she would have been absent on sick or bereavement leave.
- c) If the employee, normally, is required to return to duty immediately following the vacation period.
- d) If the request is filed with the Superintendent within two (2) weeks of the illness or bereavement or within one week of the employee's return to duty unless extraordinary extenuating circumstances exist which prevent such filing.
- e) If the filed request fully outlines the reasons for the request and is fully substantiated to include medical reports in the case of illness.
- f) When all or part of a Confidential/Classified Management employee's vacation is to be converted to illness or bereavement leave, the appropriate vacation credit shall be restored to the employee's earned vacation balance. If possible, he/she shall be granted opportunity to use this vacation credit in order not to exceed the limit on accrued vacation. In other cases, the Superintendent may, at his/her discretion, authorize payment as described in Superintendent/Governing Board Policy 4541.3.

References: Education Code 45200

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Deputy County Counsel
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 Marin County Board of Education - 8/8/89

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4540	LEAVES OF ABSENCE
4541	VACATION
4541.6	<u>EMERGENCY AND LIMITED TERM EMPLOYEES</u>

Emergency and limited term Confidential/Classified Management employees shall not earn vacation credit unless they are subsequently appointed into permanent positions without a break in service. If an emergency or limited term Confidential/Classified Management employee is appointed to a permanent position without a break in service, he/she shall receive accrued vacation leave from the first date of employment.

References: Education Code 45197

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Deputy County Counsel

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4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4540	LEAVES OF ABSENCE
4542	<u>PAID SICK LEAVE</u>

Sick leave is the authorized absence of an employee due to disabilities caused by illness, injury, exposure to contagious disease, pregnancy, childbirth, and recovery therefrom.

At the beginning of each fiscal year, the sick leave "bank" of the employee shall be increased by the number of days of paid sick leave which he/she would normally earn in the ensuing fiscal year. An employee's sick leave "bank" shall be adjusted if a change of assignment alters the amount of sick leave earnable.

When an employee is separated from employment prior to the end of the fiscal year and he/she has taken sick leave amounting to more than he/she has already earned, that amount shall be subtracted from his/her final paycheck.

Full time employees shall be entitled to earn sick leave without loss of pay at the rate of one (1) working day per month. Employees who work less than five (5) days per week shall receive sick leave in the proportion that their number of work days bears to a full time workweek of five (5) days. Unused sick leave shall be accumulated from year to year without limit.

Any employee who is not a permanent employee may use no more than six (6) days of paid sick leave during the first six (6) months of employment.

A Confidential/Classified Management employee who is absent due to a disability and receives full pay because of accrued sick leave or receives differential pay as specified in the following paragraph shall be entitled to accrued sick leave and vacation, and receive normal paid medical, dental, vision and life insurance benefits.

When a permanent employee is absent due to a non-industrial disability and has used all of his/her entitlement to sick leave, vacation compensation, compensatory time or other available paid leave, the employee shall be paid the difference between his/her current salary and the sum which is actually paid a substitute employee to fill his/her position during his/her absence for the period remaining through the fifth month of disability. For purposes of this paragraph sick leave, vacation compensation, compensatory time, other available paid leave, including SDI shall be allowed for a maximum of not more than five (5) months.

(continued)

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4540	LEAVES OF ABSENCE
4542	<u>PAID SICK LEAVE</u> (continued)

A permanent Confidential/Classified Management employee whose disability extends beyond the five month period may, upon written advice from a licensed medical advisor, be granted by the Superintendent a leave of absence without pay, not to exceed one year. No medical, dental, vision or life insurance benefits will be provided by the Superintendent/Governing Board during this period; however, the employee may, at his/her option, purchase such benefits at the actual cost to the Superintendent/Governing Board by submitting all necessary payments to the Marin County Office of Education prior to the date such payments become due. Upon his/her return to work, the anniversary date of his/her increment will be changed to make adjustments for time not worked and not covered by sick leave.

Each Confidential/Classified Management employee shall record his/her sick leave on a time sheet. The Superintendent/Governing Board may require a physician's written verification of the reason for absence due to illness or accident for any absence greater than three (3) consecutive days.

If a Confidential/Classified Management employee leaves the employment of the Marin County Office of Education, accumulated unused sick leave will not be credited to the employee's final payment. In the event of the retirement of an employee, and pursuant to the statutes and regulations of the Public Employees Retirement System, accumulated unused sick leave may be used as a credit to the Public Employees Retirement System.

If the Confidential/Classified Management employee has used all sick leave and additional leave available and is still unable to assume the duties of his/her position, his/her employment will be deemed to be terminated; however, the employee shall then be placed on a reemployment list for a period of thirty-nine (39) months and shall have employment rights in the same manner as if he/she had been laid off for lack of work or lack of funds, except that employees laid off for lack of work or lack of funds shall have precedence in reemployment.

A Confidential/Classified Management employee whose employment is terminated for reasons other than for cause and who subsequently accepts employment with another county superintendent of schools or a school district within one year of such termination, shall have his/her accumulated sick leave transferred to the new employer as provided in Education Code section 45202.

(continued)

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4540	LEAVES OF ABSENCE
4542	<u>PAID SICK LEAVE</u> (concluded)

Emergency and limited term Confidential/Classified Management employees will not earn sick leave credit unless they are subsequently appointed into permanent positions without a break in service. If any employee is subsequently appointed into a permanent position without a break in service, he/she shall receive sick leave from the first date of employment.

References: Education Code 45190-45192, 45196, 45196.5

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Deputy County Counsel

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Marin County Board of Education - 8/8/89

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4540	LEAVES OF ABSENCE
4543	<u>INDUSTRIAL ACCIDENT AND INDUSTRIAL SICK LEAVE</u>

Leaves resulting from an industrial accident or industrial sickness shall be granted in accordance with the provisions of Education Code Sections 44043 and 45192

An industrial accident or industrial sickness is one which in the opinion of the Workers' Compensation Insurance administrator is work connected, or if contested, is ultimately determined to be work connected.

Workers' Compensation Insurance is defined as the insurance program provided by the Superintendent/Governing Board for state mandated workers' compensation purposes.

A Confidential/Classified Management employee who is absent from duty because of an injury or illness defined as an industrial accident or industrial illness under provisions of the Workers' Compensation Insurance law, shall be granted paid industrial accident leave for each such accident or illness while receiving temporary disability benefits from Workers' Compensation Insurance provided that:

a) He/she has probationary or permanent status, and

b) In the opinion of the Workers' Compensation Insurance administrator the injury or illness constitutes an industrial accident or industrial illness, or if contested, is ultimately determined to be work connected.

Paid industrial accident leave shall be for not more than sixty (60) working days in any one fiscal year. This leave shall not accumulate from year to year and if the industrial accident or illness overlaps into a new school fiscal year, the employee shall have only the amount of leave which was not used in the prior year for the same accident or illness.

(continued)

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4540	LEAVES OF ABSENCE
4543	<u>INDUSTRIAL ACCIDENT AND INDUSTRIAL SICK LEAVE</u> (cont.)

Paid industrial accident leave shall be reduced by one day for each day of authorized absence regardless of the temporary disability allowance made under Workers' Compensation Insurance. During the paid industrial accident leave the employee shall endorse to the Marin County Office of Education all temporary disability allowances received under Workers' Compensation Insurance. Days absent while on paid industrial accident leave shall not be deducted from the number of days of paid sick leave to which an employee may be entitled.

If the Confidential/Classified Management employee is still unable to return to duty after exhausting paid industrial accident leave, the employee shall be placed on paid sick leave for which he/she is eligible. Accumulated sick leave shall be reduced only in the amount necessary to provide a full day's wages or salary, as indicated in the employee's assignment, when added to compensation without penalties from Workers' Compensation Insurance.

After all paid sick leave has been exhausted following a paid industrial accident leave, an employee may choose to receive pay from accrued vacation, earned compensatory time or other earned leave to the extent necessary to make up the employee's regular salary when receiving a temporary disability allowance without penalties from Workers' Compensation Insurance.

Upon return to service from any paid or unpaid leave resulting from an industrial accident or industrial illness, an employee shall be assigned to a position in his/her former class/position title ahead of any employee with a lesser amount of seniority. If no vacancy exists in his/her former class/position title, he/she may displace the most recently appointed employee in the class/position title with less seniority. If an employee's former class/position title has ceased to exist, the employee may be reassigned or placed on a suitable reemployment list.

(continued)

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4540	LEAVES OF ABSENCE
4543	<u>INDUSTRIAL ACCIDENT AND INDUSTRIAL SICK LEAVE</u> (cont.)

When all available leaves of absence, paid or unpaid, have been exhausted and if the employee is not medically able to assume the duties of his/her position, the employee shall, if not placed in another position, be placed on a reemployment list for a period of thirty-nine (39) months. If able to return to work during the 39 month period, the person shall be employed in a vacant position in the class of the person's previous assignment over all other available candidates except for a reemployment list established because of lack of work or lack of funds, in which case the person shall be listed in accordance with appropriate seniority regulations.

An employee who fails to accept an appropriate assignment after being medically released to return to duty shall be dismissed. Appropriate assignment is defined as an assignment to the employee's former class/position title, in his/her former status and time basis, and in assignment areas in which the employee has made himself/herself available. Employees removed from a reemployment list under this policy may appeal the removal to the Personnel Commission.

While an employee is on paid leave resulting from an industrial accident or industrial illness, the employee's salary paid by the Office shall not, when added to normal temporary disability allowance award without penalties granted to the employee under Workers' Compensation Insurance laws, exceed the employee's regular salary. A permanent employee's salary is computed on the basis of the number of hours and days in his/her basic daily assignment. An employee who is not permanent shall have his/her regular salary computed on the basis of the average number of hours worked each month in which the employee was in paid status during the preceding year.

During all paid leaves resulting from an industrial accident or industrial illness, the employee shall endorse to the Marin County Office of Education all temporary benefit checks received under Workers' Compensation Insurance. The Superintendent shall issue to the employee appropriate warrants for payment of wages, loss of benefits, salary and/or leave benefits and shall deduct normal retirement and other authorized contributions.

(continued)

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4540	LEAVES OF ABSENCE
4543	<u>INDUSTRIAL ACCIDENT AND INDUSTRIAL SICK LEAVE</u> (concluded)

With the concurrence of the employee, the Superintendent may waive the requirement that temporary disability checks be endorsed payable to the Marin County Office of Education and may, in lieu thereof, permit the employee to retain his/her disability check, provided that notice be given to the Office that such check has been delivered to the employee. In such cases, the Office shall then cause the employee to receive his/her normal wage or salary less appropriate deductions, including, but not limited to, the face amount of the disability check which the employee has been permitted to retain. In all cases employee benefits are to be computed on the basis of the employee's regular wage or salary prior to the deduction of any amounts for temporary disability payments.

Eligibility for purposes of accruing vacation and sick leave will be suspended during disability leave without pay.

When an employee is absent due to industrial accident or industrial illness, the Superintendent may require that the employee obtain written physician's approval prior to return to work or may require that the employee pass a medical examination prior to his/her return to work.

Final allowance for permanent industrial disability settlements shall not be subject to remittance to the Marin County Office of Education under this policy.

References: Education Code 44044, 45192

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

- 4000 PERSONNEL
- 4500 CONFIDENTIAL/CLASSIFIED MANAGEMENT
- 4540 LEAVES OF ABSENCE
- 4544 BEREAVEMENT LEAVE**

A regular employee shall receive necessary leave of absence with full pay, not to exceed three (3) days, or five (5) days if out of state or if more than 375 miles of one-way travel is required, in the event of the death of a member of the immediate family. Members of the immediate family means the mother, father, step-mother, step-father, legal foster parents, grandmother, grandfather, or grandchild of the employee or of the spouse of the employee, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law of the employee, or any other relative living in the immediate household of the employee, or of such other persons as the Superintendent may designate out of consideration of unusual circumstances and conditions.

If needed, additional absence without loss of salary may be authorized by the Superintendent. If additional time is needed, the employee may use accrued vacation time or request a leave of absence without pay. The Superintendent may, in his/her discretion, grant a leave of absence without pay.

References: Education Code 45190, 45194

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Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4540	LEAVES OF ABSENCE
4545	PERSONAL NECESSITY, JUDICIAL AND MILITARY
4545.1	<u>PERSONAL NECESSITY LEAVE</u>

Confidential/Classified Management employee may use a maximum of seven (7) days of sick leave per work year for cases of personal necessity.

Personal necessity leave will be granted for the following reasons:

- a) Death or serious illness of a member of the immediate family as defined in Superintendent/Governing Board Policy 4544.
- b) Accident involving his/her person or property, or the person or property of a member of his/her immediate family, as defined in Superintendent/Governing Board Policy 4544.
- c) Appearance in court as a litigant.
- d) Fulfillment of the requirements for adopting a child.
- e) Major religious holidays.
- f) Paternity leave for any male Confidential/Classified Management employee for the birth of a child as defined in Labor Code section 233 (a). Paternity leave shall be taken immediately before, during or after the birth of the child.
- g) Matters of compelling personal importance.

The Superintendent may allow additional days to be used out of available sick leave in special circumstances.

(continued)

The employee shall be required to secure advance permission for leaves of absence for personal necessity of a type other than a. or b. above. The request for such leave shall be submitted in writing to his/her supervisor and shall clearly identify the type of personal necessity and shall be signed by the employee.

References: Education Code 45207

Approved as to form:

Steve Raab
Deputy County Counsel

Approved by
Marin County Board of Education – 8/8/89
Revised – 2/13/08

- 4000 PERSONNEL
- 4500 CONFIDENTIAL/CLASSIFIED MANAGEMENT
- 4540 LEAVES OF ABSENCE
- 4545 PERSONAL NECESSITY, JUDICIAL AND MILITARY
- 4545.2 JUDICIAL AND OFFICIAL APPEARANCE
- 4545.2.1 JURY SERVICE**

Leave of absence for jury service shall be granted to any Confidential/Classified Management employee who has been officially summoned to jury duty in local, state or federal court. Leave shall be granted for the period of the jury service. The employee shall receive full pay while on leave provided that the jury service fee for such leave is assigned to and the subpoena or court certification is filed with the Superintendent. Request for jury service leave shall be made by presenting the official court summons to jury service to the Director of Classified Personnel as soon as possible after receipt of such summons.

References: Education Code 44037

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4540	LEAVES OF ABSENCE
4545	PERSONAL NECESSITY, JUDICIAL AND MILITARY
4545.2	JUDICIAL AND OFFICIAL APPEARANCE
4545.2.2	<u>WITNESS</u>

Leave of absence to serve as a witness in a court case shall be granted an employee when he/she has been served a subpoena to appear as a witness, not as the litigant in the case. The length of the leave granted shall be for the number of days in attendance in court as certified by the clerk or other authorized officer of the court. The employee shall receive full pay during the leave period, provided that the witness fee for such leave is assigned to and the subpoena or court certification is filed with the Superintendent. Request for leave of absence to serve as a witness shall be made by presenting the official court summons to the Division Deputy/Assistant Superintendent as soon as possible after receipt of such summons.

References: Education Code 44036

Approved as to form:

Deputy County Counsel

Approved by

Marin County Board of Education - 8/8/89

- 4000 PERSONNEL
- 4500 CONFIDENTIAL/CLASSIFIED MANAGEMENT
- 4540 LEAVES OF ABSENCE
- 4545 PERSONAL NECESSITY, JUDICIAL AND MILITARY
- 4545.2 JUDICIAL AND OFFICIAL APPEARANCE
- 4545.2.3 DEFINITION OF JURY SERVICE AND WITNESS FEES**

The jury service fee and witness fee referred to in Superintendent/Governing Board Policies 4545.2.1 and 4545.2.2 respectively, do not include reimbursement for transportation expenses.

References: Education Code 44036, 44037

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

- 4000 PERSONNEL
- 4500 CONFIDENTIAL/CLASSIFIED MANAGEMENT
- 4540 LEAVES OF ABSENCE
- 4545 PERSONAL NECESSITY, JUDICIAL AND MILITARY
- 4545.2 JUDICIAL AND OFFICIAL APPEARANCE
- 4545.2.4 HOURS WHEN PRESENCE NOT REQUIRED IN COURT**

A Confidential/Classified Management employee who has received leave of absence for jury or witness service shall make himself/herself available for work during hours when his/her presence is not required in court.

References: Education Code 44036, 44037

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4540	LEAVES OF ABSENCE
4545	PERSONAL NECESSITY, JUDICIAL AND MILITARY
4545.3	<u>MILITARY LEAVE</u>

Military leave of absence shall be granted and compensated in accordance with the Military and Veterans' Code.

References: Military and Veterans' Code 389, 395, 395.01-395.05

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

- 4000 PERSONNEL
- 4500 CONFIDENTIAL/CLASSIFIED MANAGEMENT
- 4540 LEAVES OF ABSENCE
- 4545 PERSONAL NECESSITY, JUDICIAL AND MILITARY
- 4545.4 EXAMINATION FOR PROMOTION**

Every employee in the Confidential/Classified Management service shall be permitted to be absent from his/her duties during working hours in order to take an examination for promotion in the Marin County Office of Education without deduction of pay or other penalty, provided that two days notice is given to his/her immediate supervisor.

References: Education Code 45190

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4540	LEAVES OF ABSENCE
4545	PERSONAL NECESSITY, JUDICIAL AND MILITARY
4545.5	<u>LEAVES OF ABSENCE WITHOUT PAY</u>

Leaves of absence without pay may be granted to a permanent Confidential/Classified Management employee, upon the written request of the employee and the approval of the Superintendent or his/her designee subject to the following restrictions:

- a) Leaves of absence without pay may be granted for any period not exceeding one (1) year, except that leaves of absence for military service and leaves of absence for service in the Peace Corps, or the Red Cross or Merchant Marine during the time of national emergency, may be granted for a period not to exceed two (2) years.
- b) The granting of a leave of absence without pay gives the employee the right to return to his/her position at the expiration of his/her leave of absence, provided that he/she is physically and legally capable of performing the duties, and provided that a position in his/her class still exists and the employee has seniority rights to the position. The position may be filled only for the duration of the leave, and the employee filling the position must be released or reassigned upon completion of the leave and return of the regular employee.
- c) Upon granting leave, the Superintendent may request a letter of intent to return ninety (90) days before expiration of leave.
- d) An employee may make a written request to the Superintendent to return to work prior to the expiration date of the leave. The Superintendent may approve or reject the request.
- e) Failure to report for duty within five (5) working days after a leave has expired shall be considered abandonment of the position and the employee may be terminated by the Superintendent. This provision is not applicable to military leaves.

(continued)

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4540	LEAVES OF ABSENCE
4545	PERSONAL NECESSITY, JUDICIAL AND MILITARY
4545.5	<u>LEAVES OF ABSENCE WITHOUT PAY</u> (concluded)

f) If an employee cannot be placed in a vacant position in his/her class/position title upon return from leave of absence, he/she shall have seniority and reemployment rights, in accordance with his/her seniority, in the same manner as if he/she had been laid off for lack of work or lack of funds on the date his/her leave expires.

References: Education Code 45190, 45198

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4540	LEAVES OF ABSENCE
4546	<u>MATERNITY DISABILITY LEAVE</u>

A Confidential/Classified Management employee will be granted a disability leave of absence when required to be absent from duties because of pregnancy, miscarriage, abortion, childbirth, and recovery therefrom.

An employee shall inform her immediate supervisor of any pregnancy at least four (4) months prior to the expected birth of the child.

The length of the leave of absence will be for the period of actual disability as determined by the employee and the employee's physician. The Superintendent/Governing Board may require a physician's statement or other proof and may require the physician's statement or other proof to be updated from time to time.

An employee who is disabled due to pregnancy, miscarriage, abortion, childbirth, and recovery therefrom is entitled to use her accumulated disability or sick leave benefits and is entitled to other health or disability benefits as are received by other classified employees who are temporarily disabled, but only to the extent that such benefits are received by other temporarily disabled employees.

A personal leave of absence, without compensation or other benefits, may be granted by the Superintendent/Governing Board in the event of pregnancy or the recovery therefrom. In the event that an employee receives a personal leave of absence due to pregnancy prior to actual disability, the employee shall be entitled to transfer to disability or sick leave status to receive the benefits thereof upon becoming disabled by pregnancy, miscarriage, abortion, childbirth, or recovery, but only if the personal leave was specifically requested for this reason and if the resulting disability was caused by pregnancy, miscarriage, abortion, childbirth, or recovery therefrom.

(continued)

- 4000 PERSONNEL
- 4500 CONFIDENTIAL/CLASSIFIED MANAGEMENT
- 4540 LEAVES OF ABSENCE
- 4546 MATERNITY DISABILITY LEAVE (concluded)**

The employee may continue any or all benefit plans for the period of her leave without pay. Payment of necessary premiums to the Marin County Office of Education shall continue these plans in effect.

The ability of a Confidential/Classified Management employee to return to her position after maternity disability leave shall be determined by the employee in consultation with her physician.

References: Education Code 45193

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4540	LEAVES OF ABSENCE
4547	<u>LEAVE REPORTING</u>

A record shall be maintained of all leave taken and the leave balance accumulated by each employee.

Any absence of thirty (30) minutes or less will be charged as one-half hour. Any absence over thirty (30) minutes, but less than sixty (60) minutes, will be charged as one full hour.

Absences from work required in order to have fingerprints recorded and physical examinations for employment purposes will not be chargeable against accrued leave. Such absence must be cleared with the employee's most immediate supervisor who is management prior to the absence so that the supervisor may make any arrangement necessary.

Absences from work taken by the employee for the purpose of doctor or dentist appointments will be reported and charged against the employee's accrued sick leave totals, if any. If the employee has no accrued sick leave, such time absent will be deducted from the employee's wages.

Every absence of each employee shall be reported and recorded in a manner prescribed by the Superintendent.

References: Education Code 45190, 45191

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4550	<u>EVALUATION</u>

All Confidential/Classified Management employees shall be evaluated by their most immediate supervisor who is management in accordance with the following schedule:

- a) Probationary employees shall receive, during the probationary period, a formal written evaluation at approximately the end of the third (3rd) month and again at approximately the end of the fifth (5th) month of service.
- b) Regular permanent employees shall receive a formal written evaluation each year on or about their anniversary date.
- c) Notwithstanding provisions of sections a) and b) herein, any employee, whether probationary or permanent, may be evaluated for unsatisfactory service at any time.
- d) For purposes of Section c) only, the employee may request another Confidential/Classified Management employee to be present during the evaluation conference. Both employees shall be given paid time for attendance at the evaluation conference.

Evaluations shall be made on the approved form. Performance evaluations will be prepared by the employee's most immediate supervisor who is management.

Evaluations shall be reviewed with the employee for comments, response and signature. The employee may attach comments to the evaluation form if he/she does so within ten (10) business days following the evaluation interview

(continued)

4000 PERSONNEL

4500 CONFIDENTIAL/CLASSIFIED MANAGEMENT

4550 EVALUATION (concluded)

A copy of the completed evaluation form will be given to the employee. The original evaluation form will be filed in the employee's personnel record.

Negative evaluations must be accompanied by specific recommendations for improvement.

All evaluations shall provide for an opportunity for discussion between the employee and the evaluator.

If the employee feels that the evaluation of his/her job performance is not factual he/she may request a meeting with the Superintendent or his/her designee prior to finalization of the evaluation.

References: Education Code 45260, 45261

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4560	<u>TRANSFERS</u>

The Superintendent has the final authority to transfer employees subject to the following procedures.

DEFINITIONS

1. Transfer: A transfer is defined as movement from one position to another position within the same class/position title or a related class/position title within the same labor grade. The Director of Classified Personnel shall determine whether classes/position titles are sufficiently related to permit transfer between them. Decisions of the Director of Classified Personnel are subject only to appeal to the Personnel Commission.

2. Employee: Refers to any Confidential/Classified Management employee.

3. Business Day: Any day the Marin County Office of Education is open for business.

4. School Year: From the first scheduled workday through the last scheduled workday as shown on the school year calendar adopted by the Superintendent/Governing Board.

CONDITIONS

1. Transfers may be initiated by either management or an employee as provided below.

2. Transfers shall not change the employee's salary rate, anniversary date, seniority, accumulated sick leave, accumulated vacation credit, or medical, dental, vision or life insurance benefits.

3. Vacancies shall be filled from transfer requests on file as provided below and/or from eligibility lists in accordance with the rules and regulations of the Personnel Commission.

(continued)

4000	PERSONNEL
4500	CONFIDENTIAL/CLASSIFIED MANAGEMENT
4560	<u>TRANSFERS</u> (continued)

PROCEDURES

Employee-Initiated Transfer

1. Transfer requests shall be made in writing to the Director of Classified Personnel. The Director of Classified Personnel shall place the employee's request on file and shall thereafter notify and certify such notification to the employee of transfer opportunities for a period of one year from the date of the receipt of the request. Such request may be renewed by the employee.

2. Any employee who has requested a transfer shall have his/her name considered for all transfers in the same class (same position, title and salary) for one year from the date of receipt of the written request.

3. All requests for transfer shall be considered on the basis of, but not limited to, the following criteria:

- a) Seniority of the employee in his/her current class/position title.
- b) Past working experience.
- c) Special qualifications or skills.

4. Should applicants with approximately equal qualifications request the same vacant position, seniority will determine the choice.

5. If a transfer request is denied, the employee shall, upon request made within ten (10) business days of the filling of the position, be provided with the specific reason(s) for the denial.

6. A permanent employee who transfers to a position in which he/she has not previously served may be returned within six (6) months by the Superintendent to his/her former position without right of appeal unless such action results in reduction in assigned time whereupon the employee will have the same appeal rights as an employee who is demoted or dismissed for cause.

(continued)

- 4000 PERSONNEL
- 4500 CONFIDENTIAL/CLASSIFIED MANAGEMENT
- 4560 TRANSFERS** (concluded)

7. Medical reassignment: The Superintendent may give alternate work, if the same is available, to an employee who has become medically unable to satisfactorily perform his/her regular duties. The alternate work may constitute promotion, demotion, or lateral reassignment to a related class/position title.

Administration-Initiated Transfer

1. Before making an administrative transfer, the appropriate department head or administrator shall meet and discuss the proposed transfer with the affected employee(s). Release time for such a meeting shall be provided the employee(s) if necessary.

2. In all cases when the employee(s) affected are not scheduled to be working, an employee to be administratively transferred shall be given ten (10) business days notice by mail to his/her last address of record, provided, however, in urgent and unusual situations which may arise, such notice shall be given as circumstances permit. During said ten (10) business day period, the employee has the right to discuss the proposed transfer with the appropriate department head or administrator. In the event the employee will not be available during such non-work times, the employee may designate in writing another individual to represent them.

3. If the employee is transferred, the employee may upon written request within ten (10) business days of the transfer, be provided in writing specific reason(s) for the transfer.

References: Education Code 45260, 45261

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

4000 PERSONNEL

4500 CONFIDENTIAL/CLASSIFIED MANAGEMENT

4570 SAFETY

All employees shall endeavor to maintain safe and sanitary conditions in their work areas of responsibility.

All employees will report to the immediate supervisor, in writing, any practice or condition which poses a threat to the health or safety of any person associated with the Marin County Office of Education.

Upon receipt of a safety report, the Superintendent shall, as soon as possible, take any corrective procedures deemed necessary or advisable by the Superintendent.

No employee shall be reprimanded in any way for reporting any practice or condition which poses a threat to the health or safety of any person associated with the Superintendent.

If, in the opinion of the Superintendent, the employment duties of a Confidential/Classified Management employee require the use of any equipment or gear to insure the safety of the employee or others, the Superintendent agrees to furnish such equipment or gear.

References:

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

SECTION II

PROFESSIONAL MATTERS

Relationship with School Districts The Marin County Office of Education provides services to the public school districts of Marin. Marin County Office of Education staff members have no direct authority over a local school district board of trustees, its administrators or teachers. We may advise, suggest or recommend proper action based on the provisions of the Education Code, Administrative Code, legal opinions, and State Superintendent's directives. Certain code requirements may be enforced through proper channels.

Staff members of the Marin County Office of Education must refrain from involvement in controversial issues within, or among, school districts. Staff members should not, unless specifically requested by the County Superintendent of Schools, appear at school board meetings called to air grievances within the district. If requested by district personnel to appear at a district board meeting, staff should first consult with their immediate supervisor.

Endorsements Employees are free to give their personal endorsement for educational materials. Permission to use job titles and the name of the Marin County Office of Education with endorsements must be requested from the Superintendent. Individual endorsements should in no way imply endorsement by the Superintendent/Governing Board, Marin County Office of Education, or staff.

Employee Organizations' Right to Access In accordance with Government Code Section 3543, our employee organizations, Marin County Educators Association (MCEA) and California School Employees Association (CSEA) have the right of access at reasonable times and subject to reasonable regulation, to the use of audio/visual mail service, bulletin boards and facilities for the purposes of meetings, and other means of communication.

If there are any questions regarding employee organizations' right to access, please contact the Director of Personnel.

Child Abuse and Dependent Adult Abuse Reporting Requirements California law requires that school employees who fall within certain statutorily defined categories be familiar with the laws relating to child abuse and dependent adult abuse reporting requirements. New employees must sign a statement signifying that they have knowledge of the reporting requirements and will comply with them (Penal Code, Section 11166.5 and Welfare and Institutions Code, Section 15630). As a mandated reporting certificated employee, you should read the materials below and the appropriate code sections (see Appendix A) which explain your responsibilities and the procedures regarding reporting any suspected instances of child and dependent adult abuse.

Penal Code Section 11166.5 and Welfare and Institution Code Section 15630 make the following requirements of any child and dependent adult care custodian medical practitioner, non-medical practitioner or employee of a child protective agency: If, within their professional

capacity or within the scope of their employment they have knowledge of or observe a child whom they know or reasonably suspect has been a victim of abuse, they must report such known or suspected instance to the respective child protective agency or adult protective agency immediately or as soon as practically possible. This report should be by telephone with a written report thereof prepared and sent within 36 hours of receiving the information concerning the incident.

To make a report call Child Protective Services at 499-7153 and they will advise you as to the next steps. You may also call this number even if you are unsure that a report is necessary, they will advise you. When making a referral to Child Protective Services, you may also want to consult with your supervisor.

GUIDELINES FOR PARENTS TO REPORT SUSPECTED CHILD ABUSE BY SCHOOL DISTRICT EMPLOYEES OR OTHER PERSONS AGAINST A PUPIL AT A SCHOOL SITE are available at the Marin County Office of Education (see Appendix B).

Complaints Concerning School Personnel It is the policy of the Superintendent/ Governing Board to support employees in such a manner that they are not subject to unnecessary criticism and complaints. The Superintendent has developed procedures, which permit parents or guardians of pupils to lodge complaints against staff members. Such procedures insure complete investigation and disposition of all complaints while protecting the rights of staff members and the Marin County Office of Education. These procedures are available at the Marin County Office of Education (see Appendix C).

Uniform Complaint Policy The Superintendent/Governing Board recognizes that the Marin County Office of Education (MCOE) has primary responsibility for insuring that it complies with state and federal laws and regulations governing educational programs operated by the Marin County Office of Education. The Superintendent shall follow uniform complaint procedures pursuant to state regulations when addressing complaints alleging unlawful discrimination, harassment, intimidation, or bullying on the basis of actual or perceived sex, sexual orientation, gender, gender identity, gender expression, ethnic group identification, race, nationality and ethnicity, ancestry, national origin, religion, color, mental or physical disability, medical condition, genetic condition, marital status, age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, -or failure to comply with the law in any of the programs operated by the Marin County Office of Education. These procedures are available at the Marin County Office of Education (see Appendix D) free of charge (5 CCR § 4622).

Complainants have the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation and bullying laws, if applicable (GC § 11135, EC §§ 200, 220, 5 CCR § 4610, PC § 422.55) The complainant has a right to appeal the local agency's decision to the CDE by filing a written appeal within 15 days of receiving the LEA Decision (5 CCR §§ 4622, 4632).

Complaint Officer(s) for complaints concerning Student Services: Title of Compliance Officer: Director Student Services, MCOE; Address: 1111 Las Gallinas Avenue, San Rafael, CA or P.O. Box 4925, San Rafael, CA 94913. Phone Number: 415-499-6612.

Equal Opportunity The Marin County Office of Education does not discriminate and is committed to and will afford equal employment opportunity to all applicants and employees without regard to race, religion, color, national origin, ancestry, physical handicap, medical condition (cancer related), sexual preference, marital status, age(over 40)and gender in compliance with California Administrative Code Title 2, Division 4, Chapter 5, Section 8104.

Sexual and Gender-Based Harassment It is the intent of the Superintendent/Governing Board that the Marin County Office of Education learning and working environments shall be free from sexual and gender-based harassment. It shall be a violation of policy for any member of the school community to harass any other member through conduct or communications of a sexual nature. Members of the school community include: staff, students, Board members and volunteers.

The Superintendent has prepared policies and administrative regulations and procedures to implement policies regarding freedom from sexual and gender-based harassment for adults and students (see Appendix E, Appendix E-1, Appendix E-2).

Use of Copyrighted Materials

It is the policy of the Superintendent/Governing Board that all materials, unless obviously in the public domain due to age, specific notice, or government publication, shall be treated as copyrighted. Employees will uphold the copyright law.

The Superintendent has developed regulations and procedures for the use of copyrighted materials (see Appendix F).

Use of Office Equipment and Supplies

The purpose of all office equipment and supplies belonging to the Marin County Office of Education is to facilitate the work being done on behalf of the children, parents, districts, and community. To facilitate employees' acceptable use of office equipment and supplies, the Superintendent has developed a list of terms and conditions for acceptable use. Specific guidelines for acceptable use of Education Internet Account has also been developed (see Appendix G and Appendix H).

Tobacco-free Schools/Sites

The Marin County Office of Education recognizes the health hazards associated with the use of tobacco products, and desires to provide a healthy environment for those individuals the office serves. The Superintendent/Governing Board has developed Administrative Regulations and Procedures to support tobacco-free schools/sites (see Appendix I).

Dress/Grooming

The Marin County Office of Education expects employees to dress and groom in a professional manner.

PROCEDURE REGARDING AIDS

Procedure Regarding AIDS The information about Acquired Immune Deficiency Syndrome (AIDS) is constantly changing and the factors surrounding each situation are varied. To enable us to make wise decisions in the best interests of all concerned, the following procedure is to be used when a staff member becomes aware of a student or an employee who is afflicted with AIDS and the employee or adult student, or parent of a minor child, has consented in writing to further disclosure of the information.

1. Immediately contact your supervisor who will notify the Assistant Superintendent of your division.
2. Maintain complete confidentiality of all information connected with the situation.
For the protection of the individual, do not discuss the situation with anyone except your supervisor.
3. Do not make any decisions or take any action regarding students or staff until directed to do so by your supervisor.

All decisions will be made by the Superintendent. Decisions will be made on a case-by-case basis, considering such factors as the individual's health status, medical, legal, and other considerations. The case will be reviewed with the student's or employee's physician, public health professionals and the student's parents or the employee, the appropriate supervisor, Cabinet and the Marin County Office of Education's legal representative.

MAINTAINING CONFIDENTIALITY IS ABSOLUTELY ESSENTIAL. It has been proven to be extremely difficult to handle situations involving AIDS when confidentiality is lost.

PAYROLL

125 Plan. The Marin County Office of Education has adopted a Section 125 Flexible Benefit Plan for its eligible employees through American Fidelity Assurance Company. The plan enables employees to utilize "pre tax" dollars to pay for certain benefits that may have previously been paid for with "after tax" dollars. The following insurance products may be purchased under the Section 125 Flexible Benefit Plan:

medical	dependent medical	cancer coverage
dental coverage	disability income	vision
group life	accidental death/dismemberment	

The benefit election made during the enrollment period will remain in effect for the plan year (October-September). Family status changes, which allow employees to make mid-year changes, are as follows: Marriage, divorce, birth, death or adoption.

All full and part time employees working one or more hours are eligible. There are no fees for participation. If you are interested in participating, please contact the Personnel Department.

INSURANCE

Liability Insurance. The Marin County Office of Education carries a total of \$15,000,000 Liability Insurance which covers all employees for all activities within the scope of their employment.

Automobile Liability Insurance In the event an employee is liable for injuries or damages suffered in a car accident while on Marin County Office of Education business, the employee's personal automobile insurance carrier will cover the loss up to the full limit of the employee's policy, and then the Office of Education coverage will pay additional damages up to the limit of the Office of Education's policy.

THE EMPLOYEE'S POLICY IS PRIMARY, and each employee should maintain liability coverage of no less than \$300,000 for bodily injury.

Employees of the Marin County Office of Education have liability insurance under the Office of Education's policy for automobile accidents which occur within the scope of employment. The coverage provided under the Office of Education's policy applies only after the employee's personal liability coverage has been exhausted.

DAMAGE TO AN EMPLOYEE'S VEHICLE is not covered by the Marin County Office of Education insurance. If the employee maintains collision and comprehensive coverage, damage to an employee's vehicle will be paid by the employee's policy; if the employee does not maintain such coverage, damage to the employee's vehicle will be repaired at the employee's expense.

The exception to this is in cases in which the Office of Education negligently damages the employee's vehicle (e.g. school bus driver negligently collides with an employee's vehicle).

DO NOT RELY ON THE MARIN COUNTY OFFICE OF EDUCATION FOR AUTOMOBILE INSURANCE!

Personal Property at Work If an employee has suffered a loss of personal property and believes he/she has a claim, he/she should file that claim with the Marin County Office of Education insurance carrier through the Business Office.

An employee's personal insurance is the primary source of recovery in event of damage to an employee's property while at work.

Only if the Marin County Office of Education is negligent and/or legally liable for loss of or damage to an employee's property will the Marin County Office's liability insurance coverage reimburse the employee for such loss.

Pets Employees may not bring pets to their work location. If there are any questions, please contact your Assistant Superintendent.

REPORTING INDUSTRIAL ACCIDENTS

Reporting of Industrial Accidents or Illness When an employee reports any work related injury or illness, an Employers Report of Occupational Injury or Illness form must be completed by the employee's supervisor who is management and sent to the Director of Personnel, for forwarding to the administrator for the Workers Compensation Self Insurance program of the Marin County Insurance Authority. It is illegal for an injured employee to complete and sign the form. The report is for the protection of the employee, and to insure that benefits, which are due an employee, are received.

EMERGENCY PREPAREDNESS

California State Government Code, Title 1, Division 4, Chapter 8, Section 3100 "*Declaration: Public Employees as Disaster Service Workers*" reads:

"It is hereby declared that the protection of the health and safety ... is of paramount state importance ... all public employees are hereby declared to be disaster service workers subject to such disaster service activities as may be assigned to them by their superiors or by the law."

This means that as a public school employee, you are a Disaster Service Worker. In addition to your everyday duties, you have the extremely important duty of assisting during disasters.

School employees on duty at the time of a major disaster may be incorporated into the disaster response immediately. School employees not on duty at the time of a major disaster may be called into work to accept a disaster response assignment. Therefore, all school employees should take advance precautions to assure the safety of their homes and families, and to be comfortable during a prolonged duty assignment.

APPENDICES

CHILD ABUSE AND DEPENDENT ADULT ABUSE REPORTING REQUIREMENTS

California law requires that school employees who fall within certain statutorily defined categories be familiar with the laws relating to child abuse and dependent adult abuse reporting requirements. As a condition of employment you must sign a statement signifying that you have knowledge of the reporting requirements and will comply with them (Penal Code, Section 11166.5) and Welfare and Institutions Code, Section 15630).

Please read the material below and on the attached pages which explains your responsibilities regarding reporting any suspected instances of child and dependent adult abuse and the procedures for doing so. After you have done so, sign as indicated on the form.

Receipt and Acknowledgment of Child Abuse Reporting Requirements

Section 11166 of the Penal Code and Section 15630 of the Welfare and Institution Code require any child and dependent adult care custodian, medical practitioner, nonmedical practitioner, or employee of a child protective agency who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of abuse to report such known or suspected instance to a child protective agency or adult protective agency respectively immediately or as soon as practically possible by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

On the attached pages are copies of Penal Code Section 11166 and Welfare and Institution Code, Section 15630, which explain the procedure for reporting.

* * * * *

I have read the attached Penal Code Section 11166 and Welfare and Institution Code Section 15630 and I agree to comply therewith.

(Employee's Name – Please Print)

Date

Employee's Signature

WELFARE & INSTITUTIONS CODE SECTION 15630

(a) Any dependent adult care custodian, health practitioner, or employee of a county adult protective services agency or a local law enforcement agency, who in his or her professional capacity or within the scope of his or her employment, either has actual knowledge that a dependent adult has been the victim of physical abuse, or observed physical injury to a dependent adult under circumstances that are consistent with physical abuse, where the dependent adult's statements, or in the case of persons who have developmental disabilities, their statements or other corroborative evidence, indicate that abuse has occurred, shall report the known or suspected instance of physical abuse to the county adult protective services agency, or a local law enforcement agency immediately or as soon as possible by telephone, and shall prepare and send a written report thereof within 36 hours.

(b) Any care custodian, health practitioner, or employee of an adult protective services agency or local law enforcement agency who has knowledge of or reasonably suspects that other types of dependent abuse have been inflicted upon a dependent adult or that his or her emotional well-being is endangered in any other way, may report such known or suspected instance of abuse to an adult protective services agency or local enforcement agency.

(c) When two or more persons who are required to report are present and jointly have knowledge of a known or suspected instance of abuse of a dependent adult, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

(d) The reporting duties under this section are individual, and, no supervisor or administrator may impede or inhibit the reporting duties and no person making such a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established, provided they are not inconsistent with the provisions of this chapter.

(e) An adult protective services agency shall immediately or as soon as practically possible report by telephone to the law enforcement agency having jurisdiction over the case and to any public agency given responsibility for investigation in that jurisdiction of cases of dependent adult abuse, every known or suspected instance of dependent adult abuse. A county probation or welfare department shall also send a written report thereof within 36 hours of receiving the information concerning the incident to each agency to which it is required to make a telephone report under this subdivision.

A law enforcement agency shall immediately or as soon as practically possible report by telephone to the county welfare department and the agency given responsibility for the investigation of cases of dependent adult abuse every known or suspected instance of abuse of a dependent adult. A law enforcement agency shall also send a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report under this subdivision.

PENAL CODE SECTION 11166. REPORT; DUTY; TIME

(a) Except as provided in subdivision (b), any child care custodian, medical practitioner, or employee of a child protective agency who has knowledge or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse shall report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. For the purposes of this article, "reasonable suspicion" means that it is objectively reasonable for a person to entertain such a suspicion based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect child abuse.

(b) Any child care custodian, medical practitioner, nonmedical practitioner, or employee of a child protective agency who has knowledge of or who reasonably suspects that mental suffering has been inflicted on a child or his or her emotional well-being is endangered in any other way, may report such known or suspected instance of child abuse to a child protective agency.

(c) Any commercial film or photographic print processor who has knowledge of or observes within the scope of his or her professional capacity or employment, any film, video tape, negative or slide depicting a child under the age of 14 years engaged in an act of sexual conduct, shall report such instance of suspected child abuse to the law enforcement agency having jurisdiction over the case immediately or as soon as practically possible by telephone and shall prepare and send a written report of it with a copy of the film, photograph, video tape, negative or slide attached within 36 hours of receiving the information concerning the incident. As used in this subdivision, "sexual conduct" means any of the following:

- (1) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals.
- (2) Penetration of the vagina or rectum by any objects.
- (3) Masturbation, for the purpose of sexual stimulation of the viewer.
- (4) Sadoomasochistic abuse for the purpose of sexual stimulation of the viewer.
- (5) Exhibition of the genitals, pubic or rectal areas of any person for the purpose of sexual stimulation of the viewer.

(d) Any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of abuse may report the known or suspected instances of child abuse to a child protective agency.

(e) When two or more persons who are required to report are present and jointly have knowledge of a known or suspected instance of child abuse, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by such selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so, shall thereafter make the report.

(f) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties and no person making such a report shall be subject to

any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with the provisions of this article.

(g) A County probation or welfare department shall immediately or as soon as practically possible report by telephone to the law enforcement agency having jurisdiction over the case to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney's office every known or suspected instance of child abuse as defined in Section 11165, except acts or omissions coming within the provisions of paragraph (2) of subdivision (c) of Section 11165, which shall only be reported to the county welfare department. A county probation or welfare department shall also send a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report under this subdivision.

A law enforcement agency shall immediately or as soon as practically possible report by telephone to the county welfare department the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney's office every known or suspected instance of child abuse reported to it, except acts or omissions coming within the provisions of paragraph (2) of subdivision (c) of Section 11165, which shall only be reported to the county welfare department. A law enforcement agency shall also send a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report under this subdivision.

WILLIAM D. DAWSON
ACTING STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

LO: 3-93

THIS LEGAL ADVISORY
REPLACES LO: 2-93
DATED MAY 3, 1993.

PLEASE DESTROY LO: 2-93.

LEGAL ADVISORY

DATE: May 14, 1993

CALIFORNIA STATE DEPARTMENT OF EDUCATION

CONTACT: Carolyn Pirillo
Gregory J. Roussere

721 Capitol Mall, Sacramento, CA 95814

PHONE: (916) 657-2453

TO : County and District Superintendents of Schools

FROM : Office of the General Counsel
Legal and Audits Branch

SUBJECT : GUIDELINES FOR PARENTS TO REPORT SUSPECTED CHILD ABUSE
BY SCHOOL DISTRICT EMPLOYEES OR OTHER PERSONS AGAINST
A PUPIL AT A SCHOOL SITE

INTRODUCTION

AB 2232 (Statutes of 1991, Chapter 1102) requires that the California Department of Education (CDE) prepare guidelines for dissemination by school districts or county offices of education to parents or guardians to advise them of procedures for reporting abuse of a child by a school district employees or other persons that occurs at a school site.

The information on the procedures to report child abuse shall be available upon the request of a parent or guardian and must be printed in the primary language of the parent or guardian. School districts may also distribute this information to parents.

AB 2232 also requires that local child protective agencies investigate and report substantiated incidents to the governing board of school districts or county offices of education.

This advisory will provide the definition of child abuse and identify the responsible agencies for parents to report suspected child abuse.

WHAT IS CHILD ABUSE AND WHAT IS NOT CHILD ABUSE

The following information, taken from Penal Code sections 273a, 273d, and 11165.6, will assist parents or guardians in reaching the decision whether to file a complaint of suspected child abuse.

Child abuse is a physical injury which is inflicted by other than accidental means on a child by another person.

It also means the sexual abuse of a child.

It also means willful cruelty or unjustifiable punishment of a child, or willfully inflicting unjustifiable physical pain or mental suffering, or failure to safeguard a child from these injuries when the child is under a person's care or custody.

It also means unlawful corporal punishment or injury resulting in a traumatic condition.

Child abuse also means neglect of a child or abuse in out-of-home care. (Out-of-home care is defined in Penal Code Section 11165.5 as a situation where the person responsible for the child's welfare is a licensee, administrator, or employee of any facility licensed to care for children, or an administrator or employee of a public or private school or other institution or agency.)

Child abuse does not mean a mutual affray or fight between minors.

It also does not include an injury caused by the actions of a peace officer using reasonable and necessary force:

- 1) To quell a disturbance threatening physical injury to persons or damage to property;
- 2) To prevent physical injury to person or damage to property;
- 3) For purposes of self-defense;
- 4) To obtain possession of weapons or other dangerous objects within the control of a child; or
- 5) To apprehend an escapee.

In addition, child abuse does not include injury caused by any force that is reasonable and necessary for person employed by or engaged in a public school:

- 1) To stop a disturbance threatening people or damage to property;
- 2) For purposes of self-defense; or
- 3) To obtain possession of weapons or other dangerous objects within control of a pupil (see Education Code sections 44807 and 49001).

HOW TO FILE A COMPLAINT OF CHILD ABUSE BY SCHOOL DISTRICT EMPLOYEES OR OTHERS AT SCHOOL SITES

The parent or guardian of a pupil has the right to file a complaint against a school district employee or other person that they suspect has engaged in abuse of a child at a school site.¹

To ensure that an appropriate investigation takes place, the parent or guardian must file a verbal or written complaint with the local child protective agency, school district or county office of education.

As defined in the Child Abuse and Neglect Reporting Act of 1987, a child protective agency is:

- 1) A police or sheriff's department;
- 2) A County probation department; or
- 3) A county welfare department/child protective services.

These agencies are listed in local telephone directories under government listings. Police will be found under city government listings; sheriffs, probation, welfare departments and child protective services will be found under county government listings.

The local child protective agency shall investigate the complaint (Penal Code Section 11165.14). If the complaint is substantiated, the local child protective agency is required to forward a copy of the investigation report to the governing board of the local school district or county office of education (Penal Code Section 11165.14).

Child protective agencies are also required to report every known or suspected instance of child abuse to the law enforcement agency having jurisdiction over the case and to the district attorney (Penal Code Section 11166(g)).

NOTICE

THE GUIDANCE IN THIS ADVISORY IS NOT BINDING ON LOCAL EDUCATIONAL AGENCIES OR OTHER ENTITIES. EXCEPT FOR THE STATUTES AND REGULATIONS THAT ARE REFERENCED HEREIN, THIS ADVISORY IS EXEMPLARY, AND COMPLIANCE WITH IT IS NOT MANDATORY. (See Education Code § 33308.5)

¹ In addition, if the child is also disabled and enrolled in special education, a separate complaint may be filed with the CDE under Title 5 of the California Code of Regulations, section 4650(a)(vii)(C). This state regulation requires the CDE to investigate allegations that the child may be in immediate physical danger or that the health, safety, or welfare of the child is threatened.

4000 PERSONNEL

4100 ALL PERSONNEL

4130 COMPLAINTS

4131 COMPLAINTS CONCERNING SCHOOL PERSONNEL

It is the policy of the Superintendent/Governing Board to support employees in such a manner that they are not subject to unnecessary criticism and complaints.

The Superintendent shall develop procedures, which permit parents or guardians of pupils to lodge complaints against staff members. Such procedures shall insure complete investigation and disposition of all complaints while protecting the rights of staff members and the Marin County Office of Education.

References: Education Code 35160 – 35160.1

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education 8/10/99

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE REGULATIONS AND PROCEDURES

COMPLAINTS CONCERNING SCHOOL PERSONNEL
(Board Policy 4131)

These administrative regulations and procedures shall not apply to a complaint, which arises, from the application and/or interpretation of Superintendent/Governing Board Policies 4112 and 4140 or any collective Bargaining Agreement.

DEFINITIONS

Complaint – A parent or guardian of pupils in Marin County Office of Education programs lodging a complaint against an employee.

Immediate Supervisor – The certificated or classified manager supervising the employee.

Working Day – A day on which the Marin county Office of Education is open for business.

MISCELLANEOUS PROVISIONS

The primary purpose of these procedures is to secure, at the earliest possible level, an equitable solution to a complaint.

Except as required by due process, all discussions, notes and other written documents pertaining to a complaint shall be kept confidential by all parties involved in this procedure.

Complainant and accuse may appear with a representative, if desired, at all levels.

In the event that the complaint fails to exhaust all remedies under complaint procedures provided herewith, or to abide by all time limits with respect to each level, the complaint shall be presumed to be abandoned, and the matter shall be considered settled in accordance with the last answer thereto. In the event any level fails to give its answer within time limits prescribed, the complainant shall have the right to proceed immediately to the next level. Any time limit may be extended by written mutual agreement of parties.

Any settlement of complaint shall be applicable to the complaint only, and shall not be binding authority for disposition of any other complaint.

PROCEDURE

Informal

1. Complainant should first discuss the issue with the person against whom the complaint is lodged.

2. In the event the matter is not resolved informally within a reasonable time, the complaint may appeal to Level 1.

Level I – Immediate Supervisor

1. The complaint shall be submitted in writing to the employee's immediate supervisor and a copy given to the employee involved. Failure of the complainant to put the complaint into written form will forfeit further consideration of the matter.
2. Within ten (10) working days after receipt of the complaint, the immediate supervisor shall investigate the complaint including giving the complainant and the employee a reasonable opportunity to be heard.
3. Within fifteen (15) working days after receiving the complaint, the immediate supervisor shall submit a decision in writing, together with supporting reasons, to the complainant and the employee.

Level II – Division Deputy/Assistant Superintendent

1. Within ten (10) working days after receiving the decision of the immediate supervisor, the complainant or employee may appeal the decision of Level I to the Division Deputy/Assistant Superintendent. The appeal shall be in writing and shall be accompanied by a copy of the decision at Level I.
2. Within ten (10) working days after receipt of the appeal, the Division Deputy/Assistant Superintendent shall investigate the complaint, including giving all persons who participated in Level I a reasonable opportunity to be heard.
3. Within fifteen (15) working days after receiving the appeal, the Division Deputy/Assistant Superintendent shall submit a decision in writing, together with supporting reasons, to the complainant, employee and immediate supervisor.

Level III – Superintendent/Governing Board

1. Within ten (10) working days after receiving the decision of the Deputy/Assistant Superintendent, the complainant or employee may appeal the decision of Level II to the Superintendent/Governing Board. The appeal shall be in writing, shall be accompanied by a copy of the decision at Level II and shall be delivered to the Superintendent.
2. At its next regularly scheduled meeting, in closed session, the Superintendent/Governing Board shall determine whether or not a hearing will be granted. If a hearing is granted, the date, nature and extent of the hearing shall be determined by the Superintendent/Governing Board. Unless requested otherwise by the employee, the hearing shall be held in closed session. If a hearing is not granted, the matter shall be considered settled in accordance with the last answer thereto.

3. Within twenty (20) days after the hearing, if granted, the Superintendent/Governing Board shall render its decision in writing, together with supporting reasons, to the complainant, employee and Division Deputy/Assistant Superintendent. The decision of the Superintendent/Governing Board shall be final.

1501

1000 COMMUNITY RELATIONS

1500 COMPLAINTS

1501 UNIFORM COMPLAINT PROCEDURES

The Superintendent/Governing Board recognizes that the Marin County Board of Education (MCOE) has primary responsibility for insuring that it complies with state and federal laws and regulations governing educational programs operated by the Marin County Office of Education. The Superintendent or his designee shall investigate and seek to resolve complaints at the local level, in accordance with applicable laws and administrative regulations.

The Superintendent or designee shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination, harassment, intimidation and bullying against any protected group as identified under Education Code 200 and 220 and Government Code 11135, including actual or perceived sex, sexual orientation, gender, gender identity, gender expression, ethnic group identification, race, nationality and ethnicity, ancestry, national origin, religion, color, mental or physical disability, medical condition, genetic condition, marital status, age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any Marin County Office of Education program or activity that receives or benefits from state financial assistance. A statement that unlawful discrimination, harassment, intimidation and bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation and bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation and bullying. (5 CCR § 4630.)

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and career technical and technical training programs, child care and development programs, child nutrition programs, and special education programs.

Complaints related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies and misassignments shall be investigated pursuant to the Marin County Office of Education's Williams uniform complaint procedure.

The Superintendent/Governing Board encourages the early, informal resolution of complaints at the site level whenever possible.

The Superintendent/Governing Board acknowledges and respects every individual's right to privacy. Discrimination, harassment, intimidation and bullying complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process or to comply with contractual, statutory, or constitutional due process. This may include keeping the identity of the complainant confidential, as appropriate and except to the extent necessary to

carry out the investigation or proceedings, as determined by the Superintendent or designee, on a case-by-case basis.

The Superintendent/Governing Board prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of discrimination, harassment, intimidation and bullying. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

The Superintendent/Governing Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate that process. The Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations.

Uniform complaint procedures shall also be used to address any complaint alleging the district's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, the requirements for the development and adoption of a school safety plan, and state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs.

Complainants have the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation and bullying laws. (5 CCR § 4622.)

References:

cf. 0410 – Nondiscrimination in District Programs and Activities
 cf. 1312.1 – Complaints Concerning District Employees
 cf. 1312.2 – Complaints Concerning Instructional Materials
 cf. 3553 – Free and Reduced Price Meals
 cf. 4031 – Complaints Concerning Discrimination in Employment
 cf. 5141.4 – Child Abuse Prevention and Reporting
 cf. 5148 – Child Care and Development
 cf. 6159 – Individualized Education Program
 cf. 6171 – Title I Programs
 cf. 6174 – Education for English Language Learners
 cf. 6175 – Migrant Education Program
 cf. 6178 – Vocational Education
 cf. 6200 – Adult Education

Education Code:

200-262.4 – Prohibition of discrimination
 8200-8498 – Child care and development programs
 8500-8538 – Adult Basic Education
 18100-18203 – School Libraries

32289 – School Safety Plan, Uniform Complaint Procedure
 35186 – Williams Uniform Complaint Procedure
 41500-41513 – Categorical Education Block Grants
 48985 – Notices in Language Other Than English
 49060-49079 – Student Records
 49490-49590 – Child Nutrition Programs
 52160-52178 – Bilingual Education Programs
 52300-52499.6 – Career-Technical Education
 52500-52616.24 – Adult Schools
 52800-52870 – School-Based Coordinated Programs
 54000-54028 – Economic Impact Aid Programs
 54100-54145 – Miller-Unruh Basic Reading Act
 54400-54425 – Compensatory Education Programs
 54440-54445 – Migrant Education
 54460-54529 – Compensatory Education Programs
 56000-56885 – Special Education Programs
 59000-59300 – Special Schools and Centers
 64000-64001 – Consolidated Application Process

Code of Regulations, Title 5:

3080 – Application of Section
 4600-4687 – Uniform complaint procedures
 4900-4965 – Nondiscrimination in Elementary and Secondary Education Programs

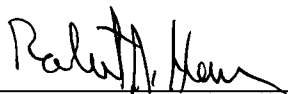
Penal Code:

422.6 – Interference with constitutional Right or Privilege

United States Code, Title 20:

6301-6577 – Title I Basic Programs
 6601-6777 – Title II Preparing and Recruiting High Quality Teachers and Principals
 6801-6871 – Title III Language Instruction for Limited English Proficient and Immigrant Students
 7101-7814 – Safe and Drug-Free Schools and Communities Act
 7201-7283g – Title V Promoting Informed Parental Choice and Innovative Programs
 7301-7372 – Title V Rural and Low-Income School Programs

Approved as to form:



Robert J. Henry, of Counsel

Approved by the

Marin County Board of Education: 3/13/07; 7/10/12; 6/11/13

**MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE RULES AND REGULATIONS**

UNIFORM COMPLAINT PROCEDURES
(Board Policy 1501)

The Marin County Governing Board designates the following compliance officer to receive and investigate complaints and to ensure district compliance with law:

Deputy Superintendent

Marin County Office of Education
1111 Las Gallinas Avenue
San Rafael, CA 94903

(415) 499-5803

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

Notifications

The Superintendent or designee shall annually provide written notification of the Marin County Office of Education's uniform complaint procedures to students, employees, parents/guardians, school and district advisory committees, appropriate private school officials or representatives, and other interested parties.

The Superintendent or designee shall make available copies of the Marin County Office of Education's uniform complaint procedures free of charge.

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies

4. Include statements that:

- a. The Marin County Office of Education is primarily responsible for compliance with state and federal laws and regulations
- b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline
- c. An unlawful discrimination complaint must be filed not later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination
- d. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 days of receiving the district's decision
- e. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision

Procedures

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Step 1: Filing of Complaint

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the district.

A complaint alleging unlawful discrimination shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination.

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.

Step 2: Mediation

Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

Step 3: Investigation of Complaint

The compliance officer is encouraged to hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation.

The district's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

Step 4: Response

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #5 below, within 60 days of the district's receipt of the complaint.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant.

Step 5: Final Written Decision

The district's decision shall be in writing and sent to the complainant.

The district's decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

The decision shall include:

- a. The findings of fact based on the evidence gathered
- b. The conclusion(s) of law
- c. Disposition of the complaint
- d. Rationale for such disposition
- e. Corrective actions, if any are warranted
- f. Notice of the complainant's right to appeal the district's decision within 15 days to the CDE and procedures to be followed for initiating such an appeal
- g. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies

If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the CDE within 15 days of receiving the district's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision.

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE:

1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's complaint procedures
7. Other relevant information requested by the CDE

The CDE may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists, including cases in which the district has not taken action within 60 days of the date the complaint was filed with the district.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4522.

Approved by the Marin County Board of Education: 3/13/07; 7/10/12

4140

4000 PERSONNEL

4100 ALL PERSONNEL

4140 FREEDOM FROM SEXUAL HARASSMENT

It is the intent of the Superintendent/Governing Board that the Marin County Office of Education learning and working environments shall be free from sexual harassment. It shall be a violation of this policy for any member of the school community to harass any other member through conduct or communications of a sexual nature. Members of the school community include: staff, students, Board members, contracted employees, volunteers, and visitors.

Sexual harassment consists of unwelcome and repeated sexual advances, requests for sexual favors and other inappropriate conduct of a sexual nature when made by or between any member of the school community when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment, or when
2. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual, or when
3. Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, offensive or otherwise detrimental environment.
4. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

Sexual harassment, as defined above, may include, but is not limited to, unwelcome and repeated:

1. Sex-oriented verbal "kidding", abuse or harassment;
2. Pressure for sexual activity;
3. Remarks or jokes to a person, with sexual or demeaning implications;

4000 PERSONNEL

4100 ALL PERSONNEL

4140 FREEDOM FROM SEXUAL HARASSMENT (concluded)

4. Touching, such as patting, pinching or brushing against another's body;
5. Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, employment status or similar personal concerns.
6. Display of written or printed material or electronically submitted material of a sexually explicit or pornographic nature.

The Superintendent shall prepare administrative regulations and procedures to implement this policy which shall include complete investigation and disposition of all complaints while protecting the rights of those involved.

Filing Complaints with State and Federal Agencies

Aggrieved parties may wish to file complaints with other appropriate state and federal agencies, including:

U.S. Office for Civil Rights
50 United Nations Plaza, Room 239, San Francisco, CA 94102 (415) 556-7000

The State Fair Employment and Housing Commission
30 Van Ness Avenue, San Francisco, CA 94102, (415) 557-2005.

Special Assistance

It is expected that questions may arise concerning this policy. For assistance in these matters, individuals may contact the Superintendent/ or designee.

References: Education Code 200, 210-212.5

Approved as to form:

Steve Raab
Deputy County Counsel

Approved by
Mann County Board of Education - 8/8/89; 6/24/97; 6/28/05

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE REGULATIONS AND PROCEDURES

FREEDOM FROM SEXUAL HARASSMENT

(Board Policy 4140)

These administrative regulations and procedures shall not apply to a complaint which arises from the application and/or interpretation of Superintendent/Governing Board Policies 4112 and 4131 or any Collective Bargaining Agreement.

DEFINITIONS

Member of the School Community - An employee, Board member, volunteer, student or a student's parent/guardian acting on his/her behalf, contracted employee, and visitor.

Complainant - A member of the school community alleging that a violation of Policy 4140 has taken place.

Responsible Administrator/Manager - The certificated or classified manager supervising the program or department in which complainant is employed or volunteers, or the administrator of the program in which the student is enrolled.

Working Day - A day on which the Marin County Office of Education is open for business.

MISCELLANEOUS PROVISIONS

The primary purpose of these procedures is to inform members of the school community and to secure, at the earliest level possible, an equitable solution to a complaint.

To the extent permitted by applicable law and policies of the Marin County Board of Education, all discussions, notes and other written documents pertaining to a complaint shall be kept confidential by all parties involved in this procedure.

In the event that the complaint is against the individual responsible for the complaint procedure at any level, the complainant may address the complaint directly to the next level.

Complainant and accused may appear with a representative, if desired, at all levels.

There shall be no reprisals of any kind against any complainant or his/her authorized representative(s) because of his/her participation in the complaint process.

In the event the complainant fails to exhaust all remedies under complaint procedures provided herewith, or to abide by the time limits with respect to each level, the complaint shall be presumed to be abandoned as to the complainant. The Marin County Office of Education reserves the right to proceed with its own review and determination. In the event any level fails to give its answer within time limits prescribed, the complainant shall have the right to proceed immediately to the next level. Any time limit may be extended by written mutual agreement of parties.

6/24/97

STUDENT, STAFF AND VOLUNTEER PROCEDURE

Any settlement of a complaint shall be applicable to the complaint only, and shall not be binding authority for disposition of any other complaint and shall not preclude the Marin County Office of Education from pursuing its own determination and remedies.

InformalStudent

The student or his/her parent or guardian should first discuss the issue with the teacher. If the complaint is against the teacher, complainant should discuss the issue with the program administrator.

Staff, Volunteer, Contracted Employee, Visitor

The staff member, volunteer, contracted employee, or visitor should first discuss the issue with the person to whom they are responsible. If the complaint is against that person, complainant should discuss the issue with the person next higher in line of authority over the program or department in which the complainant serves. If the complaint is against the Superintendent or a Board member, complainant should discuss the issue with the Division Deputy/Assistant Superintendent.

In the event the matter is not resolved informally within a reasonable time, the complainant may appeal to Level I.

Level I - Immediate Supervisor

1. The complaint shall be submitted in writing to the immediate supervisor and a copy given to the accused. Failure of the complainant to put the complaint into written form will forfeit further consideration of the matter.
2. Within ten (10) working days after receipt of the complaint, the immediate supervisor shall investigate the complaint, including giving the complainant and the accused a reasonable opportunity to be heard.
3. Within fifteen (15) working days after receiving the complaint, the immediate supervisor shall submit a decision in writing, together with supporting reasons, to the complainant and the accused.

Level II - Division Deputy/Assistant Superintendent

1. Within ten (10) working days after receiving the decision of the immediate supervisor, the complainant or accused may appeal the decision of Level I to the Division Deputy/Assistant Superintendent. The appeal shall be in writing and shall be accompanied by a copy of the decision at Level I.

2. Within ten (10) working days after receipt of the appeal, the Division Deputy/Assistant Superintendent shall investigate the complaint, including giving all persons who participated in Level I a reasonable opportunity to be heard.

3. Within fifteen (15) working days after receiving the appeal, the Division Deputy/Assistant Superintendent shall submit a decision in writing, together with supporting reasons, to the complainant, accused and immediate supervisor.

Level III - Superintendent/Governing Board

1. Within ten (10) working days after receiving the decision of the Deputy/Assistant Superintendent, the complainant or accused may appeal the decision of Level II to the Superintendent/Governing Board. The appeal shall be in writing, shall be accompanied by a copy of the decision of Level II and shall be delivered to the Superintendent.

2. At its next regularly scheduled meeting, in closed session, the Superintendent/Governing Board shall determine whether or not a hearing will be granted. If a hearing is granted, the date, nature and extent of the hearing shall be determined by the Superintendent/Governing Board. Unless requested otherwise by both complainant and accused, the hearing shall be held in closed session. If a hearing is not granted, the matter shall be considered settled in accordance with the last answer thereto.

3. Within twenty (20) days after the hearing, if granted, the Superintendent/Governing Board shall render its decision in writing, together with supporting reasons, to the complainant, accused and Division Deputy/Assistant Superintendent. The decision of the Superintendent/Governing Board shall be final.

DISCIPLINE

1. A substantiated charge against a Marin County Office of Education employee or volunteer will subject such employee or volunteer to disciplinary action, up to and including dismissal.

2. A substantiated charge against a student in Marin County Office of Education programs will subject the student to disciplinary action, up to and including suspension or expulsion, consistent with student disciplinary policies.

BOARD MEMBER PROCEDURE

Level I

If the charge is against an employee, volunteer or student, the Board member should first discuss the issue with the Superintendent. If the complaint is against the Superintendent or another Board member, complainant should discuss the matter with the Board President. If the complaint is against the Board President, complainant should discuss the matter with the Board Vice President.

In the event the matter is not resolved at Level I, the complainant may appeal to Level III.

6/24/97

4000 PERSONNEL

4100 ALL PERSONNEL

4141 ADULT SEXUAL AND GENDER-BASED HARASSMENT

Purpose of Policy

It is the position of the Superintendent/Governing Board of the Marin County Office of Education that sexual or gender-based harassment is unlawful and will not be tolerated. It is a violation of this policy for any employee, agent, student, or party with which the district has a cooperative agreement, to engage in sexual or gender-based harassment.

It is the policy of the Superintendent/Governing Board of the Marin County Office of Education to provide an employment environment free of sexual or gender-based harassment. To accomplish this, the policy is designed to secure, at the earliest level possible, an appropriate resolution to incidents and allegations of harassment.

This policy is intended to supplement, and not replace, any applicable state or federal laws and regulations. Complaints under these laws and regulations shall be processed through the procedures established by the appropriate state and/or federal agencies.

Definitions of Sexual and Gender-Based Harassment

For the purposes of this policy, sexual harassment is defined by Education Code Section 212.5, "Sexual harassment means unwelcome sexual conduct including, advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature, made by someone from or in the work or educational setting.

Gender-based harassment includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, although they are not necessarily sexual in nature. Prohibited conduct includes harassment of a student for exhibiting what is perceived as a stereotypical characteristic for her or his sex, or for nonconformity with stereotypical notions of masculinity and femininity.

Sexual and/or gender-based harassment denies or limits a student's ability to participate in or benefit from the Marin County Office of Education's school programs under any of the following conditions:

(a) Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress.

(b) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.

(c) The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.

(d) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution."

Specifically, sexual or gender-based harassment may occur as a pattern of degrading sexual and gender-based speech or actions ranging from verbal or physical annoyances or distractions to deliberate intimidations and frank threats or sexual demands.

Examples of conduct which may constitute sexual harassment include, but are not limited to:

- (1) Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assault, touching, impeding or blocking movement, leering, gesture, display of sexually suggestive objects or pictures, or cartoons, whether conducted in person or through an electronic means.
- (2) Among peers, continuing to express sexual interest after being informed that the interest is unwelcome.
- (3) Within the employment environment, implying or actually withholding satisfactory evaluations or suggesting that promotion or favorable evaluations will be denied as a condition of receiving sexual favors.
- (4) Offering favors or employment benefits, such as promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

Examples of conduct with may constitute gender-based harassment include, but are not limited to:

- (1) Slurs, threats, derogatory comments, unwelcome jokes, or degrading descriptions related to or because of a student's gender or gender identity.
- (2) Harassment of a student because of his/her perceived effeminate/masculine mannerisms.

- (3) Harassment of a student because of his/her non-traditional choice of extracurricular activities, apparel, and personal grooming choices.
- (4) Disparaging remarks about a student because the student socializes with students of the opposite sex, or is predominately friends with students of the opposite sex.

Remedial and Corrective Actions

Where unlawful sexual or gender-based harassment is found to have occurred, the Marin County Office of Education will take appropriate remedial and/or corrective action(s), including consideration of the following: providing counseling to a targeted individual or individual(s) found to have engaged in harassment; limiting the interaction between the targeted student(s) and the individual(s) found to have engaged in the harassment; whether remedial measures are necessary to respond to the impact of the harassing conduct on witnesses or bystanders; and whether other schoolwide actions, such as education and training, are appropriate to respond to the harassing conduct and prevent a recurrence.

Administrative Regulations

The Superintendent/Governing Board shall adopt, and from time to time may revise, further procedures as may be necessary to implement this policy and provide for a means of enforcing this policy.

Training and Curriculum

To implement this policy, the Marin County Office of Education will provide appropriate training programs for staff (and students.) Employees in a supervisory capacity will be trained, as required by law, at least every two (2) years beginning January 1, 2006. Teachers are not considered to be supervisory.

Notification

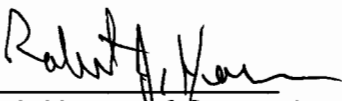
There will be adequate notification of the policy to include public posting. The policy will be published in site handbooks and/or the Marin County Office of Education Personnel Handbook.

Special Assistance

It is expected that questions may arise concerning this policy. For assistance in these matters, individuals may contact the Superintendent or designee.

Legal Reference:
Title VII of the Civil Rights Act
42 USC Section 2000-e-2(a)(1)
California Fair Employment and Housing act
Government Code section 12940
Education Code section 212.5
Government Code section 12950.1

Approved as to form:



Robert J. Henry, of Counsel

Approved by Marin County Office of Education: 6/11/13

ADMINISTRATIVE REGULATION 4141**ADULT SEXUAL AND GENDER-BASED HARASSMENT****Reporting Procedure**

Any employee who believes he or she has been sexually harassed by an employee, agent, student or guest/vendor of the Marin County Office of Education should report the facts of the incident(s) to the site administrator or supervisor. If the site administrator or supervisor is the alleged harasser, the employee should report to the Superintendent/or designee. A written report of the alleged incident will be filed and forwarded to the Superintendent. A copy of Board policy will be provided to the employee who makes the complaint.

Employees who feel aggrieved because of unwelcome conduct that may constitute sexual or gender-based harassment are not required to inform the person that the conduct is unwanted, offensive, and must stop, but are encouraged to do so. An aggrieved individual is not required to complain to his or her supervisor if that supervisor is the individual who is harassing them.

Filing Complaints with State and Federal Agencies

Aggrieved parties may wish to file complaints with other appropriate state and federal agencies, including:

Equal Employment Opportunity Commission
901 Market Street, San Francisco, CA 94103 (415) 356-5061

The State Fair Employment and Housing Commission
30 Van Ness Avenue, San Francisco, CA 94102, (415) 557-2005.

U.S. Department of Education, Office of Civil Rights
50 Beale Street, Suite 7200, San Francisco, CA 94105-1813, (415) 486-5555

Confidentiality

An allegation of sexual or gender-based harassment and the results of the investigation shall be kept confidential to the extent reasonably possible under the investigation process. The site administrator will inform the employee making the report that the allegation and the results of the investigation shall be kept confidential to the extent reasonably possible under the investigation process. In addition, witnesses and those interviewed shall be informed of the confidential nature of the issue and the investigation, as well as the reason for confidentiality. The alleged harasser will also be informed as to the confidential nature of the procedure. Anyone violating confidentiality by disclosing the nature of the allegation or the investigation to others shall be subject to disciplinary action.

Retaliation is Prohibited

So long as the allegation is not brought forward in bad faith, the initiation of an allegation of sexual or gender-based harassment will not cause any reflection on the individual reporting the incident or witnesses nor will it affect such persons' future business dealings with the Marin County Office of Education, his or her employment, compensation or work assignments, or other matters pertaining to his or her status in any Marin County Office of Education programs or activities. It shall be a violation of this policy to engage in such retaliation. An allegation of retaliation shall be considered as a separate incident, shall be investigated, and shall be subject to disciplinary action as defined in this policy.

The Marin County Office of Education will take reasonable measures to prevent retaliation against any target student(s) and/or any other student(s) who provide information as witnesses, including identifying school personnel to make follow-up inquiries with the targeted student(s), witness(es) and/or their parents.

Time Limits

Allegations of sexual or gender-based harassment shall be reported as soon as reasonably possible after the conduct in question has taken place.

Disciplinary Action

Employees who violate this policy shall be subject to disciplinary action up to and including dismissal. Such disciplinary action will be in accordance with applicable policies, laws, and/or collective bargaining agreements.

When disciplinary action is necessary the Superintendent/or designee will be consulted to determine what course of action is appropriate.

Investigation

The Superintendent/or designee is authorized to develop regulations by which reports of sexual or gender-based harassment shall be addressed. Such process shall include an informal resolution process, an investigation, and issuance of a summary report.

Appeal Procedure

Either the complaining party or the accused may appeal the summary report to the Superintendent/Governing Board of the Marin County Office of Education. Appeals should be made within 10 business days from the date of the issuance of the summary report. Procedures shall be set forth in the Administrative Regulations.

5000 STUDENTS

5200 STUDENT WELFARE

5205 STUDENT SEXUAL AND GENDER-BASED HARASSMENT

Purpose of Policy

It is the policy of the Superintendent/Governing Board of the Marin County Office of Education to provide an educational environment free of sexual or gender-based harassment. To accomplish this purpose, the policy is designed to secure, at the earliest level possible, an appropriate resolution to an allegation of sexual or gender-based harassment.

This policy is intended to supplement, and not replace, any applicable state or federal laws and regulations. Complaints under these laws and regulations shall be processed through the procedures established by the appropriate state and/or federal agencies.

It is the position of this Superintendent/Governing Board that sexual or gender-based harassment is unlawful and will not be tolerated. It is a violation of this policy for any employee, agent, student, or party with which the Marin County Office of Education has a cooperative agreement, to engage in sexual or gender-based harassment.

Definitions of Sexual and Gender-Based Harassment

As it pertains to students, Education Code Section 212.5 defines "sexual harassment" as "unwelcome sexual conduct including advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting.

Gender-based harassment includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, although they are not necessarily sexual in nature. Prohibited conduct includes harassment of a student for exhibiting what is perceived as a stereotypical characteristic for her or his sex, or for nonconformity with stereotypical notions of masculinity and femininity.

Sexual and/or gender-based harassment denies or limits a student's ability to participate in or benefit from the District's school's program under any of the following conditions:

(a) Submission to the conduct is explicitly or implicitly made a term or condition of an individual's academic status or progress.

(b) Submission to, or rejection of, the conduct by the individual is used as the basis of academic decisions affecting the individual.

(c) The conduct has the purpose or effect of having a negative impact upon the individual's academic performance, or of creating an intimidating, hostile, or offensive educational environment.

(d) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution."

Specifically, sexual or gender-based harassment may occur as a pattern of degrading sexual speech or actions ranging from verbal or physical annoyances or distractions to deliberate intimidations and frank threats or sexual demands.

Examples of conduct which may constitute sexual harassment include, but are not limited to:

- (1) Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assault, touching, impeding or blocking movement, leering, gestures, display of sexually suggestive objects or pictures, or cartoons, whether conducted in person or through an electronic means.
- (2) Among peers, continuing to show sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction, among peers, is not considered sexual or gender-based harassment.)
- (3) Within the educational environment, implying or actually withholding grades earned or deserved; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship recommendation or college application will be denied as a condition of receiving sexual favors.
- (4) Within the educational environment, engaging in sexual behavior to control influence, or affect the educational opportunities, grades, and/or learning environment of a student.
- (5) Offering favors or education or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

Any expression of sexual interest between adults and students, regardless of reciprocity is considered inappropriate and shall be subject to discipline under applicable state law.

Examples of conduct which may constitute gender-based harassment include, but are not limited to:

- (1) Slurs, threats, derogatory comments, unwelcome jokes, or degrading descriptions related to or because of a student's gender or gender identity.
- (2) Harassment of a male student because of his perceived effeminate mannerisms.
- (3) Harassment of a student because of his/her non-traditional choice of extracurricular activities, apparel, and personal grooming choices.
- (4) Disparaging remarks about a student because the student socializes with students of the opposite sex, or is predominately friends with students of the opposite sex;

Definition of Hostile Environment

A hostile environment based on sex or gender has been created where the conduct is sufficiently serious to interfere with or limit a student's ability to participate in or benefit from the school's program. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical.

Remedial and Corrective Actions

Where unlawful sexual or gender-based harassment is found to have occurred, the Marin County Office of Education will take appropriate remedial and/or corrective action(s), including consideration of the following: providing counseling to a targeted student or for student(s) found to have engaged in harassment; limiting the interaction between the targeted student(s) and the harassing student(s); whether remedial measures are necessary to respond to the impact of the harassing conduct on witnesses or bystanders; and whether other schoolwide actions, such as education and training, are appropriate to respond to the harassing conduct and prevent a recurrence.

Training and Curriculum

To implement this policy, the Marin County Office of Education will provide appropriate training programs for staff and students.

Notification

There will be adequate notification of the policy to include permanent posters in public areas, offices, and hallways. The policy will be published in Marin County Office of Education handbooks and other appropriate materials for employees.

Administrative Regulation

The Superintendent/Governing Board shall adopt, and from time to time may revise, further procedures as may be necessary to implement this policy and provide for a means of enforcing this policy. Such further procedures may include the following: posting and other means of distributing the policy; a process under which complaints will be handled, formally or informally, an explanation of possible civil proceedings and potential legal consequences of sexual or gender-based harassment. The Superintendent will initiate training and education programs to enable all persons, and in particular, supervisors, to better understand the problem of sexual or gender-based harassment. In addition, the Superintendent shall designate appropriate employees to enforce or administer this policy within the Marin County Office of Education and shall provide for appropriate training for Principal/Program Managers and other supervisory personnel on an annual basis.

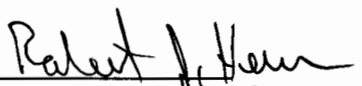
Special Assistance

It is expected that questions may arise concerning the interpretation of the prohibition against sexual or gender-based harassment, the methods and procedures to be following in the investigation of complaints, and the appropriateness of specific solutions in disposition of complaints. For assistance in these matters, individuals may contact the Superintendent or designee.

Current Legal references barring sexual or gender-based harassment in education:

Title VII of the Civil Rights Act – 42 USC Section 2000-e-2(a)(1)
 California Fair Employment & Housing Act – Government Code Section 12940
 Title IX of the Education Amendments of 1972 29 USC Section 1681 et. seq.
 California Education Code, Section 200 et seq.

Approved as to form:


 Robert J. Henry of Counsel

Approved by Marin County Board of Education: 6/11/13

ADMINISTRATIVE REGULATION 5205 STUDENT SEXUAL AND GENDER-BASED HARASSMENT

Reporting Procedure

Any student who believes he or she has been sexually harassed by an employee, agent, or student of the Marin County Office of Education, should promptly report the facts of the incident(s) and the name of the individual(s) involved to an adult staff member with whom they feel comfortable, and that person shall report the incident to the school site administrator or Superintendent/or designee within 24 hours. A written report of the alleged incident will be developed by the site administrator or Superintendent/or designee. A copy of the report, along with a copy of this policy, shall be mailed to the parent of the student who initiated the complaint.

All staff, upon personal knowledge of an incident of sexual or gender-based harassment or who have received report(s) or information of allegation(s) of sexual or gender-based harassment, whether such incidents are verbal or physical or amount to harassment in other forms are obligated to report it to the school principal or Superintendent.

Students who feel aggrieved because of unwelcome conduct that may constitute sexual or gender-based harassment are not required to inform the person engaging in such conduct that the conduct is unwanted, offensive and must stop, but are encouraged to do so. An aggrieved individual is not required to complain to his or her instructor if that instructor is the individual who is harassing the student. Any individuals making a report may bring an advocate to assist them.

Confidentiality

An allegation of sexual or gender-based harassment and the results of the investigation shall be kept confidential to the extent reasonably possible under the investigative process. Witnesses and those interviewed shall be informed of the confidential nature of the issues and the investigation, and shall be informed that it will be a violation of this administrative regulation to disclose the allegation or the nature of the investigation to others and shall be subject to disciplinary action as defined in this policy.

Retaliation is Prohibited

So long as the allegation is not brought forward in bad faith, the initiation of an allegation of sexual or gender-based harassment, will not cause any reflection on the individual reporting the incident or witnesses nor will it affect such persons' future business dealings with the Marin County Office of Education, his or her employment, compensation or work assignments, or, in the case of students,

grades, class section or other matters pertaining to his or her status as a student of any Marin County Office of Education programs. It shall be a violation of this policy to engage in such retaliation. An allegation of retaliation shall be considered as a separate incident, shall be investigated, and shall be subject to disciplinary action.

Reasonable measures will be taken to prevent retaliation against any target student(s) and/or any other student(s) who provide information as witnesses, including identifying school personnel to make follow-up inquiries with the targeted student(s), witness(es) and/or their parents.

It shall be a violation of this policy to engage in such retaliation. An allegation of retaliation shall be considered as a separate incident, shall be investigated, and shall be subject to disciplinary action as defined in this policy.

Time Limits

Students are encouraged to report allegations of sexual or gender-based harassment to an adult staff member with whom they feel comfortable as soon as reasonably possible after the conduct in question has taken place.

Investigation Guidelines

All investigations of allegations of sexual or gender-based harassment shall be handled promptly, in a serious, sensitive and confidential manner. The Superintendent shall determine in advance which administrative staff positions will be trained to complete these investigations and a trained, qualified administrator at the school site of the reported incident will complete the investigation, unless deemed inappropriate in a specific situation.

All sexual and gender-based harassment investigations at the Marin County Office of Education will be conducted by individual(s) with knowledge of the applicable legal standards and theories of such claims of harassment under Title IX, and the relevant District policies and complaint procedures. The investigator will also be knowledgeable in how to recognize and remedy such harassment. If the targeted student wishes, the targeted student may identify the harassing student(s) and/or witnesses and provide other information in a manner which initially protects the targeted student's confidentiality, to the extent possible; and consistent with statutory and constitutional due process;

If the investigator receives an anonymous complaint or media report about alleged sexual or gender-based harassment, he/she shall consider the specificity and reliability of the information, the seriousness of the alleged incident, and whether any individuals can be identified who were subjected to the alleged harassment in determining whether it is reasonable to pursue an investigation.

Investigation Process

The investigator shall promptly investigate all complaints of sexual or gender-based harassment. In so doing, he/she shall talk individually with:

- (a) The student who is complaining;
- (b) The person accused of harassment;
- (c) Anyone who witnessed the conduct complained of; and
- (d) Anyone mentioned as having material information related to the complaint

The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.

The investigator shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the investigator also may discuss the complaint with the following persons:

- (a) The Superintendent or designee or school administration;
- (b) The parent/guardian of the student who complained;
- (c) If the alleged harasser is a student, his/her parent/guardian;
- (d) A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth; and
- (e) Child protective agencies responsible for investigating child abuse reports

When the student who complained and the alleged harasser so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree. In reaching a decision about the complaint, the investigator may take into account:

- (a) Statements made by the persons identified above;
- (b) The details and consistency of each person's account ;
- (c) Evidence of how the complaining student reacted to the incident;

- (d) Evidence of any past instances of harassment by the alleged harasser;
and
- (e) Evidence of any past harassment complaints that were found to be untrue.

To judge the severity of the harassment, the investigator may take into consideration:

- (a) How the misconduct affected one or more students' education;
- (b) The type, frequency and duration of the misconduct;
- (c) The number of persons involved;
- (d) The age and gender of the person accused of harassment;
- (e) The subject(s) of harassment;
- (f) The place and situation where the incident occurred; and
- (g) Other incidents at the school, including incidents of harassment that were not related to gender.

Investigation Protocol

The Marin County Office of Education's designated staff member(s) shall memorialize in writing all reports of alleged harassment.

The Marin County Office of Education shall implement appropriate interim measures to prevent further harassment of the targeted student, as well as measures to avoid retaliation against the reporting student, pending the resolution of the complaint.

The Marin County Office of Education shall maintain on-going contact with the targeted student throughout the investigation.

The Marin County Office of Education shall make reasonable efforts to identify the harassing student(s) and/or witnesses if the targeted student is unaware of their identities or names (e.g. interviewing other students and/or staff who were present during the incident).

The Marin County Office of Education shall refer the matter to law enforcement authorities where appropriate.

The Marin County Office of Education shall interview all relevant student and staff witnesses, and review all relevant documents and physical evidence.

Subject to applicable evidentiary privileges and/or privacy rights, the Marin County Office of Education shall maintain documentation of all investigative steps, including statements provided by targeted student, his/her parents, and any other witnesses or reporting parties, the evidence reviewed, any remedial actions taken, and a copy of the letter of finding issued at the conclusion of the investigation; and

The Marin County Office of Education shall contact the targeted student within a reasonable period of time following the conclusion of the investigation to assess whether there are new allegations of on-going harassment or retaliation, and to determine whether additional supportive measures are needed.

The designated investigator shall, as soon as reasonably possible after the incident has been reported, inform the student, employee, or other person accused of sexual or gender-based harassment of the allegation, and they will be given an opportunity to respond. The person accused shall not be given a copy of the complaint but shall be informed of the allegations. The name of complaint party shall remain confidential to the extent possible.

All parties, specifically including complainants, and witnesses, will be promptly and fully informed of their rights pursuant to this policy, including the fact that complainant and witnesses will not be retaliated against and the confidential nature of the allegation and investigation.

Investigation Results

A written report of the investigation findings shall be filed by the investigator with the Superintendent's office within twenty (20) school days of the date the student filed the incident report. Subject to applicable evidentiary privileges and/or privacy rights, the final written report will describe the steps taken in the investigation and the facts gathered, whether or not the alleged sexual and/or gender-based harassment occurred, and explaining the basis for the Marin County Office of Education's conclusion.

Subject to applicable evidentiary privileges and/or privacy rights, the Marin County Office of Education shall provide written notification to the parents/guardians of the targeted student generally explaining the Marin County Office of Education's investigative process, its factual findings, its determination as to whether harassment occurred, the reasons for the decision, and the appeal procedures within thirty (30) school days. The Marin County Office of Education may also provide a summary of its findings to the accused student's parents

The Superintendent may extend the timeline depending on the nature of the investigation. If an extension is needed, the Marin County Office of Education will notify the targeted student and the student's parent/guardian (if the parent/guardian made the complaint), and explain the reasons for the extension.

The name or title and contact information for the Marin County Office of Education employee(s) responsible for receiving and/or investigating reports of alleged harassment, including the investigatory report is:

Name Marin County Office of Education
 Title Attn: Deputy Superintendent
 Contact Information 1111 Las Gallinas Avenue/P.O. Box 4925
 San Rafael, CA 94913-4925
 (415) 499-5866

Steps to Remedy Harassment and Prevent Recurrence

The Marin County Office of Education will, as appropriate, offer counseling to students found to have engaged in harassment in order to ensure that they understand what constitutes harassment, the consequences for engaging in harassment and the effects harassment can have on others, and limiting the interaction between the harassing student(s) and the targeted student;

The Marin County Office of Education will offer counseling services and may consider providing academic support services to any student found to have been subjected to unlawful harassment, as appropriate.

The Marin County Office of Education will also consider whether remedial measures are necessary to respond to the impact of the harassing conduct on witnesses or bystanders and whether other schoolwide actions, such as education and training, are appropriate to respond to the harassing conduct and prevent a recurrence.

The Marin County Office of Education will take measures to prevent retaliation against targeted students and/or any other students who provided information as witnesses. The measures may include, for example, school personnel making follow-up inquiries with the targeted student and/or witness students and/or their parents to see if there have been incidents of retaliation, and to advise them that they should report any such incidents if they occur.

Disciplinary Action

When an allegation of sexual or gender-based harassment is supported by the investigation and disciplinary action is necessary, the Superintendent will determine what course of action is appropriate, depending upon whether the

harasser is a student, staff member, agent or guest/vendor of the Marin County Office of Education.

Students who violate this policy may be subject to discipline up to and including expulsion. Such disciplinary action shall be in accordance with board policy and state law.

Students who are found to have engaged in harassment shall be offered training/counseling by the Marin County Office of Education. Training/counseling will focus on assisting students understand what constitutes harassment, the consequences for engaging in harassment, and the effects harassment can have on others.

The Marin County Office of Education shall limit the interaction between the harassing student(s) and the targeted student to the extent possible.

Employees who violate this policy may be subject to discipline up to and including dismissal. Such disciplinary action shall be in accordance with applicable policies, laws, and/or collective bargaining agreements.

Agents, guests or vendors of the Marin County Office of Education who violate this policy may be subject to penalties and sanctions as may be available to the Marin County Office of Education, including termination of business relationships and contracts.

Appeal Procedures

Either the complaining party or the accused may appeal the findings of an investigation to the Superintendent/Governing Board of the Marin County Office of Education. Appeals shall be made in writing within ten (10) business days from the date a written finding is issued.

Filing Complaints with State and Federal Agencies

Aggrieved parties may wish to file complaints with other appropriate state and federal agencies, including:

U.S. Department of Education
Office for Civil Rights
50 Beale Street, Suite 7200
San Francisco, CA 94105-1813
Telephone: (415) 486-5555
www.ed.gov/ocr

Appendix F

4111.5

4000 PERSONNEL

4100 ALL PERSONNEL

4111 PROCEDURES

4111.5 USE OF COPYRIGHTED MATERIALS

Since a copyright notice has not been required on copyrighted material since 1978, it shall be the policy of the Marin County Board of Education that all material, unless obviously in the public domain due to age, specific notice, or government publication, shall be treated as copyrighted. Employees will do nothing to violate the specific rights granted to the creator of the work under the copyright law. Specifically, no copyrighted work will be duplicated, modified, published, or displayed unless the copyright holder's permission has been obtained or the duplication is within the Fair Use exemption provision of the law.

The Superintendent will develop regulations and procedures to implement this policy.

Reference:

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 4/14/98

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE REGULATIONS AND PROCEDURES

USE OF COPYRIGHTED MATERIALS

(Board Policy 4111.5)

I. Guidelines for Making Reproductions

- A. Each County Office of Education employee making a reproduction shall first determine whether the copying is permitted by law based on the guidelines below. If the copying is not permitted according to these guidelines, the County Superintendent or designee may request permission to reproduce the material from its copyright holders.
- B. Requests for permission to use copyrighted materials shall include the following information.
 - 1. Title, author(s), editor(s) or publisher, producer(s) or distributor.
 - 2. Edition, copyright and/or production year.
 - 3. Exact amount of material to be used (i.e., lines, pages, running time, etc.).
 - 4. Nature of the use (i.e., how many times, when and with whom the material will be used).
 - 5. Number of copies to be made.
 - 6. How the material will be reproduced.
 - 7. If an initial contact was made by phone, the request shall also include the name of the initial contact person.

II. Permitted and Prohibited Uses

A. Printed Material

- 1. Permitted Use
 - a. Single copies at the request of an individual teacher:
 - 1) A chapter of a book.
 - 2) An article from a magazine or newspaper.
 - 3) A short story, short essay or short poem, whether or not from a collective work.

USE OF COPYRIGHTED MATERIALS

- 4) A chart, graph, diagram, drawing, cartoon or a picture from a book, magazine or newspaper.
- b. Multiple copies at the request of an individual teacher for classroom use, not to exceed one copy per student in a course:
 - 1) A complete poem if less than 250 words and if printed on not more than two pages.
 - 2) An excerpt from a longer poem, not to exceed 250 words.
 - 3) A complete article, story, or essay of less than 2,500 words.
 - 4) An excerpt from a larger prose work not to exceed ten percent of the whole or 1,000 words, whichever is less, but in any event a minimum of 500 words.
 - 5) One chart, graph, diagram, cartoon or picture per book or magazine issue.

All preceding copies must bear the copyright notice. They may be made only at the discretion of the individual teacher on occasions when a delay to request permission would preclude their most effective instructional use.

2. Prohibited Uses

- a. Copying more than one work or two excerpts from a single author during one class term.
- b. Copying more than three works from a collective work or periodical volume during one class term.
- c. Copying materials for more than one course in the school where the copies are made.
- d. More than nine sets of multiple copies for distribution to students in one class term.
- e. Copying used to create, replace or substitute for anthologies or collective works.

USE OF COPYRIGHTED MATERIALS

- f. Copying of “consumable” works such as workbooks, standardized tests, answer sheets, etc.
- g. Copying that substitutes for the purchase of books, publishers’ reprints or periodicals.
- h. Repeated copying of the same item by the same teacher from term to term.

The above prohibitions do not apply to current newsmagazines and newspapers.

B. Sheet and Recorded Music

1. Permitted Uses

- a. Emergency copies for an imminent performance are permitted, provided they are replacing purchased copies and replacement is planned.
- b. Multiple copies (one per student) of excerpts not constituting an entire performable unit or more than ten percent of the total work may be made for academic purposes other than performances.
- c. Purchased sheet music may be edited or simplified provided the character of the work is not distorted or lyrics added or altered.
- d. A single copy of a recorded performance by students may be retained by the County Office or individual teacher for evaluation or rehearsal purposes.
- e. A single copy of recordings of copyrighted music owned by the County Office or individual teacher may be made and retained for the purpose of constructing exercises or examinations.
- f. A single copy of an excerpt that constitutes an entire performable unit (i.e., a movement or aria) may be made, provided it is either:
 - 1) Confirmed by the copyright proprietor to be out of print; or

USE OF COPYRIGHTED MATERIALS

- 2) Unavailable except in a larger work. This may be done by or for a teacher only for scholarly research or in preparation for teaching a class.
- g. A single copy of a portion of a sound recording may be made by or for a student; i.e., a song from a record, but not the entire recording. The copy may be used in the educational context in which it was made and may not be sold or performed for profit.

2. Prohibited Uses

- a. Copying to replace or substitute for anthologies or collections.
- b. Copying from works intended to be “consumable.”
- c. Copying for purposes of performance except as noted in an emergency.
- d. Copying to substitute for purchase of music.
- e. Copying without inclusion of copyright notice on the copy.
- f. Duplication of tapes, unless reproduction rights were given at time of purchase.
- g. Reproduction of musical works or conversion to another format; e.g., record to tape.

C. Videotape, Filmstrips or Slide Programs

1. Permitted Uses

- a. A single copy of a portion of a copyrighted film or filmstrip may be made by a student for educational purposes if the material is owned by the school which the student attends.
- b. A single copy of a small portion of a film or filmstrip may be made by or for a teacher for scholarly or teaching purposes.

USE OF COPYRIGHTED MATERIALS

- c. Selected slides may be reproduced from a series if reproduction does not exceed ten percent of the total or excerpt the essence of the work.
- d. A slide or overhead transparency series may be created from multiple sources as long as creation does not exceed ten percent of the photographs in one source (book, magazine, filmstrip, etc.). This may not be done when the source forbids photographic reproduction.
- e. A single overhead transparency may be created from a single page of a “consumable” workbook.
- f. Sections of a film may be excerpted for a local videotape (not to be shown over cable) if they do not exceed ten percent of the total or excerpt the essence of the work. Extreme care must be exercised in copying a small portion of a film or filmstrip; small portions may contain the very essence of the material in question.

2. Prohibited Uses

- a. Reproduction of an audio-visual work in its entirety.
- b. Conversion from one media format to another; e.g., film to videotape, unless permission is secured.
- c. No one is permitted to copy any portion of a film or filmstrip sent to the school for preview or rented or owned by another school or institution without the express written permission of the copyright holder. The copyright of a film governs its performance (showing) as well as the copying of it. It is permissible to show a film to students using closed-circuit television if the system is confined to one building. Showing a film via closed-circuit television outside the building is not permitted.

USE OF COPYRIGHTED MATERIAL

D. Radio: Off-Air Taping

1. Permitted Uses

- a. A single copy of a small portion of a copyrighted radio program may be made by a student for educational purposes. Such a copy may not be sold or performed for profit.
- b. Copies of broadcasts by national public radio may be made by employees and retained for an indefinite period for educational purposes.

2. Prohibited Uses

- a. Copying broadcasts on commercial radio, except for copyrighted musical selections (see Sheet and Recorded Music) is governed by the same copyright laws that apply to off-air taping of commercial television; however, there is no special provision allowing libraries to tape radio news programs.

E. Television: Off-Air Taping

1. Permitted Uses

- a. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained for a period not to exceed 45 days. All off-air recordings shall be erased or destroyed at the end of the retention period. Broadcast programs are television programs transmitted for reception by the general public without charge.
- b. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities and repeated once only when instructional reinforcement is necessary. These recordings may be shown in classrooms and similar places devoted to instruction within a single building, cluster, or campus, as well as in the homes of students receiving formalized home instruction, during the first ten consecutive school days in the 45 calendar-day retention period.

USE OF COPYRIGHTED MATERIALS

- c. Off-air recordings may be made only at the request of individual teachers, for use by those teachers. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.
- d. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.
- e. After the first ten consecutive school days, off-air recordings may be used up to the end of the 45 calendar-day retention period only for teacher evaluation purposes, i.e., to determine whether or not to include the broadcast program in the teaching curriculum. They may not be used for student exhibition or any other non-evaluation purpose without authorization.
- f. All copies of off-air recordings shall include the copyright notice on the broadcast programs as recorded.

2. Prohibited Uses

- a. Off-air recording in anticipation of teacher requests.
- b. Using the recording for instruction after the ten-day use period.
- c. Holding the recording for weeks or indefinitely because:
 - 1) Units needing the program concepts are not taught within the ten-day use period.
 - 2) An interruption or technical problems delayed its use.
 - 3) Another teacher wishes to use it, or for any other supposedly “legitimate” educational reason.

USE OF COPYRIGHTED MATERIALS

- c. On occasion, a special notice is provided with some materials specifically prohibiting reproduction of any kind. Permission to use any part of such works must be secured in writing from the author or producer in accordance with this regulation.
 - c. Off-air recordings need not be used in their entirety, but the content of recorded programs may not be altered. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.
- c. Software Copyright
 - c. Permitted Uses
 - c. Copies of County Office of Education-owned software may be made only when:
 - c. The copy is needed as an essential step in using the computer program with a particular machine. This copy is to be used in no other way.
 - c. The copy is used for archival or “backup” purposes. This copy may be held only as a file copy and must be destroyed when the program is no longer rightfully owned by the County Office, unless the copyright owner authorizes its sale, lease or transfer as part of the sale, lease or transfer of the original program.
 - c. Prohibited Uses
 - c. Copies of copyrighted programs may not be made for any purpose other than the two permitted above.
 - c. When permission is obtained from the copyright holder to use software on a disk-sharing system, efforts will be made to secure software from copying.
 - c. Illegal copies of copyrighted programs shall not be made or used on school equipment.

4000 PERSONNEL

4100 ALL PERSONNEL

4110 EMPLOYMENT

4111 PROCEDURES

4111.4 USE OF OFFICE EQUIPMENT AND SUPPLIES

The purpose of all office equipment and supplies in the Marin County Office of Education is to facilitate the work being done on behalf of the children, parents, districts, and community. This requires the efficient, ethical, and legal utilization of all equipment such as, but not limited to, computers, software, telephones, voice mail, copiers, FAX machines, typewriters, and supporting supplies belonging to the Marin County Office of Education. Employees who violate the principles set forth in this policy may be subject to disciplinary action up to and including dismissal.

The Superintendent shall develop a list of terms and conditions for the acceptable use of office equipment and supplies.

References:

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education - 10/8/96

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE REGULATIONS AND PROCEDURES

**TERMS AND CONDITIONS FOR ACCEPTABLE USE
OF OFFICE EQUIPMENT AND SUPPLIES**

(Board Policy 4111.4)

Definition: “**Acceptable Use**” means that equipment and supplies must be in support of an employee’s particular work. Efficient, ethical, and legal utilization of all equipment and supplies is expected. Use of equipment or supplies will be monitored for appropriateness.

“**Authorized Use**” means the employee has informed the immediate supervisor, who is management, of an intended personal use of equipment and the immediate supervisor, who is management, has authorized such use.

“**Unacceptable Use**” includes, but is not limited to the following:

- Transmission by computer or FAX of any materials in violation of any United States or state regulation is prohibited. This includes, but is not limited to, copyrighted material, threatening or obscene material, or material protected by trade secret.
- ☐ Use of computer, telephone, voice mail, copiers or FAX for commercial activities
- ☐ Use of computer, telephone, voice mail, copiers or FAX for product advertisement or political lobbying.
- ☐ Any transmission or reception of pornographic material using any equipment.
- ☐ **Unauthorized** personal use of any equipment or supplies, even if such use results in no cost to the Marin County Office of Education. Any questions about this provision should be addressed to the employee’s immediate supervisor.

Ownership: Any use of equipment or supplies is a matter of public record. The Marin County Superintendent of Schools or Designee will conduct periodic audits of the use of equipment and supplies.

Violation: Employees who violate this policy may be subject to a disciplinary process that could include dismissal.

MARIN COUNTY OFFICE OF EDUCATION

EDUCATIONAL INTERNET ACCOUNT Acceptable Use Agreement

TERMS AND CONDITIONS

Please read the following carefully before signing this document.

INTERNET access is coordinated through a complex association of government agencies, and regional and state networks. In addition, the smooth operation of the network relies upon the proper conduct of the end users who must adhere to strict guidelines. These guidelines are provided here so that you are aware of the responsibilities you are about to receive.

In general this requires efficient, ethical and legal utilization of the network resources. If a user violates any of these provisions, his or her account will be terminated and future access could possibly be denied. The signature(s) at the end of this document is (are) legally binding and indicates the party (parties) who signed has (have) read the terms and conditions carefully and understand(s) their significance.

It is the responsibility of all Marin County Office of Education (Marin COE) employees, students, and others who use or access Marin COE technological resources to understand and follow this Acceptable Use Policy (AUP). All school districts or other agencies connecting to the Marin COE network must develop their own Acceptable Use Policy that meets or exceeds the principles contained in this document.

Definitions

1. System shall mean the technology services and equipment owned and/or provided by Marin COE for the use of Marin COE employees and students, Marin County schools and other authorized users, including but not limited to: computers, Internet, telephones, fax machines, voice mail, email, electronic pagers, cell phones and radios.
2. Access to the Internet – A computer shall be considered to have access to the Internet if such computer is equipped with a modem or is connected to a computer network, which has access to the Internet.
3. Minor shall mean an individual who has not attained the age of 18.
4. Obscene shall have the meaning given such term in section 1460 of title 18, United States Code.
5. Child pornography shall have the meaning given such term in Section 2256 of title 18, United States Code.
6. Harmful to minors shall mean any picture, image, graphic image file, or other visual depiction that:

- i. taken as a whole and with respect to minors, appeal to a prurient interest in nudity, sex, or excretion;
 - ii. depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
 - iii. taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
7. Hacking shall mean attempting to gain unauthorized access to computer and network system connected to the Internet.
 8. Gaming shall mean the practice of gambling including the playing of games that simulate gambling whether or not the gaming involves a monetary transaction.
 9. Technology protection measure shall refer to a proxy server managed by Marin COE that blocks and/or filters Internet access.
 10. Authorized employee as used herein shall refer to an adult staff member appointed by the Marin COE Technology Committee.

INTERNET - Terms and Conditions

- 1) **Acceptable Use** - The use of your account must be in support of education and research and consistent with the educational objectives of your district. Use of other organization's network or computing resources must comply with the rules appropriate for that network.
- 2) **Unacceptable Use** - Transmission of any material in violation of any U.S. or state statute or regulation is prohibited. This includes, but is not limited to: copyright infringement, threatening or obscene material, or inappropriate use of material protected by trade secret or illegal gaming. Use for commercial activities is not acceptable. Use for product advertisement or political lobbying is also prohibited. Any transmission or reception of pornographic material is expressly prohibited.
- 3) **Privileges** - The use of INTERNET is a privilege, and unacceptable use will result in a cancellation of those privileges. The system administrator may close an account at any time as required. The administration, faculty, and staff of any school district may request the system administrator to deny, revoke, or suspend specific user accounts.
- 4) **Network etiquette** - *You are expected to abide by the generally accepted rules of network etiquette. These include (but are not limited to) the following:*
 - a) *Be polite.*
 - b) *Use appropriate language.*
 - c) *Do not reveal your personal address or phone numbers of students or colleagues.*
 - d) *Note that electronic mail (e-mail) is not guaranteed to be private.*
Messages relating to or in support of illegal activities must be reported to school administration and Marin COE.
 - e) *All communications and information accessible via the network should be assumed to be private property.*

5) The Marin County Office of Education makes no guarantees of any kind, whether expressed or implied, for the service it is providing. The Marin County Office of Education will not be responsible for any damages you suffer. This includes loss of data resulting from delays, nondeliveries, misdeliveries, or service interruptions caused by its own negligence or your errors or omissions. Use of any information obtained via the INTERNET is at your own risk.

6) **Security** - Security on any computer system is a high priority, especially when the system involves many users. If you can identify a security problem on the INTERNET, notify Dane Lancaster at 415 499 5837 or e-mail dane@marin.k12.ca.us. Do not use another individual's account without written permission from that individual. Attempts to login to INTERNET as a system administrator will result in cancellation of user privileges.

7) **Vandalism** - Vandalism will result in cancellation of privileges. Vandalism is defined as any malicious attempt to harm or destroy data of another user, INTERNET, or any of the above listed agencies or other networks that are connected to the INTERNET. This includes, but is not limited to, the uploading or creation of computer viruses.

8) **Access to Internet and Other Technologies by Adults** - Adults accessing the System when working as an employee or volunteer of Marin COE; when attending trainings, meetings, conferences, or other events sponsored at a facility owned or leased by Marin COE or at a facility of which Marin COE has otherwise been granted primary custody; or when accessing the System with remote access connections shall be subject to the rules and regulations specified in the Acceptable Use Policy and the Child Internet Protection Act.

1. The employee in whose name an on-line account is issued is responsible for its proper use at all times. Employees shall keep account information, home addresses and telephone numbers private. They shall use the System only under their own account number.
2. Employees shall use the System primarily for purposes related to their employment within the County. Commercial use of the System is strictly prohibited.
3. Any illegal use of Marin COE or K12 HSN systems, or use in support of illegal activities is prohibited. Illegal use includes use that violates local, state and/or federal law. This includes, but is not limited to, the following: stalking others, transmitting or originating any unlawful, fraudulent or defamatory communications, transmitting copyrighted material beyond the scope of fair use without permission of the copyright owner, or any communications where the message or its transmission or distribution, would constitute or would encourage conduct that is a criminal offense. Users shall not use any technology or system to promote unethical practices or any activity prohibited by law or district policy.
5. Activities that interfere with or disrupt network users, services, or equipment are prohibited. Such interference or disruption includes, but is not limited to, distribution of unsolicited advertising or mass mailings, "spamming,"

propagation of computer worms or viruses; and using county systems or the K12 HSN to make or attempt to make unauthorized entry to other computational, informational or communications devices or resources. For the purpose of this AUP, "unsolicited advertising" includes any transmission that describes goods, products, or services for sale, except as permitted in the electronic Bulletin Board service as set forth herein.

5. Users shall not transmit material that is threatening, obscene, disruptive or sexually explicit, or that could be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religion or political beliefs, or otherwise inappropriate for training or work-related uses.
6. Users shall not engage in any type of gaming activities on the System.
7. Users shall not engage in the playing of computer games (i.e. solitaire, free cell, etc.) except for instructional purposes when approved by the user's manager.
8. Users shall not use the System to engage in unauthorized hacking or attempts to otherwise compromise any computer or network system's security. Unauthorized review, duplication, dissemination, removal, damage or alteration of files, passwords, computer systems or programs, voicemail messages or other property of the Marin COE or improper use of information obtained by unauthorized means, may be grounds for disciplinary action, up to and including termination.
9. Users shall not connect any equipment to the System without prior approval from Information Systems management. Computers are assigned to positions, not individuals. An individual will not move equipment unless the supervisor, in consultation with the Information Systems Department, has given permission.
10. Users shall not connect any computer while on the County Office Network to any other Internet Service provider or Network. Users shall not connect a network computer to a modem without prior Information Systems Management approval.
11. Copyrighted material may not be placed on the System without the author's permission. Users may download copyrighted material for their own use only and only in accordance with copyright laws.
12. Users shall not read other users' electronic mail or files; they shall not attempt to interfere with other users' ability to send or receive electronic mail nor shall they attempt to read, delete, copy, or modify other users' mail without authorization. Users shall not forge other users' mail.
13. Users are encouraged to keep messages brief. Personal use of the e-mail system is permitted so long as that use is appropriate, does not violate any other county policies, and is acceptable to the individual employee's supervisor.
14. The following practices are prohibited:

- a. Sending or relaying chain letters.
- b. Sending unsolicited jokes or similar material.
- c. Use in support of partisan political activities.
- d. Use for private or personal activities that exceed Marin COE or K12 HSN related research, instruction, or administrative applications.
- e. Visiting pornographic, racist or otherwise objectionable Web sites.
- f. Any other use that is unacceptable or not in keeping with the role, mission or goals of this organization as determined by the leadership of the Marin COE.

15. Users shall report any security problem or misuse of the System to the Superintendent or designee.

16. Users shall not load or download from the Internet any software on County Office Equipment without prior authorization of Information Systems management. This includes media players, screen savers, and wallpaper.

9) **Access to Internet by Minors** - Minors accessing the System, including Internet services, provided by Marin COE when working as an employee or volunteer of Marin COE; when attending trainings, meetings, conferences, or other events sponsored at a facility owned or leased by Marin COE or at a facility of which Marin COE has otherwise been granted primary custody; or when accessing Marin COE Internet services with remote access connections shall be subject to the same rules and regulations as adult users. In accordance with the **Child Internet Protection Act**, minors shall be subject to the following rules:

- 1. Minors shall not access material that is obscene, child pornography, harmful to minors, or otherwise inappropriate for educational or work-related uses
- 2. Minors shall only use electronic mail, chat rooms and other forms of direct electronic communications for purpose related to education within the context of a school-related assignment activity or for purposes related to work, including volunteer, at Marin COE.
- 3. Minors shall not disclose personal identification information on the Internet.

10) **Privacy** - Employees have no right to privacy as to any information or file transmitted or stored through the System, including the Marin COE computer system, voicemail, text messaging, electronic mail or other technical resources. The Marin COE reserves the right to retrieve and read any message or file. All users should be aware that when a message is deleted, it may still be possible to recreate the message; therefore, ultimate privacy of messages cannot be guaranteed to anyone. The reliability of passwords for maintaining confidentiality cannot be guaranteed.

11) **Policy Violation** - Any violation of this policy and regulation may result in the loss of access to the System, or any component part by Marin COE, and may be referred to applicable law enforcement agencies when necessary. Any violation of this policy by a Marin COE employee may also be grounds for disciplinary action, up to and including termination.

12) Public Records and Retention:

1. Information stored on the System or Marin COE equipment, including e-mail, e-mail attachments, Web postings, and voice mail messages may become records of Marin COE. Marin COE records pertaining to Marin COE's business, whether paper or computerized, are considered public records and, therefore, may be subject to disclosure under the Public Records Act ("PRA") and Title 5, section 16020, et seq., of the California Code of Regulations, pertaining to the retention and destruction of school records.
2. A Marin COE e-mail account is not intended for permanent storage of e-mail. Marin COE may retain or dispose of an employee's e-mail, whether an employee is currently or formerly employed by the Marin COE. E-mail account in-boxes and out-boxes may be purged as often as every 90 days by Marin COE's Information Systems department.
3. Employees shall remove or delete e-mail and other electronic files from Marin COE e-mail accounts regularly. E-mail and other electronic files that are classified as Marin COE records shall first be preserved in either of the three manners described in paragraph (2) above. If, for any reason, an employee believes an e-mail, voice mail, text message or other electronically-stored record should be preserved in electronic form, the employee shall notify the Information Systems department that the record should be preserved in electronic form.

I understand and will abide by the above Terms and Conditions for INTERNET. I further understand that any violation of the regulations above is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges may be revoked, school disciplinary action may be taken and/or appropriate legal action.

Today's Date ____/____/____

☐ New Hire ☐ Rehire

MARIN COUNTY OFFICE OF EDUCATION _____
MCOE Department

MCOE Location _____ MCOE Job Title _____

User Name: _____ User Signature: _____
please print *CLEARLY*

User E-mail address: _____ @marin.k12.ca.us **Password:** _____
Please print (suggested e-mail address: first initial, last name) (8 characters, no spaces)

Administrator/Personnel Signature

2000	ADMINISTRATION
2200	HEALTH & WELFARE
2210	<u>TOBACCO-FREE SCHOOLS/SITES</u>

The Marin County Board of Education recognizes the health hazards associated with the use of tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for those individuals the office serves.

The board prohibits the use of all tobacco products at all times on or in the following areas:

- ◆ Marin County Office of Education Property
- ◆ Marin County Office of Education owned, leased, rented or used facility
- ◆ Marin County Office of Education sponsored activities, events and meetings.

This prohibition applies to all employees, students, volunteers, visitors and other individuals.

This policy shall go into effect July 1, 1995.

References: Education Code 48901 (b)
Health & Safety Code 24167
Federal Law 20 U.S.C. 6083

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education – 4/10/90
Revised – 5/9/95

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE REGULATIONS AND PROCEDURES

TOBACCO-FREE SCHOOLS/SITES

The success of the tobacco-free schools policy depends upon the thoughtfulness, consideration and cooperation of both tobacco users and non-users. All individuals on school premises, in school vehicles and participating in MCOE sponsored activities, events and meetings, share in the responsibility of adhering to and enforcing the policy.

In light of findings which indicate that second-hand exposure to environmental tobacco smoke can cause lung cancer and other illnesses, and in order to present a positive role model to students, it is the intent of the Marin County Superintendent, acting with concurrence of the Marin County Board of Education, to protect the health and safety of employees, student, clients and visitors by providing a tobacco-free environment.

NOTIFICATION OF TOBACCO-FREE POLICY

The Marin County Superintendent of Schools or designee shall notify employees and applicants for employment of the tobacco-free policy. The policy and regulation can serve as notification. The policy and regulation will also be disseminated and made available to the educational community and visitors. This regulation is intended to communicate the following:

1. The dangers of tobacco use in the workplace, including its threat to the health and safety of employees, students and the public.
2. Available resources which may help employees stop using tobacco.
3. Possible disciplinary actions in accordance with board policy, state law and applicable collective bargaining agreements.
4. The need to abide by district policy as a condition of employment.

(continued)

ENFORCEMENT PROCEDURES

◆ Student Enforcement

Student enforcement of this policy will be consistent with existing school discipline plans and state law regarding possession and/or use of tobacco products by students on school grounds.

◆ Employee Enforcement

Employee enforcement of this policy while employees are performing work related duties as delineated in the policy will be the same as enforcement with any other policy. This includes personal reminders, a conference with the supervisor, or progressive discipline after repeated violations. Employee enforcement while employees are off duty and acting solely as a member of the general public will be the same as enforcement procedures that apply to the general public described later in this regulation. Examples of “off duty” participation by employees might be attendance at Office/School sponsored events without any Office/School related responsibilities, or attendance at school meetings as a parent.

◆ General Public

Enforcement of this policy for visitors or members of the general public will include the following: The person will first be asked to stop the use of the tobacco product immediately. If uncooperative, the person will be asked to leave. Law enforcement should only become involved if the person becomes very uncooperative or disruptive.

- ◆ Facility Use Request Forms will include an agreement by organizations requesting facility use to help enforce this policy. They may do this by announcing the policy during the activity and monitoring participant compliance through reminders. Permission to use the facility may be revoked if a lack of enforcement effort is evident on the part of the sponsoring organization.

(continued)

TOBACCO-FREE SCHOOLS/SITES

Page 3 of 4

◆ Employee Assistance

The office will provide a list of community resources which will assist employees who wish to stop using tobacco products. This list is attached to this regulation and will be updated as needed.

CLARIFICATION OF RESTRICTED AREAS *

1. Any Marin County Office of Education owned, leased or rented facility including vehicles, buildings and land.
2. Marin County Office of Education sponsored activities, events or meetings.
3. Inside personal vehicles located on Marin County Office of Education owned, leased or rented facilities and land.
4. Any Marin County Office of Education owned, leased or rented vehicle while traveling.

CLARIFICATION OF PERMITTED AREAS *

1. Designated areas at Walker Creek Ranch during Conference Center activities and programs that are non-school sponsored.
2. Public sidewalks and public benches.
3. Personal vehicle off of Marin County Office of Education owned, leased or rented sites.
4. Designated residences provided to staff at Walker Creek Ranch.

(continued)

TOBACCO-FREE SCHOOLS/SITES

Page 4 of 4

- * From time to time, further clarification will be needed on the restricted/permitted areas. Please contact the appropriate division administrator for further clarification.

Approved as to form:

Deputy County Counsel

Approved by
Marin County Board of Education – 5/9/95

MARIN COUNTY SMOKING CESSATION PROGRAMS & RESOURCES

AMERICAN CANCER SOCIETY: Fresh Start tobacco cessation classes (a series of 6 classes). Call (415) 454-8464 (#3) for class schedule and information. Cost: \$25.00. Free brochures and quit kits available upon request.

KAISER PERMANENTE: New series starts every 6 weeks at Kaiser Permanente, San Rafael. Call (415) 444-2433 to register, or call the Health Education Department at (415) 444-2173 for more information. Free for Kaiser members. \$90.00 for non-members. The class meets for nine sessions, and the group quit day is usually the third session. Nicotine replacement therapy discussed the first class.

BAY AREA COMMUNITY RESOURCES: Provides quit smoking groups, individual cessation counseling, referrals and tobacco education services throughout Marin County. Consultation, training and technical assistance are available to agencies and staff who would like to assist their clients with quitting smoking. Other services include: cessation counseling for pregnant and parenting smokers, off-site cessation groups, and youth prevention and cessation services. Nicotine patches available to qualified participants for a nominal fee. Please call (415) 444-5580, ext. 335, for more details.

ST. HELENA HOSPITAL HEALTH CENTER: This is a comprehensive, 7-day residential program in Napa County that includes medical screening, lectures, counseling, regular light exercise and a wholesome vegetarian diet. Offered every 6 weeks, this program may be partially reimbursed by some health plans. Also offered are massage therapists, nutritionists and stress reduction techniques. Call 1-800-358-9195.

NICOTINE ANONYMOUS: These 12-step support groups meet weekly in Marin: **Mondays** at 7:00pm, St. Paul's Episcopal Church, 1123 Court Street, San Rafael. **Thursdays** at 7:00 pm, Kaiser Medical Offices, 99 Montecillo Road, San Rafael (Terra Linda), 94903. Contact: 415-897-3091. And **Saturdays** at 10:00am, Trinity Lutheran Church, 333 Woodland Avenue, San Rafael, 94901. Contact: 510-540-9128. Go to www.nicotine-anonymous.org for more information.

CALIFORNIA SMOKER'S HOTLINE: Telephone counseling is provided to all California residents free of charge. Thousands of Californians have quit smoking using this effective phone counseling program. Leave your phone number and someone will call you back to schedule your free sessions. Specific programs for teen smokers and chewing tobacco users are also available.

- | | |
|--|---|
| 1-800-NO-BUTTS (English) & teen line | 1-800-554-5564 (Korean) |
| • 1-800-844-CHEW (for chewing tobacco) | • |
| • 1-800-45-NO FUME (Spanish) | • 1-800-778-8440 (Vietnamese) |
| 1-800-400-0866 (Chinese) | • 1-800-933-4-TDD (Deaf/Hearing Impaired) |

INDIVIDUALIZED PROGRAMS: Some individuals have found help through individualized programs such as:

- Acupuncture
- Nutritional Therapy
- Addiction Counseling
- Hypnotherapy
- Self Help (Marin County libraries/local bookstores)
- Yoga
- Meditation Techniques

As we are unable to provide specific referrals, we suggest you consult with your healthcare provider for further suggestions.

Updated 7.25.05

Injury & Illness Prevention Program (IIPP) for Marin County Office of Education

INTRODUCTION

In order to maintain a safe and healthful work environment the Marin County Office of Education has developed this Injury & Illness Prevention Program for all employees to follow. This document describes the goals, statutory authority, and the responsibilities of all employees under the Program. It addresses Compliance, Hazard Identification, Accident Investigation, Hazard Mitigation, Training, Hazard Communication, and Program Documentation. By making employee safety a high priority for every employee we can reduce injuries and illnesses, increase productivity, and promote a safer and healthier environment for all individuals at the Marin County Office of Education.

GOALS

Diligent implementation of this program will reap many benefits for the Marin County Office of Education. Most notably it will:

1. Protect the health and safety of employees. Decrease the potential risk of disease, illness, injury, and harmful exposures to district personnel.
2. Reduce workers' compensation claims and costs.
3. Improve efficiency by reducing the time spent replacing or reassigning injured employees, as well as reduce the need to find and train replacement employees.
4. Improve employee morale and efficiency as employees see that their safety is important to management.
5. Minimize the potential for penalties assessed by various enforcement agencies by maintaining compliance with Health and Safety Codes.

STATUTORY AUTHORITY

- ♦ California Labor Code Section 6401.7
- ♦ California Code of Regulations Title 8, Sections 1509 and 3203

RESPONSIBILITY

The ultimate responsibility for establishing and maintaining effective environmental health and safety policies specific to district facilities, operations, and responsibilities of the Injury & Illness Prevention Program are established with:

Primary Responsibility: Luke McCann, Assistant Superintendent 415-499-5866

Secondary Responsibility: Dane Lancaster, Director, 415-499-5837.

It is the responsibility of Site Administrators Supervisors and Managers to follow procedures, which ensure effective compliance with the Injury & Illness Prevention Program, as well as other health and safety policies related to operations under their control. Site Administrators, Supervisors and Managers, are responsible for enforcement of this Program among the employees under their direction by carrying out the various duties outlined herein, setting acceptable safety policies and procedures for each employee to follow and ensuring that employees receive the general safety training. Each Site Administrator, Supervisor, and Manager must also ensure that appropriate job specific safety training is received, and that safety responsibilities are clearly outlined in the job descriptions, which govern the employees under their direction. Supervising others also carries the responsibility for knowing how to safely accomplish the tasks assigned each employee, for purchasing appropriate personal protective equipment, and for evaluating employee compliance. Immediate responsibility for workplace health and safety rests with each individual employee. Employees are responsible for following the established work procedures and safety guidelines in their area, as well as those identified in this Program. Employees are also responsible for using the personal protective equipment issued to protect them from identified hazards, and for reporting any unsafe conditions to their supervisors. The Marin County Office of Education is responsible for developing and managing this Injury & Illness Prevention Program.

COMPLIANCE

Compliance with this Injury & Illness Prevention Program will be achieved in the following manner:

1. Site Administrators, Supervisors, and Managers will set positive examples for working safely and require that all staff under their direction work safely.
2. Site Administrators, Supervisors, and Managers will use all disciplinary procedures available to them to ensure that employees follow established safety policies and procedures. Performance evaluations, verbal counseling, written warnings, and other forms of disciplinary action are available.
3. Site Administrators, Supervisors, and Managers will identify the resources necessary to provide a safe work environment for their employees and include them in budget requests.

The Marin County Office of Education has developed this comprehensive Injury & Illness Prevention Program to enhance the health and safety of its employees.

HAZARD IDENTIFICATION

A health and safety inspection program is essential in order to reduce unsafe conditions, which may expose employees to incidents that could result in personal injuries or property damage. It is the responsibility of Program Managers, Supervisors and management personnel to ensure that appropriate, systematic safety inspections are conducted periodically. (See Appendix A)

Scheduled Safety Inspections

Upon initial implementation of the Program inspections of all work areas will be conducted. All inspections will be documented using the IIPP forms (or equivalent) with appropriate abatement of any hazards detected. Thereafter, safety inspections will be conducted at the frequency described below:

1. Annual inspections of all office areas will be conducted by maintenance staff to detect and eliminate any hazardous conditions that may exist.
2. Semi-annual inspections of all potentially hazardous areas (shops, cafeterias, warehouses, sheds, etc.) will be conducted to detect and eliminate any hazardous conditions that may exist.

Unscheduled Safety Inspections

1. Additional safety inspections will be conducted by the Facilities Departments, Ranch Manager or site administrator whenever new equipment or changes in procedures are introduced into the workplace that presents new hazards.
2. Site Administrator will conduct periodic unscheduled safety inspections of all potentially hazardous areas to assist in the maintenance of a safe and healthful workplace.
3. Safety reviews will be conducted when occupational accidents occur to identify and correct hazards that may have contributed to the accident.

ACCIDENT INVESTIGATIONS

Site Administrators, Supervisors, and Managers will investigate all accidents, injuries, occupational illnesses, and near-miss incidents to identify the root cause. Appropriate repairs or procedural changes will be implemented promptly to correct the hazards implicated in these events. To ensure timely accounting for Workers' Compensation procedures, both employee and supervisor must complete their respective portions on the Report of Employee Injury/Exposure Form and District Accident Investigation Form available at the District Office or school site. (See Appendix B)

HAZARD CORRECTION

All hazards identified will be promptly investigated and alternate procedures implemented as indicated. The District recognizes that hazards range from imminent dangers to hazards of relatively low risk. Corrective actions or plans, including suitable timetables for completion, are the responsibility of the Site Administrator or Superintendent.

TRAINING

Effective dissemination of safety information lies at the very heart of a successful Injury & Illness Prevention Program. All employees must be trained in general safe work practices. In addition, specific instruction with respect to hazards unique to each employee's job assignment will be provided.

General Safe Work Practices

At a minimum, as a routine component of new employee orientation, and back to school training programs, all employees will be trained in the following:

1. Fire Safety, Evacuation, and Emergency Procedures - Site Level
2. Hazard Communication (Use of Material Safety Data Sheets) – Facilities Staff
3. Blood borne Pathogens – Back-to-School - ALL
4. Injury & Illness Prevention Program – Back-to-School - ALL

Specific Safe Work Practices

In addition to this general training, each employee will be instructed how to protect themselves from the hazards specific to their individual job duties. At a minimum this entails how to use workplace equipment, safe handling of hazardous materials and use of personal protective equipment. Training must be completed before beginning to work on assigned equipment, and whenever new hazards or changes in procedures are implemented. The Director of General Services is responsible for providing Site Administrators, Supervisors, and Managers with the training necessary to familiarize themselves with the safety and health hazards their employees are exposed to. It is the responsibility of each Site Administrator, Supervisor, and Manager to know the hazards related to his/her employee's job tasks, and ensure they receive appropriate training.

1. Supervisors will ensure that all employees receive general and job-specific training prior to initial or new job assignments.
2. Supervisors will ensure that employees are trained whenever new substances, processes, procedures or equipment are introduced to the workplace which may create new hazards. Training must also be given when new or previously unrecognized hazards are brought to a supervisor's attention.
3. All training will be documented and kept on file. The attached Employee Training Checklist Form, in Appendix C (or equivalent) will be used for this purpose.

COMMUNICATION

Effective two-way communication, which involves employee input on matters of workplace safety, is essential to maintaining an effective Injury & Illness Prevention Program. To foster better safety communication the following guidelines will be implemented: The department will use an Employee Bulletin Board for posting information on safety in a location accessible to all employees. Changes in protocol, safety bulletins, accident statistics, training announcements, and other safety information will be posted, as they become available. Site Administrators, Managers, and Supervisors will provide time at periodic staff meetings to discuss safety topics. Status reports will be given on safety inspections, hazard correction projects, and accident investigation results, as well as feedback to previous employee suggestions. Employees will be encouraged to participate and give suggestions without fear of reprisal. The attached attendance sheet should be used to document attendance and topics covered. Additional communication methods to be used may include: Posters, Newsletters, Meetings, Bulletins, Manuals, Warning Labels. Employees are encouraged to bring to the District's attention any potential health or safety hazard that may exist in the work area. The Appendix D Employee Safety Recommendation form (or equivalent) can be used for this purpose. These forms are available in the Central Office and at each school site. Supervisors will follow up all suggestions and investigate the concerns brought up through these communication methods. Feedback to the employees is critical, and must be provided for effective two-way communication. Incidents of Non-compliance will be addressed by:

- ◆ Stating such examples at staff meetings; Reviewing and discussing success stories at Safety Committee Meetings and to be shared with a larger organization.
- ◆ Debriefing and reviewing incidents, injuries, illnesses that could have been avoided, with the intent of changing and updating practices and procedures.
- ◆ An immediate discussion between the supervisor and the employee who is discovered working in an unsafe manner.
- ◆ Appropriate disciplinary action up to dismissal.

SAFETY COMMITTEE

The function of the Safety Committee is to create and maintain employees' active, positive interest in safety. This goal can be accomplished by providing open, two-way communication between administrators and employees. Ideally, the safety committee should provide an open forum where employees can take part in and discuss accident causes and means of prevention. By discussing accident causes and possible solutions, the committee can effectively use a broad spectrum of expertise which will help resolve deficiencies in the most practical, cost effective manner. Another benefit of the open forum approach is generation of a positive attitude by getting personnel at all levels involved in the decision making process. An effective safety committee can promote positive attitudes. These will result in reduced injuries and accidents and in turn higher production and lower costs. The committee will have the complete backing and support of the administration. A member of the administration will chair the committee. Committee representatives will be chosen from the following areas.

Certificated Employee Representatives for: Alternative Education, Regional Occupational Program, Special Education. Classified Employee Representatives for: Business Services, Maintenance and Operations, Other Departments, Administration, Personnel Services, Walker Creek Ranch

DOCUMENTATION

Many standards and regulations of Cal/OSHA contain requirements for the maintenance and retention of records for occupational injuries and illnesses, medical surveillance, exposure monitoring, inspections and other activities relevant to occupational health and safety. To comply with these regulations, as well as to demonstrate that the critical elements of this Injury & Illness Prevention Program are being implemented, the following records will be kept on file in the District Office or school site for at least the length of time indicated below:

1. Copies of all IIPP Safety Inspection Forms. Retain 5 years.
2. Copies of all Accident Investigation Forms. Retain 5 years.
3. Copies of all Employee Training Checklists and related Training Documents. Retain for duration of each individual's employment.
4. Copies of all Safety Meeting Agendas. Retain 5 years.

The County Office of Education will ensure that these records are kept in their files in Personnel, and present them to Cal/OSHA or other regulatory agency representatives if requested. A review of these records will be conducted by the Superintendent designee during routine inspections to measure compliance with the Program. A safe and healthy workplace must be the goal of everyone at the Marin County Office of Education, with responsibility shared by management and staff alike. If you have any questions regarding this Injury & Illness Prevention Program, please contact the Central Office at 415-499-5854.

A complete copy with appendices of the Injury & Illness Prevention Program (IIPP) for Marin County Office of Education is available on line in the Employee Resources section of the Personnel/Administrative web page at:
<http://mcoeweb.marin.k12.ca.us/personnel/empresources.htm>