



Certificated Employee Handbook 2024-2025

- ◆ Educational Services
- ◆ Human Resources
- ◆ Business Services



◆ 546 S. Citrus Ave, Azusa, CA 91702 ◆ 626-967-6211 ◆ WWW.AZUSA.ORG ◆



Azusa

Unified School District

Board of Education

Yolanda Rodriguez-Peña, PRESIDENT
Gabriela Arellanes, VICE PRESIDENT
Sandra Benavides, CLERK
Adrian Greer, MEMBER
Sabrina Bow, Ed.D., MEMBER
Arturo Ortega, SUPERINTENDENT

AUSD Staff,

As your superintendent, I am filled with excitement and optimism about our opportunity to shape the minds and futures of our students. Our shared commitment to the core values of collaboration, transparency, student-focused learning, and providing a dynamic, rigorous learning environment are the cornerstones of our District's success.

Collaboration is the heart of what we do inside and outside the classroom. Our diverse teaching community's collective wisdom and effort are invaluable as we strive to provide our students with the best possible learning environment. By working together, sharing best practices, and supporting one another, we can create a robust network of learning and innovation.

Transparency is essential to building trust and fostering a positive environment for both staff and students. We are committed to maintaining open lines of communication where decisions are made with clarity and integrity. Together, we can create an atmosphere of mutual respect and understanding where everyone feels informed, empowered, and respected.

Our ultimate goal is to provide a student-focused learning experience that is both dynamic and rigorous. We strive to meet each student's unique needs, challenging them to reach their highest potential while supporting their individual growth. By embracing innovative teaching methods and continuously seeking to improve our educational practices, we can ensure that our students are prepared for academic success and equipped with the skills necessary to thrive in an ever-changing world. Thank you for your partnership in inspiring and motivating our students to become lifelong learners, critical thinkers, and compassionate individuals.

As we work to support our students, I am here to support you in any way possible. I am always available to listen to questions, comments, suggestions, and ideas. Do not hesitate to reach out. Thank you for being a part of the AUSD Team.

SCHOOL ATTENDANCE CALENDAR 2024-2025

School Month	First Week					Second Week					Third Week					Fourth Week					Days o Days	Legal	Local	# of Days	
	Mon	Tues	Wed	Thur	Fri	Mon	Tues	Wed	Thur	Fri	Mon	Tues	Wed	Thur	Fri	Mon	Tues	Wed	Thur	Fri	Service Taught	Holiday	Holiday	per Semester	
1) Aug 19 -- Sep 13	19	z	v	y	y	26	27	28	29	30	Sep 2	3	4	5	6	9	10	11	12	13	18	16	1	78 days Taught	
2) Sep 16 -- Oct 11	v				Δ	23	24	25	26	27	30	1	2	3	4	7	8	9	10	11	20	19			
3) Oct 14 -- Nov 8	14	15	16	17	18	21	22	23	24	25	28	29	30	31	Nov ^Δ	4	5	6	7	8	20	20			
4) Nov 11 -- Dec 6	*							v •			Ø	x	x	*	x	2	3	4	5	6	14	13	2		
5) Dec 9 -- Jan 3	9	10	11	12	13	16	17	18	19	m Δ	Ø	x	*	Ø	Ø	Ø	x	Jan *	Ø	Ø	10	10	2		
6) Jan 6 -- Jan 31	Ø	v •				13	14	15	16	17	20	21	22	23	24	27	28	29	30	31	18	17	1	102 days Taught	
7) Feb 3 -- Feb 28	Feb	3	4	5	6	7	*			^Δ	*	17	18	19	20	21	24	25	26	27	28	18	18		2
8) Mar 3 -- Mar 28	Mar	3	4	5	6	7	10	11	12	13	14	17	18	19	20	21	24	25	26	27	28	20	20		
9) Mar 31 -- Apr 25	Ø	Apr Ø	Ø	Ø	x	7	8	9	10	11	14	15	16	17	18	21	22	23	24	25	15	15			
10) Apr 28 -- May 23	28	29	30	1	2	5	6	7	8	9	12	13	14	15	16	19	20	21	22	23	20	20			
11) May 26 -- Jun 20	*					Jun	2	3	4	5	6	9	10	11	12	13	16	17	18	19	20	12	12	1	
	26	27	28	29	30																185	180	9		

Winter Vacation - 12/23/2024 - 1/6/2025

*-Legal Holiday

x-Local Holiday

y-Minimum Day for Elementary and Middle School Students

m-Minimum Day for Students and Teachers

wy-Teacher Check Out Day and Minimum Day for all students

- Professional/Conference Day
- November 20, 2024 (TK-5)
- January 7, 2025 (6-12)
- v - Professional Development Day
- v - August 21, 2024 (TK-12)
- v - September 16, 2024 (TK-12)
- v - November 20, 2024 (6-12 only)
- v - January 7, 2025 (TK-5 only)

z - Teacher Preparation Day

z - August 20, 2024 (TK-12)

New Teacher Orientation - Aug. 15 & 16, 2024

First Day Back for Returning Teachers - Aug. 20, 2024

First Day of School for Students - Aug. 22, 2024

z -Teacher Preparation Day

Ø - Schools Closed

Δ - End of Triad high/middle school grading period

^ - End of Trimester elementary school grading period

AZUSA UNIFIED SCHOOL DISTRICT
2025-2026 SCHOOL ATTENDANCE CALENDAR

School Month	First Week					Second Week					Third Week					Fourth Week					Days of Service	Days Taught	Legal Holiday	Local Holiday	Schools Closed	# of Days per Semester	
	Mon	Tues	Wed	Thur	Fri	Mon	Tues	Wed	Thur	Fri	Mon	Tues	Wed	Thur	Fri	Mon	Tues	Wed	Thur	Fri							
1) Aug 18 -- Sep 12	z	v	y	y							Sep *															80 days Taught	
2) Sep 15 -- Oct 10	v				Δ						1	2	3	4	5												
3) Oct 13 -- Nov 7	13	14	15	16	17										^Δ	Nov											
4) Nov 10 -- Dec 5	Ø	*						v •			Ø	x	x	*	x	Dec											
5) Dec 8 -- Jan 2	8	9	10	11	12							m Δ	x	*	Ø	Ø	Ø	x	Jan *	Ø							
6) Jan 5 -- Jan 30	Ø	Ø	v •								*	19	20	21	22	23										100 days Taught	
7) Feb 2 -- Feb 27	Feb					*				^Δ	*	16	17	18	19	20											
8) Mar 2 -- Mar 27	Mar																			m Δ							
9) Mar 30 -- Apr 24	Ø	Ø	Apr	Ø	Ø	x																					
10) Apr 27 -- May 22	30	31	1	2	3																						
11) May 25 -- Jun 19						May																					
	*	25	26	27	28	29	Jun																				
							1	2	3	4	5	8	9	10	11	12	15	16	17	18	19						

* - Legal Holiday
x - Local Holiday
Ø - School Closed

Winter Break (Staff) - 12/24/2025 - 1/6/2026
Winter Break (Students) - 12/24/2025 - 1/7/2026

y - Minimum Day for Elementary and Middle School Students
m - Minimum Day for Students and Teachers
wy - Teacher Check Out Day and Minimum Day for all students

New Teacher Orientation - August 14 & 15, 2025
First Day Back for Returning Teachers - August 18, 2025
First Day of School for Students - August 20, 2025

Δ - End of Triad high/middle school grading period
^ - End of Trimester elementary school grading period

Professional/Conference Days

- - November 19, 2025 (TK-5)
- - January 7, 2026 (6-12)

Staff Development Days

- v - August 19, 2025 (TK-12)
- v - September 15, 2025 (TK-12)
- v - November 19, 2025 (6-12 only)
- v - January 7, 2026 (TK-5 only)

Teacher Preparation Day

- z - August 18, 2025 (TK-12)

HOLIDAYS FOR CLASSIFIED AND 12-MONTH CERTIFICATED EMPLOYEES

Independence Day	July 4
Labor Day	September 2
Veteran's Day	November 11
Admissions Day	November 26 (<i>in lieu of Sept. 9</i>)
Thanksgiving	November 27, 28, 29
Winter Holiday	December 24, 25
New Year's	December 31 & January 1
Martin Luther King's Day	January 20
Lincoln's Day	February 10
Washington's/Presidents' Day	February 17
Spring Holiday	April 4
Memorial Day	May 26
Juneteenth	June 19

OBSERVANCE OF HOLIDAYS

The third Monday in January or Monday or Friday in the week in which January 15th occurs known as "Dr. Martin Luther King, Jr Day." On the Friday preceding the day the schools are closed, schools shall include exercises commemorating and directing attention to the history of the civil rights movement in the United States and particularly the role therein of Dr. Martin Luther King, Jr.

The Monday or Friday of the week in which February 12 occurs, known as "Lincoln Day." On the day that school is in session prior to the day on which schools are closed for that purpose, all public schools and educational institutions throughout the state shall hold exercises in memory of Abraham Lincoln.

The third Monday in February known as "Washington Day." On the Friday preceding, all public schools and educational institutions throughout the state shall hold exercises in memory of George Washington.



LIST OF SCHOOLS (BY GRADE LEVEL)

All AUSD elementary schools provide preschool with the exception of those marked with an asterisk ().*

Elementary Schools (PK–K) (TK–5)

Henry Dalton Elementary	500 East Tenth Street, Azusa 91702	Jessica Estrada	(626) 815-5245
Victor Hodge Elementary*	700 West Eleventh Street, Azusa 91702	Jeanette Flores	(626) 815-4800
Charles H. Lee Elementary	550 North Cerritos Avenue, Azusa 91702	Diana Rojas	(626) 815-5269
Longfellow School (PK)	245 West Tenth Street, Azusa 91702	Jenny Le	(626) 815-4700
Magnolia Elementary	945 East Nearfield Street, Azusa 91702	Marcella Fonseca	(626) 815-5800
Clifford Murray Elementary	505 East Renwick Road, Azusa 91702	Adrian Acosta	(626) 633-8700
Paramount Elementary	409 West Paramount Street, Azusa 91702	Antonio Flores	(626) 815-5104
Valleydale Elementary	700 South Lark Ellen Avenue, Azusa 91702	Horacio Trejo	(626) 633-8600

Middle Schools (6–8)

Gladstone Middle School	1340 North Enid Avenue, Covina 91722	Sam Perdomo Althea Zimmer Gustavo Lopez	(626) 815-3600
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High Schools (9–12)

Azusa High School East Campus	240 North Cerritos Avenue, Azusa 91702 151 North Fenimore Avenue, Azusa 91702	Gabriel Fernandez Kara Duros Robert Velasco Edith Garcia Galvan	(626) 815-3400
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Sierra High	1040 East Gladstone Street, Azusa 91702	Theresa Petersen	(626) 852-8300
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Other

Adult Education Center	1040 East Gladstone Street, Azusa 91702	Anthony Contreras	(626) 852-8400
SpEd Resource Center (SERC)	1400 Ranger Drive, Covina 91723	Lynnae Musgrove Ryan Ward	(626) 858-2200
Adult Transition Program	945 East Nearfield Street, Azusa 91702	Stephanie De La Torre	(626) 815-5825



Azusa Unified School District

Map of Schools

ELEMENTARY SCHOOLS

1. Dalton
2. Hodge
3. Lee
4. Magnolia
5. Murray
6. Paramount
7. Valleydale

MIDDLE SCHOOL

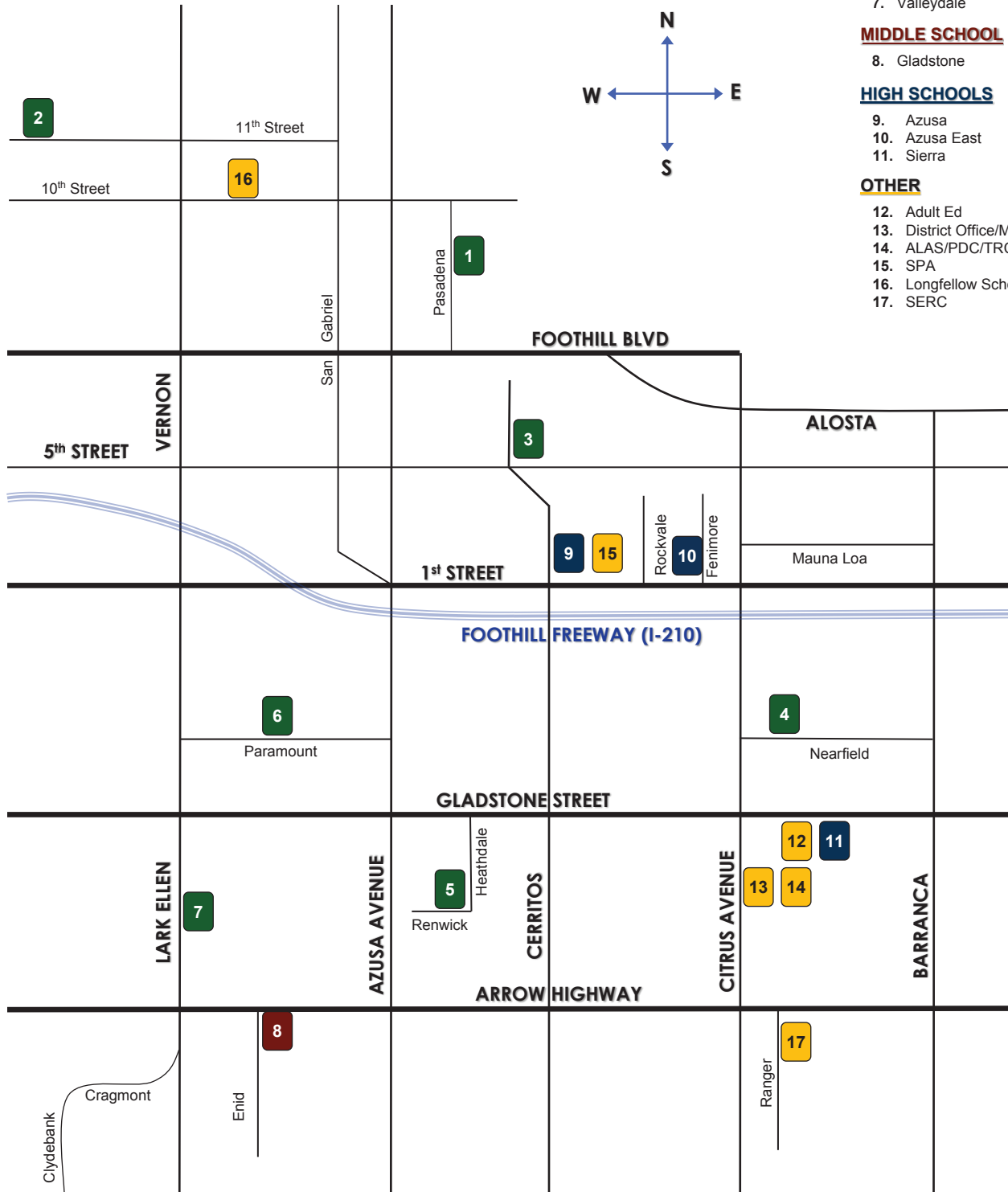
8. Gladstone

HIGH SCHOOLS

9. Azusa
10. Azusa East
11. Sierra

OTHER

12. Adult Ed
13. District Office/MOT
14. ALAS/PDC/TRC
15. SPA
16. Longfellow School
17. SERC



AZUSA EDUCATORS' ASSOCIATION

Affiliated with the California Teachers' Association
and the National Education Association

Meg Savella, President

168 N. Vermont Ave
Glendora, CA 91740
(626) 335-7961

*Meetings:

Executive Board - 1st Thursday of Each Month - 3:30 p.m.

Council Reps - 3rd Thursday of Each Month - 3:30 p.m.

*scheduled meetings subject to change

AZUSA FEDERATION of ADULT EDUCATORS

Cynthia Ontiveros, President

1040 E. Gladstone Street
Azusa, CA 91702
(626) 967-5100

E-Mail Address: Azusafae@aol.com

Meetings at the Adult Education Center
1040 E. Gladstone Street
Azusa, CA 91702

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EDUCATIONAL SERVICES

Curriculum and Instruction

The Azusa Unified School District's vision is that: "Students and staff will successfully reach their full potential and positively contribute to their community through advocacy, thinking critically, communicating effectively, and showing compassion." California State Standards present the framework of curriculum and instruction in each of the four core subject areas: English Language Arts/English Language Development, Math, Social Studies, Physical Education, Visual and Performing Arts, and Science. Student progress is measured using multiple types of formative and summative assessments to ensure that students meet state and district standards.

TK-12 state frameworks and 9-12 courses of study for the various subject areas provide guidelines and emphasis to be considered in planning for continuous and comprehensive student learning. AUSD courses of study identify course goals, teacher objectives, and student learning expectations for course content. Textbooks and other instructional materials for each course may also be identified in the courses of study. The approved course description for use by high schools is the template recommended by the College Board.

Teachers are expected to demonstrate effective lesson planning using district-approved curriculum, state standards, framework-aligned curriculum maps, and effective, research-supported teaching strategies.

Effective instructional planning and practice include the following to ensure that all students consistently experience rigorous, standards-aligned instruction in a vibrant and engaging learning environment:

- Research-based and supported instructional strategies
- An emphasis on higher-order thinking skills and connections to real-world application; lesson planning that uses the Cognitive Rigor Matrix
- An emphasis on differentiated instructional strategies in support of English learners
- Formative assessment to make informed decisions about teaching and learning in order to improve student learning outcomes consistently
- Instructional strategies that ensure students consistently carry the cognitive load
- Timely student feedback to provide students with opportunities to show mastery
- Differentiated classroom practices to meet the needs of special education students, English learners, and GATE
- Regular opportunities in all content areas for all students to engage in the components of literacy: speaking, listening, reading, and writing
- The use of academic language is explicitly taught in all content areas in support of English learners
- Learning and language objectives
- Relevant essential questions
- Engaging instructional activities
- Inquiry-based learning
- Intentional planning for questions that students will be asked
- Planned formative assessment and regular checks for student understanding

- Use of district-adopted curricular materials
- Arrangement of desired learning experiences, as to scope and sequence, in such a way that students will be effectively achieved

The district's PK-12 Academic Articulation and Advisory committees review all courses of study to ensure a district-wide coordinated effort, legal compliance, and equity and access for all students. Azusa follows the California Department of Education's timeline for evaluating, adopting, and implementing instructional materials.

LEGAL COURSE OF STUDY REQUIREMENTS

Teachers should be familiar with California Education Codes, as well as AUSD Board Policy requirements and prohibitions pertaining to instruction, including but not limited to:

- Required core content courses of instruction include: Language Arts/English Language Development, Mathematics, Social Studies, Science, and Physical Education.
- Instruction of pupils as to the effects of the use of alcohol, tobacco, narcotics, and poisonous drugs shall be given.
- Instruction shall not negatively reflect upon any citizen of the United States as to race, color, creed, gender, disability, or sexual orientation.
- No partisan, sectarian, or denominational doctrines shall be taught, nor shall such publications be used for instruction.
- Propaganda for membership in any organization not under the control of the schools is not permitted.
- All pupils are expected to participate in the physical education program unless the principal exempts them.

HIGH SCHOOL GRADUATION REQUIREMENTS

To obtain a high school diploma, students shall complete at least 220 required and elective semester units of the following courses in grades 9-12, with each course being one year unless otherwise specified:

1. Four courses in English (Education Code 51225.3)
2. Three courses in mathematics (Education Code 51225.3)

Students shall complete at least one mathematics course that meets the state academic content standards for Algebra I or Mathematics I. Students may complete such coursework prior to grade 9 provided that they also complete three mathematics courses in grades 9-12. (Education Code 51224.5)

Successful completion of an approved computer science course that is classified as a "category C" course based on the University of California (UC) and California State University (CSU) "A-G" admission requirements shall be counted toward the satisfaction of additional graduation requirements in mathematics. (Education Code

51225.3, 51225.35)

3. Two courses in science, including biological and physical sciences (Education Code 51225.3)
4. Three courses in social studies, including United States (U.S.) history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics (Education Code 51225.3)
5. One course in visual or performing arts (Education Code 51223)
6. One course in world language. For purposes of this requirement, a course in American Sign Language shall be deemed a course in world language. (Education Code 51225.3)
7. Two courses in physical education, unless the student has been otherwise exempted pursuant to other sections of the Education Code (Education Code 51225.3)
8. One course in Advanced Placement (AP), Career Technical Education (CTE), an approved Dual Enrollment college course, or an International Baccalaureate (IB) course. To be counted towards meeting graduation requirements, a CTE course shall be aligned to the CTE model curriculum standards and framework adopted by the State Board of Education. (Education Code 51225.3)
9. Beginning with the 2029-2030 school year, a one-semester in ethnic studies (Education Code 51225.3)

Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for completing prescribed courses in accordance with law.

PATRIOTIC EXERCISES

Each school shall conduct patriotic exercises daily, which may include the Pledge of Allegiance to the Flag of the United States and/or instruction that promotes understanding of the concepts of "pledge," "allegiance," "republic," and "indivisible" and understanding of the importance of the pledge as an expression of patriotism, love of country, and pride in the United States. (Education Code 52720, 52730)

At elementary schools, such exercises shall be conducted at the beginning of each school day. (Education Code 52720)

At secondary schools, such exercises shall be conducted during the homeroom period.

A student may choose not to participate in the flag salute or Pledge of Allegiance for personal reasons.

ELEMENTARY
RECOMMENDED INSTRUCTIONAL MINUTES
 (Based on Education Code and/or State Frameworks, CDE and LACOE)

	Kdgn		1-3		4-5	
Subject	State	AUSD	State	AUSD	State	AUSD
Integrated Language Arts	300	750	750	785	600	975
Mathematics	150	300	300	300	300	300
Physical Education	100	100	100	100	100	100
	550	1150	1150	1185	1000	1375
For EL Students:						
ELD	150	150	225	225	225	225
*Total Weekly Minutes	700	1270	1375	1410	1225	1600

* Additional weekly minutes accommodate variations in regular instructional minutes for district-required shortened and minimum days.

SCHEDULED MEETINGS

Board of Education Board of Education Calendar 7:00 p.m.

Academic Articulation & Advisory (See Ed Services Google Calendar)
 Meetings

Azusa Educators' Association 1st & 3rd Thursday

Professional/Conference Day

November (TK-6) November 20, 2024
 January (7-12) January 7, 2025

Staff Development Day

August (PK-12) August 21, 2024
 September (PK-12) September 16, 2024
 November (7-12 only) November 20, 2023
 January (PTK-6 only) January 7, 2025

ALAS CENTER

The ALAS center is located at the District Office, 546 S. Citrus Avenue, Azusa, CA 91702. Students determined to need a language assessment through the Home Language Survey are assessed at the ALAS Center. Various resources and supports are available at the ALAS Center, which is open Monday through Friday from 7:30 a.m. to 4:30 p.m.

THE GATE PROGRAM

Azusa Unified School District serves Gifted and Talented Education (GATE) 4-12 students. Each school site has a site GATE Coordinator who ensures that GATE students are identified and receive a differentiated core curriculum enriched with other learning opportunities. The Director of Educational Services assists the sites in providing the best opportunities for GATE students.

Azusa Unified School District uses the following indicators in identifying gifted and talented students:

Intellectual Ability

"A pupil demonstrates extraordinary or potential for extraordinary intellectual development." (Title 5, 3822)

High Achievement

"A pupil consistently produces advanced ideas and products and/or attains exceptionally high scores on achievement tests." (Title 5, 3822)

All students are screened using the Naglieri Non-Verbal Test (NNAT3) during grade 3. NNAT3 scores in the Superior range or > 120, along with advanced results on standardized assessments, will qualify a student for the GATE Program.

Parent and/or staff referrals may be considered and are subject to review by the site Student Support Team (SST). The GATE Coordinator will review students identified in another district. If a student is identified prior to grade 3, services will be provided by the classroom teacher with the support of the GATE Coordinator.

School site action plans consider the site resources, the number of identified students, and the recognized needs of the students. Differentiated strategies and activities reflect the unique talents and expertise of each site's students and staff. Students are provided differentiated instruction throughout the school day. The action plans include one or more of the following:

Clustering (Grades 4-8)

Students are clustered together in regular classrooms and provided with an appropriately differentiated curriculum, including depth and complexity. The site GATE Coordinator may provide the main instruction or be the resource for other teachers.

Enrichment (Grades 3-12)

GATE students have opportunities beyond the core curriculum to explore a topic not usually offered. This may occur before, during, or after school as a club. Several district-wide events are provided for the students each year.

Advanced and Honors (Grades 9-12)

Students may take courses that incorporate accelerated pacing, depth, complexity, and novelty. Successful completion of honors courses is appropriate preparation for further advancement.

Advanced Placement, International Baccalaureate (grade 12), or Dual Enrollment (Grades 11-12) Students may take college-level courses to be eligible to receive both high school and college credit.

In addition to classroom enrichment and instruction, GATE students may participate in STEM summer school courses, college courses, test preparation, field trips, college visits, and workshops.

LIBRARY SERVICE

Library service is furnished to the district by means of a library in each school. A library technician, library clerk, or library aide will be available for help in selecting and checking out of books for teachers and students. Each school will arrange a schedule of library use to allow opportunities for students to make use of the library for browsing, reference, and enhancing classroom instruction.

The City of Azusa maintains an excellent public library facility. Teachers in the district may borrow a maximum of ten books for classroom use for a period of two weeks, renewable for an additional two weeks upon request.

The Los Angeles County Office of Education offers a professional e-library for educators:
<http://els.lacoe.edu/>

GUIDELINES ON CONTROVERSIAL ISSUES, STUDENT ORGANIZATIONS, COPYRIGHT AND SUPPLEMENTARY MATERIALS

The appropriate Board Policy/Administrative Regulations (BP/AR) are on the following pages. It would be a good idea to read them carefully and highlight the important issues raised in each one. We will not attempt to distill these BP/ARs but instead will point out a few representative situations.

- Current events can bring up issues that are not standards-based or that are not supported by the district-approved curriculum. The district does not discourage the discussion of current events but be aware that parents may contact you with concerns regarding what was discussed in the classroom that day. Guest speakers must have prior approval from the site principal. Further, guest speakers are not credentialed teachers and may say things that can be controversial or combative. Be aware that the BP/AR may come into play, and teachers should be aware of what is in them.
- For copyright infringement guidelines, refer to BP/AR, as this can be an important and highly litigated area.

REPORTING ON PUPIL PROGRESS

Report Cards

We issue reports of academic progress during the school year as follows:

- In grades transitional kindergarten through five, the first report is issued during the parent-teacher conferences in November. Two more report cards are issued according to the yearly calendar, in addition to three progress reports for students at risk of failing.
- In grades six through twelve, three progress grades are reported each semester. Grades sent home in January and June. The grades issued in January and June are recorded in the student's permanent school record.
- IEP Progress reports are required to be sent home to families at the same time as student report cards. They must be updated in SEIS and included in the student's Special Education file.
Beginning with the first reporting period of the 98-99 school year to continue to each reporting period thereafter, Special Education teachers will provide the parents of special education students a report of progress toward the annual goal and short-term objectives (ESGV SELPA Program Report 3.0)

While very necessary, formal reports do not always completely communicate the pupil's school progress; therefore, scheduled conferences between parent and teacher are of great importance in supplementing written reports and providing a two-way flow of information so that the home and school can best work cooperatively to help each child. Conferences other than those scheduled in conjunction with the first grading period are encouraged; however, where these are scheduled on a school-wide basis, the building principal should be included in the planning.

Grades and Evaluation

A teacher shall base a student's grades solely on the quality of the student's academic work and his/her mastery of course content based on district standards. Students shall have the opportunity to demonstrate this mastery through various methods, including, but not limited to, tests, projects, portfolios, and/or class discussions as appropriate. Other elements that are not a direct measure of knowledge and understanding of course content, such as attendance, effort, student conduct, and work habits, shall not be factored into the academic grade but may be reported separately. (BP 5121)

Whenever a student misses an assignment or assessment due to either an excused or unexcused absence, he/she shall be given full credit for subsequent satisfactory completion of the assignment or assessment. (BP 5121)

The Superintendent or designee shall inform teachers of the district's policy regarding grading, including expectations that grades shall be based on factors that directly measure students' knowledge and skills in the content area and shall not include nonacademic factors. (AR 5121)

Report cards displaying students' grades in each subject or course shall be distributed to parents/guardians at the end of each grading period. Parents/guardians shall be offered an opportunity to meet with their child's teacher(s) to discuss the grades and strategies to improve their child's performance.

Whenever it becomes evident to a teacher that a student is in danger of failing a course, the teacher shall arrange a conference with the student's parent/guardian or send the parent/guardian a written report. (Education Code 49067)

For each student in grades 9-12, the Superintendent or designee shall maintain a transcript recording the courses taken, the term that each course was taken, credits earned, final grades, and completion date.

An Incomplete shall be given only when a student's work is not finished by the end of the grading period because of illness or other excused absences. If not made up within six weeks, the Incomplete shall become an F.

Grades for Physical Education

No grade of a student participating in a physical education class may be adversely affected due to the fact that the student, because of circumstances beyond his/her control, does not wear standardized physical education apparel. (Education Code 49066)

Student performance in high school physical education courses shall be based upon evaluation of the student's individual progress, attainment of goals in each instructional area, tests designed to determine skill and knowledge, and physical performance tests. (5 CCR 10060)

High school students using interscholastic athletic participation to fulfill physical education requirements, as authorized by Education Code 51242, may be graded on this participation provided a teacher credentialed to teach physical education supervises this participation and assigns the grade.

Grades for College Courses

When the district has approved a student to receive district credit for coursework completed at a community college or four-year college, he/she shall receive the same letter grade as is granted by the college.

Pass/Fail Grading

The Superintendent or designee may identify courses or programs for which students may, with parent/guardian permission, elect to earn a Pass or Fail grade instead of a letter grade.

Students who receive a Pass grade shall acquire the appropriate semester credit units for the course. The grade shall not be counted in determining class rank, honors list, or membership in the California Scholarship Federation. Students who receive a failing grade shall not receive credit for taking the course.

Repeating Classes

With the approval of the principal or designee, a student may repeat a course in order to raise his/her grade. Both grades received shall be entered on the student's transcript, but the student shall receive credit only once for taking the course. The highest grade received shall be used in determining the student's overall grade point average (GPA).

Withdrawal from Classes

A student who drops a course during the first six weeks of the grading period may do so without any entry on his/her permanent record card. A student who drops a course after the first six weeks of the grading period shall receive an F grade on his/her permanent record unless otherwise decided by the principal or designee because of extenuating circumstances.

Effect of Absences on Grades

Teachers who choose to withhold class credit because of excessive unexcused absences shall so inform students and parents/guardians of such a possibility at the beginning of the school year or semester. When a student reaches the number of unexcused absences defined as excessive in Board policy, the student and parent/guardian shall again be notified of the district's policy regarding excessive unexcused absences.

The student and parent/guardian shall have a reasonable opportunity to explain the absences. (Education Code 49067)

If a student receives a failing grade because of excessive unexcused absences, the student's record shall specify that the grade was assigned because of excessive unexcused absences. (Education Code 49067)

Grades for a student in foster care shall not be lowered if the student is absent for any reason specified in Education Code 49069.5.

(cf. 6173.1 - Education for Foster Youth)

Parent-Teacher Conferences

Elementary Grades: The parent-teacher conferences in the fall (usually held in November) will involve the parents of all pupils, if possible. In spring, teachers may want to schedule only those parents who need follow-up conferences.

It is the responsibility of the teacher to be ready to support or explain, if necessary, the philosophy of education in the Azusa Unified School District. A teacher may obtain help on this matter from the building principal.

- Secondary: Parent-teacher conferences are held as needed. Teachers may initiate conferences at grade-reporting time by checking off the appropriate symbol on the grade cards.
- Parent-initiated conferences: Teachers should make every reasonable effort to meet with parents when a conference is requested by a principal.

TESTING

District Testing Program

Azusa Unified School District has four programs using standardized tests: California Assessment of Student Performance and Progress (CAASPP), English Language Proficiency Assessments of California (ELPAC), and other evaluative programs at individual sites. Teachers participate in these testing programs in several ways. Some teachers will administer the tests; teachers may be correcting the tests; most teachers will wish to utilize test results for the general curriculum area and individual pupils. Teachers administering standardized tests must have received training in that administration. The District Office of Educational Services provides training sessions for all tests to be administered.

Teachers may obtain a calendar directive from the building principal. Teachers who are having tests administered to their pupils (either by themselves or by a grade level or testing chairman) have certain responsibilities for preparing the testing materials prior to checking them back to the district testing office. They will receive a check-in list of activities, which they must complete by a scheduled date, and they will receive it from the building principal.

Teachers can always approach their principal or the testing coordinator at their building for help in understanding and interpreting testing information for their classes as a whole or for the individuals in them.

Regulation 6145: Extracurricular And Cocurricular Activities

Status: ADOPTED

Original Adopted Date: 06/02/2009 | **Last Revised Date:** 06/26/2012 | **Last Reviewed Date:** 06/26/2012

Definitions

Extracurricular activities are those programs that have all of the following characteristics: (Education Code 35160.5)

1. Extracurricular activities are not part of the regular school curriculum, are not graded, do not offer credit, do not take place during classroom time, and have all of the following characteristics:
 - a. The program is supervised or financed by the school district.
 - b. Students participating in the program represent the school district.
 - c. Students exercise some degree of freedom in the selection, planning or control of the program.
 - d. The program includes both preparation for performance and performance before an audience or spectators.
2. Cocurricular activities are programs that may be associated with the curriculum in a regular classroom.

An activity is not an extracurricular or cocurricular activity if either of the following conditions applies: (Education Code 35160.5)

1. It is a teacher-graded or required program or activity for a course which satisfies the entrance requirements for admission to the California State University or the University of California.
2. It is a program that has as its primary goal the improvement of academic or educational achievement of students.

Eligibility Requirements

The grade point average (GPA) used to determine eligibility for extracurricular and cocurricular activities shall be based on grades of the last previous grading period during which the student attended class at least a majority of the time. If a student was not in attendance for all, or a majority of, the grading period due to absences excused by the school for reasons such as serious illness or injury, approved travel, or work, the GPA used to determine eligibility shall be the grading period immediately prior to the excluded grading period(s). (Education Code 35160.5)

When a student becomes ineligible to participate in extracurricular or cocurricular activities in the upcoming grading period, or when he/she is subject to probation, the principal or designee shall provide written notice to the student and his/her parent/guardian.

Supervision

All extracurricular activities conducted under the name or auspices of a district school or any class or organization of the school, regardless of where the activities are held, shall be under the direct supervision of certificated employees. (5 CCR 5531)

Any noncertificated person working with students in a district-sponsored extracurricular student activity program shall possess an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing or shall have cleared a Department of Justice and Federal Bureau of Investigation criminal background check prior to beginning his/her duties, in accordance with BP 4127/4227/4327 - Temporary Athletic Team Coaches. (Education Code 49024)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 350

Description

Fees not permitted

5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
5 CCR 5531	Supervision of extracurricular activities of pupils
CA Constitution Article 9, Section 5	Common school system - https://simbli.eboardsolutions.com/SU/5LDHgacpLGqiftuxZapslshQg==
Ed. Code 35145	Public meetings
Ed. Code 35160.5	Intradistrict open enrollment
Ed. Code 35179	Interscholastic athletics; associations or consortia
Ed. Code 35181	Governing board authority to set policy on responsibilities of students
Ed. Code 48850	Academic achievement of students in foster care and homeless children
Ed. Code 48930-48938	Student organizations
Ed. Code 49010-49013	Student fees
Ed. Code 49024	Activity Supervisor Clearance Certificate
Ed. Code 49700-49703	Education of children of military families

Federal References

42 USC 2000h-2-2000h-6

Description

Title IX of the Civil Rights Act of 1964

Management Resources References

California Department of Education Publication

California Task Force Report to the Legislature

Commission on Teacher Credentialing Publication

Court Decision

Website

Website

Website

Website

Website

Description

Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 12-02, April 24, 2013

Compact on Educational Opportunity for Military Children: Preliminary Final Report, March 2009

10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), July 20, 2010

Hartzell v. Connell, (1984) 35 Cal. 3d 899

California Association of Directors of Activities -
<https://simbli.eboardsolutions.com/SU/uSHY99hpxslshRWydcInB4gpA==>

California Interscholastic Federation -
<https://simbli.eboardsolutions.com/SU/QthhhDMKplusJ3akAI8GRP72g==>

Commission on Teacher Credentialing -
<https://simbli.eboardsolutions.com/SU/cxWNIqRUlsaq7efc7aH4Q==>

CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

California Department of Education -
<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>

Cross References

0410

1230

1230

1240

1240

Description

Nondiscrimination In District Programs And Activities -
<https://simbli.eboardsolutions.com/SU/FnDZ7yHITUVLmcPBwcYa4w==>

School-Connected Organizations -
<https://simbli.eboardsolutions.com/SU/RmZnkdmDq8SicNLgKoQQXg==>

School-Connected Organizations -
<https://simbli.eboardsolutions.com/SU/6z8GSfz2y5zDplusahT2fYG6Q==>

Volunteer Assistance -
<https://simbli.eboardsolutions.com/SU/s1kDPms91ZslshXvtuUxCKMdw==>

Volunteer Assistance -
<https://simbli.eboardsolutions.com/SU/KR2sg4KWAHgxai0qdzjyQA==>

1260	Educational Foundation - https://simbli.eboardsolutions.com/SU/BI7pnNYOIV6kplusPeihCFnCG==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/CfApluscpXRIZplusOj2ImuhfqBA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/NaAoUplustLOgdMDg4YyrqkSQ==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/CGtJ1bS0fJ2qqnQzzY5qbQ==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/hYsgaF9LHjeplus4tINfVHZyg==
1330	Use Of School Facilities - https://simbli.eboardsolutions.com/SU/bweubRumzjCMFEsRwfPRVQ==
1330	Use Of School Facilities - https://simbli.eboardsolutions.com/SU/OsPXtQrBZmNcjhUi2mwN3Q==
1330-E PDF(1)	Use Of School Facilities - https://simbli.eboardsolutions.com/SU/mJDGwwleQuuHMmknzSltrQ==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/y0gzCJ6sSplus9byKOL49dVplusQ==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/Mr7mOJYGplusRzB7O3OQI7wEQ==
3452	Student Activity Funds - https://simbli.eboardsolutions.com/SU/9SBtlfFygkkHplusjAgcmQciw==
3513.4	Drug And Alcohol Free Schools - https://simbli.eboardsolutions.com/SU/EglalA3lnXkKgpulshjxrQ9g==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/YguT6aXfo2478uReaoY2AA==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/oePNap4p3v5y322yAcgfwg==
3554	Other Food Sales - https://simbli.eboardsolutions.com/SU/p8lLr1YDKXtrPTrUqSB46A==
3554	Other Food Sales - https://simbli.eboardsolutions.com/SU/w3DRSfBdOgy2i04klD9jjA==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/k3JxZLYs4Qu9bUOSH7p5dg==
4212.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/AeBTETgslshWKpwwQnauiEuqQ==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/5WjNpF3QWadlewTbgJwn2Q==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/Nr0hpgWFRbmYmhrMwSDvfA==
5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/l8ZApRxuuSLaabWYN4ZDPQ==
5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/ySiYslshsln92XnBZDao5eimQ==
5131	Conduct - https://simbli.eboardsolutions.com/SU/gCHmgEvELPHGSbXveh7njA==
5131.1	Bus Conduct - https://simbli.eboardsolutions.com/SU/plus9AfCMLa6PRmXjw9fKtd1A==
5131.1	Bus Conduct - https://simbli.eboardsolutions.com/SU/UKn7CTwurbrGeijcpluscQLplusQ==

5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/fofkG2y9KkyVyTef5VpjPQ==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/SSzp7t1kSjfizyfJoaeq7A==
5144	Discipline - https://simbli.eboardsolutions.com/SU/VKfDusQz4wO4ztggq0xR0Q==
5144	Discipline - https://simbli.eboardsolutions.com/SU/h8js9swo8roKNec7W9PBIQ==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/2KWISVzOJQsLVudCPe2bpg==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/1wRsP0evdfTslshv6FLdTXneA==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/lsishWEps64d5tGtqQbrl8gaQ==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/Xtm3uqHMol1KAP4CIBOS3g==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/Rx7eYWCQJQxyhVGfnTMOBQ==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/Etnsl0vfjVFwtsfy7FGqYA==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/bVa5mPNAi4zf7b1zOFIT1Q==
5145.71	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/O9zo4plgytGao63PqBwRqQ==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/MWXILQ494aeY3920IWPxlg==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/YMCslshYRfeMGnJYFXn2LFUFQ==
6142.3	Civic Education - https://simbli.eboardsolutions.com/SU/KSOU8NZcpluskLMKFJ1FgJfWA==
6142.7	Physical Education And Activity - https://simbli.eboardsolutions.com/SU/wLhC38lfitHbiftplusu8Slqg==
6142.7	Physical Education And Activity - https://simbli.eboardsolutions.com/SU/st47PplusnstvXplus2ge0izZVwA==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/2rm43307PLCL6tPtEi0B1g==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/QSMplusSNCxGfu1or4plus3KUx6A==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/mjzVr4hwth0plusJplusU0vFgStw==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/li7fyXj9QEE0CqwFCiOzbQ==
6145.5	Student Organizations And Equal Access - https://simbli.eboardsolutions.com/SU/GADbzbG3jCsishHZg5slshjCRtzw==
6145.5	Student Organizations And Equal Access - https://simbli.eboardsolutions.com/SU/Ch4VH6ktnX8KzDIDi61ieA==
6145.6	International Exchange - https://simbli.eboardsolutions.com/SU/IUCopV0dbplusBHBslshi1Slcovw==
6145.6	International Exchange - https://simbli.eboardsolutions.com/SU/nERqr02JGslshbveghplusxbBxw==

6146.1	High School Graduation Requirements - https://simbli.eboardsolutions.com/SU/vp95bp6sYHG0eop0gLqhSA==
6146.1	High School Graduation Requirements - https://simbli.eboardsolutions.com/SU/fG91NrUN0SRom05BZPJ0HA==
6153	School-Sponsored Trips - https://simbli.eboardsolutions.com/SU/slshS7ov5CQAyeHkdawLt926g==
6153	School-Sponsored Trips - https://simbli.eboardsolutions.com/SU/28erFYy07ToHyAA1IfEOA==
6164.6	Identification And Education Under Section 504 - https://simbli.eboardsolutions.com/SU/gbFxC7ISvpjPqUUGCplusA3gg==
6164.6	Identification And Education Under Section 504 - https://simbli.eboardsolutions.com/SU/iulaSTmMoGzrsDKTvJ9UWg==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/txeOyoBAokde03EL8jzLslshQ==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/RuKkaP9U0ZIZTrvBvW6Wjw==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/j10m5VbLmj8pqMRz0d6dkQ==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/suCMRgbiqOO4rvJsmX2tqw==
6173.2	Education Of Children Of Military Families - https://simbli.eboardsolutions.com/SU/NurplusRF8plus3CpJP0wG1JplusPMA==
6178	Career Technical Education - https://simbli.eboardsolutions.com/SU/X7b5JEzoRKslshww2JugXgaPw==
6178	Career Technical Education - https://simbli.eboardsolutions.com/SU/IKS6G1GbwN6vkN4aZ4filw==
9150	Student Board Members - https://simbli.eboardsolutions.com/SU/LrYqdsish0yxq9mFPVJe4VosQ==
9310	Board Policies - https://simbli.eboardsolutions.com/SU/w1Hju6YkZplusilAx4r6plQpg==

Regulation 6162.6: Use Of Copyrighted Materials

Status: ADOPTED

Original Adopted Date: 06/02/2009 | **Last Revised Date:** 09/18/2018 | **Last Reviewed Date:** 09/18/2018

Prior to reproducing, distributing, displaying, posting, performing, or otherwise using a copyrighted material for an instructional purpose or in the course of other district business, district staff shall determine whether it is necessary to request permission of the copyright holder. Unless the staff member is reasonably certain that the material is in the public domain or the intended use meets the criteria for an exception specified in 17 USC 107-122 and this administrative regulation, he/she shall either obtain permission from the copyright holder or avoid use of the material. In addition, permission of the copyright holder shall be requested whenever district staff intend to publicly disseminate a copyrighted work, such as by posting on the district or school web site or using another method of communications accessible to the public.

Any reproduction or other use of a copyrighted work shall include the copyright notice.

District staff shall not reproduce and distribute copyrighted works of any type in any of the following circumstances:

1. When the copyrighted work is a "consumable" work such as a workbook, standardized test, answer sheet, or similar material
2. To substitute for the purchase of the work
3. To create, replace, or substitute for anthologies or collective works

Request for Permission to Use Copyrighted Material

As necessary, district staff desiring to use a copyrighted material shall identify and contact the copyright holder to request permission to use the material. The request 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, such as the number of lines, pages, or chapters or percentage of the work
4. Nature of the use, such as the course in which it will be used
5. The grade level of the students, the number of students, and the frequency of use
6. How the material will be reproduced and distributed
7. If the copyright holder requires a fee to grant permission, district staff shall seek approval from the Superintendent or designee prior to incurring the cost.

Criteria for Fair Use

In considering whether a copyrighted work may be used without the copyright holder's permission on the grounds that the intended use is "fair use" pursuant to 17 USC 107, including reproduction in copies, phonorecords, or any other reproductive form for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, district staff shall consider all of the following factors: (17 USC 107)

1. The purpose and character of the use, including whether the use is of a commercial nature or for nonprofit educational purposes
2. The nature of the copyrighted work
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole
4. The effect of the use upon the potential market for or value of the copyrighted work

Any determination of fair use shall weigh together all the factors specified in items #1-4 above in addition to any applicable guidelines presented in this administrative regulation for specific types of copyrighted works.

Guidelines for Copying Text

Staff may reproduce text from a copyrighted work from a printed resource, the Internet, or other source, without permission from the copyright holder, under the following conditions:

1. A single copy of a chapter of a book, article from a periodical or newspaper, short story, short essay, short poem, chart, graph, diagram, drawing, cartoon, or picture may be made by or for a teacher for his/her scholarly research or use in teaching or preparation to teach a class.
2. Multiple copies, not to exceed one copy per student in a course, may be made by or for a teacher for classroom use or discussion, provided that:
 - a. The amount to be copied does not exceed:
 - i. 250 words for a complete poem or excerpt from a poem
 - ii. 2,500 words for a complete article, story, or essay
 - iii. 1,000 words or 10 percent of the whole (with a minimum of 500 words), whichever is less, for an excerpt from a larger prose work
 - iv. One illustration (e.g., chart, graph, diagram, cartoon, or picture) per book or periodical issue
 - b. The copying is for only one course in the school.
 - c. With the exception of newspapers and other news periodicals, not more than one work is copied from the same author per term, not more than three works are copied from the same collective work or periodical volume per term, and there are no more than nine instances of multiple copying per course per term.
 - d. A delay to request permission from the copyright holder would preclude the most effective instructional use of the material.

Guidelines for Reproducing Sheet and Recorded Music

District staff may reproduce sheet music and recorded music without permission from the copyright holder under the following conditions:

1. Emergency copies may be made when purchased copies needed for an imminent performance are not available, provided that replacement copies shall be purchased in due course.
2. Single or multiple copies of excerpts of works may be made for academic purposes other than performances, provided that the excerpt does not constitute an entire performable unit (e.g., a section, movement, or aria), no more than 10 percent of the total work is used, and the number of copies made does not exceed one per student.
3. Printed copies that have been purchased may be edited or simplified provided that the character of the work is not distorted and lyrics are not added or altered.
4. A single copy of a recorded performance by students may be made for evaluation or rehearsal purposes.
5. A single copy of recordings of copyrighted music owned by the district or individual teacher may be made for the purpose of constructing exercises or examinations.

Guidelines for Performing or Displaying Copyrighted Works

In the course of face-to-face instruction in a classroom or similar place devoted to instruction, teachers or students may recite, render, play, dance, act, or show a copyrighted work either directly or by means of any device or process or, in the case of a motion picture or other audiovisual work, show its images in any sequence or to make the sounds accompanying it audible, provided that: (17 USC 101, 110)

1. The performance or display is given by means of a lawfully obtained copy of the work.

2. The performance or display is made by, at the direction of, or under the actual supervision of a teacher as an integral part of a class session.
3. The performance or display is directly related and of material assistance to the teaching content of the transmission.
4. The transmission is limited to students enrolled in the course or to Governing Board members or employees as part of their official duties or employment.
5. If the work is to be digitally transmitted, the district has applied technological protections that reasonably prevent retention of the work in accessible form for longer than the class session and the unauthorized further dissemination of the work.

Any use of a motion picture or other audiovisual work outside the curriculum, such as for entertainment, a school or class reward, or a fundraiser, shall require permission from the copyright holder or a special viewing license.

Guidelines for Recording Broadcast Programming

Teachers may make recordings of television programs for use in a classroom for educational purposes under the following conditions:

1. Only programs provided to the public free of charge may be recorded and shown. Any use of programming from paid television services shall require permission of the copyright holder.
2. The recording may be shown only during the first 10 consecutive school days after it is made. It may be used once by an individual teacher in the course of relevant teaching activities and may be repeated once only when instructional reinforcement is necessary.
3. A limited number of copies may be reproduced from each recording to meet the legitimate needs of the teacher. Each copy shall be subject to all the provisions governing the original recording.
4. The recording may be retained for 45 calendar days after it is made and then shall be erased or destroyed. However, after the first 10 consecutive school days, the recording may only be used for purposes of determining whether or not to include the broadcast program in the teaching curriculum. If the teacher decides to keep the program for use in the curriculum, he/she shall request permission from the copyright owner.
5. Off-air recordings need not be used in their entirety, but the content of recorded programs may not be altered.

Guidelines for Copying Computer Programs or Software

District staff shall observe all licensing agreements between vendors and the district, including monitoring the number of users permitted by an agreement. Unless the applicable licensing agreement authorizes multiple users of a single computer program or software, the district shall not make multiple copies.

Copies of district-owned software may be made under either of the following conditions: (17 USC 117)

1. The copy is needed as an essential step in using the computer program with a particular machine.
2. The copy is used for archival or "backup" purposes only. This copy may be held only as a file copy and must be destroyed in the event that continued possession of the program ceases to be rightful, unless the copyright owner authorizes its sale, lease, or transfer as part of the sale, lease, or transfer of the original program.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 35182

Description

Marketing or licensing noneducational mainframe electronic data-processing software

Federal References

Description

17 USC 101-122	Subject matter and scope of copyright
17 USC 102	Definitions
17 USC 106	Copyright protection
17 USC 107	Fair use of copyrighted works
17 USC 110	Limitations on exclusive rights: Exemption of certain performances and displays
17 USC 504	Penalties for copyright infringement

Management Resources References

Court Decision	Cambridge University Press et al. v. Becker et al. (N.D. Ga. 2012) 863 F.Supp.2d 1190
Court Decision	Campbell v. Acuff-Rose Music, Inc., (1994) 510 U.S. 569
Court Decision	Marcus v. Rowley, (9th Cir., 1982) 695 F.2d 1171
National School Boards Association Publication	Copyright Law: Do Schools Need a License to Show a Movie?, School Law Review, July 2010
U.S. Copyright Office Publication	Circular 21: Reproduction of Copyrighted Works by Educators and Librarians, rev. 2009
U.S. Copyright Office Publication	Circular 22: How to Investigate the Copyright Status of a Work, rev. 2013
U.S. Copyright Office Publication	Circular 23: The Copyright Card Catalog and the Online Files of the Copyright Office, rev. 2012
Website	University of California, Copyright Education - https://simbli.eboardsolutions.com/SU/luK7qJQ6pjvI4KkslshEslshV0vw==
Website	U.S. Copyright Office - https://simbli.eboardsolutions.com/SU/V2vUUv9W7IGIA6JUMaKWNw==
Website	Copyright Society of the USA - https://simbli.eboardsolutions.com/SU/5L9YIIXDs7i5sbaduubCVQ==
Website	National School Boards Association - https://simbli.eboardsolutions.com/SU/PGLybcP29yufJSot5FEGJg==

Cross References

0440	District Technology Plan - https://simbli.eboardsolutions.com/SU/ufpqEymurplusbMcY8BDBnRZQ==
0440	District Technology Plan - https://simbli.eboardsolutions.com/SU/hioD0waOOJiByYNFpisbsQ==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/BzLslshM03JGp7plus8dzh1Fzc4Q==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/LkplusM8wFuCJc9T99n32Hnw==
1113-E PDF(1)	District And School Web Sites - https://simbli.eboardsolutions.com/SU/fCje9zCXa1OFcXTUBQYRhw==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/JfCojzMhplusqvfyCOp9Cgiw==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/LnhNVipgsss47FWyv0docA==
3300	Expenditures And Purchases - https://simbli.eboardsolutions.com/SU/yYy1CH64rE6t4GfplusXglZa==
3312	Contracts - https://simbli.eboardsolutions.com/SU/RtEPentWF4fC8KdSsZuiQQ==

3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/AwD0gWC1fp3vplus35CcotDig==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/usslshWhTtZbMepJAoA7BVd6g==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/pCyVFVWhxjPMeQ9hSFguPfw==
4040-E PDF(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/SHiUEWDyslshNbm0aZ0gplusTpfw==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/UTGFaZorslshLeTKDloySlofQ==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/mGplusvfwZSZeWEomplumBplusTJTg==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/qM93MntQ08IXE19SqYgzA==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/xnlUHul4wamrtLwplus2OFxcA==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/cRQObj7EJcTiplushojXxDrvW==
4219.21-E PDF(1)	Professional Standards - Code Of Ethics Classified Employees - https://simbli.eboardsolutions.com/SU/Yn4FDSgBUNSbsWF3lvplkIQ==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/aVzvR2gnF6PxyE8OYijAPA==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/sVVtgfkApxmtRMQLIsMRyQ==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/mi31ZJfJZ6P6XlztQhGr3Q==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/hqxZREbEWMHD9ZdRfApig==
5131.9	Academic Honesty - https://simbli.eboardsolutions.com/SU/2Il6bVdYlnJJdk4cv0x3A==
6141	Curriculum Development And Evaluation - https://simbli.eboardsolutions.com/SU/61Y9cvRslshKoW6mmj04arBBA==
6141	Curriculum Development And Evaluation - https://simbli.eboardsolutions.com/SU/b3H6sslshVg4w5Fn8pgCBjCIA==
6142.6	Visual And Performing Arts Education - https://simbli.eboardsolutions.com/SU/N738O7slshud1ol7mrvlplusSOfw==
6142.94	History-Social Science Instruction - https://simbli.eboardsolutions.com/SU/kOgxeL28LBIK6rQB9O3AdA==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/GmQp0w7DhRvK1m3vP0cXFw==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/36O7IOMpriTMVXSH2aUCslshA==
6161.1-E PDF(1)	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/b9DR42M1EdCAnrzwKB7O8g==
6161.11	Supplementary Instructional Materials - https://simbli.eboardsolutions.com/SU/kWJW4zRME1hY1pHypTRx0g==
6163.1	Library Media Centers - https://simbli.eboardsolutions.com/SU/lwXB8c8GOCzKnQd9nEugsg==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/xwmncaskhLLu0j71v8uU3g==

6163.4-E PDF(1)

Student Use Of Technology -

<https://simbli.eboardsolutions.com/SU/6rv0ZAjZh6iRtwPPy2v3Bw==>

Policy 6144: Controversial Issues

Status: ADOPTED

Original Adopted Date: 06/02/2009 | **Last Revised Date:** 06/13/2017 | **Last Reviewed Date:** 06/13/2017

The Governing Board recognizes that the district's educational program may sometimes include instruction related to controversial issues that may arouse strong reactions based on personal values and beliefs, political philosophy, culture, religion, or other influences. Instruction concerning such topics shall be relevant to the adopted course of study and curricular goals and should be designed to develop students' critical thinking skills, ability to discriminate between fact and opinion, respect for others, and understanding and tolerance of diverse points of view.

The Board expects administrators and teachers to exercise caution and professional judgement when deciding whether or not a particular issue is suitable for study. They shall consult with the Superintendent or designee as necessary to determine the appropriateness of the subject matter, guest speakers, and/or related instructional materials or resources.

When providing instruction related to a controversial issue, the following guidelines shall apply:

1. The topic shall be suitable to the age and maturity of the students.
2. Instruction shall be presented in a balanced manner, addressing all sides of the issue without bias or prejudice and without promoting any particular point of view.
3. In the classroom, teachers act on behalf of the district and are expected to follow the adopted curriculum. In leading or guiding class discussions about issues that may be controversial, a teacher may not advocate his/her personal opinion or viewpoint. When necessary, the Superintendent or designee may instruct teachers to refrain from sharing personal views in the classroom on controversial topics.
4. Students shall be assured of their right to form and express an opinion without jeopardizing their grades or being subject to discrimination, retaliation, or discipline, provided the viewpoint does not constitute harassment, threats, intimidation, or bullying or is otherwise unlawful.
5. Students shall be informed of conduct expected during such instruction and the importance of being courteous and respectful of the opinions of others.
6. Adequate factual information shall be provided to help students objectively analyze and evaluate the issue and draw their own conclusions.
7. The instruction shall not reflect adversely upon persons because of their race, ethnicity, national origin, sex, sexual orientation, gender identity or expression, disability, religion, or any other basis prohibited by law.
8. The subject matter of the instruction shall not otherwise be prohibited by state or federal law.

When a guest speaker is invited to make a presentation related to a controversial issue, the Superintendent or designee shall notify him/her of this policy and the expectations and goals regarding the instruction. If the guest speaker is presenting only one point of view on an issue, the teacher shall be responsible for ensuring that students also receive information on opposing viewpoints.

When required by law, such as in regards to comprehensive sexual health and HIV prevention education, parents/guardians shall be notified prior to instruction that they may request in writing that their child be excused from the instruction. Students whose parents/guardians decline such instruction may be offered an alternative activity of similar educational value.

A student or parent/guardian with concerns regarding instruction about controversial issues may communicate directly with the teacher or principal and/or use appropriate district complaint procedures.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Ed. Code 220	Prohibition of discrimination
Ed. Code 48950	Speech and other communication
Ed. Code 51240	Excuse from instruction due to religious beliefs
Ed. Code 51500	Prohibited instruction or activity
Ed. Code 51510	Prohibited study or supplemental materials
Ed. Code 51511	Religious matters properly included in courses of study
Ed. Code 51513	Personal beliefs
Ed. Code 51530	Advocacy or teaching of communism
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 60040	Selection of instructional materials
Ed. Code 60044	Prohibited instructional materials
Ed. Code 60045	Criteria for instructional materials

Management Resources References

Court Decision	Garcetti v. Ceballos, (2006) 547 U.S. 410
Court Decision	Mayer v. Monroe County Community School Corporation, (2007) 474 F.3d 477 (7th Cir.)
Court Decision	Johnson v. Poway Unified School District, (2011) 658 F.3d 954

Cross References

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/FnDZ7yHITUVLmcPBwcYa4w==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/UeCd2AJJxfBU7E37o1kmUg==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/3x1plusj0z5ZLMqRsshsEIT6Q==
1312.1-E PDF(1)	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/eAlz50x7oMx0vq3x9PjTplusg==
1312.2	Complaints Concerning Instructional Materials - https://simbli.eboardsolutions.com/SU/fcYZUJMpV94bnD6gyGkJPw==
1312.2	Complaints Concerning Instructional Materials - https://simbli.eboardsolutions.com/SU/a2ihWI4WdVbn5kGQOI4NAQ==
1312.2-E PDF(1)	Complaints Concerning Instructional Materials - https://simbli.eboardsolutions.com/SU/OqEutdav2RrzoLCZLslshl4Bg==
1325	Advertising And Promotion - https://simbli.eboardsolutions.com/SU/1slshXspRaQThslshjxtigzLaZYg==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/UslshRGVNhJBEEEDNrko7psQg==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/seiEdh3poDGMpbcllNJXOQ==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/HslshFplusldczqDEuoeLLia0ZiA==
5022	Student And Family Privacy Rights - https://simbli.eboardsolutions.com/SU/h5JLCQ5YKFnVYt3uPtVREg==
5022	Student And Family Privacy Rights - https://simbli.eboardsolutions.com/SU/OjlrF0nHfn6zu7MkMxhpsw==

5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/l8ZApRxuuSLaabWYN4ZDPQ==
5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/ySiYslshsln92XnBZDao5eimQ==
5131	Conduct - https://simbli.eboardsolutions.com/SU/gCHmgEvELPHGSbXveh7njA==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/qASFpuS5ozE6wCBVNSx9gA==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/qgO2Xc5j2ZloRSmslshVbxwqA==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/TblzARxCrHVqa29KnvrWDQ==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/iJGaplusl7X1xBZXgx7slIDCQ==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/Xtm3uqHMol1KAP4CIBOS3g==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/Rx7eYWCOJQxyhVGfnTMOBQ==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/Ak4bbXFt2GC0Nslshe6zOQilw==
6115	Ceremonies And Observances - https://simbli.eboardsolutions.com/SU/WFyp8ZplusJhyXjgoDnYnAxAQ==
6115	Ceremonies And Observances - https://simbli.eboardsolutions.com/SU/xtzjlcZwGgGXslshpITeK9ZzA==
6141	Curriculum Development And Evaluation - https://simbli.eboardsolutions.com/SU/61Y9cvRslshKoW6mmj04arBBA==
6141	Curriculum Development And Evaluation - https://simbli.eboardsolutions.com/SU/b3H6sslshVg4w5Fn8pgCBjCIA==
6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/6Ka3KmShWQdQ6rYlPplusSZkw==
6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/l9RLuOQd28HuyTtKPpqv3w==
6142.1	Sexual Health And HIV/AIDS Prevention Instruction - https://simbli.eboardsolutions.com/SU/LV0CKpKiXb7ajC5fo52P5g==
6142.1	Sexual Health And HIV/AIDS Prevention Instruction - https://simbli.eboardsolutions.com/SU/HcpwY3M8LuLLXehUiEcpYg==
6142.3	Civic Education - https://simbli.eboardsolutions.com/SU/KSOu8NZcpuslLMKFJ1FgJfWA==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/GVzAgUNrmwjxJNKmsgl1rQ==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/IJW9DH2z29vRFUTVfplusjDjQ==
6142.94	History-Social Science Instruction - https://simbli.eboardsolutions.com/SU/kOgxeL28LBIK6rQB9O3AdA==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/2rm43307PLCL6tPtEi0B1g==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/QSMplusSNCxGfu1or4plus3KUx6A==
6145.5	Student Organizations And Equal Access - https://simbli.eboardsolutions.com/SU/GADbzipG3jCsHhZg5slshjCRtzw==

6145.5	Student Organizations And Equal Access - https://simbli.eboardsolutions.com/SU/Ch4VH6ktnX8KzDIDi61ieA==
6145.8	Assemblies And Special Events - https://simbli.eboardsolutions.com/SU/t0ITcjxXXt41O5JdqtbPbA==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/GmQp0w7DhRvK1m3vP0cXFw==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/36O7I0MprlTMVXSH2aUCslshA==
6161.1-E PDF(1)	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/b9DR42M1EdCAnrzwKB7O8g==
6161.11	Supplementary Instructional Materials - https://simbli.eboardsolutions.com/SU/kWJW4zRME1hY1pHypTRx0g==
6163.1	Library Media Centers - https://simbli.eboardsolutions.com/SU/lwXB8c8GOCzKnQd9nEugsg==

Policy 6162.6: Use Of Copyrighted Materials

Status: ADOPTED

Original Adopted Date: 06/02/2009 | **Last Revised Date:** 09/18/2018 | **Last Reviewed Date:** 09/18/2018

The Governing Board recognizes that district staff and students may use a variety of copyrighted materials in the educational program and other district operations. When such materials have not been purchased by the district for the intended use, the Board expects staff and students to respect the protections afforded by federal law to the copyright owners of those materials and respect any limitations by the copyright holder to the license of such materials.

Any literary, musical, dramatic, choreographic, pictorial, graphic, sculptural, audiovisual or motion picture, sound, architectural, or other original work shall be assumed to be a copyrighted work, regardless of whether the work appears in print, audio, video, electronic, or other fixed and tangible form.

Before reproducing a copyrighted material for instructional or other district purposes, a staff member shall determine if the material is in the public domain or if the intended use of the material meets the criteria for fair use or another exception pursuant to 17 USC 107-122. If the material is not in the public domain or no recognized exception applies, the staff member shall seek permission of the copyright holder before using the material.

The Superintendent or designee shall inform staff that inclusion of an attribution citing the author and source of a copyrighted material does not absolve the staff member from the responsibility to either obtain permission or satisfy criteria for fair use or another exception.

If a staff member is uncertain as to whether the intended use of the material meets the criteria for fair use or another exception, he/she shall take the safest course and seek permission from the copyright holder to use the material or, if it is impracticable to obtain permission, shall contact the Superintendent or designee for clarification and assistance.

Students shall not copy or distribute copyrighted works to others. Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment.

The Superintendent or designee shall ensure that staff and students receive information and training about copyright laws and the penalties for violating such laws.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 35182

Description

Marketing or licensing noneducational mainframe electronic data-processing software

Federal References

17 USC 101-122

Description

Subject matter and scope of copyright

17 USC 102

Definitions

17 USC 106

Copyright protection

17 USC 107

Fair use of copyrighted works

17 USC 110

Limitations on exclusive rights: Exemption of certain performances and displays

17 USC 504

Penalties for copyright infringement

Management Resources References

Description

Court Decision

Cambridge University Press et al. v. Becker et al. (N.D. Ga. 2012) 863 F.Supp.2d 1190

Court Decision

Campbell v. Acuff-Rose Music, Inc., (1994) 510 U.S. 569

Court Decision

Marcus v. Rowley, (9th Cir., 1982) 695 F.2d 1171

National School Boards Association Publication	Copyright Law: Do Schools Need a License to Show a Movie?, School Law Review, July 2010
U.S. Copyright Office Publication	Circular 21: Reproduction of Copyrighted Works by Educators and Librarians, rev. 2009
U.S. Copyright Office Publication	Circular 22: How to Investigate the Copyright Status of a Work, rev. 2013
U.S. Copyright Office Publication	Circular 23: The Copyright Card Catalog and the Online Files of the Copyright Office, rev. 2012
Website	University of California, Copyright Education - https://simbli.eboardsolutions.com/SU/luK7qJQ6pjl4KkslshEslshV0vw==
Website	U.S. Copyright Office - https://simbli.eboardsolutions.com/SU/V2vUUv9W7IGIA6JUMaKWNw==
Website	Copyright Society of the USA - https://simbli.eboardsolutions.com/SU/5L9YIIXDs7i5sbaduubCVQ==
Website	National School Boards Association - https://simbli.eboardsolutions.com/SU/PGLybcP29yufJSot5FEGJg==

Cross References

Description

0440	District Technology Plan - https://simbli.eboardsolutions.com/SU/ufpqEymurplusbMcY8BDBnRZQ==
0440	District Technology Plan - https://simbli.eboardsolutions.com/SU/hioD0waOOJiByYNFpisbsQ==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/BzLslshM03JGp7plus8dzh1Fzc4Q==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/LkplusM8wFuCJc9T99n32Hnw==
1113-E PDF(1)	District And School Web Sites - https://simbli.eboardsolutions.com/SU/fCje9zCXa1OFcXTUBQYRhw==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/JfCojzMhplusqvfyCOp9Cgiw==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/LnhNVipgsss47FWyv0docA==
3300	Expenditures And Purchases - https://simbli.eboardsolutions.com/SU/yYy1CH64rE6t4GfplusXglZzA==
3312	Contracts - https://simbli.eboardsolutions.com/SU/RtEPentWF4fC8KdSsZuiQQ==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/AwD0gWC1fp3vplus35CcotDig==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/usslshWhTtZbMepJAoA7BVd6g==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/pCyVFWhxjPMeQ9hSFguPfw==
4040-E PDF(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/SHiUEWDyslshNbm0aZ0gplusTpfw==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/UTGFaZorslshLeTKDloySlofQ==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/mGplusvfwZSZeWEomplumBplusTJTg==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/qM93MntQ08IXE19SqyYgzA==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/xnIUHul4wamrtLwplus2OFxcA==

4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/cRQObj7EJcTiplushojXxDrvw==
4219.21-E PDF(1)	Professional Standards - Code Of Ethics Classified Employees - https://simbli.eboardsolutions.com/SU/Yn4FDSgBUNSbsWF3lvpkIQ==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/aVzvR2gnF6PxyE8OYijAPA==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/sVVtgfkApxmtRMQLsMRyQ==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/mi31ZJfJZ6P6XlztQhGr3Q==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/hqxZREbEWMHD9ZdRfApig==
5131.9	Academic Honesty - https://simbli.eboardsolutions.com/SU/2ll6bVdYlnJJdk4cv0x3A==
6141	Curriculum Development And Evaluation - https://simbli.eboardsolutions.com/SU/61Y9cvRslshKoW6mmj04arBBA==
6141	Curriculum Development And Evaluation - https://simbli.eboardsolutions.com/SU/b3H6sslshVg4w5Fn8pgCBjCIA==
6142.6	Visual And Performing Arts Education - https://simbli.eboardsolutions.com/SU/N738O7slshud1ol7mrvlplusSOfw==
6142.94	History-Social Science Instruction - https://simbli.eboardsolutions.com/SU/kOgxel28LBIK6rQB9O3AdA==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/GmQp0w7DhRvK1m3vP0cXFw==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/36O7I0MprlTMVXSH2aUCslshA==
6161.1-E PDF(1)	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/b9DR42M1EdCAnrzwKB7O8g==
6161.11	Supplementary Instructional Materials - https://simbli.eboardsolutions.com/SU/kWJW4zRME1hY1pHypTRx0g==
6163.1	Library Media Centers - https://simbli.eboardsolutions.com/SU/lwXB8c8GOCzKnQd9nEugsg==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/xwmncaskhLLu0j71v8uU3g==
6163.4-E PDF(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/6rv0ZAJZh6iRtwPPy2v3Bw==

Policy 5131: Conduct

Status: ADOPTED

Original Adopted Date: 01/13/2009 | **Last Revised Date:** 04/19/2022 | **Last Reviewed Date:** 04/19/2022

The Governing Board believes that all students have the right to be educated in a safe and positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, going to or coming from school, at school activities, or using district transportation.

The Superintendent or designee shall ensure that each school develops standards of conduct and discipline consistent with Board policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats
2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption to the school program
3. Conduct that disrupts the orderly classroom or school environment
4. Willful defiance of staff's authority
5. Damage to or theft of property belonging to students, staff, or the district
6. Obscene acts or use of profane, vulgar, or abusive language
7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited substances
8. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose with prior permission of the principal or designee (Penal Code 417.27)
9. Use of a cell phone, smartwatch, pager, or other mobile communication device during instructional time or in an unauthorized manner in violation of district policy
10. Plagiarism or dishonesty on school work or tests
11. Wearing of any attire that violates district or school dress codes, including gang-related apparel
12. Tardiness or unexcused absence from school
13. Failure to remain on school premises in accordance with school rules

Employees are expected to enforce standards of conduct and, when they observe or receive a report of a violation of these standards, to appropriately intervene or seek assistance. As necessary, the employee shall refer the matter to a supervisor or the principal or designee.

When a school employee suspects that a search of a student or a student's belongings will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

When a student uses any prohibited device, or uses a permitted device in an unauthorized manner, a district employee may confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the principal or designee, as appropriate.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, referral to a student success team or counseling services, or denial of participation in extracurricular or cocurricular activities or other privileges in accordance with Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

Students also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.

Possession/Use of Cellular Phones and Other Mobile Communications Devices

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to health-related purposes. (Education Code 48901.5)

Students may possess personal electronic signaling devices including, cellular/digital telephones and personal digital assistants (PDAs) on school campus, provided that such devices do not disrupt the educational program or school activity, and are not used for illegal or unethical activities such as cheating on assignments or tests with the following stipulations:

1. Students are responsible for personal electronic signaling devices they bring to school. The school/district shall not be responsible for loss, theft or destruction of any such device brought onto school property.
2. K-5th Grade Students: Personal electronic signaling devices may be used before school and after school. At all other times, including, but not limited to, instructional time, recess, passing periods and lunch period, electronic signaling devices shall be powered off (not left in the vibrating mode) and stored; personal electronic signaling devices are not to be displayed during instructional time or other restricted times without the express consent of an administrator, teacher or other District employee.
3. 6th-8th Grade Students: Personal electronic signaling devices may be used before school, after school and during that student's lunch period. At all other times, including, but not limited to, instructional time and passing periods, electronic signaling devices shall be powered off (not left in the vibrating mode) and stored; personal electronic signaling devices are not to be displayed during instructional time or other restricted times without the express consent of an administrator, teacher or other District employee.
4. 9th-12th Grade Students: Personal electronic signaling devices may be used before school, after school, during passing periods and during that student's lunch period. At all other times, including, but not limited to, instructional time, electronic signaling devices shall be powered off (not left in the vibrating mode) and stored; personal electronic signaling devices are not to be displayed during instructional time or other restricted times without the express consent of an administrator, teacher or other District employee.
5. No student shall use an electronic signaling device with camera, video or voice recording function in a way or under circumstances which infringe the privacy rights of others.
6. Students shall not use mobile communications devices, even in hands-free mode, while driving on school grounds or to and from a school-related activity.
7. In accordance with BP/AR 5145.12 - Search and Seizure, a school official may search a student's mobile communications device, including, but not limited to, reviewing messages or viewing pictures. However, absent reasonable suspicion of wrongdoing with the device beyond merely possessing it or having it turned on or out in the open, school district employees may not search any personal telecommunication device without the express authorized consent of the student or the student's parent or legal guardian.

If a student's use of an electronic signaling device violates this policy, a school district employee may direct the student to turn off and store the device and/or confiscate the device. If the school employee finds it necessary to confiscate the device, he/she shall follow site procedure for the handling and return of confiscated items. Students may be subject to other disciplinary measures in accordance with Board policy and administrative regulation, including revocation of a student's right to carry an electronic signaling device (except where deemed medically

necessary), for repeated violations of this policy, or when the use of an electronic signaling device violates independent school rules, such as prohibitions on cheating on school work or tests.

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State References

5 CCR 300-307
 Civ. Code 1714.1
 Ed. Code 200-262.4
 Ed. Code 32280-32289.5
 Ed. Code 35181
 Ed. Code 35291-35291.5
 Ed. Code 44807
 Ed. Code 48900-48925
 Ed. Code 51512
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 Pen. Code 417.25-417.27
 Pen. Code 647
 Pen. Code 653.2
 Veh. Code 23123-23124

Description

Duties of students
[Liability of parent or guardian for act of willful misconduct by a minor](#)
[Prohibition of discrimination](#)
[School safety plans](#)
[Governing board authority to set policy on responsibilities of students](#)
[Rules](#)
[Teachers' duty concerning conduct of students](#)
[Suspension and expulsion](#)
[Prohibition against electronic listening or recording device in classroom without permission](#)
[Harmful matter with intent to seduce](#)
[Harmful matter](#)
[Laser scope or laser pointer](#)
[Use of camera or other instrument to invade person's privacy; misdemeanor](#)
[Electronic communication devices; threats to safety](#)
[Prohibitions against use of electronic devices while driving](#)

Federal References

20 USC 1681-1688

Description

Title IX of the Education Amendments of 1972; discrimination based on sex

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California Department of Education Publication
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 Court Decision
 Court Decision
 Court Decision
 Court Decision
 Court Decision
 CSBA Publication
 CSBA Publication
 CSBA Publication
 Website
 Website

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[Bullying at School, 2003](#)
 Lavine v. Blaine School District (2001, 9th Cir.) 257 F.3d 981
 New Jersey v. T.L.O. (1985) 469 U.S. 325
 Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503
 Bethel School District No. 403 v. Fraser (1986) 478 U.S. 675
 Emmett v. Kent School District No. 415 (2000) 92 F.Supp. 1088
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 LaVine v. Blaine School District (2000, 9th Cir.) 257 F.3d 981
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[National School Safety Center](#)

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Cross References

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0440	District Technology Plan
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0450	Comprehensive Safety Plan
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1114	District-Sponsored Social Media
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3513.4	Drug And Alcohol Free Schools
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3516.2	Bomb Threats
4131	Staff Development
4219.21	Professional Standards
4219.21-E PDF(1)	Professional Standards - Code Of Ethics Classified Employees
4319.21	Professional Standards
4319.21-E PDF(1)	Professional Standards
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5131.1	Bus Conduct
5131.2	Bullying
5131.2	Bullying
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.41	Use Of Seclusion And Restraint

Cross References**Description**

5131.5	Vandalism And Graffiti
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.62	Tobacco
5131.62	Tobacco
5131.63	Steroids
5131.63	Steroids
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5131.8	Mobile Communication Devices
5131.9	Academic Honesty
5132	Dress And Grooming
5132	Dress And Grooming
5136	Gangs
5136	Gangs
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5142	Safety
5142	Safety
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5144.4	Required Parental Attendance
5144.4	Required Parental Attendance
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.9	Hate-Motivated Behavior
6116	Classroom Interruptions
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education

Cross References

6144

6145

6145

6145.2

6145.2

6145.5

6145.5

6145.8

6153

6153

6159.4

6162.54

6163.4

6163.4-E PDF(1)

6164.2

6173.1

6173.1

6184

6184

Description[Controversial Issues](#)[Extracurricular And Cocurricular Activities](#)[Extracurricular And Cocurricular Activities](#)[Athletic Competition](#)[Athletic Competition](#)[Student Organizations And Equal Access](#)[Student Organizations And Equal Access](#)[Assemblies And Special Events](#)[School-Sponsored Trips](#)[School-Sponsored Trips](#)[Behavioral Interventions For Special Education Students](#)[Test Integrity/Test Preparation](#)[Student Use Of Technology](#)[Student Use Of Technology](#)[Guidance/Counseling Services](#)[Education For Foster Youth](#)[Education For Foster Youth](#)[Continuation Education](#)[Continuation Education](#)

Policy 6145.5: Student Organizations And Equal Access

Status: ADOPTED

Original Adopted Date: 06/02/2009 | **Last Revised Date:** 02/18/2014 | **Last Reviewed Date:** 02/18/2014

The Governing Board believes that student groups or clubs reinforce the instructional program, give students experience in civics and government, and provide social and recreational activities. Student groups also serve to honor outstanding student achievement and enhance school spirit and students' sense of belonging. Prior to meeting on school grounds, all student groups shall be authorized by the principal or designee in accordance with Board policy and administrative regulation.

The Board encourages students to pursue interests and clubs which may not directly relate to the district's curriculum and, to that end, has created a limited open forum.

All student-initiated groups shall be given equal access to meet on school premises during noninstructional time without regard to their religious, political, philosophical, or other speech content. The Board shall ensure that: (20 USC 4071, 4072)

1. The meeting shall be voluntary and student-initiated.
2. There shall be no sponsorship of the meeting by the school or staff. The term sponsorship means that school staff are promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes shall not constitute sponsorship of the meeting.
3. Employees of the school shall be present at religious meetings only in a nonparticipatory capacity.
4. The meeting shall not materially and substantially interfere with the orderly conduct of educational activities within the school.
5. Nonschool persons shall not direct, conduct, control, or regularly attend activities of student groups.

All student clubs or groups shall have equal access to the school media to announce meetings, including the public address system, the school newspaper, bulletin boards, and school web site. However, the principal or designee may issue a disclaimer that such activities are not school-sponsored.

All noncurriculum-related student groups shall be given equal access to meeting space, school equipment, and supplies.

No school shall deny equal access or a fair opportunity to meet, or otherwise discriminate against, any group officially affiliated with the Boy Scouts of America, or with any other youth group listed as a patriotic society in Title 36 of the United States Code, for reasons based on the membership or leadership criteria or oath of allegiance to God and country. (20 USC 7905)

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State References

Description

5 CCR 2	Definitions
5 CCR 5531	Supervision of extracurricular activities of pupils
Ed. Code 200-262.4	Prohibition of discrimination on the basis of sex
Ed. Code 37220-37223	Holidays
Ed. Code 38130-38138	Civic Center Act
Ed. Code 48645.5	Former juvenile court school students, enrollment
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48930-48938	Student organizations
Ed. Code 48950	Speech and other communication

Ed. Code 49020-49023
 Ed. Code 52
 Ed. Code 53
 Pen. Code 627-627.10

Athletic programs; legislative intent, equal opportunity
 Designation of secondary schools
 Designation of high schools
 Access to school premises

Federal References

20 USC 4071-4074
 20 USC 7904
 20 USC 7905
 36 USC 20101-240112

Description

Equal Access Act
 School prayer
 Boy Scouts equal access
 Patriotic organizations

Management Resources References

Court Decision
 Court Decision
 Court Decision
 Court Decision
 Court Decision
 Court Decision
 Court Decision

Description

Board of Education of Westside Community School District v. Mergens By and Through Mergens (1989, 8th Cir.) 867 F.2d 1076
 Cenicerros v. Board of Trustees of the San Diego Unified School District, (1997) 106 F.3d 878
 Culbertson et al. v. Oakridge School District, (2002) 258 F.3d 1061
 Good News Club et al. v. Milford Central School, (2001) 121 S.Ct. 2093
 Hartzell v. Connell, (1984) 35 Cal. 3d 899
 Perumal et al v. Saddleback Valley Unified School District, (1988) 198 Cal. App. 3d 64
 Prince v. Jacoby, (2001) 303 F.3d 1074
 Student Coalition for Peace v. Lower Merion School District Board of Directors, (1985) 776 F.2d. 431

Website
 Website
 Website
 Website

California Attorney General's Office -
<https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==>
 California Interscholastic Federation -
<https://simbli.eboardsolutions.com/SU/QthhhDMKplusJ3akAI8GRP72g==>
 Council on Standards for International Educational Travel -
<https://simbli.eboardsolutions.com/SU/rzO1S7myM9rVEnNluoBhXQ==>
 U.S. Department of Education -
<https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA==>

Cross References

1114
 1114
 1321
 1321
 1325
 1330
 1330

Description

District-Sponsored Social Media -
<https://simbli.eboardsolutions.com/SU/JfCojzMhplusqvfyEYCO9Cgiw==>
 District-Sponsored Social Media -
<https://simbli.eboardsolutions.com/SU/LnhNVipgsss47FWyv0docA==>
 Solicitation Of Funds From And By Students -
<https://simbli.eboardsolutions.com/SU/pLtslsh1AppLeuHFfyTiGZxVA==>
 Solicitation Of Funds From And By Students -
<https://simbli.eboardsolutions.com/SU/4P4axwHdaDEhpr8Z3eZR1w==>
 Advertising And Promotion -
<https://simbli.eboardsolutions.com/SU/1slshXspRaQThslshjxtigzLaZYg==>
 Use Of School Facilities -
<https://simbli.eboardsolutions.com/SU/bweubRumzjCMEFsRwfPRVQ==>
 Use Of School Facilities -
<https://simbli.eboardsolutions.com/SU/OsPXtQrBZmNcjhUi2mwN3Q==>

1330-E PDF(1)	Use Of School Facilities - https://simbli.eboardsolutions.com/SU/mJDGwwleQuuHMMknzSltrQ==
3452	Student Activity Funds - https://simbli.eboardsolutions.com/SU/9SBtlfFygkkHplusjAgcmQciw==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/3zz1tI0X4ZIN7VAPLICn2w==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/AuZ7CmtLr9yBgGvfKslshy3fw==
5131	Conduct - https://simbli.eboardsolutions.com/SU/gCHmgEvELPHGSbXveh7njA==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/2KWISVzOJQsLVudCPe2bpg==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/1wRsP0evdfTslshv6FLdTXneA==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/TblzARxCrHVqa29KnvrWDQ==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/iJGaplusl7X1xBZXgx7slIDCQ==
6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/6Ka3KmShWQdQ6rYIPplusSZkw==
6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/l9RLuOQd28HuyTtKPpqv3w==
6142.3	Civic Education - https://simbli.eboardsolutions.com/SU/KSOU8NZcplusLMKEFJ1FgJfWA==
6142.4	Service Learning/Community Service Classes - https://simbli.eboardsolutions.com/SU/g2vQkw4IAFwZ8KKrUXZjXQ==
6142.7	Physical Education And Activity - https://simbli.eboardsolutions.com/SU/wLhC38lfitHbiftplusu8Slqg==
6142.7	Physical Education And Activity - https://simbli.eboardsolutions.com/SU/st47PplusnstvXplus2ge0izZVwA==
6144	Controversial Issues - https://simbli.eboardsolutions.com/SU/uJslsh5tSQtG3KAslshiBtacuigA==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/kcnplusEMDbUq3oAi14H67CXg==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/HodC5SBhYgTQ4CslshjPbo8xQ==
6164.6	Identification And Education Under Section 504 - https://simbli.eboardsolutions.com/SU/gbFxC7ISvpjPqUUGCplusA3gg==
6164.6	Identification And Education Under Section 504 - https://simbli.eboardsolutions.com/SU/iulaSTmMoGzrsDKTvJ9UWg==
6178	Career Technical Education - https://simbli.eboardsolutions.com/SU/X7b5JEzRKslshww2JugXgaPw==
6178	Career Technical Education - https://simbli.eboardsolutions.com/SU/IKS6G1GbwN6vkN4aZ4filw==

Policy 5131: Conduct

Status: ADOPTED

Original Adopted Date: 01/13/2009 | **Last Revised Date:** 04/19/2022 | **Last Reviewed Date:** 04/19/2022

The Governing Board believes that all students have the right to be educated in a safe and positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, going to or coming from school, at school activities, or using district transportation.

The Superintendent or designee shall ensure that each school develops standards of conduct and discipline consistent with Board policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats
2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption to the school program
3. Conduct that disrupts the orderly classroom or school environment
4. Willful defiance of staff's authority
5. Damage to or theft of property belonging to students, staff, or the district
6. Obscene acts or use of profane, vulgar, or abusive language
7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited substances
8. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose with prior permission of the principal or designee (Penal Code 417.27)
9. Use of a cell phone, smartwatch, pager, or other mobile communication device during instructional time or in an unauthorized manner in violation of district policy
10. Plagiarism or dishonesty on school work or tests
11. Wearing of any attire that violates district or school dress codes, including gang-related apparel
12. Tardiness or unexcused absence from school
13. Failure to remain on school premises in accordance with school rules

Employees are expected to enforce standards of conduct and, when they observe or receive a report of a violation of these standards, to appropriately intervene or seek assistance. As necessary, the employee shall refer the matter to a supervisor or the principal or designee.

When a school employee suspects that a search of a student or a student's belongings will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

When a student uses any prohibited device, or uses a permitted device in an unauthorized manner, a district employee may confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the principal or designee, as appropriate.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, referral to a student success team or counseling services, or denial of participation in extracurricular or cocurricular activities or other privileges in accordance with Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

Students also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.

Possession/Use of Cellular Phones and Other Mobile Communications Devices

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to health-related purposes. (Education Code 48901.5)

Students may possess personal electronic signaling devices including, cellular/digital telephones and personal digital assistants (PDAs) on school campus, provided that such devices do not disrupt the educational program or school activity, and are not used for illegal or unethical activities such as cheating on assignments or tests with the following stipulations:

1. Students are responsible for personal electronic signaling devices they bring to school. The school/district shall not be responsible for loss, theft or destruction of any such device brought onto school property.
2. K-5th Grade Students: Personal electronic signaling devices may be used before school and after school. At all other times, including, but not limited to, instructional time, recess, passing periods and lunch period, electronic signaling devices shall be powered off (not left in the vibrating mode) and stored; personal electronic signaling devices are not to be displayed during instructional time or other restricted times without the express consent of an administrator, teacher or other District employee.
3. 6th-8th Grade Students: Personal electronic signaling devices may be used before school, after school and during that student's lunch period. At all other times, including, but not limited to, instructional time and passing periods, electronic signaling devices shall be powered off (not left in the vibrating mode) and stored; personal electronic signaling devices are not to be displayed during instructional time or other restricted times without the express consent of an administrator, teacher or other District employee.
4. 9th-12th Grade Students: Personal electronic signaling devices may be used before school, after school, during passing periods and during that student's lunch period. At all other times, including, but not limited to, instructional time, electronic signaling devices shall be powered off (not left in the vibrating mode) and stored; personal electronic signaling devices are not to be displayed during instructional time or other restricted times without the express consent of an administrator, teacher or other District employee.
5. No student shall use an electronic signaling device with camera, video or voice recording function in a way or under circumstances which infringe the privacy rights of others.
6. Students shall not use mobile communications devices, even in hands-free mode, while driving on school grounds or to and from a school-related activity.
7. In accordance with BP/AR 5145.12 - Search and Seizure, a school official may search a student's mobile communications device, including, but not limited to, reviewing messages or viewing pictures. However, absent reasonable suspicion of wrongdoing with the device beyond merely possessing it or having it turned on or out in the open, school district employees may not search any personal telecommunication device without the express authorized consent of the student or the student's parent or legal guardian.

If a student's use of an electronic signaling device violates this policy, a school district employee may direct the student to turn off and store the device and/or confiscate the device. If the school employee finds it necessary to confiscate the device, he/she shall follow site procedure for the handling and return of confiscated items. Students may be subject to other disciplinary measures in accordance with Board policy and administrative regulation, including revocation of a student's right to carry an electronic signaling device (except where deemed medically

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 Pen. Code 417.25-417.27
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 Pen. Code 653.2
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Description

Duties of students
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[Governing board authority to set policy on responsibilities of students](#)
[Rules](#)
[Teachers' duty concerning conduct of students](#)
[Suspension and expulsion](#)
[Prohibition against electronic listening or recording device in classroom without permission](#)
[Harmful matter with intent to seduce](#)
[Harmful matter](#)
[Laser scope or laser pointer](#)
[Use of camera or other instrument to invade person's privacy; misdemeanor](#)
[Electronic communication devices; threats to safety](#)
[Prohibitions against use of electronic devices while driving](#)

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0440	District Technology Plan
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0450	Comprehensive Safety Plan
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1114	District-Sponsored Social Media
1313	Civility
1330.1	Joint Use Agreements
3513.4	Drug And Alcohol Free Schools
3515.4	Recovery For Property Loss Or Damage
3515.4	Recovery For Property Loss Or Damage
3516.2	Bomb Threats
4131	Staff Development
4219.21	Professional Standards
4219.21-E PDF(1)	Professional Standards - Code Of Ethics Classified Employees
4319.21	Professional Standards
4319.21-E PDF(1)	Professional Standards
5000	Concepts And Roles
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5112.5	Open/Closed Campus
5113	Absences And Excuses
5113	Absences And Excuses
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.11	Attendance Supervision
5127	Graduation Ceremonies And Activities
5131.1	Bus Conduct
5131.1	Bus Conduct
5131.2	Bullying
5131.2	Bullying
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.41	Use Of Seclusion And Restraint

Cross References**Description**

5131.5	Vandalism And Graffiti
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.62	Tobacco
5131.62	Tobacco
5131.63	Steroids
5131.63	Steroids
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5131.8	Mobile Communication Devices
5131.9	Academic Honesty
5132	Dress And Grooming
5132	Dress And Grooming
5136	Gangs
5136	Gangs
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5142	Safety
5142	Safety
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5144.4	Required Parental Attendance
5144.4	Required Parental Attendance
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.9	Hate-Motivated Behavior
6116	Classroom Interruptions
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education

Cross References

6144

6145

6145

6145.2

6145.2

6145.5

6145.5

6145.8

6153

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6159.4

6162.54

6163.4

6163.4-E PDF(1)

6164.2

6173.1

6173.1

6184

6184

Description[Controversial Issues](#)[Extracurricular And Cocurricular Activities](#)[Extracurricular And Cocurricular Activities](#)[Athletic Competition](#)[Athletic Competition](#)[Student Organizations And Equal Access](#)[Student Organizations And Equal Access](#)[Assemblies And Special Events](#)[School-Sponsored Trips](#)[School-Sponsored Trips](#)[Behavioral Interventions For Special Education Students](#)[Test Integrity/Test Preparation](#)[Student Use Of Technology](#)[Student Use Of Technology](#)[Guidance/Counseling Services](#)[Education For Foster Youth](#)[Education For Foster Youth](#)[Continuation Education](#)[Continuation Education](#)

Policy 6161.11: Supplementary Instructional Materials

Status: ADOPTED

Original Adopted Date: 06/02/2009 | **Last Revised Date:** 01/09/2024 | **Last Reviewed Date:** 01/09/2024

The Governing Board encourages the use of supplementary instructional materials to enrich the curriculum and enhance student learning. Such materials shall be aligned with district goals, curriculum objectives, and academic standards and shall supplement and not supplant the use of Board-adopted basic instructional materials that serve as the primary learning resources.

Supplementary instructional materials include, but are not limited to, instructional materials that are designed to serve one or more of the following purposes: (Education Code 60010)

1. To provide more complete coverage of one or more subjects included in a given course
2. To meet the various learning ability levels of students in a given age group or grade level
3. To meet the diverse educational needs of students with a language disability in a given age group or grade level
4. To meet the diverse educational needs of students reflective of a condition of cultural pluralism
5. To use current, relevant technology that further engages interactive learning in the classroom and beyond

Supplementary instructional materials may be selected by the Superintendent or designee, school administrators, or teachers, as applicable, and obtained through donations to the district and/or available funding sources designated for these purposes.

The use of any supplemental instructional material shall not be rejected or prohibited by the Board or district on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. (Education Code 243)

As appropriate, supplementary instructional materials shall meet the criteria developed for the selection and evaluation of basic instructional materials as described in AR 6161.1 - Selection and Evaluation of Instructional Materials.

Supplementary instructional materials shall be directly related to the course of study in which they are being used and shall be appropriate for the age and maturity level of the students.

The use or reproduction of supplementary instructional materials shall be in accordance with federal copyright law.

Appropriateness of Materials

Whenever a district employee proposes to use a supplementary resource which is not included in the approved learning resources of the district, the employee shall preview the material to determine whether, in the employee's professional judgment, it is appropriate for the grade level taught and is consistent with district criteria for the selection of supplementary instructional materials.

The employee shall confer with the Superintendent or designee as necessary to determine the compliance of the material with district criteria. The primary considerations should be the educational value, factual accuracy, appropriateness, including whether the material contains pervasive vulgarity or profanity, and relevance of the materials, as well as the ages and maturity of the students.

The Superintendent or designee may provide training to administrators and teachers in the selection and evaluation of supplementary instructional materials, including the criteria to be utilized and applicable legal considerations.

Complaints

Complaints concerning supplemental instructional materials shall be handled in accordance with Board Policy 1312.2

- Complaints Concerning Instructional Materials and Board Policy 1312.3 - Uniform Complaint Procedures, as applicable.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 4600-4670

Description

Uniform complaint procedures

Ed. Code 18111

[Exclusion of books by Governing board that are sectarian, partisan, or denominational character](#)

Ed. Code 220

[Prohibition of discrimination](#)

Ed. Code 233.5

[Teaching of principles](#)

Ed. Code 242

[Access to information about educational laws and policies regarding right to accurate and inclusive curriculum](#)

Ed. Code 243

[Prohibition of discrimination; instructional materials](#)

Ed. Code 48907

[Exercise of free expression; time, place, and manner rules and regulations](#)

Ed. Code 48950

[Speech and other communication](#)

Ed. Code 51204.5

[Social sciences instruction; contributions of specified groups](#)

Ed. Code 51501

[Nondiscriminatory subject matter](#)

Ed. Code 51510

[Prohibited study or supplemental materials](#)

Ed. Code 51511

[Religious matters properly included in courses of study](#)

Ed. Code 51933

[Sexual health education and HIV prevention materials](#)

Ed. Code 60000-60005

[Instructional materials; legislative intent](#)

Ed. Code 60010

[Instructional materials; definition](#)

Ed. Code 60040-60052

[Requirements for instructional materials](#)

Ed. Code 60060-60063.5

[Requirements for publishers and manufacturers](#)

Ed. Code 60200-60213

[Elementary school materials](#)

Ed. Code 60226

[Requirements for publishers and manufacturers](#)

Ed. Code 60400-60411

[Instructional materials; high schools](#)

Ed. Code 60605

[State-adopted content and performance standards in core curricular areas](#)

Ed. Code 60605.8

[Common Core standards](#)

Ed. Code 60811.3

English language development standards

Management Resources References

California Department of Education Publication

Description

[Standards for Evaluating Instructional Materials for Social Content, 2013](#)

Court Decision

Fowler v. Board of Education of Lincoln County (1987) 819 F.2d 657

Court Decision

McCarthy v. Fletcher (1989) 207 Cal. App. 3d 130

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[Department of Justice](#)

Website

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

Website

[California Department of Education](#)

Website

[CSBA](#)

Cross References**Description**

0000	Vision
0200	Goals For The School District
0410	Nondiscrimination In District Programs And Activities
1260	Educational Foundation
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E PDF(1)	Uniform Complaint Procedures
1312.3-E PDF(2)	Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1325	Advertising And Promotion
3270	Sale And Disposal Of Books, Equipment And Supplies
3270	Sale And Disposal Of Books, Equipment And Supplies
3290	Gifts, Grants And Bequests
3311	Bids
3311	Bids
4132	Publication Or Creation Of Materials
4232	Publication Or Creation Of Materials
4332	Publication Or Creation Of Materials
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
6000	Concepts And Roles
6011	Academic Standards
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
6141.2	Recognition Of Religious Beliefs And Customs
6141.2	Recognition Of Religious Beliefs And Customs
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.6	Visual And Performing Arts Education
6142.91	Reading/Language Arts Instruction
6142.92	Mathematics Instruction
6142.93	Science Instruction
6142.94	History-Social Science Instruction
6143	Courses Of Study
6143	Courses Of Study

Cross References

6144

6161.1

6161.1

6161.1-E(1)

6162.6

6162.6

6163.1

6174

6174

Description[Controversial Issues](#)[Selection And Evaluation Of Instructional Materials](#)[Selection And Evaluation Of Instructional Materials](#)[Selection And Evaluation Of Instructional Materials](#)[Use Of Copyrighted Materials](#)[Use Of Copyrighted Materials](#)[Library Media Centers](#)[Education For English Learners](#)[Education For English Learners](#)

II

HUMAN RESOURCES

RESPONSIBILITIES OF CERTIFICATED PERSONNEL

All activities involving district policy, particularly those with public relations implications, should be cleared with the principal. Such activities as parties, field trips, collection of money from students for any purpose, homework, unusual disciplinary measures, and the like, are examples. When in doubt, confer with your principal. If questions arise involving problems with more serious implications for which no written policy can be found, the principal of the school concerned should consult the Superintendent or the Assistant Superintendent of Human Resources who may, in turn, refer the question to the Board of Education.

Acceptable Use Agreement

E 4040

Employees are expected to use the District technology safely, responsibly, and primarily for work-related purposes. The employee in whose name District technology is issued is responsible for its proper use at all times. Employees shall not share their assigned online service account information, passwords, or other information used for identification. Since the use of District technology is intended for use in conducting District business, no employee should have any expectation of privacy in any use of District technology.

Credentials

It is the responsibility of each teacher to place on file in the Office of the County Superintendent of Schools a valid California Teaching Credential prior to the first day of employment. All applications for renewal of any credential should be processed online through the Commission on Teacher Credentialing and must be completed before the expiration of the current credential. All applications for the Preliminary credentials are to be processed through the college or university that you are attending. All applications for those that are applying for their clear credential through the Induction Program will be processed through your Induction Program and the Human Resources Department should be notified.

The Commission on Teacher Credentialing discontinued the issuance of paper documents. Teacher credentialing documents will be available through an online view and print process approximately 48 hours after the document has been processed and granted. It can take up to 10 days for the document to be renewed. It is the teacher's responsibility to maintain an active credential and have it on file in Human Resources. Please refer to the following link to access the online view and print process: <http://www.ctc.ca.gov>. The Commission recommends you renew up to one year in advance.

Giving Information Concerning Students

Family Education Rights
& Privacy Act (FERPA)

No personal information concerning any student enrolled in school shall be given out to any person with the exception of the following:

- A parent or guardian of such pupil
- A person designated by such parent or guardian, in writing
- An officer or employee of a public, private, or parochial school where the pupil attends, has attended, or intends to enroll
- An officer or employee of a state or local law enforcement agency, including a probation officer, parole officer or administrator, or a member of a parole board, seeking information related to their duty

These restrictions are not intended to interfere with:

- Giving information concerning participation in athletics and other school activities
- Giving information concerning the winning of scholastic or other honors and awards

Mandated Reporter

All AUSD employees are mandated reporters and are expected to report any suspected abuse of a student. No evidence or proof is required prior to making a report. The case will be further investigated by law enforcement and/or child protective services. To file a report call the Child Protective Hotline at (800) 540-4000 and file a verbal report. The agent that takes the report will provide you with information on the next steps.

Release of Students to Adults

No student is to be released to any adult, regardless of the reason, without permission from the school office.

Special Duties

Special duties and supervision are a part of the everyday responsibilities of certificated personnel. All students must be supervised while they are in school or on school activities. This is important from an educational standpoint as well as a legal standpoint. Decisions in damage suits against school districts and teachers are generally in the District's favor when proven that adequate supervision is provided. Scheduling for these special duties is the responsibility of the principal and all teachers are expected to cooperate and do their part.

Staff Conduct with Students

BP 4119.21 (a)

The District expects all employees to exercise good judgment and maintain professional standards and boundaries when interacting with students both on and off school property. Inappropriate employee conduct shall include, but not be limited to, engaging in harassing or discriminatory behavior; engaging in inappropriate socialization or fraternization with a student; soliciting, encouraging, or establishing an inappropriate written, verbal, or physical relationship with a student; furnishing tobacco, alcohol, or other illegal or unauthorized substances to a student; or engaging in child abuse.

Teachers should not transport students in their vehicles.

Maintaining Appropriate Adult-Student Interactions

BP 4119.24

The District expects all adults with whom students may interact at school or in school-related activities to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting. Such adults shall not engage in unlawful or inappropriate interactions with students. A list of inappropriate conduct is provided in BP 4119.24.

IMPORTANT EMPLOYEE INFORMATION

Civility

BP 1313

The Governing Board recognizes the impact that civility has on the effective operation of the district, including its role in creating a safe and positive school climate and enabling a focus on student well-being, learning, and achievement. The Board believes that each person should be treated with

dignity and respect in their interactions within the school community. Civil behavior is polite, courteous, and reasonable behavior that is respectful to others and includes integrity, honesty, acceptance, timeliness, dependability, observance of laws and rules, and effective communication. District staff shall model civil behavior as an example of behavior that is expected throughout the district. Practices that promote civil behavior include actively listening, giving full attention to the speaker, and refraining from interruptions; welcoming and encouraging participation, input, and feedback through stakeholder engagement; promptly responding to concerns; and embracing varying and diverse viewpoints.

Disaster Service Workers

Government Code 3100

It is hereby declared that the protection of the health and safety and preservation of the lives and property of the people of the state from the effects of natural, man made, or war-caused emergencies which result in conditions of disaster or in extreme peril to life, property, and resources is of paramount state importance requiring the responsible efforts of public and private agencies and individual citizens. In furtherance of the exercise of the police power of the state in protection of its citizens and resources, 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 law.

Employee Safety

BP 4157

The District is committed to maximizing employee safety and believes that workplace safety is the responsibility of every employee. Working conditions and equipment shall comply with standards prescribed by federal, state, and local laws and regulations. All employees are expected to use safe work practices and, to the extent possible, correct any unsafe conditions that may occur. If an employee is unable to correct an unsafe condition, the employee shall immediately report the problem to their immediate supervisor.

Employee Security

AR 4158

An employee may use reasonable and necessary force when necessary for self-defense, to protect another person or property to quell a disturbance threatening physical injury to others or to obtain possession of a weapon or other dangerous objects on or within the control of a student. Employees shall promptly report to their principal or other immediate supervisor any attack, assault, or physical threat made against them by a student.

Evaluation

The Governing Board believes that regular, comprehensive evaluations designed to hold instructional staff accountable for their performance are key to improving their teaching skills and raising students' levels of achievement. Evaluations shall be used to recognize the exemplary skills and accomplishments of staff and to identify areas needing improvement. When areas needing improvement are identified, the District expects employees to accept responsibility for improving their performance and encourages them to take the initiative to request assistance as necessary, including participation in appropriate staff development and/or individualized teacher support and guidance programs.

Family Leave

AR 4161.8

The District grants Family Medical Leave Act (FMLA) or California Family Rights Act (CFRA) for any of the following reasons to eligible employees:

- The birth of a child or the placement of a child (adoption or foster care) with the employee

- Bonding for up to one year from the birthdate of the child. Beginning soon after a treating physician releases the employee to return to work (maternity leave).
- To care for the employee's eligible family member with a serious health condition
- The employee's own serious health condition that makes the employee unable to perform one or more essential job functions of the position
- Any qualifying exigency arising out of the fact that the employee's spouse, child, parent, or, for CFRA only, a registered domestic partner, is a military member on covered active duty or call to cover active duty
- To care for a covered servicemember with a serious injury or illness if the covered servicemember is the employee's spouse, child, parent, or next of kin

Nondiscrimination in Employment

BP 4030

The District is determined to provide a safe, positive environment where all District employees are assured full and equal access and opportunities, protection from harassment and intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with the law.

Nonschool Employment

BP 4136

In order to help maintain public trust in the integrity of district operations, the District expects all employees to give the responsibility of their positions precedence over any other outside employment. Employees may receive compensation for outside activities as long as these activities are not inconsistent, incompatible, in conflict with, or inimical to his/her District duties.

Safe and Drug-Free Schools

BP 4020

The District believes that the maintenance of drug- and alcohol-free workplaces is essential to staff and student safety and to help ensure a productive and safe work and learning environment. No employee shall unlawfully manufacture, distribute, dispense, possess, or use any alcoholic beverage, drug or controlled substance as defined in 21 USC 81 at any school district workplace. (Government Code 8355; 41 USC 701) Further, employees are prohibited from being under the influence of controlled substances or alcohol while on duty.

Sexual Harassment

BP 4119.11/AR 4119.11

The District prohibits sexual harassment of District employees. The District also prohibits retaliatory behavior or action against employees or other persons who complain, testify, or otherwise participate in the complaint process established pursuant to this policy and regulation.

Uniform Complaint Procedure

BP 1312.3/AR 1312.3

A Uniform Complaint Procedure (UCP) complaint is a written and signed statement alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, or bullying. The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early resolution of complaints whenever possible. To resolve complaints that may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

ADDITIONAL INFORMATION

AUSD-AEA Collective Bargaining Agreement

The District and Azusa Educators Association (AEA) have a collective bargaining agreement (also known as the "Contract") that addresses topics related to pay, hours, and working conditions. The contract is available online [AUSD-AEA Contract \(www.azusa.org](http://www.azusa.org) > Departments > Human Resources > Quick Files). Below is a list of topics covered by the contract.

- Salary Schedules
- Employee Benefits
- Hours of employment
- Evaluations
- Leaves of Absence
- Transfers and Reassignment
- Progressive Discipline
- Class Size

Employee Assistance Service for Education (EASE)

This program is paid for by the District and provides employees with a confidential, free, qualified, and reasonable means of dealing with serious personal problems affecting the employee or the employee's immediate family. Brochures describing the program are available in the Human Resources office, or by telephone to the EASE office. The 24-hour phone number is (800) 882-1341.

Pay Day

Certificated employees are paid on a calendar month basis. Salary warrants are issued by the County of Los Angeles on or before the FIFTH day of each calendar month, in payment for work performed during the previous calendar month. Ordinarily, warrants will be released after 2:00 p.m. on the first working day of the month and will be delivered to your site. An automatic deposit may also be arranged.

Payroll Deductions

Payroll deductions will be made when specifically requested in writing by the employee on the district-approved form or other form as required. Those deductions usually requested are insurance and credit union. Insurance can only be canceled during open enrollment or if there is a qualifying event. If you want to cancel a credit union deduction, please contact your credit union so they can submit a form to the District.

Employee Accident Assistance

All employees are protected in case of on-the-job injury by worker's compensation from our third-party administrator, Athens. To ensure benefits from this coverage promptly, it is important that injuries while on duty be reported to the immediate supervisor. Complete the DWC-1 claim form within 24 hours after the accident. This form is available at each job site and on our district website under Business Services/Risk Management tab.

Tax-Sheltered Annuities

The Azusa Unified School District Board of Education does make available to all of its regular employees a variety of tax-sheltered annuities. These annuity plans allow an employee to postpone receiving certain

portions of taxable income until a later date. The idea is that at a later date, the employee could be in a lower income bracket and therefore pay less income tax.

As a result of legislation effective during the 1972-1973 school year, all companies who meet the requirements of the insurance code are eligible to sell tax-sheltered annuities to school district employees. The school district does require that each new company selling tax shelters provide a company agreement that contains a hold harmless agreement.

Each company has been instructed to provide a disclosure any time an annuity is sold to an employee. This is a form telling you the minimum value of your investment at the end of one, two, and three years. Employees should insist on a copy of this form when purchasing an annuity.

CERTIFICATED EMPLOYEE ATTENDANCE

Reporting absences via Current Solutions

All absences must be reported on our absence reporting system Current Solutions. Absences can be reported online at www.currentsolutions.net. You will need the following information when reporting your absence:

1. Username
2. Login password
3. Reason for absence.

Procedure for obtaining a classroom substitute

All absences must be reported on our absence reporting substitute placement system Frontline, when requesting a substitute.

Requesting a substitute teacher can be done online at www.frontlineeducation.com

You will need the following information when reporting your absence:

1. Username and password
2. Reason for absence. If attending a staff development or school business function an event code (miscellaneous code) is required.
3. Record or attach special instructions (e.g: yard duty, field trip, etc.)

The Frontline Absence Management System allows you to arrange for a substitute teacher up to 30 days in advance. Absences for staff development should be put on the Frontline System as early as possible. Teachers should inform the Frontline Help Desk at (626) 732-8030 if they want to extend their absence and retain their substitute. You will need to inform your site/substitute of changes.

In order to give ample time to secure a substitute and give the substitute teacher enough time to get to school, check-in, get assignments, etc.–please let your needs be known AT LEAST TWO HOURS before class begins (before 6:00 a.m. if possible) except in case of an emergency.

REMEMBER – Substitute teachers work on a “first–call, first-service” basis for several districts. Therefore, it is very important to call EARLY. Principals will be notified of substitutes assigned.

Job Number: If you did not receive a job number from the Frontline System, the absence report is incomplete and no substitute has been scheduled.

Cancellations: Substitutes must be given **24-hour** notice of any cancellations. You can report the cancellation directly to the Frontline System online <http://www.frontlineeducation.com>. The system will automatically contact the substitute and notify them of the cancellation if needed. Also, you may cancel the absence by calling the Frontline Help Desk at (626) 732-8030.

How to prepare for a substitute teacher

A planned daily program, left by the regular teacher when a substitute is needed, means the difference between a day wasted at school and another day of real progress.

Responsibilities of a regular classroom teacher:

- General lesson plans should be in the lesson plan book for an entire week.
- The teacher should leave a complete, detailed plan for all the subjects to be covered during the day.
- If a substitute should be needed for a long period of time, make arrangements through the principal in advance.
- A teacher should prepare pupils for the possibility that he/she may someday be absent, in order to ensure cooperation with the substitute teacher.
- To aid the substitute, the regular teacher should also have available such information as seating charts, reading groups, bell schedules, duty rosters, and similarly related documents.
- Emergency lesson plans should be available for unforeseen circumstances and updated as needed.

Exhibit 4040-E(1): Employee Use Of Technology

Status: ADOPTED

Original Adopted Date: 05/18/2021 | **Last Reviewed Date:** 05/18/2021

See PDF on the next page.

**ACCEPTABLE USE AGREEMENT
AND RELEASE OF DISTRICT FROM LIABILITY (EMPLOYEES)**

Note: The following Exhibit presents a sample Acceptable Use Agreement outlining obligations and responsibilities of employees using the district's technological resources. The district is encouraged to consult legal counsel in the development of such an agreement.

Districts using an Acceptable Use Agreement should require all employees who use district technology to sign the agreement as an acknowledgment that they have read and understood its contents; see the accompanying Board policy. As appropriate, the district may also require contractors and affiliated third parties to sign the Acceptable Use Agreement.

For a sample Acceptable Use Agreement for students, see E 6163.4 - Student Use of Technology.

The Azusa Unified School District authorizes district employees to use technology owned or otherwise provided by the district as necessary to fulfill the requirements of their position. The use of district technology is a privilege permitted at the district's discretion and is subject to the conditions and restrictions set forth in applicable Board policies, administrative regulations, and this Acceptable Use Agreement. The district reserves the right to suspend access at any time, without notice, for any reason.

The district expects all employees to use technology responsibly in order to avoid potential problems and liability. The district may place reasonable restrictions on the sites, material, and/or information that employees may access through the system.

The district makes no guarantee that the functions or services provided by or through the district will be without defect. In addition, the district is not responsible for financial obligations arising from unauthorized use of the system.

Each employee who is authorized to use district technology shall sign this Acceptable Use Agreement as an indication that he/she has read and understands the agreement.

Definitions

District technology includes, but is not limited to, computers, the district's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through district- owned or personally owned equipment or devices.

Employee Obligations and Responsibilities

Employees are expected to use district technology safely, responsibly, and primarily for work-related purposes. Any incidental personal use of district technology shall not interfere with district business and operations, the work and productivity of any district employee, or the safety and security of district technology. The district is not responsible for any loss or damage incurred by an employee as a result of his/her personal use of district technology.

The employee in whose name district technology is issued is responsible for its proper use at all times. Employees shall not share their assigned online services account information, passwords, or other information used for identification and authorization purposes, and shall use the system only under the account to which they have been assigned. Employees shall not gain unauthorized access to the files or equipment of others, access electronic resources by using another person's name or electronic identification, or send anonymous electronic communications. Furthermore, employees shall not attempt to access any data, documents, emails, or programs in the district's system for which they do not have authorization.

Employees are prohibited from using district technology for improper purposes, including, but not limited to, use of district technology to:

1. Access, post, display, or otherwise use material that is discriminatory, defamatory, obscene, sexually explicit, harassing, intimidating, threatening, or disruptive
2. Disclose or in any way cause to be disclosed confidential or sensitive district, employee, or student information without prior authorization from a supervisor
3. Engage in personal commercial or other for-profit activities without permission of the Superintendent or designee
4. Engage in unlawful use of district technology for political lobbying
5. Infringe on copyright, license, trademark, patent, or other intellectual property rights
6. Intentionally disrupt or harm district technology or other district operations (such as destroying district equipment, placing a virus on district computers, adding or removing a computer program without permission, changing settings on shared computers)
7. Install unauthorized software
8. Engage in or promote unethical practices or violate any law or Board policy, administrative regulation, or district practice

Privacy

Since the use of district technology is intended for use in conducting district business, no employee should have any expectation of privacy in any use of district technology.

The district reserves the right to monitor and record all use of district technology, including, but not limited to, access to the Internet or social media, communications sent or received from district technology, or other uses within the jurisdiction of the district. Such monitoring/recording may occur at any time without prior notice for any legal purposes including, but not limited to, record retention and distribution and/or investigation of improper, illegal, or prohibited activity. Employees should be aware that, in most instances, their use of district technology (such as web searches or emails) cannot be erased or deleted.

All passwords created for or used on any district technology are the sole property of the district. The creation or use of a password by an employee on district technology does not create a reasonable expectation of privacy.

Personally Owned Devices

If an employee uses a personally owned device to access district technology or conduct district business, he/she shall abide by all applicable Board policies, administrative regulations, and this Acceptable Use Agreement. Any such use of a personally owned device may subject the contents of the device and any communications sent or received on the device to disclosure pursuant to a lawful subpoena or public records request.

Records

Any electronically stored information generated or received by an employee which constitutes a district or student record shall be classified, retained, and destroyed in accordance with BP/AR 3580 - District Records, BP/AR 5125 - Student Records, or other applicable policies and regulations addressing the retention of district or student records.

Reporting

If an employee becomes aware of any security problem (such as any compromise of the confidentiality of any login or account information) or misuse of district technology, he/she shall immediately report such information to the Superintendent or designee.

Consequences for Violation

Violations of the law, Board policy, or this Acceptable Use Agreement may result in revocation of an employee's access to district technology and/or discipline, up to and including termination. In addition, violations of the law, Board policy, or this agreement may be reported to law enforcement agencies as appropriate.

Employee Acknowledgment

I have received, read, understand, and agree to abide by this Acceptable Use Agreement, BP4040 - Employee Use of Technology, and other applicable laws and district policies and

regulations governing the use of district technology. I understand that there is no expectation of privacy when using district technology or when my personal electronic devices use district technology. I further understand that any violation may result in revocation of user privileges, disciplinary action, and/or appropriate legal action.

I hereby release the district and its personnel from any and all claims and damages arising from my use of district technology or from the failure of any technology protection measures employed by the district.

Name: _____ Position: _____
(Please print)

School/Work Site: _____

Signature: _____ Date: _____

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
Gov. Code 3543.1	Rights of employee organizations
Gov. Code 6250-6270	California Public Records Act
Pen. Code 502	Computer Crimes, remedies
Pen. Code 632	Eavesdropping on or recording confidential communications
Veh. Code 23123	Wireless telephones in vehicles
Veh. Code 23123.5	Mobile communication devices; text messaging while driving
Veh. Code 23125	Wireless telephones in school buses

Federal References

	Description
20 USC 7101-7122	Student Support and Academic Enrichment Grants
20 USC 7131	Internet Safety
47 CFR 54.520	Internet safety policy and technology protection measures, E-rate discounts

Management Resources References

	Description
Court Decision	A.M. v. Albertsons, LLC, (2009) Cal.App.4th 455
Website	AASA The School Superintendents Association - https://simbli.eboardsolutions.com/SU/MOaF8AO8cslshSlfGc13QQoEQ==

Cross References

	Description
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/FnDZ7yHITUVLmcPBwcYa4w==
0440	District Technology Plan - https://simbli.eboardsolutions.com/SU/ufpqEymurplusbMcY8BDBnRZQ==
0440	District Technology Plan - https://simbli.eboardsolutions.com/SU/hioD0waOOJiByYNFpisbsQ==
1100	Communication With The Public - https://simbli.eboardsolutions.com/SU/Hywu1plusUHmPznTnAojQejslshg==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/BzLslshM03JGp7plus8dzh1Fzc4Q==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/LkplusM8wFuCJc9T99n32Hnw==
1113-E(1)	District And School Web Sites - https://simbli.eboardsolutions.com/SU/fCje9zCXa1OFcXTUBQYRhW==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/JfCojzMhplusqvFEyCOp9Cgiw==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/LnhNVipgsss47FWyv0docA==

1340	Access To District Records - https://simbli.eboardsolutions.com/SU/Yd0OhypY8zlqBWetfqeDyQ==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/3WHcNUN51FhE5p4Qq0Swzw==
2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/5eKslshdiBvHlZib6VIBRZK9w==
3512	Equipment - https://simbli.eboardsolutions.com/SU/r1rNkRaXyrj10VEAVGfslsh9g==
3512-E(1)	Equipment - https://simbli.eboardsolutions.com/SU/6RcqkwFE4ATq4nsbPZZJJg==
3516.2	Bomb Threats - https://simbli.eboardsolutions.com/SU/qz0d6tsfAHzXebzeQw1MJg==
3580	District Records - https://simbli.eboardsolutions.com/SU/slshum9iqFSJwslshMnliyP5FuWQ==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/xCU2Q3bo4IrdA5Kslsh5iqGslshA==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/24DUL3dM9A2IUAAoqbi3Og==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/SlvMh9PMikAPEOLcsVldiQ==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/BsxQhDtsvrslshROgWBslGoVg==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/UTGFaZorslshLeTKDloySlofQ==
4119.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/mGplusvfwZSZeWEomplumBplusTJTg==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/UslshRGVNhjBEEEDNrko7psQg==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/y4QplusedaFgrVD8fr8wpCMqQ==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/xnIUHul4wamrtLwplus2OFxcA==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/NNHd7ATUG21WUZfMslshC2esw==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/tANQtslshaLtnplusAwRY1FCqQjA==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/sOKhv3nplusqEuVMf7plusON7wrw==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/cRQObj7EJcTiplushojXxDrvw==
4219.21-E(1)	Professional Standards - Code Of Ethics Classified Employees - https://simbli.eboardsolutions.com/SU/Yn4FDSgBUNSbsWF3lvpkIQ==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/seiEdh3poDGMpbclINJXOQ==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/S3pluswdN4h3ZfGQBHYZ4pWXg==

4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/EX3wm6YIGO1llgpyhTruVw==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/afYPjOEJno5bLslshzEsWu4Xw==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/aVzvR2gnF6PxyE8OYijAPA==
4319.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/sVVtgfkApxmtRMQLIsMRyQ==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/HslshFplusldczqDEuoeLLia0ZiA==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/mi31ZJfJZ6P6XlztQhGr3Q==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/hqxZRiEbEWMHD9ZdRfApig==
5125	Student Records - https://simbli.eboardsolutions.com/SU/tWHWUiPwslshr1YYPUpusvwMslshmQ==
5125	Student Records - https://simbli.eboardsolutions.com/SU/BVqShG6XWi846acAF21eCA==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/0gZNdnsk7slshO1pm7w6dgQMw==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/dcEuGdmEtIMdCslshRYKeLLrA==
5125.1-E(1)	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/OLSr2W5pluszBu048bHf3MxfQ==
6116	Classroom Interruptions - https://simbli.eboardsolutions.com/SU/zec48ZLVoekiBHh64SwaXA==
6162.6	Use Of Copyrighted Materials - https://simbli.eboardsolutions.com/SU/3taLrSkI4GgyZmdSblW6lw==
6162.6	Use Of Copyrighted Materials - https://simbli.eboardsolutions.com/SU/Ulrd8rtCbBXH4slshn2kgoeAw==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/xwmncaskhLLu0j71v8uU3g==
6163.4-E(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/6rv0ZAJZh6iRtwPPy2v3Bw==

Policy 4119.21: Professional Standards

Status: ADOPTED

Original Adopted Date: 10/05/2010 | **Last Revised Date:** 12/13/2018 | **Last Reviewed Date:** 12/13/2018

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

The Board encourages district employees to accept as guiding principles the professional standards and codes of ethics adopted by educational or professional associations to which they may belong.

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

Inappropriate

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon
2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed
3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child
4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student
5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time
6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members
7. Willfully disrupting district or school operations by loud or unreasonable noise or other action
8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace, on district property, or at a school-sponsored activity
9. Being dishonest with students, parents/guardians, staff, or members of the public, including, but not limited to, falsifying information in employment records or other school records
10. Divulging confidential information about students, district employees, or district operations to persons or entities not authorized to receive the information
11. Using district equipment or other district resources for the employee's own commercial purposes or for political activities
12. Using district equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity

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

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

Reports of Misconduct

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

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

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

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

Notifications

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

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
5 CCR 80303	Reports of change in employment status, alleged misconduct
5 CCR 80331-80338	Rules of conduct for professional educators
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytLslshoozWGUAAbNL6kKkgxQ==
Ed. Code 44050	Employee code of conduct; interaction with students
Ed. Code 44242.5	Reports and review of alleged misconduct
Ed. Code 48980	Parent/Guardian notifications
Pen. Code 11164-11174.4	Child Abuse and Neglect Reporting Act

Management Resources References

	Description
Commission on Teacher Credentialing Publication	California Professional Standards for Educational Leaders, February 2014
Commission on Teacher Credentialing Publication	California Standards for the Teaching Profession (CSTP), 2009
Council of Chief State School Officers Publication	Professional Standards for Educational Leaders, 2015
National Education Association Publication	Code of Ethics of the Education Profession, 1975
Website	Council of Chief State School Officers - https://simbli.eboardsolutions.com/SU/DQca6f2Jts6S9IUCF6yTKQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJlNbikoQhGwsWiH4ztXQ==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==

Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiQRUulsaq7efc7aH4Q==
Website	WestEd - https://simbli.eboardsolutions.com/SU/T0pumukb4iozXYflh5opZA==
Website	Association of California School Administrators - https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHxYBdPXeA==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
WestEd Publication	Moving Leadership Standards into Everyday Work: Descriptions of Practice, 2003

Cross References

0200	Goals For The School District - https://simbli.eboardsolutions.com/SU/S05O5v6npwslsh2SlXKYX8ZbA==
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/FnDZ7yHITUVLmcPBwcYa4w==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/BzLslshM03JGp7plus8dzh1Fzc4Q==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/LkplusM8wFuCJcC9T99n32Hnw==
1113-E PDF(1)	District And School Web Sites - https://simbli.eboardsolutions.com/SU/fCje9zCXa1OFcXTUBQYRhw==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/JfCojzMhplusqvfyEYCOp9Cgiw==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/LnhNVipgsss47FWyv0docA==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/UeCd2AJlxfBU7E37o1kmUg==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/3x1plusj0z5ZLMqRsshsEIT6Q==
1312.1-E PDF(1)	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/eAlz5Ox7oMx0vq3x9PjTplusg==
1313	Civility - https://simbli.eboardsolutions.com/SU/yOa4hXbmytYls4p2JKUbNw==
2111	Superintendent Governance Standards - https://simbli.eboardsolutions.com/SU/ork2lEKnZ8rSKYloJEUUnrQ==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/LVtbcNpnXgQ4l3S1uk4oVg==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/r2bqvQEbcwEp8g54nBYYuQ==
3513.4	Drug And Alcohol Free Schools - https://simbli.eboardsolutions.com/SU/EglaLA3lnXkKgpulshjxrQ9g==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/3zz1tI0X4ZIN7VAPLICn2w==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/AuZ7CmtLr9yBgGvfKslshy3fw==

3580	District Records - https://simbli.eboardsolutions.com/SU/slshum9iqESJwslshMnliyP5FuWQ==
4020	Drug And Alcohol-Free Workplace - https://simbli.eboardsolutions.com/SU/WOMcSVOOgRfTXFRMNB8rZA==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/pCyVFWHxjPMeQ9hSFguPfw==
4040-E PDF(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/SHiUEWDyslshNbm0aZ0gplusTpfw==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/pBrbutmrAaG9iACDiyMPYQ==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/paMav8h5DccUYGHCC4Z2sA==
4112.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/slshxWc7zKFP9LhPljHzE6Oog==
4112.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/WdEhMAReY52FewQdK0pSNQ==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/x8sXygV8J5UslshmpimKs4osA==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/vNtVvfMZsblOfaouJ74H0g==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/K13vNJ2xRPXslshg8qKWhKljw==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/TgIGPP2slshE6zp6AAKq663BQ==
4117.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/NHiicR0plusQplusLIV6uz4JtDzg==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/rOKplusxHxHkrEBT6aplusTWhislshQ==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/24DUL3dM9A2IUAAoqbi3Og==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/SlvMh9PMikAPEOLcsVldiQ==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/BsxQhDtsvrsIslshROgWBslGoVg==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/UslshRGVNhJBFeEDNrko7psQg==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/qM93MntQ08IXE19SqyYgzA==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/xnIUHul4wamrtLwplus2OFxcA==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/NKJ0gbceQH90dq6IFUplus5tQ==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/jVIXyG8eRmdszhOgitD39Q==
4212.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/ONXwUHblKplusdn8d0BHAtFfA==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/JwrEm3toQqx4wVyDcBm6Bw==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/w6JNrtr2PSYipX7plus9i1UQ==

4215	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/SmPx6fVdmXLplusZ5guHYvd3g==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/9plusE9V6WiAoDtbVijXcJb8Q==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/WSdW3plusnjP9wlvJpaJpqnSA==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/NNHd7ATUG21WUZfMslshC2esw==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/tANOtshlaLtnplusAwRY1FCqQjA==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/sOKhv3nplusqEuVMf7plusON7wrw==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/seiEdh3poDGMpbcllNJXOQ==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/l328lb63xslshLEHOplusHgt9TA==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/0UbvzplusKzjIWxh2CPHfPslsh8A==
4312.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/0z43bunUpWERwRfDslsh1UBgw==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/bjHLFe6dTslshJctTxXirH31Q==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/np6PFoVoqPCIBtzi2ZLlg==
4315	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/NYMw7pGPZmw6d2o7vwnww==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/S3pluswdN4h3ZfGQBHYZ4pWXg==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/EX3wm6YIGO1llgpyhTruVw==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/afYPjOEJno5bLslshzEsWu4Xw==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/HslshFplusldczqDEuoeLLia0ZiA==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/mi31ZJfJZ6P6XlztQhGr3Q==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/hqxZRiEbEWMHD9ZdRfApig==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/GCLlslshdWyIslshTslshf5SyRDaxw==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/jVDlinrb9XSM3NqmaoQUYw==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/tfJUzIZ5Ik5USth1slshchO1g==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/gYslshHHnEDM0tHaXoDoUSGsw==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/Xtm3uqHMol1KAP4CIBOS3g==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/Rx7eYWCQJQxyhVGfnTMQBQ==

6162.54

Test Integrity/Test Preparation -

<https://simbli.eboardsolutions.com/SU/ybi0FO4ySxf8h42GwRfDLw==>

6162.6

Use Of Copyrighted Materials -

<https://simbli.eboardsolutions.com/SU/3taLrSkI4GgyZmdSblW6lw==>

6162.6

Use Of Copyrighted Materials -

<https://simbli.eboardsolutions.com/SU/Ulrd8rtCbBXH4slshn2kgoeAw==>

Policy 4119.24: Maintaining Appropriate Adult-Student Interactions

Status: ADOPTED

Original Adopted Date: 02/07/2023 | **Last Reviewed Date:** 02/07/2023

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

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

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

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

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

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

Inappropriate Conduct

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

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

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

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

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

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80304	Notice of sexual misconduct
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct - https://simbli.eboardsolutions.com/SU/xkijVQVFAXQBAOXIYWplus7WA==
Ed. Code 44050	Employee code of conduct; interaction with students - https://simbli.eboardsolutions.com/SU/PNtpd4THa36YECTORI1Zplusg==
Ed. Code 44242.5	Reports and review of alleged misconduct - https://simbli.eboardsolutions.com/SU/SL5BDvLdVAk9EMX75FbOHA==
Ed. Code 44940	Compulsory leave of absence for certificated persons - https://simbli.eboardsolutions.com/SU/TXIEslshPquo8Kz7N8psqEtqA==
Ed. Code 48980	Parent/Guardian notifications - https://simbli.eboardsolutions.com/SU/cpMsBKX1tOwUiWgEwSKp5g==
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act - https://simbli.eboardsolutions.com/SU/d2kLxTbwIOmuFq7YpUplusplusqA==

Management Resources References

	Description
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==

Cross References

	Description
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/NspJP5xmmCyzjFJeso2feQ==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/8NhClOxCqBcVvArb8plusCGslshg==

Policy 1313: Civility

Status: ADOPTED

Original Adopted Date: 04/19/2022 | **Last Reviewed Date:** 04/19/2022

The Governing Board recognizes the impact that civility has on the effective operation of the district, including its role in creating a safe and positive school climate and enabling a focus on student well-being, learning, and achievement. The Board believes that each person should be treated with dignity and respect in their interactions within the school community.

The Board understands that the First Amendment provides strong protection for speech. However, the Board expects that all speech and expression will comport with norms of civil behavior on district grounds, in district facilities, during district activities or events, and in the use of district electronic/digital systems and platforms.

Civil behavior is polite, courteous, and reasonable behavior which is respectful to others and includes integrity, honesty, acceptance, timeliness, dependability, observance of laws and rules, and effective communication.

The Board and district staff shall model civil behavior as an example of behavior that is expected throughout the district. Practices that promote civil behavior include actively listening, giving full attention to the speaker, and refraining from interruptions; welcoming and encouraging participation, input, and feedback through stakeholder engagement; promptly responding to concerns; and embracing varying and diverse viewpoints. Such practices may be incorporated into governance standards adopted by the Board or Superintendent and/or professional standards or codes of conduct for employees as specified in district policies and regulations.

Students, staff, parents/guardians, and community members should be educated in the recognition, development, and demonstration of civil behavior. The Superintendent or designee may incorporate related concepts in the curriculum, provide staff development activities, and/or communicate this policy to the school community.

Students, staff, parents/guardians, and community members shall not communicate or behave in a manner that causes disruption; hinders the orderly conduct of district operations, the educational program, or any other district program or activity; or creates an unsafe learning or working environment. The Superintendent or designee may respond to disruptive, violent, or threatening behavior in accordance with law and as specified in BP/AR 3515.2 - Disruptions.

Behavior by students or staff that is discriminatory, harassing, or intimidating, including sexual harassment, bullying, and/or hate violence, or behavior that is in any other way unlawful, is prohibited and is subject to discipline in accordance with law and as specified in district policy and regulations.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

CA Constitution Article 1, Section 2

[Freedom of speech and expression](#)

CA Constitution Article 1, Section 28

[Right to Safe Schools](#)

Civ. Code 51.7

[Freedom from violence or intimidation](#)

Ed. Code 200-262.4

[Educational equity](#)

Ed. Code 32210

[Willful disturbance of public school or meeting](#)

Ed. Code 32211

[Threatened disruption or interference with classes](#)

Ed. Code 32212

[Classroom interruptions](#)

Ed. Code 32280-32289.5

[School safety plans](#)

Ed. Code 35181

[Governing board authority to set policy on responsibilities of students](#)

Ed. Code 35291-35291.5

[Rules](#)

Ed. Code 44050

[Employee code of conduct; interaction with students](#)

Ed. Code 44807

[Teachers' duty concerning conduct of students](#)

Ed. Code 44810

[Willful interference with classroom conduct](#)

State References

Ed. Code 44811
 Ed. Code 48900-48926
 Ed. Code 48907
 Ed. Code 48950
 Ed. Code 49330-49335
 Gov. Code 54954.3
 Gov. Code 54957.9
 Pen. Code 243.5
 Pen. Code 415.5
 Pen. Code 422.55
 Pen. Code 422.6
 Pen. Code 626-626.11
 Pen. Code 627-627.10
 Pen. Code 653.2
 Pen. Code 653b

Description

[Disruption of classwork or extracurricular activities](#)
[Suspension and expulsion](#)
[Exercise of free expression; time, place, and manner rules and regulations](#)
[Speech and other communication](#)
[Injurious objects](#)
[Opportunity for public to address legislative body](#)
[Disorderly conduct of general public during meeting; clearing of room](#)
[Assault or battery on school property](#)
[Disturbance of peace of school](#)
[Definition of hate crime](#)
[Crimes; harassment](#)
[Weapons on school grounds and other school crimes](#)
[Access to school premises](#)
[Electronic communication devices; threats to safety](#)
[Loitering about schools or public places](#)

Federal References

U.S. Constitution, First Amendment

Description

[Free exercise, free speech, and establishment clauses](#)

Management Resources References

California Department of Education Publication
 California Department of Education Publication
 Commission on Teacher Credentialing Publication
 Court Decision
 Court Decision
 Court Decision
 Court Decision
 CSBA Publication
 CSBA Publication
 Nat'l Policy Board For Educational Administration
 Website
 Website
 Website
 Website
 Website
 Website
 Website
 Website
 Website
 Website

Description

[Social and Emotional Learning in California: A Guide to Resources, October 2018](#)
[California's Social and Emotional Learning: Guiding Principles, 2018](#)
 California Professional Standards for Educational Leaders, February 2014
 Baca v. Moreno Valley Unified School District (1996) 936 F. Supp. 719
 Hazelwood School District v. Kuhlmeier (1988) 108 S. Ct. 562
 City of San Jose v. William Garbett (2010) 190 Cal. App. 4th 526
 Norse v. City of Santa Cruz (9th Cir. 2010) 629 F3d 966
 Professional Governance Standards for School Boards
 Superintendent Governance Standards
 Professional Standards for Educational Leaders, October 2015
[CSBA District and County Office of Education Legal Services](#)
[National Policy Board for Educational Administration](#)
[National School Safety Center](#)
[Center for Safe and Responsible Internet Use](#)
[California Office of the Attorney General](#)
[National Council for the Social Studies](#)
[Commission on Teacher Credentialing](#)
[CSBA](#)
[California Department of Education](#)
[U.S. Department of Education](#)

Management Resources References

Website

Description

[Equal Employment Opportunity Commission](#)

Cross References

0415

[Equity](#)

0450

[Comprehensive Safety Plan](#)

0450

[Comprehensive Safety Plan](#)

1250

[Visitors/Outsiders](#)

1250

[Visitors/Outsiders](#)

1312.1

[Complaints Concerning District Employees](#)

1312.1

[Complaints Concerning District Employees](#)

1312.1-E PDF(1)

[Complaints Concerning District Employees](#)

1312.3

[Uniform Complaint Procedures](#)

1312.3

[Uniform Complaint Procedures](#)

1312.3-E PDF(1)

[Uniform Complaint Procedures](#)

1312.3-E PDF(2)

[Uniform Complaint Procedures](#)

2111

[Superintendent Governance Standards](#)

3515.2

[Disruptions](#)

3515.2

[Disruptions](#)

3515.4

[Recovery For Property Loss Or Damage](#)

3515.4

[Recovery For Property Loss Or Damage](#)

3515.7

[Firearms On School Grounds](#)

3516

[Emergencies And Disaster Preparedness Plan](#)

3516

[Emergencies And Disaster Preparedness Plan](#)

3516.2

[Bomb Threats](#)

4030

[Nondiscrimination In Employment](#)

4030

[Nondiscrimination In Employment](#)

4119.11

[Sex Discrimination and Sex-Based Harassment](#)

4119.11

[Sex Discrimination and Sex-Based Harassment](#)

4119.12

[Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures](#)

4119.12-E(1)

[Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures](#)

4119.21

[Professional Standards](#)

4119.21-E(1)

[Professional Standards](#)

4131

[Staff Development](#)

4156.3

[Employee Property Reimbursement](#)

4158

[Employee Security](#)

4158

[Employee Security](#)

4219.11

[Sex Discrimination and Sex-Based Harassment](#)

4219.11

[Sex Discrimination and Sex-Based Harassment](#)

4219.12

[Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures](#)

Cross References**Description**

4219.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4219.21	Professional Standards
4219.21-E PDF(1)	Professional Standards - Code Of Ethics Classified Employees
4256.3	Employee Property Reimbursement
4258	Employee Security
4258	Employee Security
4319.11	Sex Discrimination and Sex-Based Harassment
4319.11	Sex Discrimination and Sex-Based Harassment
4319.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4319.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4319.21	Professional Standards
4319.21-E PDF(1)	Professional Standards
4331	Staff Development
4356.3	Employee Property Reimbursement
4358	Employee Security
4358	Employee Security
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.4	Student Disturbances
5131.4	Student Disturbances
5131.5	Vandalism And Graffiti
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.2	Freedom Of Speech/Expression
5145.2	Freedom Of Speech/Expression
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.71	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
6164.2	Guidance/Counseling Services
9005	Governance Standards

Cross References**Description**

9323

[Meeting Conduct](#)



GOVERNMENT CODE - GOV

TITLE 1. GENERAL [100 - 7914] (*Title 1 enacted by Stats. 1943, Ch. 134.*)

DIVISION 4. PUBLIC OFFICERS AND EMPLOYEES [1000 - 3599] (*Division 4 enacted by Stats. 1943, Ch. 134.*)

CHAPTER 8. Oath or Affirmation of Allegiance for Disaster Service Workers and Public Employees [3100 - 3109] (*Heading of Chapter 8 amended by Stats. 1972, Ch. 590.*)

3100. It is hereby declared that the protection of the health and safety and preservation of the lives and property of the people of the state from the effects of natural, manmade, or war-caused emergencies which result in conditions of disaster or in extreme peril to life, property, and resources is of paramount state importance requiring the responsible efforts of public and private agencies and individual citizens. In furtherance of the exercise of the police power of the state in protection of its citizens and resources, 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 law.

(*Amended by Stats. 1971, Ch. 38.*)

Regulation 4157: Employee Safety

Status: ADOPTED

Original Adopted Date: 02/02/2021 | **Last Reviewed Date:** 02/02/2021

The Superintendent or designee shall provide safety devices and implement safeguards, methods, and processes that are reasonably necessary for the safety and health of employees.

If the Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) prohibits entry into any district workplace or performance of a district workplace exposes employees to the risk of an imminent hazard, including a machine, device, apparatus, or equipment that is in a dangerous condition or is dangerous because of the hazard provided by Cal/OSHA in a conspicuous place at the work site. This notice shall not be removed except by an authorized representative of Cal/OSHA if a safe, and the required safeguards, safety appliances, or devices are provided. (Labor Code 6325)

Injury and Illness Prevention Program

The district's injury and illness prevention program shall cover all district employees and all other workers whom the district controls or directs and directly supervise; hazards specific to their worksite and job assignment. The obligation of contractors or other employers who control or direct and supervise their own employees on their own prevention program. (Labor Code 6401.7)

The district's injury and illness prevention program shall include: (Labor Code 6401.7; 8 CCR 3203)

1. The name/position of the person(s) with authority and responsibility for implementing the program
2. A system for ensuring that employees comply with safe and healthful work practices, which may include, but are not limited to:
 - a. Recognition of employees who follow safe and healthful work practices
 - b. Training and retraining programs
 - c. Disciplinary actions
3. A system for communicating with employees in a form readily understandable by all employees on matters related to occupational health and safety, including at the worksite without fear of reprisal. The communications system may include, but is not limited to:
 - a. Meetings
 - b. Training programs
 - c. Posting
 - d. Written communications
 - e. A system of anonymous notification by employees about hazards
 - f. A labor/management safety and health committee
4. Procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. Such inspections shall include:
 - a. Whenever new substances, processes, procedures, or equipment that represents a new occupational safety or health hazard is introduced into the workplace
 - b. Whenever the district is made aware of a new or previously unrecognized hazard
5. A procedure for investigating occupational injury or illness
6. Methods and/or procedures for correcting unsafe or unhealthful conditions, work practices, and work procedures in a timely manner, based on the severity of the hazard.

When an imminent hazard exists that cannot be immediately abated without endangering employee(s) and/or property, these procedures shall call for the removal of employees from the hazardous condition. Employees needed to correct the condition shall be provided with the necessary safeguards.
7. Provision of training and instruction as follows:
 - a. To all new employees
 - b. To all employees given new job assignments for which training has not previously been received
 - c. Whenever new substances, processes, procedures, or equipment are introduced into the workplace and represent a new hazard
 - d. Whenever the district is made aware of a new or previously unrecognized hazard
 - e. To supervisors, to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed
8. A written workplace violence prevention plan developed and implemented in accordance with Labor Code 6401.9 (Labor Code 6401.7)

The plan, which shall be easily accessible to all employees at all times, shall be in effect at all times and in all work areas, and be specific to the hazards and conditions of the workplace. (Labor Code 6401.9)

The Superintendent or designee shall provide training to all employees when the plan is first established and annually thereafter in accordance with Labor Code 6401.9, including training on the district's injury and illness prevention program, and the necessary safety and health hazards to which employees may be exposed. (Labor Code 6401.9)

The Superintendent or designee shall provide employees, or their representative designated pursuant to 8 CCR 3203, with either of the following: (8 CCR 3203)

1. Access to the district's injury and illness prevention program in a reasonable time, place, and manner, but in no event later than five business days after the request is made.

representative of the employee.

When an employee or designated representative requests a copy of the district's injury and illness prevention program, the Superintendent or designee shall provide a copy of the program to the designated representative agrees to receive an electronic copy.

The Superintendent or designee shall provide one printed copy free of charge. If the employee or designated representative requests additional copies within a reasonable period of time, the district may charge reasonable reproduction costs.

2. Unobstructed access to the district's injury and illness prevention program through the district's server or website that allows an employee to review, print, and download the program.

The Superintendent or designee shall communicate the right and procedure to access the district's injury and illness prevention program to all employees. (8 CCR 3200)

Labor/Management Safety and Health Committee

The district's labor/management safety and health committee shall: (8 CCR 3203)

1. Meet regularly, but not less than quarterly.
2. Prepare and make available to affected employees written records of the safety and health issues discussed at committee meetings and maintained for review for at least one year.
3. Review results of the periodic, scheduled worksite inspections.
4. Review investigations of occupational accidents and causes of incidents resulting in occupational injury or illness or exposure to hazardous substances. As appropriate, the Superintendent or designee shall report the results of the investigation to the Superintendent or designee regarding the prevention of future incidents.
5. Review investigations of alleged hazardous conditions brought to the attention of any committee member. When determined necessary by the committee, it may recommend remedial solutions.
6. Submit recommendations to assist in the evaluation of employee safety suggestions.
7. Upon request of Cal/OSHA, verify abatement action taken by the district to abate citations issued by Cal/OSHA.

Hearing Protection

Whenever employee noise exposure equals or exceeds the standards specified by law, the Superintendent or designee shall implement a hearing conservation program when required, monitoring of sound levels, audiogram evaluation and audiometric testing of affected employees, the provision of hearing protectors, and employee training.

Eye Safety Devices

Employees shall wear eye safety devices whenever they are engaged in or observing an activity involving hazards or hazardous substances likely to cause eye injury.

First Aid and Medical Services

The Superintendent or designee shall ensure the ready availability of medical personnel for advice and consultation on matters of industrial health or injury. Whenever an employee is injured, the Superintendent or designee shall ensure that at least one employee is adequately trained in first aid.

The Superintendent or designee shall make adequate first aid materials readily available for employees at every worksite. Such materials shall be approved by a competent person. The Superintendent or designee shall frequently inspect all first aid materials and replenish them as necessary. (8 CCR 3400)

The Superintendent or designee shall ensure that suitable facilities for quick drenching or flushing of the eyes and body are provided within the work area for immediate use in the event of exposure to injurious or corrosive materials. (8 CCR 3400)

To avoid unnecessary delay in medical treatment in the event of an employee's serious injury or illness, the Superintendent or designee shall use one or more of the following:

1. A communication system for contacting a physician or emergency medical service, such as access to 911 or equivalent telephone system. The communication system shall be used to direct emergency services to the location of the injured or ill employee.
2. Readily accessible and available on-site treatment facilities suitable for treatment of reasonably anticipated injury and illness.
3. Proper equipment for prompt medical transport when transportation of injured or ill employees is necessary and appropriate.

Protection from Communicable Diseases and Infections

The Superintendent or designee shall develop an exposure control plan for bloodborne pathogens that is consistent with the district's injury and illness prevention program. The plan shall include, but is not limited to, the following: classification of occupational exposure to blood or other potentially infectious materials; precautions to be implemented, including universal precautions, engineering controls; availability of the hepatitis B vaccination; provision of information and training to employees; and follow-up actions to be taken if exposure occurs. The plan shall be accessible to employees in accordance with law. (8 CCR 5193; 29 CFR 1910.1030)

Strategies to prevent and mitigate the outbreak or spread of infectious diseases shall be followed for diseases that are communicated through airborne transmission, noncasual means. Such strategies shall include, but are not limited to, communication and training about the disease(s); campus closures and alternative means of instruction; distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by law; and cleaning and sanitization of district facilities and equipment.

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable disease. (17 CCR 2508)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

17 CCR 2508

8 CCR 14000-14316

Description

Reporting of communicable diseases

Occupational injury or illness reports and records

State References

8 CCR 3203
 8 CCR 3204
 8 CCR 3400
 8 CCR 5095-5100
 8 CCR 5193
 Ed. Code 32030-32034
 Ed. Code 32225-32226
 Ed. Code 32280-32289.5
 Ed. Code 44984
 Gov. Code 3543.2
 Lab. Code 1139
 Lab. Code 132a
 Lab. Code 3300
 Lab. Code 6305
 Lab. Code 6310
 Lab. Code 6325
 Lab. Code 6400-6413.5
 Lab. Code 6401.7
 Lab. Code 6401.9

Federal References

17 CFR 2508
 29 CFR 1910.1030
 29 CFR 1910.95
 29 CFR 651-678
 8 CFR 14000-14316
 8 CFR 3204
 8 CFR 5193

Management Resources References

CA Department of Industrial Relations Publication
 Website
 Website
 Website
 Website
 Website
 Website
 Website

Cross References

0450
 0450
 3514
 3514
 3514.1
 3514.1
 3516
 3516
 3516.5
 3530
 3530
 4112.9
 4112.9-E(1)
 4118
 4118
 4119.41
 4119.42
 4119.42

Description

Injury and illness prevention program
 Access to employee exposure and medical records
 Medical services and first aid
 Control of noise exposure
 Bloodborne pathogens
[Eye safety](#)
[Communications devices in classrooms](#)
[School safety plans](#)
[Required rules for industrial accident and illness leave](#)
[Scope of representation](#)
 Worker's rights in emergencies
[Workers' compensation; nondiscrimination](#)
[Definition of employer](#)
[Occupational safety and health standards; special order](#)
[Retaliation for filing complaint prohibited](#)
 Prohibition of entry into place of employment
[Responsibilities and duties of employers and employees](#)
[Injury and illness prevention program](#)
 Workplace violence prevention plans

Description

Reporting of communicable diseases
 Bloodborne pathogens
 Noise standards
 Occupational safety and health
 Occupational injury or illness reports and records
 Access to employee exposure and medical records
 Bloodborne pathogens

Description

Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005
[CSBA District and County Office of Education Legal Services](#)
[National Institute for Occupational Safety and Health](#)
[U.S. Department of Labor, Occupational Safety and Health Administration](#)
[California Department of Industrial Relations, Occupational Safety and Health](#)
[National Hearing Conservation Association](#)
[CSBA](#)
[Centers for Disease Control and Prevention](#)

Description

[Comprehensive Safety Plan](#)
[Comprehensive Safety Plan](#)
[Environmental Safety](#)
[Environmental Safety](#)
[Hazardous Substances](#)
[Hazardous Substances](#)
[Emergencies And Disaster Preparedness Plan](#)
[Emergencies And Disaster Preparedness Plan](#)
[Emergency Schedules](#)
[Risk Management/Insurance](#)
[Risk Management/Insurance](#)
[Employee Notifications](#)
[Employee Notifications](#)
[Dismissal/Suspension/Disciplinary Action](#)
[Dismissal/Suspension/Disciplinary Action](#)
[Employees With Infectious Disease](#)
[Exposure Control Plan For Bloodborne Pathogens](#)
[Exposure Control Plan For Bloodborne Pathogens](#)

Cross References

4119.42-E(1)
4119.43
4119.43
4131
4156.2
4158
4158
4161.11
4212.9
4212.9-E(1)
4218
4218
4219.41
4219.42
4219.42
4219.42-E(1)
4219.43
4219.43
4256.2
4258
4258
4261.11
4312.9
4312.9-E(1)
4319.41
4319.42
4319.42
4319.42-E(1)
4319.43
4319.43
4331
4356.2
4358
4358
4361.11
5141.22
5141.22
5141.6
5141.6
6142.93

Description

[Exposure Control Plan For Bloodborne Pathogens](#)
[Universal Precautions](#)
[Universal Precautions](#)
[Staff Development](#)
[Awards And Recognition](#)
[Employee Security](#)
[Employee Security](#)
[Industrial Accident/Illness Leave](#)
[Employee Notifications](#)
[Employee Notifications](#)
[Dismissal/Suspension/Disciplinary Action](#)
[Dismissal/Suspension/Disciplinary Action](#)
[Employees With Infectious Disease](#)
[Exposure Control Plan For Bloodborne Pathogens](#)
[Exposure Control Plan For Bloodborne Pathogens](#)
[Exposure Control Plan For Bloodborne Pathogens](#)
[Universal Precautions](#)
[Universal Precautions](#)
[Awards And Recognition](#)
[Employee Security](#)
[Employee Security](#)
[Industrial Accident/Illness Leave](#)
[Employee Notifications](#)
[Employee Notifications](#)
[Employees With Infectious Disease](#)
[Exposure Control Plan For Bloodborne Pathogens](#)
[Exposure Control Plan For Bloodborne Pathogens](#)
[Exposure Control Plan For Bloodborne Pathogens](#)
[Universal Precautions](#)
[Universal Precautions](#)
[Staff Development](#)
[Awards And Recognition](#)
[Employee Security](#)
[Employee Security](#)
[Industrial Accident/Illness Leave](#)
[Infectious Diseases](#)
[Infectious Diseases](#)
[School Health Services](#)
[School Health Services](#)
[Science Instruction](#)

Regulation 4158: Employee Security

Status: ADOPTED

Original Adopted Date: 10/05/2010 | **Last Revised Date:** 08/17/2021 | **Last Reviewed Date:** 08/17/2021

An employee may use reasonable and necessary force when necessary for self-defense, to protect another person or property, to quell a disturbance threatening physical injury to others, or to obtain possession of weapons or other dangerous objects on or within the control of a student. (Education Code 44807, 49001)

Employees shall promptly report to their principal or other immediate supervisor any attack, assault or physical threat made against them by a student.

Both the employee and the principal or other immediate supervisor shall promptly report such instances to the appropriate local law enforcement agency. (Education Code 44014)

In addition, employees shall promptly report to their principal or supervisor, and may report to law enforcement, any attack, assault or threat made against them on school grounds by any other individual.

Reports of attack, assault or threat also shall be forwarded immediately to the Superintendent or designee.

Notice Regarding Student Offenses Committed While Under School Jurisdiction

The Superintendent or designee shall inform the teacher of each student who has engaged in, or is reasonably suspected of, any act during the previous three school years which could constitute grounds for suspension or expulsion under Education Code 48900, with the exception of the possession or use of tobacco products, or Education Code 48900.2, 48900.3, 48900.4, or 48900.7. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

Upon receiving a transfer student's record regarding acts committed by the student that resulted in his/her suspension or expulsion, the Superintendent or designee shall inform any of the student's teacher(s) that the student was suspended from his/her former district and of the act that resulted in the suspension or expulsion. (Education Code 48201)

Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 49079)

Notice Regarding Student Offenses Committed While Outside School Jurisdiction

When informed by the court that a minor student has been found by a court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism or graffiti, the Superintendent or designee shall so inform the school principal. (Welfare and Institution Code 827)

The principal shall disseminate this information to the counselor(s) who directly supervises or reports on the student's behavior or progress. The principal also may inform any teacher or administrator he/she thinks may need the information so as to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code 827)

Any court-initiated information that a teacher, counselor or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)

When a student is removed from school as a result of his/her offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to public school. If the student is returned to a different district, the Superintendent shall transmit the information provided by the student's parole or probation officer to the Superintendent of the new district of attendance. (Welfare and Institutions Code 827)

Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first; it shall then be destroyed. (Welfare and Institutions Code 827)

Procedures to Maintain Confidentiality of Student Offenses

In order to maintain confidentiality when providing information about student offenses to counselors and teachers of classes/programs to which a student is assigned, the principal or designee shall send the staff member a written notification that one of his/her students has committed an offense that requires his/her review of a student's file in the school office. This

notification shall not name or otherwise identify the student. The staff member shall be asked to initial the notification and return it to the principal or designee.

The staff member shall also initial the student's file when reviewing it in the school office. Once the district has made a good faith effort to comply with the notification requirement of Education Code 49079 and Welfare and Institutions Code 827, an employee's failure to review the file constitutes district compliance with the requirement to provide notice to the teacher.

Use of Pepper Spray

Employees who are permitted to possess pepper spray on school property shall be notified of the following conditions:

1. The pepper spray shall be used only in self-defense.
2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the district and, in accordance with law, a fine and/or imprisonment.
3. The employee shall ensure that the pepper spray is stored in a secure place and not accessible to students or other individuals. An employee who is negligent in the storage of pepper spray may be subject to disciplinary action.

Employees wishing to carry pepper spray on school property or to a school-related activity shall submit to the Superintendent or designee a written request setting forth the need for the pepper spray. Should the Superintendent or designee determine that the employee may not carry pepper spray, the employee shall receive a written statement of the reason for this determination.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

CCP. 527.8	Workplace violence safety - https://simbli.eboardsolutions.com/SU/zzBhO3hWGUr7lplusYiDNCP8A==
Civ. Code 51.7	Freedom from violence or intimidation - https://simbli.eboardsolutions.com/SU/biK5w5xHjaslshApluscWXhrJ7ZQ==
Ed. Code 32210-32212	Willful disturbance; public schools or meetings - https://simbli.eboardsolutions.com/SU/fVO0OHpeh6ozwKgKAlVaRg==
Ed. Code 32225-32226	Communications devices in classrooms - https://simbli.eboardsolutions.com/SU/j4veUiFkkN7RRLslshslshZ6plus3rw==
Ed. Code 35208	Liability insurance - https://simbli.eboardsolutions.com/SU/jbPgedY6klfN52VVSsM4Tg==
Ed. Code 35213	Reimbursement for loss or damage of personal property - https://simbli.eboardsolutions.com/SU/wOsFs53lgmoKZOWrqM6DZA==
Ed. Code 44014	Report of assault by pupil against school employee - https://simbli.eboardsolutions.com/SU/gEUIqoslshPjiqplusmnO8qU62vw==
Ed. Code 44807	Teachers' duty concerning conduct of students - https://simbli.eboardsolutions.com/SU/01QplusZUrsIshvuVCSGiVFlm8hw==
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion - https://simbli.eboardsolutions.com/SU/eIQocY4QEYKvslshVzhn7SJMA==
Ed. Code 48900-48926	Suspension and expulsion - https://simbli.eboardsolutions.com/SU/dt5KNUnSLpER0iplusCa0bRIQ==

Ed. Code 49079	Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion - https://simbli.eboardsolutions.com/SU/8tfoN4Gnt52xd4EGRPwysQ==
Ed. Code 49330-49335	Injurious objects - https://simbli.eboardsolutions.com/SU/4youhLXID32plus5eslshL5sQsAg==
Gov. Code 12926	Definitions - https://simbli.eboardsolutions.com/SU/fp6xQmGSukcAWJ60VowoVA==
Gov. Code 3543.2	Scope of representation - https://simbli.eboardsolutions.com/SU/9wRAPNyHvwplusOHnqzplusGsOslshg==
Gov. Code 995-996.4	Defense of public employees - https://simbli.eboardsolutions.com/SU/3wdDqwwnYONWPBqypbUzbA==
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies - https://simbli.eboardsolutions.com/SU/ojkw2VvZDlee6QjANmZ8Q==
Pen. Code 18150	Gun violence restraining orders - https://simbli.eboardsolutions.com/SU/iLstQCplus1Sck8Snny0UMcTg==
Pen. Code 18170	Gun violence restraining order issued after notice and hearing - https://simbli.eboardsolutions.com/SU/k0uplusBFgJ3AtxQRxslshypE64A==
Pen. Code 22810	Purchase, possession, and use of tear gas - https://simbli.eboardsolutions.com/SU/r5ANQFARodtpluspplussT4TuNA==
Pen. Code 240-246.3	Assault and battery - https://simbli.eboardsolutions.com/SU/Z7GmjTgGeP2Md903plus7twTQ==
Pen. Code 241.3	Assault against school bus drivers - https://simbli.eboardsolutions.com/SU/KkjFoBT7VOVczxnKloX5mA==
Pen. Code 241.6	Assault on school employee including board member - https://simbli.eboardsolutions.com/SU/blltHA1G3uslshsd5uePvUeHw==
Pen. Code 243.3	Battery against school bus drivers - https://simbli.eboardsolutions.com/SU/Yx3sr1PAI0Uq6KvxAplusJXVg==
Pen. Code 243.6	Battery against school employee including board members - https://simbli.eboardsolutions.com/SU/yDw5NBxkplus5qy916slshNt0Wslshw==
Pen. Code 245.5	Assault with deadly weapon against school employee including board member - https://simbli.eboardsolutions.com/SU/BI8wUJS728Q31g56VsHbBw==
Pen. Code 290	Registration of sex offenders - https://simbli.eboardsolutions.com/SU/BC6kOdRC1cjbplusmxdA92Rug==
Pen. Code 601	Trespass by person making credible threat - https://simbli.eboardsolutions.com/SU/5M9cOKjsCEtX1JiuFV0hYA==
Pen. Code 626-626.11	Weapons on school grounds and other school crimes - https://simbli.eboardsolutions.com/SU/Xlslsh9slshcoCcD30HV7KfmPlhg==
Pen. Code 646.9	Stalking - https://simbli.eboardsolutions.com/SU/VSAXu39FNfBnvIKFdGCbbA==
Pen. Code 71	Threatening public officers and employees and school officials - https://simbli.eboardsolutions.com/SU/2SkgWQFslsh9AeJ6xZplusjD9ZAw==
W&I Code 827	Limited exception to juvenile court record - https://simbli.eboardsolutions.com/SU/DMr9MZDTgwkT0RmplushHdBKg==
W&I Code 828.1	District police or security department; disclosure of juvenile records - https://simbli.eboardsolutions.com/SU/slshvQZwsYSsIJ7VX17q9dfbQ==

Management Resources References

Court Decision	City of San Jose v. William Garbett, (2010) 190 Cal. App. 4th 526
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDslishXk6R5akQ==
Website	California Department of Education, Safe Schools - https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==

Website CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Cross References

Description

0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/d7guf7pLg0OoKHrffHuRslshA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/ZL4AZQC4Q0O7Ct6erHZWnQ==
1313	Civility - https://simbli.eboardsolutions.com/SU/yOa4hXbmytYls4p2JKUbNw==
3320	Claims And Actions Against The District - https://simbli.eboardsolutions.com/SU/MViqQtii2jun4plusUR29Kq9A==
3320	Claims And Actions Against The District - https://simbli.eboardsolutions.com/SU/Qrp22NVkslshfb8KJT8vxFvVg==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/K5Y0SnGESU9hJLULyF4WoQ==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/LyFi2Rdup4SeLoyCxiTzgA==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/3zz1tI0X4ZIN7VAPLICn2w==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/hYBA18WQjRYFsreDPu6slQ==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/slshIJDKIb1Z3i1x7ke12R2xA==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/W6Klvz73MVXUYPTmBSQouQ==
3515.7	Firearms On School Grounds - https://simbli.eboardsolutions.com/SU/OtrNvslshMDMIBSs1slshkJyWUoQ==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/AwD0gWC1fp3vplus35CcotDig==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/usslshWhTtZbMepJAoA7BVd6g==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/f28Y8g0QzDvpW3nyGgLPRQ==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/bsOgFtrRnArFvO1jSIWslshww==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/TOWynt27j11e84Ed9go0cQ==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/zZ8ALG9AVGuFbVzECQB8Tw==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/XIEfnDBZPAuMslshpEqBrwTKw==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/UTGFaZorslshLeTKDloySlofQ==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/mGplusvfwZSZeWEomplumBplusTJTg==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/qM93MntQ08IXE19SqYgzA==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/xnIUHul4wamrtLwplus2OFxcA==
4156.3	Employee Property Reimbursement - https://simbli.eboardsolutions.com/SU/PSd78mwNI7PBg0JEpDln7A==

4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/G4JEZvO8uDhUu0YS7AGoIQ==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/YqWUYpdycnuZuo18RoSdsQ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/X1lugfJF59UTBAfZrUqN4Q==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/cXGwH831aenCNbQC6jA3hQ==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/BdpaplusaDF4XfWDswiSgrXiA==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/8NhCIOxCqBcVvArb8plusCGslshg==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/cRQObj7EJcTiplushojXxDrvw==
4219.21-E PDF(1)	Professional Standards - Code Of Ethics Classified Employees - https://simbli.eboardsolutions.com/SU/Yn4FDSgBUNSbsWF3lvpkIQ==
4256.3	Employee Property Reimbursement - https://simbli.eboardsolutions.com/SU/KKd3731fZ7J5wAslsh2IESdfg==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/VLxwTuBplusplusIRGslshALGsaCR9A==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/9md7WpFplusE6EVrvrSxbTuTA==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/t37hWtTImplusSVslsh21DyFGE4w==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/s7slshgH4vgyvIStF0p9iUWHA==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/aVzvR2gnF6PxyE8OYijAPA==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/sVVtgfkApxmtRMQLsMRyQ==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/mi31ZJfJZ6P6XIztQhGr3Q==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/hqxZRIEbEWMHD9ZdRfApig==
4356.3	Employee Property Reimbursement - https://simbli.eboardsolutions.com/SU/cJuZ6fh7ckFixytDnGuGmg==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/3CtHp969NluBjcW3MuRCrw==
5125	Student Records - https://simbli.eboardsolutions.com/SU/tWHWUiPwslshr1YYPUpusvwMslshmq==
5125	Student Records - https://simbli.eboardsolutions.com/SU/Arf4IGHplusjQnGslsh3Sd1slshP0Hw==
5125.2	Withholding Grades, Diploma Or Transcripts - https://simbli.eboardsolutions.com/SU/8fliZDslshTgEa3EslshyLjKO9ig==
5131.4	Student Disturbances - https://simbli.eboardsolutions.com/SU/LI3WnRLoXmLkeMY3u4u1bw==
5131.4	Student Disturbances - https://simbli.eboardsolutions.com/SU/UqQ9HwSmY1ubUAbnvCCAzw==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/IsIshytWmGMad6PscFFMXdtslshg==

5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/zsrBXNO5ob8uya5tCp9uXA==
5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/zOGaTyaz8y3Px5h4jX6jfQ==
5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/EyWdU9HUGyejrYEpLTGrg==
5144	Discipline - https://simbli.eboardsolutions.com/SU/VKfDusQz4wO4ztggq0xR0Q==
5144	Discipline - https://simbli.eboardsolutions.com/SU/h8js9swo8roKNec7W9PBIQ==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/2KWiSVzOJQsLVudCPe2bpg==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/1wRsP0evdfTslshv6FLdTXneA==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/lslshWEps64d5tGtqQbrl8gaQ==

Regulation 4161.8: Family Care And Medical Leave

Status: ADOPTED

Original Adopted Date: 05/18/2021 | **Last Revised Date:** 08/16/2022 | **Last Reviewed Date:** 08/16/2022

The district shall not deny any eligible employee the right to family care or medical leave pursuant to the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), or to Pregnancy Disability Leave (PDL), when an employee is disabled by a pregnancy, childbirth, or related medical condition. The district shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the district discharge, discriminate against, or retaliate against an employee for taking such leave, opposing or challenging an unlawful employment practice in relation to any of these laws, or being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child means a biological, adopted, or foster child; a stepchild; a legal ward; or a person to whom the employee stands in loco parentis. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

Eligible employee, for FMLA and CFRA purposes, means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

Eligible family member means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, or sibling. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

Employee disabled by pregnancy means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion
2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

Parent means a biological, foster, or adoptive parent; a parent-in-law; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child. However, for FMLA purposes, parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or an eligible family member of the employee that involves either inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity

A person is considered an inpatient when formally admitted to a health care facility with the expectation of remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:
 - a. A period of incapacity of more than three consecutive full days
 - b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
 - c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
 - d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective
 - e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage. For purposes of CFRA leave, spouse also includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

Eligibility/Purposes of Leave

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)
2. The care of an eligible family member with a serious health condition
3. The employee's own serious health condition that makes the employee unable to perform the job functions of the position
4. A qualifying exigency arising out of the fact that the employee's spouse, child, parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)
5. The care of a covered servicemember with a serious injury or illness when the employee is a spouse, child, parent, or next of kin of the covered servicemember

In addition, the district shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

Terms of Leave

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945.2; 29 USC 2612)

The 12-month period shall coincide with the fiscal year. (29 CFR 825.200)

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the district.

Use/Substitution of Paid Leave

During any otherwise unpaid period of FMLA or CFRA leave, except leave for an employee's own serious health condition, an employee shall use accrued paid leave, including, but not limited to, vacation leave, personal leave, or family leave. If the leave is for the employee's own serious health condition, the employee shall use accrued paid leave, including but not limited to, vacation leave, personal leave, or sick leave. During an unpaid period of PDL, the employee shall use any accrued sick leave and may elect to use any vacation time or other accrued personal time off. (Government Code 12945, 12945.2; 2 CCR 11044, 11092; 29 USC 2612)

The district and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member.
2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule.
3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child.

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

Request for Leave

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, the employee must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

Certification of Health Condition

Within five business days of an employee's request for family care and medical leave for the serious health condition of the employee or an eligible family member, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition
3. If the employee is requesting leave to care for an eligible family member with a serious health condition, both of the following:
 - a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the eligible family member during a period of the treatment or supervision
 - b. Estimated amount of time the health care provider believes the employee needs to care for the eligible family member
4. If the employee is requesting leave because of the employee's own serious health condition, a statement that due to the serious health condition, the employee is unable to work at all or is unable to perform one or more essential job functions of the position
5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, the Superintendent or designee may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

Certification for PDL

The Superintendent or designee shall request that an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if the Superintendent or designee has reason to question the appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days' notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

Release to Return to Work

Upon expiration of an employee's PDL or family care and medical leave taken for the employee's own serious health condition, the employee shall present certification from the health care provider of the employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of the position.

Rights to Reinstatement

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

The district may refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before the employee took the leave. The employee shall reimburse the district for premiums paid during the leave if the employee fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose.

However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

Covered active duty means, for members of the Regular Armed forces, duty during the deployment of a member of the regular Armed Forces to a foreign country or, for members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign country includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military

member's covered active duty

9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

During the period of qualified exigency leave, the district's rule regarding an employee's use of accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is inclusive of the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Child of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or child for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents in law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to the covered servicemember, other than the spouse, parent, or child, unless designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the

member became a veteran and that is at least one of the following:

- a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating
- b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition
- c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran
- d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

During the period of military caregiver leave, the district's rule regarding an employee's use of accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Notifications

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the Fair Employment and Housing Act/PDL and FMLA/CFRA and employees' rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)
2. The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11049, 11050, 11091)
3. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)
4. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)

- a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying
- b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification
- c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave
- d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis
- e. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave
- f. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

- 5. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, the Superintendent or designee shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 82300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 82300)

- 6. If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

The Superintendent or designee shall maintain records pertaining to an individual employee's use of FMLA or CFRA leave or PDL in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

2 CCR 11035-11051

2 CCR 11087-11098

Ed. Code 44965

Fam. Code 297-297.5

Fam. Code 300

Gov. Code 12926

Gov. Code 12940

Gov. Code 12945

Gov. Code 12945.1-12945.2

Gov. Code 12945.6

Gov. Code 12946

Description

Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions -

<https://simbli.eboardsolutions.com/SU/GplusgYNhBplus6hlimWMyAuhwJw==>

California Family Rights Act -

<https://simbli.eboardsolutions.com/SU/abM0slshHCKrMbGboplusCdDilag==>

Granting of leaves of absence for pregnancy and childbirth -

<https://simbli.eboardsolutions.com/SU/e7uNwjUiNYDEySWMAQCHpg==>

Rights, protections, benefits under the law; registered domestic partners -

<https://simbli.eboardsolutions.com/SU/LJfCekZJhzs5Nas1GG1RHQ==>

Definition of marriage -

<https://simbli.eboardsolutions.com/SU/05rpsoloLBweplusb92Wwhyabw==>

Definitions -

<https://simbli.eboardsolutions.com/SU/fp6xQmGSukcAWJ60VowoVA==>

Unlawful discriminatory employment practices -

<https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==>

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

<https://simbli.eboardsolutions.com/SU/2Dmzel3sr9Q8BhxwgjWUtA==>

California Family Rights Act -

<https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQH9yA==>

Parental leave

Fair Employment and Housing Act: discrimination prohibited -

<https://simbli.eboardsolutions.com/SU/wjtLdzTqqwlov2Syc5bhMQ==>**Federal References**

1 USC 7

29 CFR 825.100-825.702

29 USC 2601-2654

42 USC 2000ff-2000ff-11

Description

Definition of marriage and spouse -

<https://simbli.eboardsolutions.com/SU/zna4bZkEoCQ5ILKxeKqGw==>

Family and Medical Leave Act of 1993

Family Care and Medical Leave Act

Genetic Information Nondiscrimination Act of 2008

Management Resources References

Court Decision

Court Decision

Court Decision

U.S. Department of Labor Publication

Website

Website

Website

Description

Faust v. California Portland Cement Company (2007) 150 Cal.App.4th 864

Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045

United States v. Windsor (2013) 699 F.3d 169

Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==>

U.S. Department of Labor, FMLA -

<https://simbli.eboardsolutions.com/SU/gTctHyc7Ra9nNTUgNmxAhw==>

California Civil Rights Department -

<https://simbli.eboardsolutions.com/SU/RRvNseNogmlnMLyl8K40jw==>**Cross References**

0410

Description

Nondiscrimination In District Programs And Activities -

<https://simbli.eboardsolutions.com/SU/FnDZ7yHITUVLmcPBwcYa4w==>

1113-E(1)	District And School Websites - https://simbli.eboardsolutions.com/SU/oJaE6pBfeb1TIUhdIbjlHA==
1113	District And School Websites - https://simbli.eboardsolutions.com/SU/BzLslshM03JGp7plus8dzh1Fzc4Q==
1113	District And School Websites - https://simbli.eboardsolutions.com/SU/LkplusM8wFuCJc9T99n32Hnw==
1113-E PDF(1)	District And School Websites - https://simbli.eboardsolutions.com/SU/fCje9zCXa1OFcXTUBQYRhW==
2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/3jnAT52i7xoxtslshnloobqpg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/uj6R9EJQMgHWPwlj5O0MeA==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/1hR1nwwQdqhZCpluskI91M7LA==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/xCU2Q3bo4IrdA5Kslsh5iqGslshA==
4033	Lactation Accommodation - https://simbli.eboardsolutions.com/SU/BCWG4ZmkOPFlvslshL6SHOGDA==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/pBrbutmrAaG9iACDiyMPYQ==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/lkdbJZoslshdbW3M28chWarWg==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/nKXNuY4nuf6VtbFdt8BxXQ==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/x8sXygV8J5UslshmpimkS4osA==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/vNtVvfMZsbLOfaouJ74H0g==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/f28Y8g0QzDvpW3nyGgLPQQ==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/bsOgFtrRnArFvO1jSIWslshww==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/TOWynt27j11e84Ed9go0cQ==
4113.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/tKdKsdHuUslshCiCXQ7ODb9hA==
4117.3	Personnel Reduction - https://simbli.eboardsolutions.com/SU/4zUoIZ6plusDDPtMplusGe8fUiMg==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/6R1sBLgslshYgDslshAd2SuZj7eA==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/WNoCah873JGR0slshZyGctZtQ==
4161	Leaves - https://simbli.eboardsolutions.com/SU/L0sa8HPNFiz43P87NscBIA==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/pBT8qcBchpd9Nretl5tpDQ==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/G4JEZvO8uDhUu0YS7AGoIQ==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/rlyplusslshRZ4Csezcx5hVxJL6Q==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/JwrEm3toQqx4wVyDcBm6Bw==

4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/w6JNlrrt2PSYipX7plus9i1UQ==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/YqWUYpdygnuZuo18RoSdsQ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/X1lugfJF59UTBAfZrUqN4Q==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/cXGwH831aenCNbQC6jA3hQ==
4213.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/KrKq6bFPpejxFu478Wd0vg==
4217.3	Layoff/Rehire - https://simbli.eboardsolutions.com/SU/6QZWbDplusrBFxrl78a1mXScg==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/IOQxocnnxc7t0zO4gNsIshFig==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/baiguAHICDz2MiTzMIQIOA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/4qNFHJIV4UumHJslshBCRwvIQ==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/NbmFlv1J1eoV9plusRT1mhpfw==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/VLxwTuBplusplusIRGslshALGsaCR9A==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/bslshMGq1I2YgZP7pluspaaHXLeA==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/bjHLFe6dTslshJctTxXirH31Q==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/np6PFoVoqPCIBtzi2ZLILg==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/9md7WpFplusE6EVrvrSxbTuTA==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/t37hWtTlplusSVslsh21DyFGE4w==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/s7slshgH4vgyvIStF0p9iUWHA==
4313.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/BI6DsCNufcZ6PMsZYwplusqGQ==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/AUcC2pRXWApZWZErGJyJUg==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/slsh0UxeGKSx3ebrYlspgJSrg==
4361	Leaves - https://simbli.eboardsolutions.com/SU/aEjmtRLplusieVJXslshzbK5PtXg==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/etl1turBC71j4hKK2A3r6A==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/3CtHp969NluBjcW3MuRCrw==

Policy 4030: Nondiscrimination In Employment

Status: ADOPTED

Original Adopted Date: 10/05/2010 | **Last Revised Date:** 06/13/2023 | **Last Reviewed Date:** 06/13/2023

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

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

Employers are also prohibited from discrimination against employees or job applicants on the basis of reproductive health decision making, defined as a person's decision to use or access a particular drug, device, product, or medical service for reproductive health. (Government Code 12926, 12940)

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

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

1. Hiring, compensation, terms, conditions, and other privileges of employment
2. Taking of adverse employment actions such as termination or denial of employment, promotion, job assignment, or training
3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities, or that has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive work environment
4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:
 - a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status
 - b. Religious creed discrimination based on an employee's religious belief or observance, including religious dress or grooming practices, or based on the district's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement
 - c. Requiring medical or psychological examination of a job applicant, or making an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity
 - d. Failure to make reasonable accommodation for the known physical or mental disability of an

employee, or to engage in a timely, good faith, interactive process with an employee who has requested such accommodations in order to determine the effective reasonable accommodations, if any, to be provided to the employee

- e. Requiring an applicant or employee to disclose information relating to the employee's reproductive health decision making

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

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

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

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

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

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

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

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

2 CCR 11006-11086

2 CCR 11023

Description

Discrimination in employment -
<https://simbli.eboardsolutions.com/SU/jUNOUneBGplusu4fVMYTIWMKA==>

Harassment and discrimination prevention and correction -
<https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==>

2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation - https://simbli.eboardsolutions.com/SU/WdslshVrKs4pluscfHplushNGLhCeQw==
2 CCR 11027-11028	National origin and ancestry discrimination - https://simbli.eboardsolutions.com/SU/SYk7u9LttH4epGWfUlfjdg==
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
CA Constitution Article 1, Section 1	Inalienable rights - https://simbli.eboardsolutions.com/SU/v13IPOwHIRP78VvbipluskF8Q==
Civ. Code 51.7	Freedom from violence or intimidation - https://simbli.eboardsolutions.com/SU/biK5w5xHjaslshApluscWXhrJ7ZQ==
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Gov. Code 11135	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKAL0EtfQ==
Gov. Code 12900-12996	Fair Employment and Housing Act - https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==
Gov. Code 12940-12952	Unlawful employment practices - https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQHQ9yA==
Gov. Code 12960-12976	Unlawful employment practices; complaints - https://simbli.eboardsolutions.com/SU/ccfCDZslshjhqv78OCZLLsYA==
Pen. Code 422.56	Definitions; hate crimes - https://simbli.eboardsolutions.com/SU/h9gcym1qELiznGfUXL4BPA==

Federal References

20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
29 USC 621-634	Age Discrimination in Employment Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.6	Title VI; Compliance information
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 104.8	Notice of Nondiscrimination on the Basis of Handicap
34 CFR 106.8	Designation of coordinator; dissemination of policy, and adoption of grievance procedures
34 CFR 110.1-110.39	Nondiscrimination on the basis of age
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age discrimination in federally assisted programs
Executive Order 11246	"Know Your Rights: Workplace Discrimination is Illegal" poster - https://simbli.eboardsolutions.com/SU/9NrkJmMgLMcqsIC35EHhEw==
U.S. Constitution	Amendment 1; Free exercise, free speech, and establishment clauses - https://simbli.eboardsolutions.com/SU/iMUl98OyDFSCBGcGx5DwnA==

Management Resources References

Description

CA Civil Rights Department Publication
 CA Civil Rights Department Publication
 CA Civil Rights Department Publication
 CA Civil Rights Department Publication
 CA Civil Rights Department Publication
 Court Decision
 Court Decision
 Court Decision
 U.S. DOE Office for Civil Rights Publication
 U.S. Equal Employment Opportunity Comm
 Publication
 U.S. Equal Employment Opportunity Comm
 Publication
 U.S. Equal Employment Opportunity Comm
 Publication

Website

Website

Website

Website

Website

Cross References

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1113-E(1)

1113

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1113-E PDF(1)

1114

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1240

1240

1312.1

1312.1

Family Care and Medical Leave and Pregnancy Disability Leave
 California Law Prohibits Workplace Discrimination and Harassment
 Transgender Rights in the Workplace
 Harassment Prevention Guide for California Employers
 Your Rights and Obligations as a Pregnant Employee
 Kennedy v. Bremerton (2022) 142 S.Ct. 2407
 Shephard v. Loyola Marymount, (2002) 102 Cal.App. 4th 837
 Thomson v. North American Stainless LP (2011) 62 U.S. 170
 Notice of Non-Discrimination, August 2010
 Know Your Rights: Workplace Discrimination is Illegal, October 2022
 Enforcement Guidance: Vicarious Employer Liability for Unlawful
 Harassment by Supervisors, June 1999
 EEOC Compliance Manual

U.S. Department of Labor, Office of Federal Contract Compliance Program -
<https://simbli.eboardsolutions.com/SU/PH97sURpCaw0yTclBzHxZA==>

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==>

California Civil Rights Department -
<https://simbli.eboardsolutions.com/SU/RRvNseNogmInMLyI8K40jw==>

U.S. Department of Education, Office for Civil Rights -
<https://simbli.eboardsolutions.com/SU/xmCPtCoZle111WmbX10Vg==>

U.S. Equal Employment Opportunity Commission -
<https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==>

Description

Nondiscrimination In District Programs And Activities -
<https://simbli.eboardsolutions.com/SU/FnDZ7yHITUVLmcPBwcYa4w==>

District And School Websites -
<https://simbli.eboardsolutions.com/SU/oJaE6pBfeb1TIUhdIbjIHA==>

District And School Websites -
<https://simbli.eboardsolutions.com/SU/BzLslshM03JGp7plus8dzh1Fzc4Q==>

District And School Websites -
<https://simbli.eboardsolutions.com/SU/LkplusM8wFuCJc9T99n32Hnw==>

District And School Websites -
<https://simbli.eboardsolutions.com/SU/fCje9zCXa1OFcXTUBQYRhw==>

District-Sponsored Social Media -
<https://simbli.eboardsolutions.com/SU/JfCojzMhplusqvFeyCOp9Cgiw==>

District-Sponsored Social Media -
<https://simbli.eboardsolutions.com/SU/LnhNVipgsss47FWyv0docA==>

Volunteer Assistance -
<https://simbli.eboardsolutions.com/SU/s1kDPms91ZslshXvtuUxCKMdw==>

Volunteer Assistance -
<https://simbli.eboardsolutions.com/SU/KR2sg4KWAHgxai0qdzYjQA==>

Complaints Concerning District Employees -
<https://simbli.eboardsolutions.com/SU/UeCd2AJIxfBU7E37o1kmUg==>

Complaints Concerning District Employees -
<https://simbli.eboardsolutions.com/SU/3x1plusj0z5ZLMqRsshsEIT6Q==>

1312.1-E PDF(1)	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/eAlz50x7oMx0vq3x9PJtplusg==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/CfApluscpxRIZplusOj2lmuhfqBA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/NaAoUplustL0gdMDg4YyrqkSQ==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/CGtJ1bS0fJ2qqnQzzY5qbQ==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/hYsgaF9LHjeplus4tlnfvHZyg==
1313	Civility - https://simbli.eboardsolutions.com/SU/yOa4hXbmytyls4p2JKUbNw==
3312	Contracts - https://simbli.eboardsolutions.com/SU/RtEPentWF4fC8KdSsZuiQQ==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/AwD0gWC1fp3vplus35CcotDig==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/usslshWhTtZbMepJAoA7BVd6g==
3580	District Records - https://simbli.eboardsolutions.com/SU/slshum9iqESJwslshMnliyP5FuWQ==
3600	Consultants - https://simbli.eboardsolutions.com/SU/19Y2YhOrjiSGxS8QOUWGnA==
4000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/OD2npGAZCiRik4Mzfor9zA==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/xCU2Q3bo4IrdA5Kslsh5iqGslshA==
4033	Lactation Accommodation - https://simbli.eboardsolutions.com/SU/BCWG4ZmkOPFlvslshL6SHOGDA==
4111	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/4REAQQlwxXgwcOAHPKwPjA==
4111.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/m3WslshNV7bzEWPHOtWVprGLw==
4111.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/ow5QplusyINAiyRplusgLw2Vowgg==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/nKXNuY4nuf6VtbFdt8BxXQ==
4112.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/slshxWc7zKFP9LhPljHzE6Oog==
4112.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/WdEhMAREy52FewQdK0pSNQ==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/ZbKyC91DY3CsgslshTWWChauQ==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/f28Y8g0QzDvpW3nyGgLPkRQ==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/bsOgFtrRnArFvO1jSIWslshww==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/TOWynt27j11e84Ed9go0cQ==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/zZ8ALG9AVGufbVzECQB8Tw==

4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/XIEfnDBZPAuMslshpEqBrwTKw==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/ikYi9iffEslshg1YvCnslshHa9FA==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/SlvMh9PMikAPEOLcsVldiQ==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/BsxQhDtsvrsishROgWBslGoVg==
4119.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/2ew5SpfpluSDWhSKEG9cJHZw==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2PhH6DFt7Ua4rtS43ihvEw==
4119.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/UW7i21Bcj9ORkQ5ObHAUAQ==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/qM93MntQ08IXE19SqyYgzA==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/xnlUHul4wamrtLwplus2OFxcA==
4144	Complaints - https://simbli.eboardsolutions.com/SU/KyKD8LDxrB2PwRRY0z7CWA==
4151	Employee Compensation - https://simbli.eboardsolutions.com/SU/sKgclPNslshLxkivtjIWzWr7g==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/6R1sBLgslshYgDslshAd2SuZj7eA==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/WNoCah873JGR0slshZyGctZtQ==
4161.5	Military Leave - https://simbli.eboardsolutions.com/SU/VuS4q4L3GS3Fplusb8qD1TJVg==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/iY6sUnvYd5r1R9fkl64Qg==
4211	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/1QyhISbz3gqFplusbhfpq4IEQ==
4211.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/uNIWpQaABVr6aKaLg4OdpQ==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/rlyplusslshRZ4Csezcx5hVxJL6Q==
4212.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/ONXwUHblKplusdn8d0BHAtFfA==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/6Sms9Cslshckj3AxFvjilVLwg==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/YqWUYpdycnuZuo18RoSdsQ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/X1lugfJF59UTBAfZrUqN4Q==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/cXGwH831aenCNbQC6jA3hQ==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/BdpaplusaDF4XfWDswiSgrXiA==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/8NhCIOxCqBcVvArb8plusCGslshg==

4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/slsh8r36Gnv1Paz0NslshaPHNpw==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/tANQtslshaLtnplusAwRY1FCqQjA==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/sOKhv3nplusqEuVMf7plusON7wrw==
4219.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/0JA1OlxYwPjx9ESxezP3Bw==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/dS1heLBJneDSE322MGvFPA==
4219.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/NpZq3EcMaaByISSsQZkUvw==
4244	Complaints - https://simbli.eboardsolutions.com/SU/AG8XgRWjeslshpslshdhFTO2smwQ==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/IOQxocnnxc7t0zO4gNslshEig==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/baiguAHICDz2MitZMIQI0A==
4261.5	Military Leave - https://simbli.eboardsolutions.com/SU/GLN7CSJBkaa4wNV7TZ7t0Q==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/8kazlBnUU8fvVzqBG4CvcA==
4311	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/S1DtM6q4nxCUKFJdgUiurg==
4311.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/zLDFviZ9L41plusxZLZHO5JGw==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/bslshMGq1I2YgZP7pluspaahHXLeA==
4312.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/Oz43bunUpWERwRfDslsh1UBgw==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/c66XSPEsGJAEqplus435ncEpw==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/9md7WpEplusE6EVrvrSxbTuTA==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/t37hWtTlplusSVslsh21DyFGE4w==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/s7slshgH4vgyvIStF0p9iUWHA==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/8xFJs6TEekZrMrbTNzmuslshw==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/EX3wm6YIGO1llgpyhTruVw==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/afYPjOEJno5bLslshzEsWu4Xw==
4319.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/jpEENplus2VylvFPG3lrKEsXQ==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/GeZcaesmMflvKcNtbN7wSQ==
4319.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/U6X8VCGYePZQtETEvG6GyQ==

4331	Staff Development - https://simbli.eboardsolutions.com/SU/mi31ZJfJZ6P6XlztQhGr3Q==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/hqxZRiEbEWMHD9ZdRfApig==
4344	Complaints - https://simbli.eboardsolutions.com/SU/qGrsXimwkCHTw02tO8UC4Q==
4351	Employee Compensation - https://simbli.eboardsolutions.com/SU/7yki0pHAhelqH4DkAzNuTw==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/AUcC2pRXWApZWZErGJyJUg==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/slsh0UxeGKSx3ebrYlspgiSrg==
4361.5	Military Leave - https://simbli.eboardsolutions.com/SU/HxmjV90lpHeE2ojNvULbzg==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/FPDiN7slsh1vldOD17mf0GNkQ==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/yCFHLIFLUDCtfgpluseQHTjg==
9321-E PDF(1)	Closed Session - https://simbli.eboardsolutions.com/SU/JouF3slshdp1t8S6jR9jTrVg==
9321-E PDF(2)	Closed Session - https://simbli.eboardsolutions.com/SU/R7Dlbslsh4Z8zkiT8c3evrPAg==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/eQxvTE4sunzJru8wB8gc1g==

Policy 4136: Nonschool Employment

Status: ADOPTED

Original Adopted Date: 04/25/2023 | **Last Reviewed Date:** 04/25/2023

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

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

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

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

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

Tutoring

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

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
5 CCR 80334	Unauthorized private gain or advantage
Ed. Code 35160	Authority of governing boards - https://simbli.eboardsolutions.com/SU/FFplus3PC2rsgGxvplus8DVSsrkQ==
Ed. Code 35160.1	Broad authority of school districts - https://simbli.eboardsolutions.com/SU/ewe0Cc8cKGTgDzaAt5MKhw==
Ed. Code 51520	Prohibited solicitations on school premises - https://simbli.eboardsolutions.com/SU/OHINokWcmplusTbNcUoyiAtzQ==
Gov. Code 1126	Incompatible activities of employees - https://simbli.eboardsolutions.com/SU/QKPtnKDXZTLNeez6mprlg==
Gov. Code 1127	Incompatible activities; off duty work - https://simbli.eboardsolutions.com/SU/CiJDGThpySBcpn1uzdNDjw==
Gov. Code 1128	Incompatible activities; attorney - https://simbli.eboardsolutions.com/SU/RplusAiOZ9fVNVBevnVv9QOCQ==

Management Resources References

Description

Attorney General Opinion	70 Ops.Cal.Atty.Gen. 157 (1987)
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	Fair Political Practices Commission - https://simbli.eboardsolutions.com/SU/C2dGDtcJnwsIshMnGhy8IJcbw==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

Description

1321	Solicitation Of Funds From And By Students - https://simbli.eboardsolutions.com/SU/pLtsIsh1AppLeuHFfyTIGZxVA==
1321	Solicitation Of Funds From And By Students - https://simbli.eboardsolutions.com/SU/4P4axwHdaDEhpr8Z3eZR1w==
3300	Expenditures And Purchases - https://simbli.eboardsolutions.com/SU/yYy1CH64rE6t4GfplusXglZzA==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/pCyVFWHxjPMQ9hSFguPfw==
4040-E PDF(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/SHiUEWDysIshNbm0aZ0gplusTpfw==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/f28Y8g0QzDvpW3nyGgLPQRQ==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/bsOgFtrRnArFvO1jSIWslshww==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/TOWynt27j11e84Ed9go0cQ==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/zZ8ALG9AVGufbVzECQB8Tw==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/XIEfnDBZPAuMslshpEqBrwTKw==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/ikYi9iffEslshg1YvCnslshHa9FA==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/UTGFaZorsIshLeTKDloySIofQ==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/mGplusvfwZSZeWEomplumBplusTJTg==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2PhH6DFt7Ua4rtS43ihvEw==
4132	Publication Or Creation Of Materials - https://simbli.eboardsolutions.com/SU/\X1uJOURagail2GYvSMeSA==
4135	Soliciting And Selling - https://simbli.eboardsolutions.com/SU/Zb1ct3MLIBWAm9ZYjAdplus7Q==
4144	Complaints - https://simbli.eboardsolutions.com/SU/KyKD8LDxrB2PwRRY0z7CWA==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/YqWUYpdygnuZuo18RoSdsQ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/X1lugfJF59UTBAfZrUqN4Q==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/cXGwH831aenCNbQC6jA3hQ==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/BdpaplusaDF4XfWDswiSgrXiA==

4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/8NhClOxCqBcVvArb8plusCGslshg==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/slsh8r36Gnv1Paz0NslshaPHNpw==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/cRQObj7EJcTiplushojXxDrvw==
4219.21-E PDF(1)	Professional Standards - Code Of Ethics Classified Employees - https://simbli.eboardsolutions.com/SU/Yn4FDSgBUNSBsWF3lvpkIQ==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/dS1heLBJneDSE322MGvFPA==
4232	Publication or Creation of Materials - https://simbli.eboardsolutions.com/SU/Yp4u4dscwzwyshbEcomdYRQ==
4235	Soliciting And Selling - https://simbli.eboardsolutions.com/SU/kub1slshD1bgo9wQwdzk8FQ8g==
4244	Complaints - https://simbli.eboardsolutions.com/SU/AG8XgRWjeslshpslshdhFTO2smwQ==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/9md7WpFplusE6EVrvrSxbTuTA==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/t37hWtTlplusSVslsh21DyFGE4w==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/s7slshgH4vgvylStF0p9iUWHA==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/8xFJs6TEekZrMrbTNzmuslshw==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/aVzvR2gnF6PxyE8OYijAPA==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/sVVtgfkApxmtRMQLIsMRyQ==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/GeZcaesmMflvKcNtbN7wSQ==
4332	Publication or Creation of Materials - https://simbli.eboardsolutions.com/SU/8rxilAIWhr7OsZfz1ZFyk==
4335	Soliciting And Selling - https://simbli.eboardsolutions.com/SU/WoNy2jq7DdsS4o1zfmXHRA==
4344	Complaints - https://simbli.eboardsolutions.com/SU/qGrsXimwkCHTw02tO8UC4Q==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/GmQp0w7DhRvK1m3vP0cXFw==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/36O7I0MprlTMVXSH2aUCslshA==
6161.1-E PDF(1)	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/b9DR42M1EdCAnrzwKB7O8g==
9270-E PDF(1)	Conflict Of Interest - https://simbli.eboardsolutions.com/SU/YARn4x3ogplqErh63MXQNg==
9270	Conflict Of Interest - https://simbli.eboardsolutions.com/SU/kslshWb67m6F32w10hhDzipvw==

Policy 4020: Drug And Alcohol-Free Workplace

Status: ADOPTED

Original Adopted Date: 10/05/2010 | **Last Revised Date:** 12/11/2012 | **Last Reviewed Date:** 12/11/2012

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

No employee shall unlawfully manufacture, distribute, dispense, possess, or use any alcoholic beverage, drug or controlled substance as defined in 21 USC 81 at any school district workplace. (Government Code 8355; 41 USC 701) Employees are prohibited from being under the influence of controlled substances or alcohol while on duty. For purposes of this policy, on duty means while an employee is on duty during both instructional and noninstructional time in the classroom or workplace, at extracurricular or cocurricular activities, or while transporting students or otherwise supervising them. Under the influence means that the employee's capabilities are adversely or negatively affected, impaired, or diminished to an extent that impacts the employee's ability to safely and effectively perform his/her job.

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

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

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

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

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

The Board may take appropriate disciplinary action, up to and including termination, or require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency.

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

1. The dangers of drug and alcohol abuse in the workplace
2. The district policy of maintaining drug- and alcohol-free workplaces
3. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs
4. The penalties that may be imposed on employees for drug and alcohol abuse violations

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 44011

Ed. Code 44425

Ed. Code 44836

Ed. Code 44940

Ed. Code 44940.5

Description

Controlled substance offense

Conviction of a sex or narcotic offense

Employment of certificated persons convicted of controlled substance offenses

Compulsory leave of absence for certificated persons

Procedures when employees are placed on compulsory leave of absence

Ed. Code 45123
Ed. Code 45304
Gov. Code 8350-8357

Employment after conviction of controlled substance offense
Compulsory leave of absence for classified persons
Drug-free workplace

Federal References

20 USC 7111-7117
21 CFR 1308.01-1308.49
21 USC 812
41 USC 8101-8106

Description

Safe and Drug Free Schools and Communities Act
Schedule of controlled substances
Schedule of controlled substances
Drug-Free Workplace Act

Management Resources References

Court Decision
Website

Description

A.M. v. Albertsons, LLC, (2009) Cal.App.4th 455
AASA The School Superintendents Association -
<https://simbli.eboardsolutions.com/SU/MOaF8AO8cslshSlfGc13QQoEQ==>

Cross References

3513.4
4032
4112
4112.41
4112.9
4119.21
4119.21-E(1)
4212
4212.41
4212.9
4219.21
4219.21-E(1)
4312.41
4312.9
4319.21
4319.21-E(1)

Description

Drug And Alcohol Free Schools -
<https://simbli.eboardsolutions.com/SU/EglaLA3lnXkKgpulshjxrQ9g==>
Reasonable Accommodation -
<https://simbli.eboardsolutions.com/SU/xCU2Q3bo4lrdA5Kslsh5iqGslshA==>
Appointment And Conditions Of Employment -
<https://simbli.eboardsolutions.com/SU/8P7kCaAw8qzILunUQcqzrA==>
Employee Drug Testing -
<https://simbli.eboardsolutions.com/SU/slshxWc7zKEP9LhPljHzE6Oog==>
Employee Notifications -
<https://simbli.eboardsolutions.com/SU/Qz5Y9pFKIUz9yowJNByiOA==>
Professional Standards -
<https://simbli.eboardsolutions.com/SU/UTGFaZorlshLeTKDloySlofQ==>
Professional Standards -
<https://simbli.eboardsolutions.com/SU/mGplusvfwZSZeWEomplumBplusTJTg==>
Appointment And Conditions Of Employment -
<https://simbli.eboardsolutions.com/SU/2FhNDxwOQ6LaGbmeDKmSXA==>
Employee Drug Testing -
<https://simbli.eboardsolutions.com/SU/ONXwUHbIKplusdn8d0BHAtFfA==>
Employee Notifications -
<https://simbli.eboardsolutions.com/SU/0ZJclXM1TTrTf1O5E1AArg==>
Professional Standards -
<https://simbli.eboardsolutions.com/SU/cRQObj7EJcTiplushojXxDrvw==>
Professional Standards - Code Of Ethics Classified Employees -
<https://simbli.eboardsolutions.com/SU/Yn4FDSgBUNSbsWF3lvpkIQ==>
Employee Drug Testing -
<https://simbli.eboardsolutions.com/SU/0z43bunUpWERwRfDslsh1UBgw==>
Employee Notifications -
<https://simbli.eboardsolutions.com/SU/a1UsQLi9B3PWIEPE2MJvAQ==>
Professional Standards -
<https://simbli.eboardsolutions.com/SU/aVzvR2gnF6PxyE8OYijAPA==>
Professional Standards -
<https://simbli.eboardsolutions.com/SU/sVVtgfkApxmtRMQLsMRyQ==>

Policy 4119.11: Sexual Harassment

Status: ADOPTED

Original Adopted Date: 10/05/2010 | **Last Revised Date:** 02/20/2018 | **Last Reviewed Date:** 02/20/2018

The Governing Board prohibits sexual harassment of district employees. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify, or otherwise participate in the complaint process established pursuant to this policy and accompanying administrative regulation. This policy shall apply to all district employees and, when applicable, to interns, volunteers, and job applicants.

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

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to staff
3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (2 CCR 11023)

Any district employee who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to his/her supervisor, the principal, district administrator, or Superintendent.

A supervisor, principal, or other district administrator who receives a harassment complaint shall promptly notify the Superintendent or designee.

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

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

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

2 CCR 11006-11086	Discrimination in employment - https://simbli.eboardsolutions.com/SU/jUNOUneBGplusu4fVMYTIWMKA==
2 CCR 11009	Employment discrimination
2 CCR 11021	Discrimination in employment - retaliation - https://simbli.eboardsolutions.com/SU/iTztgujF38E1spcl6qvQZw==
2 CCR 11023	Harassment and discrimination prevention and correction - https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation - https://simbli.eboardsolutions.com/SU/WdslshVrKs4pluscfHplushNGLhCeQw==
2 CCR 11034	Terms, conditions, and privileges of employment - https://simbli.eboardsolutions.com/SU/jX8JHDplusuhtEPVPUCVlvsTA==
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==
Gov. Code 12900-12996	Fair Employment and Housing Act - https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==
Gov. Code 12940	Unlawful discriminatory employment practices - https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==
Gov. Code 12950	Sexual harassment - https://simbli.eboardsolutions.com/SU/h4EWslsh77h5LPVLOIU3XnZ3A==
Gov. Code 12950.1	Sexual harassment training - https://simbli.eboardsolutions.com/SU/Qn3RaMj3XP2OFpLMjWdjA==
Lab. Code 1101	Political activities of employees - https://simbli.eboardsolutions.com/SU/6iMX1rL2slsh0UKf5WEsCqaZg==
Lab. Code 1102.1	Discrimination: sexual orientation

Federal References

20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.9	Nondiscrimination on the basis of sex in education programs or activities
34 CFR 106.51-106.61	Nondiscrimination on the basis of sex in employment in education program or activities
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended

Management Resources References

Court Decision	Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257
Court Decision	Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026
Court Decision	Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275
Court Decision	Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989
Court Decision	Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57
Court Decision	Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998
U.S. Equal Employment Opportunity Com. Publication	Promising Practices for Preventing Harassment, November 2017
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==
Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RRvNseNogmlnMLyl8K40jw==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==
Website	U.S. Equal Employment Opportunity Commission - https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==

Cross References

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/FnDZ7yHITUVLmcPBwcYa4w==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/d7guf7pLg0OoKHrffHuRslshA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/ZL4AZQC4Q0O7Ct6erHZWnQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/CfApluscpXRIZplusOj2lmuhfqBA==

1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/NaAoUplustL0gdMDg4YyrqkSQ==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/CGtJ1bS0fJ2qqnQzzY5qbQ==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/hYsgaF9LHjeplus4tINfVHZyg==
1313	Civility - https://simbli.eboardsolutions.com/SU/yOa4hXbmytYls4p2JKUbNw==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/AwD0gWC1fp3vplus35CcotDig==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/usslshWhTtZbMepJAoA7BVd6g==
3600	Consultants - https://simbli.eboardsolutions.com/SU/19Y2YhOrjiSGxS8QOUWGnA==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/uj6R9EJQMgHWPwlj5O0MeA==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/1hR1nwwQdqhZCpluskI91M7LA==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/pCyVFWHxjPMeQ9hSFguPfw==
4040-E PDF(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/SHiUEWDyslshNbm0aZ0gplusTpfw==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/f28Y8g0QzDvpW3nyGgLPkRQ==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/bsOgFtrRnArFvO1jSIWslshww==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/TOWynt27j11e84Ed9go0cQ==
4117.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/u2NrMbyCruGeydkplusj3xsAg==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/zZ8ALG9AVGufbVzECQB8Tw==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/XIEfnDBZPAuMslshpEqBrwTKw==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/UTGFaZorslshLeTKDloySlofQ==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/mGplusvfwZSZeWEomplumBplusTJTg==
4119.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/2ew5SpfplusdWhSKExG9cJHZw==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/qM93MntQ08IXE19SqYgzA==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/xnIUHul4wamrtLwplus2OFxcA==
4144	Complaints - https://simbli.eboardsolutions.com/SU/KyKD8LDxrB2PwRRY0z7CWA==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/YqWUYpdycnuZuo18RoSdsQ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/X1lugfJF59UTBAfZrUqN4Q==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/cXGwH831aenCNbQC6jA3hQ==

4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/cRQObj7EJcTiplushojXxDrvw==
4219.21-E PDF(1)	Professional Standards - Code Of Ethics Classified Employees - https://simbli.eboardsolutions.com/SU/Yn4FDSgBUNSBsWE3lvpkIQ==
4219.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/OJA1OIxYwPjx9ESxezP3Bw==
4244	Complaints - https://simbli.eboardsolutions.com/SU/AG8XgRWjeslshpslshdhFTO2smwQ==
4300	Administrative And Supervisory Personnel - https://simbli.eboardsolutions.com/SU/zuSelJPD0gilsglN1WCEbg==
4300	Administrative And Supervisory Personnel - https://simbli.eboardsolutions.com/SU/WFN9G8yzSCr0PXAwha26sg==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/9md7WpFplusE6EVrvrSxbTuTA==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/t37hWtTlmpusSVslsh21DyFGE4w==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/s7slshgH4vgvylStF0p9iUWHA==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/aVzvR2gnF6PxyE8OYijAPA==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/sVVtgfkApxmtRMQLIsMRyQ==
4319.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/jpEENplus2VyIvFPG3lrKExXQ==
4344	Complaints - https://simbli.eboardsolutions.com/SU/qGrsXimwkCHTw02tO8UC4Q==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/Etnsl0vfjVFwtsfy7FGqYA==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/bVa5mPNAi4zf7b1zOFIT1Q==
5145.71	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/Q9zo4plgytGao63PqBwRqQ==

Regulation 4119.11: Sexual Harassment

Status: ADOPTED

Original Adopted Date: 10/05/2010 | **Last Revised Date:** 02/20/2018 | **Last Reviewed Date:** 02/20/2018

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

Definitions

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.
3. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district.

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

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

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

Training

The Superintendent or designee shall ensure that all employees receive training regarding the district's sexual harassment policies when hired and periodically thereafter. The training shall include the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the district's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee.

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

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

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

1. Information and practical guidance regarding federal and state laws on the prohibition, prevention, and

correction of sexual harassment, the remedies available to sexual harassment victims in civil actions, and potential district and/or individual exposure or liability

2. The types of conduct that constitute sexual harassment and practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
3. A supervisor's obligation to report sexual harassment, discrimination, and retaliation of which he/she becomes aware and what to do if the supervisor himself/herself is personally accused of harassment
4. Strategies for preventing harassment, discrimination, and retaliation and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including an effective process for investigation of a complaint
5. The essential elements of the district's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed
6. A copy of the district's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received
7. The definition and prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance

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

Notifications

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

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired
3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct

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

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

DFEH and the EEOC

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

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
2 CCR 11006-11086	Discrimination in employment - https://simbli.eboardsolutions.com/SU/jUNOUneBGplusu4fVMTIWMKA==
2 CCR 11009	Employment discrimination
2 CCR 11021	Discrimination in employment - retaliation - https://simbli.eboardsolutions.com/SU/iTztgujF38E1spcl6qvQZw==
2 CCR 11023	Harassment and discrimination prevention and correction - https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation - https://simbli.eboardsolutions.com/SU/WdslshVrKs4pluscfHplushNGLhCeQw==
2 CCR 11034	Terms, conditions, and privileges of employment - https://simbli.eboardsolutions.com/SU/jX8JHDplusuhtEPVPUCVlvsTA==
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Gov. Code 12900-12996	Fair Employment and Housing Act - https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==
Gov. Code 12940	Unlawful discriminatory employment practices - https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==
Gov. Code 12950	Sexual harassment - https://simbli.eboardsolutions.com/SU/h4EWslsh77h5LPVLOIU3XnZ3A==
Gov. Code 12950.1	Sexual harassment training - https://simbli.eboardsolutions.com/SU/Qn3RaMj3XP2OFPbLMjWdjA==
Lab. Code 1101	Political activities of employees - https://simbli.eboardsolutions.com/SU/6iMX1rL2slsh0UKf5WEsCqaZg==
Lab. Code 1102.1	Discrimination: sexual orientation

Federal References

	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.9	Nondiscrimination on the basis of sex in education programs or activities
34 CFR 106.51-106.61	Nondiscrimination on the basis of sex in employment in education program or activities
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended

Management Resources References

	Description
Court Decision	Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257
Court Decision	Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026
Court Decision	Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275
Court Decision	Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Court Decision	Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57
Court Decision	Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998
U.S. Equal Employment Opportunity Com. Publication	Promising Practices for Preventing Harassment, November 2017
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Civil Rights Department - https://simbli.eboardsolutions.com/SU/RRvNseNogmlnMLyl8K40jw==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==
Website	U.S. Equal Employment Opportunity Commission - https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==

Cross References

Description

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/FnDZ7yHITUVLmcPBwcYa4w==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/d7guf7pLg0OoKHrffHuRslshA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/ZL4AZQC4Q0O7Ct6erHZWnQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/CfApluscpXRIZplusOj2lmuhfqBA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/NaAoUplustL0gdMDg4YyrqkSQ==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/CGtJ1bS0fJ2qqnQzzY5qbQ==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/hYsgaF9LHjeplus4tInfVHZyg==
1313	Civility - https://simbli.eboardsolutions.com/SU/yOa4hXbmytIs4p2JKUbNw==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/AwD0gWC1fp3vplus35CcotDig==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/usslshWhTtZbMepJAoA7BVd6g==
3600	Consultants - https://simbli.eboardsolutions.com/SU/19Y2YhOrjiSGxS8QOUWGnA==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/uj6R9EJQMgHWPwlj5O0MeA==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/1hR1nwwQdqhZCpluskI91M7LA==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/pCyVFWhxjPMQ9hSFguPfw==
4040-E PDF(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/SHiUEWDyslshNbm0aZ0gplusTpfw==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/f28Y8g0QzDvpW3nyGgLPkRQ==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/bsOgFtrRnArFvO1jSIWslshww==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/TOwynt27j11e84Ed9go0cQ==

4117.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/u2NrMbyCruGeydkplusj3xsAg==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/zZ8ALG9AVGuFbVzECQB8TW==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/XIEfnDBZPAuMslshpEqBrwTKw==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/UTGFaZorslshLeTKDloySlofQ==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/mGplusvfwZSZeWEomplumBplusTJTg==
4119.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/2ew5SpfpluSdWhSKExG9cJHZw==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/qM93MntQ08IXE19SqYgzA==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/xnlUHul4wamrtLwplus2OFxcA==
4144	Complaints - https://simbli.eboardsolutions.com/SU/KyKD8LDxrB2PwRRY0z7CWA==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/YqWUYpdycnuZuo18RoSdsQ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/X1lugfJE59UTBAfZrUqN4Q==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/cXGwH831aenCNbQC6jA3hQ==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/cRQObj7EJcTiplushojXxDrvw==
4219.21-E PDF(1)	Professional Standards - Code Of Ethics Classified Employees - https://simbli.eboardsolutions.com/SU/Yn4FDSgBUNSbsWF3lvpkIQ==
4219.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/0JA1OIxYwPjx9ESxezP3Bw==
4244	Complaints - https://simbli.eboardsolutions.com/SU/AG8XgRWjeslshpslshdhFTO2smwQ==
4300	Administrative And Supervisory Personnel - https://simbli.eboardsolutions.com/SU/zuSelJPD0gilsglN1WCEbg==
4300	Administrative And Supervisory Personnel - https://simbli.eboardsolutions.com/SU/WFN9G8yzScR0PXAwha26sg==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/9md7WpFplusE6EVrvrSxbTuTA==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/t37hWtTlplusSVslsh21DyFGE4w==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/s7slshgH4vgvylStF0p9iUWHA==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/aVzvR2gnF6PxyE8OYijAPA==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/sVVtgfkApxmtRMQLsMRyQ==
4319.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/jpEENplus2VylvFPG3lrKExXQ==
4344	Complaints - https://simbli.eboardsolutions.com/SU/qGrsXimwkCHTW02tO8UC4Q==

5145.7 Sexual Harassment -
<https://simbli.eboardsolutions.com/SU/Etnsl0vfjVFwtsfy7FGqYA==>

5145.7 Sexual Harassment -
<https://simbli.eboardsolutions.com/SU/bVa5mPNAi4zf7b1zOFIT1Q==>

5145.71 Title IX Sexual Harassment Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/O9zo4plgytGao63PqBwRqQ==>

Policy 1312.3: Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 10/01/2019 | **Last Revised Date:** 01/09/2024 | **Last Reviewed Date:** 01/09/2024

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

Complaints Subject to UCP

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve complaints regarding the following programs and activities:

1. Accommodations for pregnant and parenting students (Education Code 46015)
2. Adult education programs (Education Code 8500-8538, 52334.7, 52500-52617)
3. After School Education and Safety programs (Education Code 8482-8484.65)
4. Agricultural career technical education (Education Code 52460-52462)
5. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)
6. Child care and development programs (Education Code 8200-8488)
7. Compensatory education (Education Code 54400)
8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)
9. Course periods without educational content (Education Code 51228.1-51228.3)
10. Discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

Discrimination includes, but is not limited to, the Board's refusal to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with the district, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243)

11. Educational and graduation requirements for students in foster care, students experiencing homelessness, students from military families, students formerly in a juvenile court school, students who are migratory, and students participating in a newcomer program (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)

12. Every Student Succeeds Act (Education Code 52059.5; 20 USC 6301 et seq.)
13. Local control and accountability plan (Education Code 52075)
14. Migrant education (Education Code 54440-54445)
15. Physical education instructional minutes (Education Code 51210, 51222, 51223)
16. Student fees (Education Code 49010-49013)
17. Reasonable accommodations to a lactating student (Education Code 222)
18. Regional occupational centers and programs (Education Code 52300-52334.7)
19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)
20. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)
21. State preschool programs (Education Code 8207-8225)
22. State preschool health and safety issues in license-exempt programs (Education Code 8212)
23. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
24. Any other state or federal educational program the SPI or designee deems appropriate

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

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

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

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

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

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency. (5 CCR 4611)
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. (5 CCR 4611)
3. Any complaint alleging that a student, while in an education program or activity in which the district exercises substantial control over the context and respondent, was subjected to sexual harassment as defined in 34 CFR 106.30 shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures.
4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in Administrative Regulation 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Civil Rights Department.
5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with Administrative Regulation 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)
6. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with Board Policy 3555 - Nutrition Program Compliance. (5 CCR 15580-15584)
7. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with Board Policy 3555 - Nutrition Program Compliance. (5 CCR 15582)
8. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

2 CCR 11023

5 CCR 15580-15584

5 CCR 3200-3205

5 CCR 4600-4670

5 CCR 4600-4687

5 CCR 4690-4694

5 CCR 4900-4965

Ed. Code 18100-18203

Ed. Code 200-262.4

Description

Harassment and discrimination prevention and correction

Child nutrition programs complaint procedures

Special education compliance complaints

Uniform complaint procedures

Uniform complaint procedures and Williams complaints

Complaints regarding health and safety issues in license-exempt preschool programs

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

[School libraries](#)

[Prohibition of discrimination](#)

State References**Description**

Ed. Code 32280-32289.5	School safety plans
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Parental leave for students
Ed. Code 48645.7	Juvenile court schools
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49010-49013	Student fees
Ed. Code 49060-49079	Student records
Ed. Code 49069.5	Records of foster youth
Ed. Code 49490-49590	Child nutrition programs
Ed. Code 49701	Provisions of the Interstate Compact on Educational Opportunities for Military Children
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education; elementary schools
Ed. Code 51225.1-51225.2	Foster youth, homeless children, former juvenile court school students; course credits; graduation requirements
Ed. Code 51226-51226.1	Career technical education
Ed. Code 51228.1-51228.3	Course periods without educational content
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 52059.5	Statewide system of support
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Complaint for lack of compliance with local control and accountability plan requirements
Ed. Code 52300-52462	Career technical education
Ed. Code 52500-52617	Adult schools
Ed. Code 54400-54425	Compensatory education programs
Ed. Code 54440-54445	Migrant education
Ed. Code 54460-54529	Compensatory education programs
Ed. Code 59000-59300	Special schools and centers
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 64000-64001	Consolidated application process; school plan for student achievement
Ed. Code 65000-65001	School site councils
Ed. Code 8200-8488	Child care and development programs
Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	Prohibition of discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
H&S Code 1596.792	California Child Day Care Act; general provisions and definitions

State References

H&S Code 1596.7925

Pen. Code 422.55

Pen. Code 422.6

Federal References

20 USC 1221

20 USC 1232g

20 USC 1681-1688

20 USC 6301-6576

20 USC 6801-7014

28 CFR 35.107

29 USC 794

34 CFR 100.3

34 CFR 104.7

34 CFR 106.1-106.82

34 CFR 106.30

34 CFR 106.44

34 CFR 106.45

34 CFR 106.8

34 CFR 110.25

34 CFR 99.1-99.67

42 USC 11431-11435

42 USC 12101-12213

42 USC 2000d-2000d-7

42 USC 2000h-2-2000h-6

42 USC 6101-6107

Management Resources References

California Department of Education Publication

California Department of Education Publication

California Department of Justice Publication

CSBA Publication

CSBA Publication

CSBA Publication

Federal Register

Description

[California Child Day Care Act; health and safety regulations](#)

[Definition of hate crime](#)

[Crimes; harassment](#)

Description

Application of laws

Family Educational Rights and Privacy Act (FERPA) of 1974

Title IX of the Education Amendments of 1972; discrimination based on sex

Title I Improving the Academic Achievement of the Disadvantaged

Title III language instruction for limited English proficient and immigrant students

Nondiscrimination on basis of disability; complaints

Rehabilitation Act of 1973; Section 504

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

Section 504; Designation of responsible employee and adoption of grievances procedures

Nondiscrimination on the basis of sex in education programs

Discrimination on the basis of sex in education programs and activities; definitions

Recipient's response to sexual harassment

Grievance process for formal complaints of sexual harassment

Designation of coordinator; dissemination of policy, and adoption of grievance procedures

Notification of nondiscrimination on the basis of age

Family Educational Rights and Privacy

McKinney-Vento Homeless Assistance Act

Americans with Disabilities Act

Title VI, Civil Rights Act of 1964

Title IX of the Civil Rights Act of 1964

Age Discrimination Act of 1975

Description

Uniform Complaint Procedure 2021-22 Program Instrument

Sample UCP Board Policies and Procedures

[Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024](#)

[Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024](#)

[Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024](#)

[Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024](#)

[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896](#)

Management Resources References

U.S. DOE, Office for Civil Rights Publication

U.S. DOJ Publication

Website

Website

Website

Website

Website

Website

Website

Website

Website

Description

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

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2007

[CSBA District and County Office of Education Legal Services](#)

[Student Privacy Policy Office](#)

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

[California Department of Social Services](#)

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

[California Department of Education](#)

[CSBA](#)

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

[California Civil Rights Department](#)

Cross References

0410

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1312.2

Description

[Nondiscrimination In District Programs And Activities](#)

[School Plans/Site Councils](#)

[School Plans/Site Councils](#)

[Charter School Oversight](#)

[Charter School Oversight](#)

[Comprehensive Local Plan For Special Education](#)

[Comprehensive Local Plan For Special Education](#)

[Comprehensive Safety Plan](#)

[Comprehensive Safety Plan](#)

[Local Control And Accountability Plan](#)

[Local Control And Accountability Plan](#)

[Communication With The Public](#)

[District And School Websites](#)

[District And School Websites](#)

[District And School Websites](#)

[District-Sponsored Social Media](#)

[District-Sponsored Social Media](#)

[Citizen Advisory Committees](#)

[Citizen Advisory Committees](#)

[Visitors/Outsiders](#)

[Visitors/Outsiders](#)

[Complaints Concerning District Employees](#)

[Complaints Concerning District Employees](#)

[Complaints Concerning District Employees](#)

[Complaints Concerning Instructional Materials](#)

[Complaints Concerning Instructional Materials](#)

Cross References**Description**

1312.2-E(1)	Complaints Concerning Instructional Materials
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1313	Civility
1340	Access To District Records
1340	Access To District Records
3260	Fees And Charges
3260	Fees And Charges
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
3580	District Records
3580	District Records
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.23	Special Education Staff
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.1	Civil And Legal Rights
4119.11	Sex Discrimination and Sex-Based Harassment
4119.11	Sex Discrimination and Sex-Based Harassment
4119.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4119.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.1	Civil And Legal Rights
4219.11	Sex Discrimination and Sex-Based Harassment
4219.11	Sex Discrimination and Sex-Based Harassment
4219.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4219.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4219.23	Unauthorized Release Of Confidential/Privileged Information
4244	Complaints

Cross References**Description**

4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4319.1	Civil And Legal Rights
4319.11	Sex Discrimination and Sex-Based Harassment
4319.11	Sex Discrimination and Sex-Based Harassment
4319.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4319.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4319.23	Unauthorized Release Of Confidential/Privileged Information
4331	Staff Development
4344	Complaints
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5125	Student Records
5125	Student Records
5131.2	Bullying
5131.2	Bullying
5131.62	Tobacco
5131.62	Tobacco
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	Sex Discrimination and Sex-Based Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.71	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
5146	Married/Pregnant/Parenting Students

Cross References**Description**

5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6146.1	High School Graduation Requirements
6152	Class Assignment
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6163.1	Library Media Centers
6164.2	Guidance/Counseling Services
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.5	Student Success Teams
6164.5	Student Success Teams
6171	Title I Programs
6171	Title I Programs
6173	Education For Homeless Children
6173	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth

Cross References**Description**

6173.2	Education Of Children Of Military Families
6173.3	Education For Juvenile Court School Students
6175	Migrant Education Program
6175	Migrant Education Program
6178	Career Technical Education
6178	Career Technical Education
6178.1	Work-Based Learning
6178.1	Work-Based Learning
6178.2	Regional Occupational Center/Program
6200	Adult Education
6200	Adult Education
9000	Role Of The Board
9011	Disclosure Of Confidential/Privileged Information
9012	Board Member Electronic Communications
9124	Attorney
9200	Limits Of Board Member Authority
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9322	Agenda/Meeting Materials

Regulation 1312.3: Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 06/26/2007 | **Last Revised Date:** 03/12/2024 | **Last Reviewed Date:** 03/12/2024

Except as may otherwise be specifically provided in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in the accompanying Board policy.

Compliance Officers

The district designates the individual(s), position(s), or unit(s) identified below as responsible for receiving, coordinating, and investigating complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in Administrative Regulation 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination, harassment, intimidation, or bullying and in Administrative Regulation 5145.7 - Sexual Harassment for handling complaints regarding sexual harassment.

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The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program; applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination, harassment, intimidation, or bullying; applicable standards for reaching decisions on complaints; and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

The compliance officer or, if necessary, an appropriate administrator shall determine whether interim measures are necessary during an investigation and while the result is pending. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or

bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy

2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate
3. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one year from the date the alleged violation occurred
4. A statement that a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct
5. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities
6. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint
7. A statement that the district will post a standardized notice of the educational and graduation requirements of foster youth, students experiencing homelessness, children of military families, former juvenile court school students now enrolled in the district, students who are migratory, and students participating in a newcomer program as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process
8. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
9. A statement that, for programs within the scope of the UCP as specified in the accompanying Board policy, the complainant has a right to appeal the district's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and the district's decision, within 30 calendar days of receiving the district's decision
10. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable
11. A statement that copies of the district's UCP are available free of charge

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.6 shall be posted on the district and district school websites and may be provided through district-supported social media, if available.

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's UCP policy, regulation, forms, and notices shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

Filing of Complaints

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 site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy may be filed by any individual, public agency, or organization. (5 CCR 4600)
2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee.
3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Governing Board. (5 CCR 4630)
4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. (5 CCR 4630)
5. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
6. When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
7. When a complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation to resolve the complaint. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to permit the mediator access to all relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with an 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. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

The compliance officer shall begin an investigation into the complaint within 10 business days of receiving the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform the parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall interview the alleged victim(s), any alleged offender(s), and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Refusal by the district to provide the investigator with access to records and/or information related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Timeline for Investigation Report

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written investigation report, as described in the section "Investigation Report" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

For any complaint alleging unlawful discrimination, harassment, intimidation, or bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant.

Investigation Report

For all complaints, the district's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. A conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant law
3. Corrective action(s) whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600

4. Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610
5. Procedures to be followed for initiating an appeal to CDE

The investigation report may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

In consultation with district legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, notice of the investigation report to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient (LEP) student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

For complaints alleging unlawful discrimination, harassment, intimidation, or bullying based on state law, the investigation report shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including, but not limited to, injunctions, restraining orders or other remedies or orders, 60 calendar days after the filing of an appeal with CDE (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination, harassment, intimidation, or bullying, appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim

7. Restorative justice

8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints of retaliation or unlawful discrimination, harassment, intimidation, or bullying involving a student as the respondent, appropriate corrective actions that may be provided to the student include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

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

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, harassment, intimidation, or bullying, that the district does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the law regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 51228.3, 52075)

For complaints alleging noncompliance with the law regarding student fees, the district, by engaging in reasonable efforts, shall attempt in good faith to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's investigation report. (5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

1. The district failed to follow its complaint procedures

2. Relative to the allegations of the complaint, the district's investigation report lacks material findings of fact necessary to reach a conclusion of law
3. The material findings of fact in the district's investigation report are not supported by substantial evidence
4. The legal conclusion in the district's investigation report is inconsistent with the law
5. In a case in which the district found noncompliance, the corrective actions fail to provide a proper remedy

Upon notification by CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the district's investigation report
3. 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
4. A report of any action taken to resolve the complaint
5. A copy of the district's UCP
6. Other relevant information requested by CDE

If notified by CDE that the district's investigation report failed to address allegation(s) raised by the complaint, the district shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

Health and Safety Complaints in License-Exempt Preschool Programs

Any complaint regarding health or safety issues in a license-exempt California State Preschool Program (CSPP) shall be addressed through the procedures described in 5 CCR 4690-4694.

In order to identify appropriate subjects of CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted in each license-exempt CSPP classroom in the district notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. For this purpose, the Superintendent or designee may download and post a notice available from the CDE website. (Education Code 8212; 5 CCR 4691)

The district's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint, contain a space to indicate whether the complainant desires a response to the complaint, and allow a complainant to add as much text as desired to explain the complaint. (Education Code 8212; 5 CCR 4690)

If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. The preschool administrator or the Superintendent or designee shall make all reasonable efforts to investigate any

complaint within their authority. (Education Code 8212; 5 CCR 4692)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8212; 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or Superintendent's designee shall, within 45 working days of the initial filing of the complaint, report the resolution of the complaint to the complainant and CDE's assigned field consultant. If the preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 8212; 5 CCR 4692)

If a complaint regarding health or safety issues in a license-exempt CSPP program involves an LEP student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board at a regularly scheduled hearing and, within 30 days of the date of the written report, may file a written appeal of the district's decision to the Superintendent of Public Instruction in accordance with 5 CCR 4632. (Education Code 8212; 5 CCR 4693, 4694)

All complaints and responses are public records. (5 CCR 4690)

On a quarterly basis, the Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the Board at a regularly scheduled Board meeting and to the County Superintendent. (5 CCR 4693)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

2 CCR 11023	Harassment and discrimination prevention and correction
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4600-4687	Uniform complaint procedures and Williams complaints
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 18100-18203	School libraries
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Parental leave for students
Ed. Code 48645.7	Juvenile court schools
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49010-49013	Student fees
Ed. Code 49060-49079	Student records

State References

Ed. Code 49069.5
Ed. Code 49490-49590
Ed. Code 49701
Ed. Code 51204.5
Ed. Code 51210
Ed. Code 51222
Ed. Code 51223
Ed. Code 51225.1-51225.2
Ed. Code 51226-51226.1
Ed. Code 51228.1-51228.3
Ed. Code 51501
Ed. Code 52059.5
Ed. Code 52060-52077
Ed. Code 52075
Ed. Code 52300-52462
Ed. Code 52500-52617
Ed. Code 54400-54425
Ed. Code 54440-54445
Ed. Code 54460-54529
Ed. Code 59000-59300
Ed. Code 60010
Ed. Code 60040-60052
Ed. Code 64000-64001
Ed. Code 65000-65001
Ed. Code 8200-8488
Ed. Code 8500-8538
Gov. Code 11135
Gov. Code 12900-12996
H&S Code 1596.792
H&S Code 1596.7925
Pen. Code 422.55
Pen. Code 422.6

Federal References

20 USC 1221
20 USC 1232g
20 USC 1681-1688
20 USC 6301-6576

Description

[Records of foster youth](#)
[Child nutrition programs](#)
[Provisions of the Interstate Compact on Educational Opportunities for Military Children](#)
[Social sciences instruction; contributions of specified groups](#)
[Course of study for grades 1-6](#)
[Physical education](#)
[Physical education; elementary schools](#)
[Foster youth, homeless children, former juvenile court school students; course credits; graduation requirements](#)
[Career technical education](#)
[Course periods without educational content](#)
[Nondiscriminatory subject matter](#)
[Statewide system of support](#)
[Local control and accountability plan](#)
[Complaint for lack of compliance with local control and accountability plan requirements](#)
[Career technical education](#)
[Adult schools](#)
[Compensatory education programs](#)
[Migrant education](#)
[Compensatory education programs](#)
[Special schools and centers](#)
[Instructional materials; definition](#)
[Requirements for instructional materials](#)
[Consolidated application process; school plan for student achievement](#)
[School site councils](#)
[Child care and development programs](#)
[Adult basic education](#)
[Prohibition of discrimination](#)
[Fair Employment and Housing Act](#)
[California Child Day Care Act; general provisions and definitions](#)
[California Child Day Care Act; health and safety regulations](#)
[Definition of hate crime](#)
[Crimes; harassment](#)

Description

Application of laws
Family Educational Rights and Privacy Act (FERPA) of 1974
Title IX of the Education Amendments of 1972; discrimination based on sex
Title I Improving the Academic Achievement of the Disadvantaged

Federal References

20 USC 6801-7014

28 CFR 35.107

29 USC 794

34 CFR 100.3

34 CFR 104.7

34 CFR 106.1-106.82

34 CFR 106.30

34 CFR 106.44

34 CFR 106.45

34 CFR 106.8

34 CFR 110.25

34 CFR 99.1-99.67

42 USC 11431-11435

42 USC 12101-12213

42 USC 2000d-2000d-7

42 USC 2000h-2-2000h-6

42 USC 6101-6107

Description

Title III language instruction for limited English proficient and immigrant students

Nondiscrimination on basis of disability; complaints

Rehabilitation Act of 1973; Section 504

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

Section 504; Designation of responsible employee and adoption of grievances procedures

Nondiscrimination on the basis of sex in education programs

Discrimination on the basis of sex in education programs and activities; definitions

Recipient's response to sexual harassment

Grievance process for formal complaints of sexual harassment

Designation of coordinator; dissemination of policy, and adoption of grievance procedures

Notification of nondiscrimination on the basis of age

Family Educational Rights and Privacy

McKinney-Vento Homeless Assistance Act

Americans with Disabilities Act

Title VI, Civil Rights Act of 1964

Title IX of the Civil Rights Act of 1964

Age Discrimination Act of 1975

Management Resources References

California Department of Education Publication

California Department of Education Publication

California Department of Justice Publication

CSBA Publication

CSBA Publication

CSBA Publication

Federal Register

U.S. DOE, Office for Civil Rights Publication

U.S. DOJ Publication

Website

Website

Website

Website

Description

Uniform Complaint Procedure 2021-22 Program Instrument

Sample UCP Board Policies and Procedures

[Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024](#)

[Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024](#)

[Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024](#)

[Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024](#)

[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896](#)

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

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2007

[CSBA District and County Office of Education Legal Services](#)

[Student Privacy Policy Office](#)

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

[California Department of Social Services](#)

Management Resources References

Website	U.S. Department of Justice
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	California Civil Rights Department

Cross References

	Description
0410	Nondiscrimination In District Programs And Activities
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0420.41	Charter School Oversight
0420.41-E(1)	Charter School Oversight
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1100	Communication With The Public
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1250	Visitors/Outsiders
1250	Visitors/Outsiders
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.1-E PDF(1)	Complaints Concerning District Employees
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E(1)	Complaints Concerning Instructional Materials
1312.4	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1312.4-E(2)	Williams Uniform Complaint Procedures
1313	Civility
1340	Access To District Records
1340	Access To District Records

Cross References**Description**

3260	Fees And Charges
3260	Fees And Charges
3555	Nutrition Program Compliance
3555-E(1)	Nutrition Program Compliance
3580	District Records
3580	District Records
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.23	Special Education Staff
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.1	Civil And Legal Rights
4119.11	Sex Discrimination and Sex-Based Harassment
4119.11	Sex Discrimination and Sex-Based Harassment
4119.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4119.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.1	Civil And Legal Rights
4219.11	Sex Discrimination and Sex-Based Harassment
4219.11	Sex Discrimination and Sex-Based Harassment
4219.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4219.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4219.23	Unauthorized Release Of Confidential/Privileged Information
4244	Complaints
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4319.1	Civil And Legal Rights
4319.11	Sex Discrimination and Sex-Based Harassment
4319.11	Sex Discrimination and Sex-Based Harassment
4319.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures

Cross References**Description**

4319.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4319.23	Unauthorized Release Of Confidential/Privileged Information
4331	Staff Development
4344	Complaints
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5125	Student Records
5125	Student Records
5131.2	Bullying
5131.2	Bullying
5131.62	Tobacco
5131.62	Tobacco
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
5145.7	Sex Discrimination and Sex-Based Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.71	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
5146	Married/Pregnant/Parenting Students
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction

Cross References**Description**

6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6146.1	High School Graduation Requirements
6152	Class Assignment
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6163.1	Library Media Centers
6164.2	Guidance/Counseling Services
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.4	Identification And Evaluation Of Individuals For Special Education
6164.5	Student Success Teams
6164.5	Student Success Teams
6171	Title I Programs
6171	Title I Programs
6173	Education For Homeless Children
6173	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.3	Education For Juvenile Court School Students
6175	Migrant Education Program
6175	Migrant Education Program
6178	Career Technical Education
6178	Career Technical Education
6178.1	Work-Based Learning
6178.1	Work-Based Learning

Cross References

6178.2

6200

6200

9000

9011

9012

9124

9200

9321

9321-E(1)

9321-E(2)

9322

Description[Regional Occupational Center/Program](#)[Adult Education](#)[Adult Education](#)[Role Of The Board](#)[Disclosure Of Confidential/Privileged Information](#)[Board Member Electronic Communications](#)[Attorney](#)[Limits Of Board Member Authority](#)[Closed Session](#)[Closed Session](#)[Closed Session](#)[Agenda/Meeting Materials](#)

Regulation 4030: Nondiscrimination In Employment

Status: ADOPTED

Original Adopted Date: 02/20/2018 | **Last Revised Date:** 05/18/2021 | **Last Reviewed Date:** 05/18/2021

All allegations of discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or other person contracted to provide services to the district shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

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

Assistant Superintendent Human Resources
546 S. Citrus Ave. Azusa, CA 91702
(626) 858-6189
jronquillo@azusa.org

Measures to Prevent Discrimination

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

1. Display in a prominent and accessible location at every work site where the district has employees, and post electronically in a conspicuous location on computers for employee use, up-to-date California Department of Fair Employment and Housing (DFEH) posters on the prohibition of workplace discrimination and harassment, the rights of transgender employees, and the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth (Government Code 12950; 2 CCR 11013, 11023, 11049)
2. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: (5 CCR 4960; 34 CFR 100.6, 106.9)
 - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment
 - b. Posting them in all district schools and offices, including staff lounges and other prominent locations
 - c. Posting them on the district's web site and providing easy access to them through district-supported social media, when available
3. Disseminate the district's nondiscrimination policy and administrative regulation to all employees by one or more of the following methods: (2 CCR 11023)
 - a. Printing and providing a copy to all employees, with an acknowledgment form for each employee to sign and return
 - b. Sending a copy via email with an acknowledgment return form
 - c. Posting a copy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies
 - d. Discussing the policy and regulation with employees upon hire and/or during a new hire orientation session

- e. Any other way that ensures employees receive and understand the policy
4. Provide to employees a handbook which contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to employees who believe they have been the victim of any discriminatory or harassing behavior
5. Provide training regarding the district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made

The district may also provide bystander intervention training to employees which includes information and practical guidance on how to recognize potentially problematic behaviors and which may motivate them to take action when they observe such behaviors. The training and education may include exercises to provide employees with the skills and confidence to intervene as appropriate and to provide them with resources they can call upon that support their intervention. (Government Code 12950.2)

6. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law
7. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce (2 CCR 11023)

Complaint Procedure

Complaints of sexual harassment shall be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures if the alleged conduct meets the definition of sexual harassment pursuant to 34 CFR 106.30.

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

1. Notice and Receipt of Complaint: A complainant may inform a direct supervisor, another supervisor, the coordinator, the Superintendent or, if available, a complaint hotline or an ombudsman. The complainant's direct supervisor may be bypassed in filing a complaint when the supervisor is the subject of the complaint.

The complainant may first attempt to resolve the situation informally with the complainant's supervisor before filing a written complaint.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, any available evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

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

The coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. The coordinator shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be disclosed as necessary to conduct an effective investigation.

If the coordinator determines that a detailed fact-finding investigation is necessary, the investigation shall begin immediately. As part of this investigation, the coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

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

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

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

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

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

A summary of the findings shall be presented to the complainant and the person accused.

4. **Appeal to the Governing Board:** The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days.

Other Remedies

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

1. For filing a complaint with DFEH alleging a violation of Government Code 12940-12952, within three years of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960)
2. For filing a complaint with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
3. For filing a complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-5)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

2 CCR 11006-11086

2 CCR 11023

2 CCR 11024

2 CCR 11027-11028

5 CCR 4900-4965

CA Constitution Article 1, Section 1

Civ. Code 51.7

Ed. Code 200-262.4

Gov. Code 11135

Gov. Code 12900-12996

Gov. Code 12940-12952

Gov. Code 12960-12976

Pen. Code 422.56

Federal References

20 USC 1681-1688

28 CFR 35.101-35.190

29 USC 621-634

29 USC 794

34 CFR 100.6

34 CFR 104.7

34 CFR 104.8

34 CFR 106.8

34 CFR 110.1-110.39

42 USC 12101-12213

42 USC 2000d-2000d-7

42 USC 2000e-2000e-17

42 USC 2000ff-2000ff-11

42 USC 2000h-2-2000h-6

42 USC 6101-6107

Description

Discrimination in employment -

<https://simbli.eboardsolutions.com/SU/jUNOUneBGplusu4fvMYTIWMKA==>

Harassment and discrimination prevention and correction -

<https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==>

Required training and education on harassment based on sex, gender identity and expression, and sexual orientation -

<https://simbli.eboardsolutions.com/SU/WdslshVrKs4pluscfHplushNGLhCeQw==>

National origin and ancestry discrimination -

<https://simbli.eboardsolutions.com/SU/SYk7u9LttH4epGWfUlfjdg==>

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Inalienable rights -

<https://simbli.eboardsolutions.com/SU/v13IPOwHIRP78VvbipluskF8Q==>

Freedom from violence or intimidation -

<https://simbli.eboardsolutions.com/SU/biK5w5xHjaslshApluscWXhrJ7ZQ==>

Prohibition of discrimination -

<https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>

Prohibition of discrimination -

<https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKAL0EtfQ==>

Fair Employment and Housing Act -

<https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==>

Unlawful employment practices -

<https://simbli.eboardsolutions.com/SU/yUqO0xZbaENyslshz7iQHQ9yA==>

Unlawful employment practices; complaints -

<https://simbli.eboardsolutions.com/SU/ccfCDZslshjhqv78OCZLLsYA==>

Definitions; hate crimes -

<https://simbli.eboardsolutions.com/SU/h9gcym1qELiznGfUXL4BPA==>

Description

Title IX of the Education Amendments of 1972; discrimination based on sex

Americans with Disabilities Act

Age Discrimination in Employment Act

Rehabilitation Act of 1973; Section 504

Title VI; Compliance information

Section 504; Designation of responsible employee and adoption of grievances procedures

Notice of Nondiscrimination on the Basis of Handicap

Designation of coordinator; dissemination of policy, and adoption of grievance procedures

Nondiscrimination on the basis of age

Americans with Disabilities Act

Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964, as amended

Genetic Information Nondiscrimination Act of 2008

Title IX of the Civil Rights Act of 1964

Age discrimination in federally assisted programs

Executive Order 11246

U.S. Constitution

Management Resources References

CA Civil Rights Department Publication

CA Civil Rights Department Publication

CA Civil Rights Department Publication

CA Civil Rights Department Publication

CA Civil Rights Department Publication

Court Decision

Court Decision

Court Decision

U.S. DOE Office for Civil Rights Publication

U.S. Equal Employment Opportunity Comm
Publication

U.S. Equal Employment Opportunity Comm
Publication

U.S. Equal Employment Opportunity Comm
Publication

Website

Website

Website

Website

Website

Cross References

0410

1113-E(1)

1113

1113

1113-E PDF(1)

1114

1114

1240

“Know Your Rights: Workplace Discrimination is Illegal” poster -

<https://simbli.eboardsolutions.com/SU/9NrjkmMgLMcqsic35EHhEw==>

Amendment 1; Free exercise, free speech, and establishment clauses -

<https://simbli.eboardsolutions.com/SU/iMUl98OyDFSCBGcGx5DwnA==>

Description

Family Care and Medical Leave and Pregnancy Disability Leave

California Law Prohibits Workplace Discrimination and Harassment

Transgender Rights in the Workplace

Harassment Prevention Guide for California Employers

Your Rights and Obligations as a Pregnant Employee

Kennedy v. Bremerton (2022) 142 S.Ct. 2407

Shephard v. Loyola Marymount, (2002) 102 Cal.App. 4th 837

Thomson v. North American Stainless LP (2011) 62 U.S. 170

Notice of Non-Discrimination, August 2010

Know Your Rights: Workplace Discrimination is Illegal, October 2022

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

EEOC Compliance Manual

U.S. Department of Labor, Office of Federal Contract Compliance Program -

<https://simbli.eboardsolutions.com/SU/PH97sURpCaw0yTclBzHxZA==>

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==>

California Civil Rights Department -

<https://simbli.eboardsolutions.com/SU/RRvNseNogmlnMLyl8K40jw==>

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

<https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==>

U.S. Equal Employment Opportunity Commission -

<https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==>

Description

Nondiscrimination In District Programs And Activities -

<https://simbli.eboardsolutions.com/SU/FnDZ7yHITUVLmcPBwcYa4w==>

District And School Websites -

<https://simbli.eboardsolutions.com/SU/oJaE6pBfeb1TIUhdlbjlHA==>

District And School Websites -

<https://simbli.eboardsolutions.com/SU/BzLslshM03JGp7plus8dzh1Fzc4Q==>

District And School Websites -

<https://simbli.eboardsolutions.com/SU/LkplusM8wFuCJcC9T99n32Hnw==>

District And School Websites -

<https://simbli.eboardsolutions.com/SU/fCje9zCXa1OFcXTUBQYRhW==>

District-Sponsored Social Media -

<https://simbli.eboardsolutions.com/SU/JfCojzMhplusqvfyCOp9Cgiw==>

District-Sponsored Social Media -

<https://simbli.eboardsolutions.com/SU/LnhNVipgssss47FWyv0docA==>

Volunteer Assistance -

<https://simbli.eboardsolutions.com/SU/s1kDPms91ZslshXvtuUxCKMdw==>

1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/KR2sg4KWAHgxai0qdzyjQA==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/UeCd2AJIxfBU7E37o1kmUg==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/3x1plusj0z5ZLMqRsshsEIT6Q==
1312.1-E PDF(1)	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/eAlz50x7oMx0vq3x9PjTplusg==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/CfApluscpxRIZplusOj2lmuhfqBA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/NaAoUplustL0gdMDg4YyrqkSQ==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/CGtJ1bS0fJ2qqnQzzY5qbQ==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/hYsgaF9LHjplus4tlnfVHZyg==
1313	Civility - https://simbli.eboardsolutions.com/SU/yQa4hXbmytIs4p2JKUbNw==
3312	Contracts - https://simbli.eboardsolutions.com/SU/RtEPentWF4fC8KdSsZuiQQ==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/AwD0gWC1fp3vplus35CcotDig==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/usslshWhTtZbMepJAoA7BVd6g==
3580	District Records - https://simbli.eboardsolutions.com/SU/slshum9iqESJwslshMnliyP5FuWQ==
3600	Consultants - https://simbli.eboardsolutions.com/SU/19Y2YhOrjiSGxS8QOUWGnA==
4000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/OD2npGAZCiRik4Mzfor9zA==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/xCU2Q3bo4IrdA5Kslsh5iqGslshA==
4033	Lactation Accommodation - https://simbli.eboardsolutions.com/SU/BCWG4ZmkOPFlvslshL6SHOGDA==
4111	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/4REAQQlwxXgwcOAHPKwPjA==
4111.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/m3WslshNV7bzEWPHOtWVprGLw==
4111.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/ow5QplusylnAiYRplusgLw2Vowgg==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/nKXNuY4nuf6VtbFdt8BxXQ==
4112.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/slshxWc7zKFP9LhPljHzE6Oog==
4112.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/WdEhMAREY52FewQdK0pSNQ==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/ZbKyC91DY3CsgslshTWWChauQ==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/f28Y8g0QzDvpW3nyGgLPkRQ==

4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/bsOgFtrRnArFvO1jSIWslshww==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/TOWynt27j11e84Ed9go0cQ==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/zZ8ALG9AVGuFbVzECQB8Tw==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/XIEfnDBZPAuMslshpEqBrwTKw==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/ikYi9iffEslshg1YvCnslshHa9FA==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/SlvMh9PMikAPEOLcsVldiQ==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/BsxQhDtsvrsIshROgWBslGoVg==
4119.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/2ew5SpfplUSDWhSKExG9cJHZw==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2PhH6Dft7Ua4rtS43ihvEw==
4119.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/UW7i21Bcj9ORkQ5ObHAUAQ==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/qM93MntQ08IXE19SqyYgzA==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/xnIUHul4wamrtLwplus2OFxcA==
4144	Complaints - https://simbli.eboardsolutions.com/SU/KyKD8LDxrB2PwRRY0z7CWA==
4151	Employee Compensation - https://simbli.eboardsolutions.com/SU/sKgclPNslshLxkivtjIWzWr7g==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/6R1sBLgslshYgDslshAd2SuZj7eA==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/WNoCah873JGR0slshZyGCtZtQ==
4161.5	Military Leave - https://simbli.eboardsolutions.com/SU/VuS4q4L3GS3Fplusb8qD1TJVg==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/iY6sUnvYd5r1R9fkl64Qg==
4211	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/1QyhISbz3gqFplusbhfpq4IEQ==
4211.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/uNIWpQaABVr6aKaLg4OdpQ==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/rlyplusslshRZ4Csezcx5hVxJL6Q==
4212.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/ONXwUHblKplusdn8d0BHAtFfA==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/6Sms9Cslshckj3AxFvjilVLwg==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/YqWUYpdycnuZuo18RoSdsQ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/X1lugfJF59UTBAfZrUqN4Q==

4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/cXGwH831aenCNbQC6jA3hQ==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/BdpaplusaDF4XfWDswiSgrXiA==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/8NhClOxCqBcVvArb8plusCGslshg==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/slsh8r36Gnv1Paz0NslshaPHNpw==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/tANQtslshaLtnplusAwRY1FCqQjA==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/sOKhv3nplusqEuVMf7plusON7wrw==
4219.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/OJA1OIxYwPjx9ESxezP3Bw==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/dS1heLBJneDSE322MGvFPA==
4219.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/NpZq3EcMaaBylSSsQZkUvw==
4244	Complaints - https://simbli.eboardsolutions.com/SU/AG8XgRWjeslshpslshdhFTO2smwQ==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/IOQxocnnxc7t0zO4gNslshEig==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/baiguAHICDz2MiTzMIQl0A==
4261.5	Military Leave - https://simbli.eboardsolutions.com/SU/GLN7CSJBkaa4wNV7TZ7t0Q==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/8kazlBnUU8fvVzqBG4CvcA==
4311	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/S1DtM6q4nxCUKfJdgUiurg==
4311.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/zLDFviZ9L41plusxZLZHO5JGw==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/bslshMGq1l2YgZP7pluspaaHXLeA==
4312.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/Oz43bunUpWERwRfDslsh1UBgw==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/c66XSPEsGJAEqplus435ncEpw==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/9md7WpFplusE6EVrvrSxbTuTA==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/t37hWtTlplusSVslsh21DyFGE4w==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/s7slshgH4vgyv1StF0p9iUWHA==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/8xFJs6TEekZrMrbTNzmuslshw==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/EX3wm6YlGO1llgpyhTruVw==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/afYPjOEJno5bLslshzEsWu4Xw==

4319.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/jpEENplus2VylvFPG3lrKExXQ==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/GeZcaesmMfLvKcNtbN7wSQ==
4319.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/U6X8VCGYePZQtETEvG6GyQ==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/mi31ZJfJZ6P6XIztQhGr3Q==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/hqxZRIEbEWMHD9ZdRfApig==
4344	Complaints - https://simbli.eboardsolutions.com/SU/qGrsXimwkCHTw02tO8UC4Q==
4351	Employee Compensation - https://simbli.eboardsolutions.com/SU/7ykiOpHAhelqH4DkAzNuTw==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/AUcC2pRXWApZWZErGJyJUg==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/slsh0UxeGKSx3ebrYlspgjSrg==
4361.5	Military Leave - https://simbli.eboardsolutions.com/SU/HxmjV90lpHeE2ojNvULbzg==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/FPDiN7slsh1vldOD17mf0GNkQ==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/yCFHLIFLUDCtfgppluseQHTJg==
9321-E PDF(1)	Closed Session - https://simbli.eboardsolutions.com/SU/JouF3slshdp1t8S6jR9jTrVg==
9321-E PDF(2)	Closed Session - https://simbli.eboardsolutions.com/SU/R7DIbslsh4Z8zkiT8c3evrPAg==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/eQxvTE4sunzJru8wB8gc1g==

Policy 3513.3: Tobacco-Free Schools

Status: ADOPTED

Original Adopted Date: 06/26/2012 | **Last Revised Date:** 08/08/2018 | **Last Reviewed Date:** 08/08/2018

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

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

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

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

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

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

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

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

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

Bus. Code 22950.5	Stop Tobacco Access to Kids Enforcement Act - Definitions - https://simbli.eboardsolutions.com/SU/o9D5LIFXAxm0isdgjQ2uslshw==
Ed. Code 48900	Authority of superintendent to recommend suspension or expulsion
Ed. Code 48901	Smoking or use of tobacco prohibited
H&S Code 104350-104495	Tobacco-use prevention education
H&S Code 104495	Prohibition of smoking and tobacco waste on playgrounds
H&S Code 104559	Tobacco use prohibition
H&S Code 119405	Unlawful to sell or furnish electronic cigarettes to minors
H&S Code 39002	Control of air pollution from nonvehicular sources
Lab. Code 3300	Definitions
Lab. Code 6304	Safe and healthful workplace

Lab. Code 6404.5

Occupational safety and health; use of tobacco products

PERB Ruling

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)

Federal References

20 USC 6083

Description

Nonsmoking policy for children's services

20 USC 7111-7122

Student Support and Academic Enrichment Grants

21 CFR 1140.1-1140.34

Unlawful sale of cigarettes and smokeless tobacco to minors

Management Resources References

Website

Description

AASA The School Superintendents Association -

<https://simbli.eboardsolutions.com/SU/MQaF8AO8cslshSlfGc13QQoEQ==>

Cross References

Description

0450

Comprehensive Safety Plan -

<https://simbli.eboardsolutions.com/SU/XVeModcEEplusmIKmIViNyG8g==>

0450

Comprehensive Safety Plan -

<https://simbli.eboardsolutions.com/SU/vQZUWC8qslshfqZpV1MmtaRBg==>

1113

District And School Web Sites -

<https://simbli.eboardsolutions.com/SU/BzLslshM03JGp7plus8dzh1Fzc4Q==>

1113

District And School Web Sites -

<https://simbli.eboardsolutions.com/SU/LkplusM8wFuCJc9T99n32Hnw==>

1113-E(1)

District And School Web Sites -

<https://simbli.eboardsolutions.com/SU/fCje9zCXa1OFcXTUBQYRh==>

1250

Visitors/Outsiders -

<https://simbli.eboardsolutions.com/SU/0UxfKnDQx8i9V4vageslsh6VA==>

1250

Visitors/Outsiders -

<https://simbli.eboardsolutions.com/SU/Alg13G2av7RnSyAPrFJslshPg==>

1330

Use Of School Facilities -

<https://simbli.eboardsolutions.com/SU/bweubRumzjCMEFsRwfPRVQ==>

1330

Use Of School Facilities -

<https://simbli.eboardsolutions.com/SU/OSpXtQrBZmNcjhUi2mwN3Q==>

1330-E(1)

Use Of School Facilities -

<https://simbli.eboardsolutions.com/SU/mJDGwwleQuuHMmknzSltrQ==>

1330.1

Joint Use Agreements -

<https://simbli.eboardsolutions.com/SU/6vO5XmWvh6GiKCUrP6C73w==>

3513.4

Drug And Alcohol Free Schools -

<https://simbli.eboardsolutions.com/SU/EglaLA3lnXkKgpulshjxrQ9g==>

3515.2

Disruptions -

<https://simbli.eboardsolutions.com/SU/3zz1tl0X4ZIN7VAPLICn2w==>

3515.2

Disruptions -

<https://simbli.eboardsolutions.com/SU/AuZ7CmtLr9yBgGvfKslshy3fw==>

3516

Emergencies And Disaster Preparedness Plan -

<https://simbli.eboardsolutions.com/SU/dOrqkL6zGeHD5I2pKwHzwA==>

3516

Emergencies And Disaster Preparedness Plan -

<https://simbli.eboardsolutions.com/SU/MA2DL2Mnc9xXhOn6dxxRIA==>

4112.9

Employee Notifications -

<https://simbli.eboardsolutions.com/SU/Qz5Y9pFKIUz9yowJNByiOA==>

4119.21

Professional Standards -

<https://simbli.eboardsolutions.com/SU/UTGFaZorslshLeTKDloySlofQ==>

4119.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/mGplusvfwZSZeWEomplumBplusTJTg==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/0ZJclXM1TTrTf1O5E1AArg==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/cRQObj7EJcTiplushojXxDrvw==
4219.21-E(1)	Professional Standards - Code Of Ethics Classified Employees - https://simbli.eboardsolutions.com/SU/Yn4FDSgBUNSBsWF3lvpkIQ==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/a1UsQLi9B3PWIEPE2MJvAQ==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/aVzvR2gnF6PxyE8OYijAPA==
4319.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/sVVtgfkApxmtRMQLsMRyQ==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/aWkPBgslshQGAKepvUCWXMslsh2Q==
5131.62	Tobacco - https://simbli.eboardsolutions.com/SU/y054RaDWMUfljdNnUYFPvw==
5131.62	Tobacco - https://simbli.eboardsolutions.com/SU/ATcPW5bYHslshMn2vn4omKq7w==
5141.23	Asthma Management - https://simbli.eboardsolutions.com/SU/a1YGv1JqCPQxqc56TqsTpA==
5141.23	Asthma Management - https://simbli.eboardsolutions.com/SU/A01zgrE7bictH04xvslsh8SLQ==
5144	Discipline - https://simbli.eboardsolutions.com/SU/VKfDusQz4wO4ztggq0xR0Q==
5144	Discipline - https://simbli.eboardsolutions.com/SU/h8js9swo8roKNec7W9PBIQ==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/2KWISVzOJQsLVudCPe2bpg==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/1wRsP0evdfTslshv6FLdTXneA==
5145.6	Parental Notifications - https://simbli.eboardsolutions.com/SU/aumLfEWHRQTqmF8OKcrwjQ==
5145.6-E(1)	Parental Notifications - https://simbli.eboardsolutions.com/SU/5KtCGKwRqTKUDplusFgDOOn0OQ==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/GVzAgUNrmwjxJNKmsgl1rQ==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/IJW9DH2z29vRFUTVfplusjDjQ==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/365rWOhUCi3xjlGBdJNNfQ==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/GBuLGnoxMa2wooqOBTyCsIshA==

Policy 4040: Employee Use Of Technology

Status: ADOPTED

Original Adopted Date: 10/05/2010 | **Last Revised Date:** 05/15/2018 | **Last Reviewed Date:** 05/15/2018

The Governing Board recognizes that technological resources enhance employee performance by offering effective tools to assist in providing a quality instructional program; facilitating communications with parents/guardians, students, and the community; supporting district and school operations; and improving access to and exchange of information. The Board expects all employees to learn to use the available technological resources that will assist them in the performance of their job responsibilities. As needed, employees shall receive professional development in the appropriate use of these resources.

Employees shall be responsible for the appropriate use of technology and shall use district technology primarily for purposes related to their employment.

District technology includes, but is not limited to, computers, the district's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

The Superintendent or designee shall establish an Acceptable Use Agreement which outlines employee obligations and responsibilities related to the use of district technology. Upon employment and whenever significant changes are made to the district's Acceptable Use Agreement, employees shall be required to acknowledge in writing that they have read and agreed to the Acceptable Use Agreement.

Employees shall not use district technology to access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, sexually explicit, or unethical or that promotes any activity prohibited by law, Board policy, or administrative regulations.

Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. (20 USC 7131; 47 USC 254)

The Superintendent or designee shall annually notify employees in writing that they have no reasonable expectation of privacy in the use of any equipment or other technological resources provided by or maintained by the district, including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, even when provided their own password. To ensure proper use, the Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent and for any reason allowed by law.

In addition, employees shall be notified that records maintained on any personal device or messages sent or received on a personal device that is being used to conduct district business may be subject to disclosure, pursuant to a subpoena or other lawful request.

Employees shall report any security problem or misuse of district technology to the Superintendent or designee.

Inappropriate use of district technology may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative regulation.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Gov. Code 3543.1

Description

Rights of employee organizations

Gov. Code 6250-6270

Pen. Code 502

Pen. Code 632

Veh. Code 23123

Veh. Code 23123.5

Veh. Code 23125

California Public Records Act

Computer Crimes, remedies

Eavesdropping on or recording confidential communications

Wireless telephones in vehicles

Mobile communication devices; text messaging while driving

Wireless telephones in school buses

Federal References

20 USC 7101-7122

20 USC 7131

47 CFR 54.520

Description

Student Support and Academic Enrichment Grants

Internet Safety

Internet safety policy and technology protection measures, E-rate discounts

Management Resources References

Court Decision

Website

Description

A.M. v. Albertsons, LLC, (2009) Cal.App.4th 455

AASA The School Superintendents Association -

<https://simbli.eboardsolutions.com/SU/MOaF8AO8cslshSlfGc13QQoEQ==>

Cross References

0410

0440

0440

1100

1113

1113

1113-E(1)

1114

1114

1340

1340

2121

3512

3512-E(1)

3516.2

Description

Nondiscrimination In District Programs And Activities -

<https://simbli.eboardsolutions.com/SU/FnDZ7yHITUVLmcPBwcYa4w==>

District Technology Plan -

<https://simbli.eboardsolutions.com/SU/ufpqEymurplusbMcY8BDBnRZQ==>

District Technology Plan -

<https://simbli.eboardsolutions.com/SU/hioD0waOOJiByYNFpisbsQ==>

Communication With The Public -

<https://simbli.eboardsolutions.com/SU/Hywu1plusUHmPznTnAojQejslshg==>

District And School Web Sites -

<https://simbli.eboardsolutions.com/SU/BzLslshM03JGp7plus8dzh1Fzc4Q==>

District And School Web Sites -

<https://simbli.eboardsolutions.com/SU/LkplusM8wFuCJcC9T99n32Hnw==>

District And School Web Sites -

<https://simbli.eboardsolutions.com/SU/fCje9zCXa1OFcXTUBQYRhW==>

District-Sponsored Social Media -

<https://simbli.eboardsolutions.com/SU/JfCojzMhplusqvfyCOp9Cgiw==>

District-Sponsored Social Media -

<https://simbli.eboardsolutions.com/SU/LnhNVipgsss47FWyv0docA==>

Access To District Records -

<https://simbli.eboardsolutions.com/SU/Yd0OhypY8zlqBWetfgeDyQ==>

Access To District Records -

<https://simbli.eboardsolutions.com/SU/3WHcNUN51FhE5p4Qq0Szwz==>

Superintendent's Contract -

<https://simbli.eboardsolutions.com/SU/5eKslshdiBvHlzb6VIBRZK9w==>

Equipment -

<https://simbli.eboardsolutions.com/SU/r1rNkRaXyrj10VEAVGfslsh9g==>

Equipment -

<https://simbli.eboardsolutions.com/SU/6RcqkwFE4ATq4nsbPZZJJg==>

Bomb Threats -

<https://simbli.eboardsolutions.com/SU/qz0d6tsfAHzXebzeQw1MJg==>

3580	District Records - https://simbli.eboardsolutions.com/SU/slshum9iqFSJwslshMnliyP5FuWQ==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/xCU2Q3bo4IrdA5Kslsh5iqGslshA==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/24DUL3dM9A2IUAAoqbi3Og==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/SlvMh9PMikAPEOLcsVldiQ==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/BsxQhDtsvrsIshROgWBslGoVg==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/UTGFaZorslshLeTKDloySlofQ==
4119.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/mGplusvfwZSZeWEomplumBplusTJTg==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/UslshRGVNhjBEeEDNrko7psQg==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/y4QplusedaFgrVD8fr8wpCMqQ==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/xnIUHul4wamrtLwplus2OFxcA==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/NNHd7ATUG21WUZfMslshC2esw==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/tANQtslshaLtnplusAwRY1FCqQjA==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/sOKhv3nplusqEuVMf7plusON7wrw==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/cRQObj7EJcTiplushojXxDrvw==
4219.21-E(1)	Professional Standards - Code Of Ethics Classified Employees - https://simbli.eboardsolutions.com/SU/Yn4FDSgBUNSbsWF3lvpkIQ==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/seiEdh3poDGMpbcllNJXOQ==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/S3pluswdN4h3ZfGQBHYZ4pWXg==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/EX3wm6YIGO1llgpyhTruVw==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/afYPjOEJno5bLslshzEsWu4Xw==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/aVzvR2gnF6PxyE8OYijAPA==
4319.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/sVVtgfkApxmtRMQLlsMRyQ==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/HslshFplusldcqDEuoellia0ZiA==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/mi31ZJfJZ6P6XIztQhGr3Q==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/hqxZRIEbEWMHD9ZdRfApig==
5125	Student Records - https://simbli.eboardsolutions.com/SU/tWHWUiPwslshr1YYPUpusvwMslshmQ==

5125	Student Records - https://simbli.eboardsolutions.com/SU/BVqShG6XWi846acAF21eCA==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/0gZNdnSk7slshO1pm7w6dgQMw==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/dcEuGdmEtIMdCslshRYKeLLrA==
5125.1-E(1)	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/OLSr2W5pluzBu048bHf3MxfQ==
6116	Classroom Interruptions - https://simbli.eboardsolutions.com/SU/zec48ZLVoeKiBHh64SwaXA==
6162.6	Use Of Copyrighted Materials - https://simbli.eboardsolutions.com/SU/3taLrSkI4GgyZmdSblW6lw==
6162.6	Use Of Copyrighted Materials - https://simbli.eboardsolutions.com/SU/Ulrd8rtCbBXH4slshn2kgoeAw==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/xwmncaskhLLu0j71v8uU3g==
6163.4-E(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/6rv0ZAjZh6iRtwPPy2v3Bw==

III

BUSINESS SERVICES

PURCHASE OF SUPPLIES

In order to receive reimbursement for school supplies, they must be approved by the Principal and submitted through the Purchase Order process. Requests for supplies should be made through the Principal or department head. Employees will not be reimbursed if they submit a bill/receipt for merchandise they purchased. Purchase Orders can only be issued by the Purchasing Department, and no other person or department can commit the district for payment for merchandise and/or services.

USE OF TELEPHONES

In order to conduct school business and stay in touch with parents, telephones have been installed in offices and schools. To ensure responsible behavior, employees are advised to use discretion when making personal calls, both in terms of frequency and duration.

It is important to note that charges for personal calls cannot be charged to public funds, and therefore employees are not allowed to make personal toll calls unless it is an emergency.

SCHOOL KEYS

The principal will distribute keys to teachers in August. They must be returned after school closes in June. Each key must be returned, or a replacement fee will be charged. Only the Director of MOT can authorize duplicate key requests.

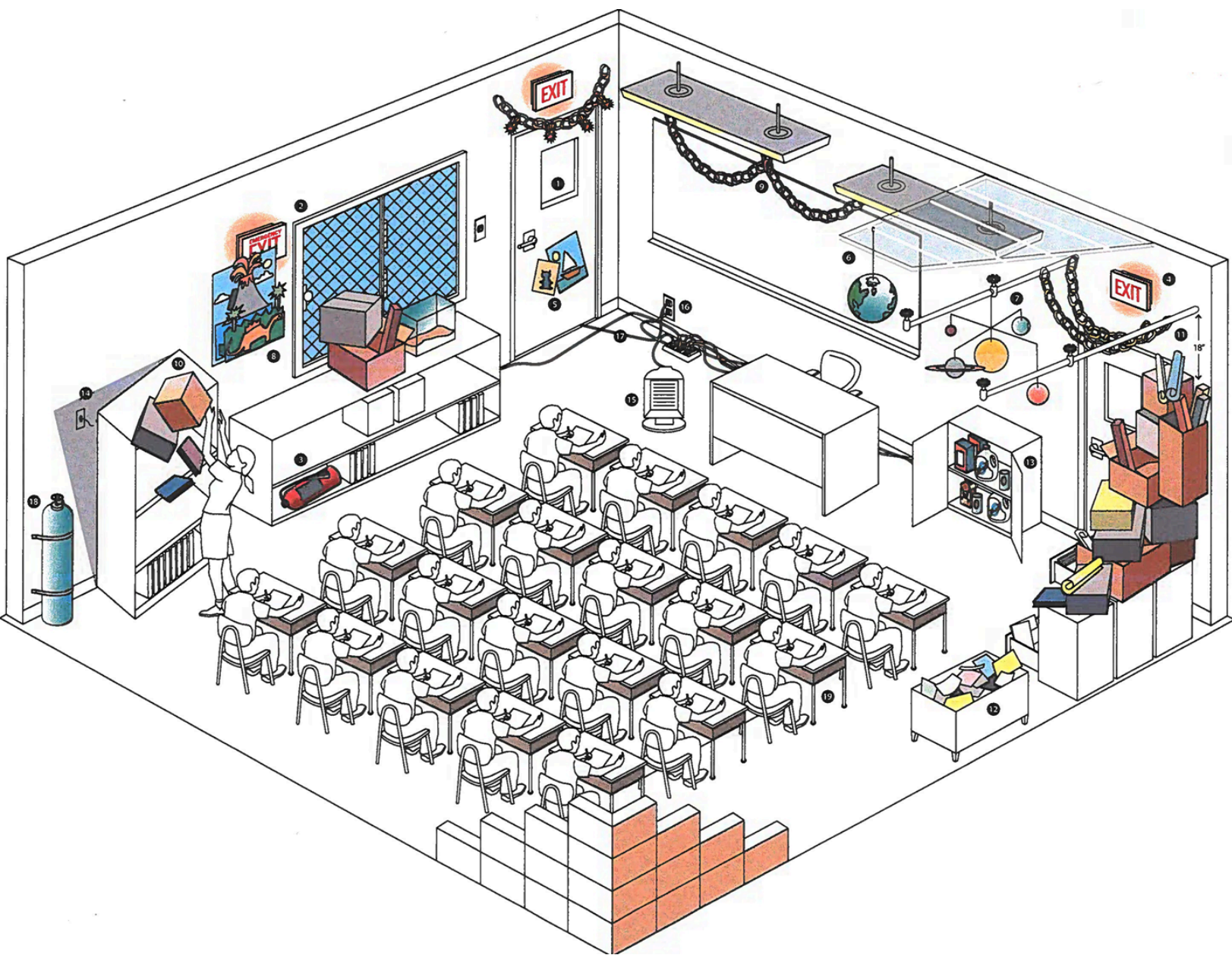
USE OF SCHOOL EQUIPMENT AND SUPPLIES

School equipment and supplies are strictly meant for use within the school premises and should not be taken or used for personal purposes by any employee. However, there is an exception for laptops, and the principal can provide a procedure for their use. It is also prohibited for any employee to lend school property to any individual or organization. Only the Board of Education is authorized to arrange for the rental or use of school buildings and equipment.

CARE OF SCHOOL PLANT AND EQUIPMENT

Our community has generously provided our students with stunning school buildings that are well-equipped and comfortable. It's crucial that we take good care of these physical assets to ensure they last for future use and minimize maintenance costs, allowing us to allocate more funds toward instruction. Learning good habits and attitudes towards maintenance is a vital part of our student's education. The responsibility of keeping our buildings and equipment in good condition is not solely on the custodian but a shared responsibility amongst the custodian, teachers, and students. Let's work together to maintain our school facilities and equipment properly.

CLASSROOM SAFETY



1. Classroom exits shall remain clear and not blocked by any obstructions, such as cabinets that open into the exit path.
2. Classroom emergency exit windows shall not be blocked by items stored under or in front of the windows.
3. Classroom fire extinguishers shall be mounted in plain view and not blocked or hidden.
4. Exit signs for emergency window exits shall be visible at all times, and illuminated exit signs, when provided, shall be illuminated at all times.
5. Classroom exit doors shall not have decorations on them.
6. Decorations or classroom materials that are suspended from ceilings shall be flame retardant and never impede an exit.
7. Suspending or hanging decorative items from fire sprinkler pipes is not allowed.
8. Suspending or hanging decorative items from fire sprinkler pipes is not allowed.
9. Suspending decorative or instructional items from classroom ceiling lights is not allowed.
10. Material stored on top of shelves or cabinets may not be closer than 3 feet to the ceiling. This material shall also be secured so that it will not fall during an earthquake. Unfastened or unrestrained materials shall be removed.
11. Materials stored on top of shelves or cabinets may not be closer than 18" to automatic sprinkler heads.
12. Excess paper and other supplies shall be stored in an orderly manner in approved storage closets and not in open classrooms.
13. Hazardous materials, such as cleaning products and chemicals used for instruction, shall be stored in approved secure locations and always kept out of reach of children. Science chemicals and very hazardous materials must be kept in hazardous materials cabinets.
14. All bookcases and cabinets shall be secured to walls.
15. Approved portable heaters shall be positioned so that they are not close to combustibles.
16. You may only plug up to one extension cord or one power strip into an electrical outlet. Extension cords shall be removed and stored at the end of the school day. They may not be put into permanent use, and extension cords and power strips may not be plugged in series.
17. Extension cords may not be extended from one classroom to another or create a tripping hazard.
18. All compressed gas cylinders shall be attached with restraints to prevent them from overturning.
19. Do not exceed the classroom occupancy load by putting too many students or desks in the room. (20 square feet per student.)

Most classroom safety violations can be avoided by keeping classrooms clean, neat, and well organized. Do not try to store more materials than your room was designed to safely handle. Do not obstruct the existing fire safety systems that are there to

protect all occupants. Do not try to exceed the capacity of the room's electrical system with plug strips and extension cords. Always look out for conditions that have the potential to hurt students.

In addition to the illustrated classroom violations, some fire/safety violations occur outside of the classroom. If you notice any of the following, please notify your site administrator.

Do not store items in basements or under stairs unless the entire area is covered by sprinklers.

When storing items in closets or workrooms, maintain a 3-foot (36") clearance around all water heaters, electrical panels, fire alarms, and portable fire extinguishers.

Vehicle parking on campus shall be limited to official parking stalls only. Do not park vehicles on school grounds in such a way as to block paths, egress, access, or any fire lanes.

BORROWING OF FURNITURE AND EQUIPMENT FROM COMMUNITY SOURCES

Before any piece of furniture or equipment is borrowed from any community business, industry, or individual for school instructional or student activity use, clearance must be obtained from the Business Office. This is necessary because of insurance and liability implications.

CALIFORNIA STATE MEAL MANDATE

EC Section 49550 requires school districts and county offices of education (COE) to provide nutritionally adequate FREE meals to any student who requests one during the school day.

EC Section 49550(c) defines a **school day** as any day that pupils in kindergarten or grades 1 to 12, inclusive, are attending school for purposes of classroom instruction, including, but not limited to, pupil attendance at minimum days, state-funded preschool, transitional kindergarten, summer school including incoming kindergarten pupils, extended school year days, and Saturday school sessions.

A nutritionally adequate meal (breakfast and lunch) must meet the federal meal pattern requirements and is defined in *EC* Section 49531 as the following:

Nutritionally adequate **breakfast** is one that qualifies for reimbursement under the most current meal pattern requirement for the federal School Breakfast Program, as defined in *7CFR*, Section 220.8. A nutritionally adequate **lunch** qualifies for reimbursement under the most current meal pattern for the federal National School Lunch Program, as defined in *7CFR*, Section 210.10.

FIELD TRIP LUNCHES

Lunch must be available to ALL students on ALL school days, including field trip days. Students must be informed that a nutritionally adequate free meal will be available. Regardless if sack lunches are needed, schools must notify the Nutrition Services department when students go on a field trip. It is also essential to inform the Nutrition Services Lead at your school site **two weeks in advance** so that the number of hot meals produced for the day can be decreased. Your cooperation will help us prevent unnecessary food waste.

Instructions for Completing Field Trip Sack Lunch Request:

Complete & return the "Field Trip Sack Lunch Order Form" at least **14 working days** prior to the event. Nutrition Services needs sufficient time to order food and supplies, and to prepare sack lunches. You may return the form to the Nutrition Services Lead at your school site.

Federal regulations require a record of all students served a sack lunch.

Classes going on a field trip must follow the meal-counting method listed below:

1. The Nutrition Services Lead at your school site will give the classroom teacher a roster with the students' names a day before the field trip.
2. On the day of the field trip, the teacher must mark the students on the roster who have received a sack lunch as sack lunches are distributed. Please keep the food and milk in the bins/coolers provided to you until the start of the meal service.
3. Please return the following items to the cafeteria by the end of the day: Roster, any money received for adult meals, any bins and coolers borrowed from the cafeteria, and any leftover food or milk.

NOTE: If the school or teacher makes an error and meals are not collected, and if Nutrition Services is not notified immediately, then the students scheduled for the field trip will be provided with sack lunches.

CLASSROOM CELEBRATIONS

To minimize food waste, Nutrition Services must be informed about any upcoming classroom parties five days in advance.

LOCAL SCHOOL WELLNESS POLICY

(Section 204, Public Law 08-265): Not later than the beginning of the 2006-2007 school year, school districts participating in USDA's school meal program shall establish a local "school wellness policy" that, at a minimum:

- Includes goals for nutrition education, physical activity, and other school-based activities designed to promote student wellness in a manner that the district determines appropriate;

- Includes nutrition guidelines for all foods available on the school campus during the school day, with the objectives of promoting student health and reducing childhood obesity;
 - Provides an assurance that guidelines for school meals are not less restrictive than those issued by USDA;
 - Establishes a plan for measuring implementation of the local wellness policy, including the designation of one or more persons within the district or at each school, as appropriate, charged with operational responsibility for ensuring that the school meets the local wellness policy and
 - Involves parents, students, school food service representatives, the school board, school administrators, teachers, and the public in the development of the local wellness policy.
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- If you would like to volunteer to be part of the Local School Wellness Committee, please contact Paul Hernandez Director of Student Support Services, or Stella Ndahura, Director, Nutrition Services.