Fullerton School District



Management

Policies

THIS HANDBOOK DOES NOT CONSTITUTE A CONTRACTUAL AGREEMENT AND IS SUBJECT TO CHANGE…

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FULLERTON SCHOOL DISTRICT

As a member of the Fullerton School District Management Team, you play an important role in the continuing success of our schools. This handbook will provide you with current information about our district and your salary and benefits as a member of the Fullerton School District Management Team. This handbook is for general information only and is not a statement of contractual obligation. The Fullerton School District reserves the right to change or discontinue without notice any plan, program, benefit, or term outlined within this handbook. Contact Human Resources should you have any questions or need additional technical guidance. We hope you will find this information useful.

HISTORY

The District traces its history back to 1888 when it was initially established as the Fullerton Elementary School District. Parts of the District were taken from the Orangethorpe, Placentia, and Anaheim School Districts that were then a part of the Los Angeles County School District. The first school was opened in September 1888 in a small building on Commonwealth Avenue. The first teacher was Edwin Clark who had been previously employed as a teacher in Anaheim. The average daily attendance during the first year was about 40 pupils. Prior to the opening of the first school, children in Fullerton attended Orangethorpe School. The District has been officially known as the Fullerton School District for many years.

DISTRICT PROFILE

The Fullerton School District, located in North Orange County, is comprised of 15 elementary schools, two K-8 schools and three junior high schools. The Fullerton School District serves over 12,000 students each year. Standards-based curriculum is taught in all academic subject areas, including physical education, visual and performing arts, and computer technology. District benchmark assessments and required State tests are used to assess on-going skill development of all students. Research based instructional methods are used and teachers and administrators are offered training to update their skills and keep abreast of the latest research.

Certificated and classified employees provide services to the District's increasingly diverse student population which in 2021 includes 17% Caucasian, 51% Hispanic, 22% Asian, 1% African-American, 2% Filipino, and 7% other/multiple or no response.

"Great Schools, Successful Kids" is the District's theme providing the basis for the various educational programs. The Board of Trustees believes that the ongoing partnership between parents, students, educators, and the community is the key to success.

BOARD OF TRUSTEES AND ADMINISTRATIVE STAFF

The District's five-member **Board of Trustees** sets the direction of the District through formulation of the District's policies and the adoption of annual goals and objectives, which reflect the priorities of the community and the Board. The Board of Trustees makes decisions regarding the expenditure of funds, and budget priorities each year reflect the Board's ongoing deliberations on the many program and facility needs facing the District.

The Superintendent is the chief administrator responsible for every aspect of the Fullerton School District's operations, including instructional programs, business and personnel functions, oversight of student testing and progress, and other support functions. The administrative staff, under the leadership of the Superintendent, includes:

The Deputy Superintendent is responsible for overall leadership, coordination, supervision and evaluation of programs, services, and personnel consistent with the established goals and objectives of the Board of Trustees and the requirements and regulations of State and Federal codes. The work of the Human Resources (HR) department includes the overall coordination and administration of Certificated Human Resources and portions of Classified Human Resources, Child Welfare and Attendance, Risk Management/Workers' Compensation Program, and Health Benefits. The responsibilities of the department include teacher credentialing, evaluation and discipline of certificated, classified, and management staff, employment of management, certificated and classified personnel, staffing, monitoring legal compliance, negotiations with employee bargaining units, personnel policies and procedures, employer/employee relations, child welfare and attendance services, substance abuse and violence prevention programs.

The Assistant Superintendent of Educational Services is responsible for overall leadership, coordination, supervision and evaluation of programs, services, and personnel consistent with the established goals and objectives of the Board of Trustees and the requirements and regulations of State and Federal codes. The work of the Educational Services (ES) department includes: curriculum and instruction, assessment and accountability, special support services, special programs and services, and staff development. Department activities include but are not limited to: curriculum alignment and development, instructional staff, teacher induction, training, instructional strategies and materials selection/ordering and training, visual and performing arts, Gifted and Talented Education, English Learner programs and services, limited English learners programs and services, technology infusion, Preschool and Child Day Care and State and Federal categorical programs and grants. Interpret, plan for and implement instructional legislated directives and the resulting mandates from the California Department of Education, provides principal and teacher direction, and ensures support for Educational Services projects throughout the District and within the community.

The Assistant Superintendent of Business Services utilizes available resources to direct the various Business Services' departments that support the educational programs of the District. These departments include: Facilities, Maintenance, Grounds and Custodial Services, Food Services, Transportation Services, Purchasing, and the Reprographics Department. The responsibilities of the position include budgeting, financial analysis and reporting, negotiating with investment bankers and residential developers, varied debt issuances, accounting for all income and expenditures of the District, payroll management, purchasing and warehousing, food services, maintenance and operations, transportation services, facilities master planning, modernization and construction of new school facilities, managing the District's Property & Liability and supporting District printing needs.

The Assistant Superintendent of Innovation and Instructional Support is responsible for overseeing the main areas of the Innovation and Instruction Support Department: Networking, Information Systems, Field Tech Support, Library Media Services, and Educational Technology/Innovation. The responsibilities of the position include wired and wireless network infrastructure, filing and funding E-Rate for network projects, ensuring data backups of all critical systems are available for disaster recovery; devices, computers, and peripheral purchase, deployment and repair; Functional libraries and media centers at all sites; Student Information System viability and accuracy including state and federal reporting; Data integrations to all district systems (curricular, business, HR, etc); Availability of all technology systems in the district; Innovation for personalized learning and instructional support across all curricular areas to ensure technology integration; Digital Citizenship and Information/Media Literacy programs district-wide.

NONDISCRIMINATION IN EMPLOYMENT

The Board of Trustees prohibits unlawful discrimination against and/or harassment of District employees and students on the basis of actual or perceived race, color, national origin, ancestry, religion, age, marital status, pregnancy, physical or mental disability, medical condition, veteran status, gender or sexual orientation at any District site or activity. Additional information regarding employee protections_are found under Board of Trustees' Policies: BP4030, BP 4031, Nondiscrimination and complaint procedure; BP 4075, Civil and Legal Rights, and BP 4080, Sexual Harassment Policy. Students' rights policy is found under BP 5000 *(see Appendix A).*

All members of the Fullerton School District Management Team are required to maintain an educational and work environment free of sexual harassment and unlawful discrimination. This responsibility includes adherence to the District's sexual harassment and discrimination policies. In addition to prohibition against all unlawful discrimination and harassment, retaliation against any employee who complains, testifies or in any way participates in the District's complaint procedure is also prohibited. Management team members are required to be trained every year in policies and procedures related to sexual harassment.

Any District employee who engages or participates in unlawful discrimination or who aids, abets or compels another to discriminate is subject to disciplinary action. Failure to report discrimination or harassment may also result in disciplinary action. Any District employee who observes or has knowledge of discrimination shall report the incident to the Principal, District Administrator or Superintendent. Failure to do so may result in disciplinary action.

Additional information regarding the District's nondiscrimination policy can be obtained from the Human Resources department. Copies of the District's policy and administrative regulations may be viewed online on the District's web site at fullertonsd.org.

Employees wishing to file complaints with the Department of Fair Employment and Housing (DFEH) and Equal Employment Opportunity Commission (EEOC) should be directed to the office of the Assistant Superintendent, Personnel Services for more information.

BP4030 in Appendix A under nondiscrimination and referred to in the first paragraph of this page.

WORK YEAR

A. Number of Work Days

Management is considered an exempt classification under the Federal Labor Standards Act (FLSA). As an exempt employee, management is not eligible for overtime or compensatory (comp) time. Exempt employees are expected to work beyond 40 hours a week if needed to accomplish the work, including evenings, weekends and if necessary, holidays. **Confidential** employees are in a non-exempt classification and are eligible for overtime and compensatory time.

The district shall establish the work calendar for each management and confidential position. In addition to twelve month classified management and confidential positions, the District has established workdays for all **certificated** classifications. The appropriate number of work days are indicated on the annual salary schedule.

All less than 12-month **certificated** management employees shall submit a calendar specifying actual workdays, the days they shall actually work in their assigned position.

The number of actual workdays must conform to the numbers of days approved for the classifications listed above. The calendar must be submitted to and approved by the manager's immediate supervisor and/or Superintendent.

Requests for changes and adjustments to approved calendars must be in writing to and approved by the manager's immediate supervisor. Days not worked must be made up prior to the end of the school year. Employees are required to obtain supervisory approval for partial day absences but will not have time deducted for these partial day absences. The employee's supervisor must also approve telecommuting in advance. All absences, other than managements' partial day absence, must be submitted to payroll on a timesheet or self-certification form.

B. Vacation Days (Classified Managers and Confidential Employees Only)

1. **Classified** managers and **confidential** employees shall receive two (2) vacation days per month (24 days for a 12-month employee/year).

2. **Classified** managers and **confidential** employees are expected to use vacation days each year in a timely manner, but shall not carry over more than 48 days or 2 years worth of vacation days without permission of the immediate supervisor.

SALARIES

A. Initial Placement

Newly hired managers will be placed on the District salary schedule based on job classification and previous experience. Initial salary schedule step placement is at the discretion of the Superintendent or designee.

B. Salary Step Advancement

Management employees shall be paid according to the District's established salary schedule and regulations. Advancement to the appropriate step shall be on an annual basis until the top step is reached.

C. Salary Adjustment

Cost of Living adjustments to the management salary schedule shall be as approved by the Superintendent and Board of Trustees. Under the current practice, salary adjustments equivalent to what is received by the employee bargaining units is provided to certificated and classified management employees

D. Pay Period

1. A pay period consists of one full month, including holidays and vacations for **classified management/confidential** staff. If the payday falls on a weekend or holiday, a salary check will be received on the workday prior to the weekend or holiday.

2. **Certificated** managers are paid on the final workday of each month. If the payday falls on a weekend or holiday, a salary check will be received on the workday prior to the weekend or holiday.

3. Payment for **classified managers/confidential** staff is made on the 10th and 25th day of each month. The payment on the 10th day of the month is for work performed during the prior month. Payment on the 25th of the month is a "draw" on work to be performed the following month.

E. Merit Compensation *(Currently not in practice due to budget shortfalls)*

Under current practice, management and confidential employees receive an additional 1% merit compensation added to their salary for a positive evaluation. The superintendent must approve the 1% salary increase. ***An additional 1% has been earned for a three-year period for management and confidential employees who demonstrate competence in technology skills.*** This adjustment practice is subject to change and may be revised or deleted dependent upon Superintendent and Board action.

F. Mileage Reimbursement Allowance

All **management personnel and confidential** employees per Education Code 44033 will receive a mileage reimbursement allowance pursuant to Board of Trustees approval.

G. Doctorate

A manager who has earned a doctorate will receive a two percent (2%) salary stipend.

H. Longevity Compensation

Management and confidential employees are eligible for longevity compensation. Compensation schedules are listed below. In addition to longevity compensation based on Fullerton School District experience, credit may be allowed for initial placement on the salary schedule based on prior public school administrative experience. This may include credit on the longevity schedule for up to 10 years for certificated managers and 5 years for classified managers of verifiable administrative experience (up to five years of executive secretarial experience within a public school district as an Assistant Superintendent level secretary or greater for confidential employees). Experience must be within the previous years. Managers are compensated at the start of the longevity year not at the end. (Example: Year 6 equals one percent for managers at the start of the 6th year of service.)

Certificated Management, Classified Management/Confidential Longevity Policy

Anniversary increments will be earned as follows and added to the employee's current salary for years of certificated management service in the District:

Year 6	2.00%
Year 8	2.50%
Year 10	3.00%
Year 12	4.00%
Year 14	5.00%
Year 16	6.00%
Year 18	7.00%
Year 20	8.00%
Year 22	9.50%

I. Direct Deposit

All employees have the option of having their salary payments deposited directly into a savings or checking account. Contact Payroll for additional information.

PERSONNEL

A. Probation

Classified managers and **confidential** employees serve a probationary period during the first year of their employment. During this period, employment may be terminated at any time. This probationary period gives the District an opportunity to examine work performance under actual work conditions. At the conclusion of the probationary period employees may be granted permanent status. Employees who do not successfully complete probation will be released. Permanency for a **classified** employee means that any disciplinary employment action such as termination, suspension or demotion is subject to a due process procedure. This process is outlined under Chapter 160 of the Personnel Commission Rules and regulations.

Although **certificated** managers do not serve a probationary period, **certificated** managers are subject to a different process for termination, demotion and /or suspension. This process is outlined below under "Discipline".

B. Personnel File

The primary personnel file is maintained in **Classified** or **Certificated** Human Resources and contains relevant employment information, including performance evaluations, salary adjustments, changes in assignments and locations, disciplinary actions, reprimand*s*, etc. You may review the contents of your personnel file (excluding pre-employment data such as interview rating forms) at any time, in the presence of a personnel technician.

C. Discipline

1. The Education Code provides that **certificated** administrators serve at the pleasure of the Governing Board. For this reason, a **certificated** administrator may be released from an administrative position and reassigned to another position or a teaching position for the following school year provided they have received written notice on or before March 15. Release from an administrative position, however, does not terminate employment unless the manager does not have a credential in an area with a vacancy. If the manager has been employed for two years plus a day with the district they do maintain employment rights in a non-management position if properly credentialed. If a decision is made to reassign the employee, then the District will provide the employee with final written notice of this decision on or before May 15. The notice will state that the dismissal will take place within 30 days unless a hearing is requested. The notice will also contain the charges and the provisions of the Education Code governing dismissals.

2. Permanent **classified** managers may be subject to disciplinary action only for "cause". The Education Code defines "cause" as those grounds for discipline, or offenses, which are specified in the law or the written rules of a public school employer. The District has adopted rules and procedures for disciplinary action. These procedures require that the employee be given a written notice of the specific charges, a statement of right to hearings on the charges and the time within which the hearings may be requested. No disciplinary action may be taken if the "cause" arose prior to employment. This process is outlined under Chapter 160 of the Personnel Commission Rules and regulations.

D. Transfer

Transfer practices differ between **classified** and **certificated** management staff. Transfer practices for **classified** are found under Personnel Commission Rules and Regulations, Education Code and Board Policy while transfer policies for **certificated** management staff are found in Board policy and Education Code.

1. Definition - A transfer is defined as a change in professional assignment to a different school or department.

2. Reasons for Transfer

   Transfers are made to meet the needs of the district, to better utilize the talents of the manager, to satisfy the request of the manager or in consideration of the welfare of the employee.

3. Voluntary Transfer

   Requests for voluntary transfers shall be submitted to the Superintendent or designee at the time of the known vacancy. **Classified** management must also submit their request for transfer to the Personnel Commission. An employee may withdraw a transfer request at any time. **Certificated** transfer request status will be provided to the employee within a reasonable amount of time. **Classified** management, if the request is subject to a formal recruitment process, will be notified of recruitment process status. If not part of a formal recruitment then **classified** management will be notified of transfer status as appropriate.

4. Involuntary Transfer

   The Superintendent or designee shall confer with **certificated** managers prior to involuntary or lateral end-of-the-year rotation of administrators. For transfers effective at the beginning of the school year, this conference shall take place before May 30.

   Following the transfer recommendation the Superintendent or designee shall notify the employee in writing at least twenty (20) days before the transfer, except in emergency situations. This notice shall stipulate the reasons for the transfer if requested.

   A **classified** management transfer must be to a comparable and/or related assignment and must be at the same salary range. Assignment to a lower level position, unless voluntary, is considered a demotion and must be made pursuant to disciplinary action.

E. Leaves

The following list of leaves refers to paid leaves. Unpaid leaves are also available. Additional information can be found in the relevant certificated or classified bargaining unit agreements. Certificated and classified management/confidential staff shall be entitled to those leave provisions provided in the relevant agreement unless otherwise specified in Board policy, administrative regulations (Personnel Commission Rules for classified) or individual contract.

Leave	Description	Days*
SICK LEAVE	Sick leave is granted at the rate of one day for each month worked, and prorated for partial months. Your annual sick leave is credited to you at the beginning of each fiscal year on July 1. As a new employee, you have been credited sick leave based on the amount of time remaining in the fiscal year. There is no limit to the amount of sick leave you can accumulate. The District shall provide each management employee with access to a password protected on-line account in order to check sick leave balance at any time.	**12/11**
VACATION	Classified Management and confidential employees earn 24 days of vacation each year (based on a 12-month work year). The annual vacation entitlement is credited at the beginning of each fiscal year on July 1. Your vacation schedule is coordinated by you and your supervisor. All employees are expected to use their entire vacation entitlement each year to avoid accumulating large balances of unused days of vacation. If you are not able to take all of your vacation, and with approval of your supervisor, the days not taken may be carried over to the next fiscal year to a maximum of 48 days. When terminating employment with the District, classified management and confidential employees with six months employment are eligible for payoff of earned and unused vacation.	**24**
DUTY DAYS	Certificated Management employees are asked to submit a work year calendar to their direct supervisor on July 1 of each year noting each non-duty day that is planned for the following school year. The non-duty schedule you request is coordinated by you and your supervisor. Make-up days must be requested in writing in advance to your supervisor and documented so that all contracted days are accounted for that year. Extra duty days are eligible for payoff.	**N/A**
JURY DUTY/ SUBPOENA LEAVE	If you are called upon to serve jury duty, or subpoenaed to appear as a witness (not as a litigant), you will be given ~~a~~ leave, as needed, at no loss in pay. You must provide a copy of your notice of jury duty or subpoena to Personnel Services. You will also need to give the Payroll Department a reimbursement in the amount of any check received from the court, excluding the mileage portion.	**N/A**
BEREAVEMENT LEAVE	Bereavement leave may be granted for three days when there is a death in the immediate family, or five days if out-of-state travel is required, or travel in excess of three hundred miles each way is required. This leave is not deducted from sick leave. Immediate Family Includes: a) The certificated employee's spouse/domestic partner, mother, father, grandfather, grandmother, child, grandchild, brother, sister, son-in-law, daughter-in-law, brother-in-law, and sister-in-law. b) The spouse's/domestic partner's mother, father, grandmother, grandfather, child, and grandchild. c) Any person living in the household of the certificated employee. d) Any person for whom the certificated employee has the power of attorney Staff using this leave of absence provision shall notify the immediate administrator or District administration as soon as possible, indicating the expected duration of the absence.	**3 to 5**
PERSONAL NECESSITY LEAVE	During any school year, certificated or classified staff may utilize 10 days for personal necessity. Personal necessity is defined as events which require the personal attention of the employee, are involuntary as to the specified time, and/or are wholly unforeseeable so that planning to handle the matter outside of your regular work schedule is not possible. Whenever possible, you should seek approval in advance from your supervisor for personal necessity leave. If advance notice is not possible, then you will need to notify	**7/10**

Leave	Description	Days*
	your supervisor of your absence as soon as possible. Personal Necessity leave is deducted from sick leave.	
MATERNITY LEAVE	The District utilizes the employee's sick leave for pregnancy, miscarriage, childbirth and recovery. The length of pregnancy disability is determined by your physician. You will need to notify your supervisor after your physician confirms your need to be released from duty and submit a doctor's note to the payroll department confirming the off-work status. Certificated management is also entitled to two days of leave with pay to a mother/father immediately before, during or after the birth of the child. The two-day maternity/paternity leave is not deducted from sick leave.	**N/A**
HALF-DAY DIFFERENTIAL PAY	Classified employees may be eligible for additional leave after exhausting all accrued and advanced sick leave due to an extended illness. Upon exhausting this leave, the employee may access up to 100 days of half pay inclusive of time already taken. If you are a Certificated employee who has exhausted all sick leave allowance, You are entitled to receive 50% of your current salary for any illness absence up to the statutory limit of five (5) continuous school months inclusive of any previously used sick leave. Once extended leave is exhausted, you will be placed on unpaid leave.	**100**
CATASTROPHIC SICK LEAVE BANK	If you are a permanent employee suffering from a catastrophic illness or injury and you have exhausted all sick leave and other paid time off, you may request donations of sick leave based on your status as a classified or certificated employee. A catastrophic illness or injury is one that incapacitates an employee for an extended period of time and creates a financial hardship for the employee because all sick leave, including differential sick leave for classified employees, has been used. Refer to the relevant bargaining unit contract for more information regarding the specific classified and certificated catastrophic sick leave bank programs. Each unit has a different program.	**N/A**
WORKERS' COMPENSATION LEAVE	If injured on the job, you may be entitled to Workers' Compensation leave up to 60 days per fiscal year if authorized through a District approved physician. If injured you will need to submit an injury report to the Workers' Compensation Office within 24 hours so that a determination can be made regarding Workers' Compensation Benefits. If absence exceeds 60 days, you may use other benefits to which you are entitled (i.e., sick leave, half day, etc.). Employees released to work who fail to accept work, may be terminated. This 60 days industrial leave is not deducted from sick leave.	**60**

F. Political Activities

Management/confidential employees have the right to participate in political activities and discussions on their own time and at their own expense. On such occasions, employees shall make it clear that they are acting as individuals and not as representatives of the Fullerton School District. District employees may not campaign actively for any candidate while on District work time.

G. Employment of Relatives

Employees will not be appointed to a position where a member of the employee's immediate family maintains supervisory or evaluation responsibilities for the position or is in a direct supervisory line of an immediate family member.

H. Personal Appearance

Although there are no uniform rules or guidelines governing employee appearance, Management/confidential employees are required to dress in a manner appropriate for the workplace.

I. Summer School Assignments

Summer School programs are coordinated through the Office of Educational Services. If additional support is required at the site level it will be compensated according to the pay approved for each summer school program.

J. Reimbursement for Overpayment

An employee is responsible for reimbursing overpayment made by the District regardless of who made the error. Advise the Payroll Department immediately of any over or underpayments.

EVALUATIONS

Evaluation procedures have been developed for **classified/confidential** and **certificated** administrative staff and are contained within Board Policy and Personnel Commission Rules and Regulations. *See Appendix A – Board Policies 4115, 4215 and 4315 pertaining to evaluations*

Philosophy of Management Evaluation

The management evaluation process is a collaborative endeavor between management members and their supervisors, designed to define and evaluate competency as well as promote goal setting and self-reflection in the quest for continued improvement in performance. An effective, meaningful evaluation process recognizes excellence and ultimately results in enhanced student learning.

FRINGE BENEFITS

A. Health Insurance

1. Medical Insurance

The District shall pay the actual cost of medical insurance premiums up to $16,600 annually for full-time benefits eligible management/confidential employees who qualify for single health insurance plans, $17,988 for full-time benefits eligible management/confidential employees who qualify for two-party health insurance plans, and $23,652 for full time benefits eligible management/confidential employees who qualify for family health insurance plans.

For employees working half time or more, the district agrees to share the cost of employee health insurance benefits in ration to the pertange of hours worked to full-time employment for classified and confidential and full time equivenlency percentage for certificated employees.

2. Vision

   a. Vision coverage is included within Kaiser coverage. Additional VSP coverage may be elected at sole the cost to the employee.

   b. VSP vision coverage is paid by the district for full time employees and pro rated for part time employees.

3. Dental

   Delta Dental PPO or Delta Care HMO dental coverage is paid by the district for full time employees and pro rated for part time employees.

B. Employee Assistance Program

An Employee Assistance Program (EAP) is available to employees and provides confidential, professional consultation for any type of problem. These services include a confidential consultation for employees and eligible family members with relationship issues, family concerns, stress, substance abuse, and legal/financial problems. A management consultation is also available to help managers and supervisors who are dealing with difficulty and sensitive managerial situations.

C. Life Insurance

Currently, all managers receive District paid life insurance in the amount of $100,000. Employees have the option to increase the amount of the life insurance at their own cost.

RETIREMENT

A. State Teachers Retirement System

Upon employment, **certificated** employees will be enrolled in the State Teachers' Retirement System (STRS).

B. Public Employees' Retirement System

Upon employment, **classified** employees who are assigned four hours or more per day are automatically enrolled in the Public Employees' Retirement System (PERS).

At the time of employment, if an employee is currently a member PERS or STRS, he/she will have a choice to remain in STRS or enroll in PERS. To do so, a form electing membership in PERS or electing to continue membership in STRS must be completed. This form will be provided during the pre-employment process.

C. STRS/PERS Retirement Funds Upon Separation Before Retirement

If an employee resigns from the District prior to retirement (provided they have been a member of PERS or STRS for at least five years), they may elect to leave their contributions in the system until retirement age. However, no additional service credit will accrue unless the employee is reemployed with a PERS or STRS covered employer. If an employee plans to work in another public agency, they may be able to transfer service credit. If an election is made to withdraw contributions, the Internal Revenue Service will tax the employee on funds withdrawn before retirement as well as levy a 10% penalty for early withdrawal from the retirement system. Also, if funds are withdrawn prior to retirement, the employee will receive only the funds he/she has contributed, and none of the funds deposited by the District.

D. Health Benefits

1. An employee must be age 55 or older and have worked in the district for ten (10) years or more to qualify for district contributed health benefits upon retirement from the District.

   Up to five years of prior full-time management experience in a comparable or related management role will be credited toward years of service for the purpose of determining eligibility for District-contributed health benefits.

2. Group medical insurance coverage provided by the SISC will be paid by the District for management employees who retire under PERS or STRS and will apply only to those employees who remain fully retired from Fullerton School District. This provision will apply only to those employees who remain fully retired as defined by the appropriate retirement system. Should the former employee accept medical benefited employment with another employer after retiring from FSD medical benefits as defined in this section will cease. If the employee elects to have group medical coverage for one (1) dependent, the District will contribute the entire cost for the two-party HMO plans. To be eligible for such contribution, an employee shall have his/her one (1) dependent covered for at least twelve (12) months prior to retirement. Should the employee choose the two party PPO, the employee will pay all costs over the highest cost two party HMO on a monthly basis

3. Qualified retirees will maintain district paid single party dental and vision plans that were in place at the time of retirement until age 65. Coverage for the one (1) dependent may be added at the expense of the retiree.

4. Supplemental health programs will be made available for retirees and their dependent at their expense after age sixty-five (65). The District health coverage, including dental and vision coverage, at the employee rate will also be available for purchase by the retiree over 65, at retiree expense.

5. Retirees who may not meet the requirements of retirement may also purchase district insurance at their expense for up to five years, if upon retirement they have worked at least five years with the district.

6. Life insurance coverage will terminate at the time of retirement.

7. Classified and confidential employees who work less than full-time but four (4) hours or more per day, the District will contribute a pro rata share of medical insurance based on the relationship of hours worked to full-time employment. Cerficated employees working half time or more at the time of retirement must have at least 75% of their Distirct service in full FTE status to receive full coverage, otherwise benefits will be prorated.

Miscellanous

A. Certificated managers who are fulfilling a metor or lead Principal role will be compensation at the rate of $350 a month for mentor Principal and $700 a month for lead Principal.

FESMA

Certificated and **classified** administrators and confidential employees are members of FESMA. While FESMA is a professional association, it is not a collective bargaining unit. The President and Executive Board of FESMA meet on a monthly basis during the school year, or as needed, and consult with the District on a variety of topics, including salaries and benefits. As a professional association, FESMA sponsors a variety of social events for the members of the management team throughout the year. There are annual voluntary dues for membership. Enrollment forms are available from the FESMA officers.

HELPFUL LINKS

The following handbooks are available on the District's website fullertonsd.org and can be found under District Links - Personnel Services/Certificated or Classified:

FETA – Fullerton Elementary Teachers Association Agreement

CSEA – California School Employees Association Chapter 130 Agreement

Personnel Commission Rules and Regulations - specific rules, regulations governed by California Education Code pertaining to classified personnel and the merit system.

Employee Handbook – contains pertinent information such as:

- Pupil attendance calendars
- Payroll information
- Access to the Employee Information System (vacation/sick pay/W-2)
- Absence reporting
- Salary schedules
- Board policies and guidelines
- School site map and directory

Refer to the Fullerton School District web site - District Links / Internal Use / Forms Library for departmental forms.

APPENDIX A

BOARD POLICIES

Fullerton School District
Board Policy
Nondiscrimination in Employment

BP 4030

Personnel
Board Adopted: November 29, 2005
Board Revised: December 10, 2013, September 8, 2015, November 15, 2016

The Board of Trustees desires to provide District employees and job applicants a safe, positive environment where they are assured of full and equal employment access and opportunities, protection from harassment or intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. The Board prohibits District employees from discriminating against or harassing any other District employee or job applicant on the basis of the person's actual or perceived race, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, gender, gender identity, gender expression, sex, or sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics.

The Board also prohibits discrimination against any employee or job applicant in compensation, terms, conditions, and other privileges of employment and the taking of any adverse employment action, including, but not limited to, termination or the denial of employment, promotion, job assignment, or training, against an employee or job applicant based on any of the categories listed above.

Prohibited discrimination on the basis of religious creed includes discrimination based on an employee's or job applicant's religious belief or observance, including his/her religious dress or grooming practices. In accordance with Government Code 12940, prohibited discrimination on the basis of religious creed also includes the District's failure or refusal to use reasonable means to accommodate an employee's or job applicant's religious belief, observance, or practice which conflicts with an employment requirement. However, the District shall not accommodate an employee's religious dress practice or religious grooming practice if it requires segregation of the individual from other employees or the public or if it would result in a violation of this policy or any lay prohibiting discrimination.

Prohibited sex discrimination includes discrimination based on an employee's or job applicant's pregnancy, childbirth, breastfeeding, or any related medical condition.

Harassment consists of unwelcome verbal, physical, or visual conduct that is based on any of the prohibited categories of discrimination listed above and that is so severe or pervasive that it adversely affects an individual's employment opportunities, has the purpose or effect of unreasonably interfering with the individual's work performance, or creates an intimidating, hostile, or offensive work environment.

The Board also prohibits retaliation against any District employee or job applicant who opposes any discriminatory employment practice by the District or its employee, agent, or representative or who complains, testifies, assists, or in any way participates in the District's complaint procedures pursuant to this policy. No employee or job applicant 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)

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 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 District shall protect any employee who does report such incidents from retaliation.

The Superintendent or designee shall use all appropriate means to reinforce the District's nondiscrimination policy. He/she shall provide training and information to employees about how to recognize harassment and discrimination, 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, abet, 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.

Legal Reference:

EDUCATION CODE
200-262.4 Prohibition of discrimination

CIVIL CODE
51.7 Freedom from violence or intimidation

GOVERNMENT CODE
11135 Unlawful discrimination
11138 Rules and regulations
12900-12996 Fair Employment and Housing Act

PENAL CODE
422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2
11019 Terms, conditions and privileges of employment

CODE OF REGULATIONS, TITLE 5
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20
1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 29
621-634 Age Discrimination in Employment Act
794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42
2000d-2000d-7 Title VI, Civil Rights Act of 1964, as amended
2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age discrimination in federally assisted programs
12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28
35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34
100.6 Compliance information
104.7 Designation of responsible employee for Section 504
104.8 Notice
106.8 Designation of responsible employee and adoption of grievance procedures
106.9 Dissemination of policy
110.1-110.39 Nondiscrimination on the basis of age

Management Resources:
CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS
California Law Prohibits Workplace Discrimination and Harassment, December 2014

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Notice of Non-Discrimination, August 2010

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS
Questions and Answers: Religious Discrimination in the Workplace, 2008
New Compliance Manual Section 15: Race and Color Discrimination, April 2006
Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

WEB SITES
California Department of Fair Employment and Housing: http://www.dfeh.ca.gov
U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr
U.S. Equal Employment Opportunity Commission: http://www.eeoc.gov

CSBA Revisions
(11/12 12/15) 5/16

ALL PERSONNEL **Policy No.: 4031**

Complaints Concerning Discrimination in Employment - Page 1 **Board Adopted: November 29, 2005**

The following procedures and/or those cited in Personnel Commission rules shall be used when a District employee or job applicant has a complaint alleging that a specific action, policy, procedure or practice discriminates against him/her on any basis specified in the District's nondiscrimination policies.

1. The complaint should be initiated promptly after a complainant knew, or should have known, of the alleged discrimination.

2. All parties involved in allegations of discrimination shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made. The parties also shall be notified of their right to appeal the decision to the next level.

3. When a complaint is brought against the individual responsible for the complaint process at any level, the complainant may address the complaint directly to the next appropriate level.

4. Meetings related to a complaint shall be held at times the District determines appropriate to the circumstances.

5. For the protection of all the parties involved, complaint proceedings shall be kept confidential insofar as appropriate.

6. All documents, communications and records dealing with the investigation of the complaint shall be placed in a confidential District personnel complaint file and not in the employee's individual personnel file.

7. Time limits specified in these procedures may be revised only by written agreement of all parties involved. If the District fails to respond within a specified or adjusted time limit, a complainant may proceed to the next level. If a complainant fails to take the complaint to the next step within the prescribed time, the complaint shall be considered settled at the preceding step.

Level I

The complainant shall first meet informally with his/her supervisor or the Superintendent/Principal. A complaint regarding discrimination away from the school site should be discussed informally with the complainant's supervisor. If the complainant's concerns are not clear or cannot be resolved through informal discussion, the supervisor shall prepare, within 10 working days, a written summary of his/her meeting(s) with the complainant. This report shall be made available to the nondiscrimination coordinator (coordinator) designated by the Board of Trustees in BP 4030 – Nondiscrimination in Employment.

Level II

If a complaint cannot be resolved to the satisfaction of the complainant at Level I, he/she may submit a formal written complaint to the coordinator within 10 working days of his/her attempt to resolve the complaint informally. The written complaint shall include the following:

1. The complainant's name, address and telephone number.

2. The name and work location of the District staff member who committed the alleged violation.

3. A description of the alleged discriminatory act(s) or omission(s).

4. The discriminatory basis alleged.

5. A specific description of the time, place, nature, participants in and witnesses to the alleged violation.

6. Other pertinent information, which may assist in investigating and resolving the complaint.

7. The complainant's signature or that of his/her representative.

The coordinator shall assign a staff member to assist the complainant with this writing if such help is needed. The coordinator shall respond to the complaint in writing within 10 working days.

The coordinator shall conduct any investigation necessary to respond to the complaint, including discussion with the complainant, person(s) involved, appropriate staff members and review of the Level I report and all other relevant documents. If a response from third parties is necessary, the coordinator may designate up to 10 additional working days for investigation of the complaint.

Level III

If the complaint cannot be resolved at Level II, either party may present the complaint to the Superintendent within 10 working days. The Superintendent shall review the Level II investigation file, including the written complaint and all responses from District staff. The Superintendent shall respond to the complaint in writing within 10 working days.

If the Superintendent finds it necessary to conduct further investigation, he/she may designate up to 10 additional working days for such investigation and shall respond to the complaint in writing within 10 working days of completing the investigation.

Level IV

If the matter is not resolved at Level III, either party may file a written appeal to the Board within 10 working days after receiving the Level III response. The Superintendent shall provide the Board with all information presented at previous levels.

The Board shall grant the hearing request for the next regular Board meeting for which the matter can be placed on the agenda. Any complaint against a District employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 working days.

The Board may appoint a hearing panel to review the complaint and previous decisions and make recommendations to the Board. The panel shall hear the appeal and render its decision within 10 working days.

Other Remedies

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

Legal Reference:

Education Code	
200-262.4	Prohibition of Discrimination
Government Code	
12920-12921	Nondiscrimination
12940-12948	Discrimination Prohibited; Unlawful Practices, Generally
United States Code, Title 29	
621-634	Age Discrimination in Employment Act
794	Section 504 of the Rehabilitation Act of 1973
United States Code, Title 42	
2001d-2001d-7	Title VI, Civil Rights Act of 1964
2001e-2001e-17	Title VII, Civil Rights Act of 1964 as amended
2001h-2-2001h-6	Title IX, 1972 Education Act Amendments
12101-12213	Americans with Disabilities Act
Code of Federal Regulations, Title 28	
35.101-35.190	Americans with Disabilities Act

FULLERTON SCHOOL DISTRICT

The Board of Trustees believes that the personal life of an employee is not an appropriate concern of the Fullerton School District, except as it may directly prevent the employee from performing his/her duties or responsibilities.

An employee's religious or political activities, or the lack thereof, shall not be grounds for any discrimination or disciplinary action by the District, provided these activities do not violate Board policy, administrative regulations or local, state or federal laws.

Teachers shall have the right to refuse to submit to any evaluation or survey conducted by the District concerning personal values, attitudes and beliefs; sexual orientation; political affiliations or opinions, critical appraisals of other individuals with whom the teacher has a family relationship; or religious affiliations or beliefs.

Whistleblower Protection

All employees shall have the right to disclose improper governmental activities to a Board member, a school administrator, a member of the Orange County Board of Education, Orange County Superintendent of Schools, or the Superintendent of Public Instruction. An improper governmental activity is an activity by the District or a District employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetency or inefficiency.

No employee shall use or attempt to use his/her official authority or influence to intimidate, threaten, coerce or command another employee for the purpose of interfering with that employee's right to disclose improper governmental activity.

An employee who has disclosed improper governmental activity and believes that he/she has subsequently been subjected to acts or attempted acts of reprisal shall file a written complaint in accordance with the District's complaint procedures. After filing a complaint with the District, he/she may also file a copy of the complaint with local law enforcement.

Rights in Legal Proceedings

Any employee has the right, if contacted by an attorney or the representative of a law firm not employed by the District about any claim, complaint, lawsuit or other legal proceeding against the District, to:

1. Speak to the attorney or the representative without fear of punishment in retaliation for such communication.

2. Contact his/her supervisor before answering questions or responding in any way.

3. Refuse to speak to the attorney or representative.

4. Notify the District that the attorney or representative has requested an interview.

5. Consult with his/her own attorney or an attorney employed by the District or bargaining unit.

6. Be represented at any interview either by his/her own attorney or an attorney employed by the District.

Legal Reference:

Education Code	
200-262.4	Prohibition of Discrimination on the Basis of Sex
7050-7057	Political Activities of School Officers and Employees
44040	Unlawful to Discriminate Solely Because of Employee's Appearance before Certain Boards or Committees
44110-44114	Reporting by School Employees of Improper Governmental Activity
44801	Leave of Absence for Employees Elected to the Legislature
49091.24	Teacher Rights to Refuse Evaluation/Survey of Personal Life
Civil Code	
51	Unruh Civil Rights Act
Government Code	
3540.1	Public Employment Definitions
3543.5	Interference with Employee's Rights Prohibited
12940-12950	Discrimination Prohibited; Unlawful Practices
United States Code, Title 42	
2000d-2000d-7	Title VI, Civil Rights Act
2000e-2000e-17	Title VII, Civil Rights Act of 1964 as amended
2000h-200h-6	Title IX, 1972 Education Act Amendments
12101-12213	Americans with Disabilities Act

FULLERTON SCHOOL DISTRICT

ALL PERSONNEL **Policy No.: 4080**

Sexual Harassment – Page 1 **Board Adopted: November 29, 2005**

The Board of Trustees prohibits sexual harassment of Fullerton School District employees and job applicants. The Board of Trustees 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 the administrative regulation.

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 periodic training to all staff regarding the District's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the District's complaint procedures in order to avoid harm.

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 actions after completion of investigation. This may require interim separation of the complainant and the alleged harasser, and subsequent monitoring of developments.

Any District employee or job applicant who feels that he/she has been sexually harassed, or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately contact his/her supervisor, Principal, District administrator or Superintendent to obtain procedures for filing a complaint. Complaints of sexual harassment shall be filed in accordance with Policy 4031 – Complaints Concerning Discrimination in Employment.

An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

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

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

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

Legal Reference:		
	Education Code	
	200-262.4	Prohibition of Discrimination on the Basis of Sex
	Government Code	
	12900-12996	Fair Employment and Housing Act

Legal Reference: (cont.)

Labor Code
1101 Political Activities of Employees
1102.1 Discrimination: Sexual Orientation

Code of Regulations, Title 5
4900-4965 Nondiscrimination in Elementary and Secondary Education Programs Receiving State Financial Assistance

United States Code, Title 42
2000d-2000d-7 Title VI, Civil Rights Act
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
2000h-2000h-6 Title IX, 1972 Education Act Amendments

Code of Federal Regulations, Title 34
106.9 Dissemination of Policy

Court Decisions
Faragher v. City of Boca Raton (1998) 118 S.Ct. 2275
Burlington Industries v. Ellreth (1998) 118 S.Ct. 2257
Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989
Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 988
Juarez v. Ameritech Mobile Systems (N.D. Ill.) 7496 F. Supp 798
Dornhecker v. Mailbu Grand Prix Corp. (5th Cir. 1987) 828 F.2d. 307
Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57

FULLERTON SCHOOL DISTRICT

CERTIFICATED PERSONNEL **Policy No.: 4115**

Evaluation/Supervision **Board Adopted: November 29, 2005**

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

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

Legal Reference:	Education Code	
	33039	State Guidelines for Teacher Evaluation Procedures
	35171	Availability of Rules and Regulations for Evaluation of Performance
	44500-44508	Peer Assistance and Review Program for Teachers
	44660-44665	Evaluation and Assessment of Performance of Certificated Employees (the Stull Act)
	Government Code	
	3543.2	Scope of Representation

FULLERTON SCHOOL DISTRICT

CLASSIFIED PERSONNEL **Policy No.: 4215**

Evaluation/Supervision **Board Adopted: November 29, 2005**

The Board of Trustees recognizes that appropriate supervision and regular, comprehensive evaluations can help employees to continually improve in the performance of their responsibilities. Evaluations shall be made in accordance with procedures specified in negotiated contracts, Personnel Commission regulations and based on job-specific standards of performance.

The Board of Trustees expects supervisors to gauge employees' on-the-job effectiveness and appraise their major accomplishments and progress in a fair, objective and consistent manner. Evaluations shall address the competence and care with which the employee executes his/her assigned responsibilities. As appropriate, evaluations also may address the extent to which the employee works cooperatively with others and observes school or District rules and regulations.

The Superintendent shall ensure that evaluation ratings have uniform meaning throughout the District.

The Superintendent shall ensure that classified employees have access to written rules or procedures related to the evaluation of their performance.

Legal Reference:	Education Code	
	45113	Rules and Regulations for the Classified Service in Districts not Incorporating the Merit System
	45261	Subjects of Rules (Merit System Districts)
	45262	Printing and Distribution of Rules
	Government Code	
	3543.2	Scope of Representation

FULLERTON SCHOOL DISTRICT

Certificated Management

The Board of Trustees shall establish and define job responsibilities for administrative personnel. The evaluation and assessment of the competency of administrative personnel shall be based on:

1. The administrator's progress toward agreed-upon goals, objectives and tasks.

2. General expectations of performance that recognize professional responsibility, accountability and attitude.

3. The fulfillment of responsibilities contained in the specific job descriptions adopted by the Board.

4. Additional factors as determined by the Superintendent.

The evaluation shall recognize the worth and needs of the individual in the total working environment and shall provide direction toward the improvement of his/her effectiveness.

Each administrator shall be evaluated formally at least once every other school year. Administrators new to a position may be evaluated each year for the first two years in the position. Evaluation is a continuous process and may occur between scheduled periods at the request of the administrator, the administrator's immediate supervisor or any higher supervisor.

Formal management evaluations shall be recorded in writing on a form prescribed by the Superintendent. The evaluation shall include recommendations for improvement and/or focus areas for growth.

The evaluation report must be signed by the evaluator and the evaluatee and may be reviewed by the evaluator's immediate supervisor at the request of either party. The signature of the evaluated administrator shall not show agreement with the evaluation unless so indicated above his/her signature.

A copy of the report shall be given to the administrator by June 30. The employee may make a written response to the evaluation at any time up to 10 days after receiving a copy of the evaluation. The response shall be attached to the evaluation and permanently placed in the employee's personnel file.

For 12-month employees, the written evaluation report shall be given to the administrator no later than June 30 and a discussion of the evaluation shall be held no later than July 30 of the year in which the evaluation takes place.

The Superintendent shall develop regulations and procedures for the evaluation of all administrative and supervisory personnel. These written regulations and procedures shall be available to administrative and supervisory personnel.

Fullerton School District
Board Policy
Employee Use of Technology

BP 4040

Personnel
Board Adopted: September 9, 2008
Board Revised: August 24, 2010, July 26, 2016

The Board of Trustees recognizes that technological resources can 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 the District's technological resources primarily for purposes related to their employment.

District technology includes, but is not limited to, computers, the District's computer network including services 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 ensure that all District computers with Internet access have a technology protection measure that prevents access to visual depictions that are obscene or child pornography 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 6777; 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, e-mail, 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. When passwords are used, they must be known to the Superintendent or designee so that he/she may have system access.

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.

The Superintendent or designee shall establish administrative regulations and an Acceptable Use Agreement, which outline employee obligations and responsibilities related to the use of District technology. He/she also may establish guidelines and limits on the use of technology resources. Inappropriate use 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.

To qualify for federal universal service discounts for Internet access, Internet services, or internal connections (E-rate discounts), districts are mandated by 47 USC 254 to adopt an Internal safety policy that includes, but is not limited to, provisions addressing access by minors to "inappropriate matter" on the Internet; see BP 6163.4 – Student Use of Technology.

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 provide copies of related policies, regulations, and guidelines to all employees who use the District's technological resources. Employees shall be required to acknowledge in writing that they have read and understood the District's Acceptable Use Agreement.

Use of Cellular Phone or Mobile Communications Device

An employee shall not use a cellular phone or other mobile communications device for personal business while on duty, except in emergency situations and/or during scheduled work breaks.

Any employee that uses a cell phone or mobile communications device in violation of law, Board policy, or administrative regulation shall be subject to discipline and may be referred to law enforcement officials as appropriate.

Legal References:

EDUCATION CODE
52295.10-52295.55 Implementation of Enhancing Education Through Technology grant program

GOVERNMENT CODE
3543.1 Rights of employee organizations

PENAL CODE
502 Computer crimes, remedies
632 Eavesdropping on or recording confidential communications

VEHICLE CODE
23132 Wireless telephones in vehicles
23123.5 Mobile communication devices; text messaging while driving
23125 Wireless telephones in school buses

UNITED STATES CODE, TITLE 20

6751-6777 Enhancing Education Through Technology Act, Title II, Park D, especially:
6777 Internet safety

UNITED STATES CODE, TITLE 47
254 Universal service discounts (E-rate)

CODE OF FEDERAL REGULATIONS, TITLE 47
54.520 Internet safety policy and technology protection measures, E-rate discounts

COURT DECISIONS
City of Ontario v. Quon et al. (2010) 000 U.S. 08-1332

Management Resources:
WEB SITES
CSBA: HTTP://WWW.CSBA.ORG
American Library Association: http://www.ala.org
California Department of Education: http://www.cde.ca.gov
Federal Communications Commission: http://www.fcc.gov
U.S. Department of Education: http://www.ed.gov

CSBA Revisions
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FULLERTON SCHOOL DISTRICT

Policy No.: 5000

STUDENTS

Board Adopted: June 10, 2005

Concepts and Rules

The Board of Trustees shall make every effort to maintain a safe, positive school environment and student services that promote student welfare and academic achievement. The Board expects students to make good use of learning opportunities by demonstrating regular attendance, appropriate conduct and respect for others, and by following conduct expectations established for each school and classroom.

The Board is fully committed to providing equal educational opportunities and keeping the schools free from discriminatory practices. The Board shall not tolerate the intimidation or harassment of any student for any reason. The Board expects schools to implement programs that teach children to be tolerant of the differences that exist in a culturally diverse society.

The Superintendent shall establish and keep parents/guardians and students well informed about school and District rules and regulations related to attendance, health examinations, records, grades and student conduct. When conducting hearings related to discipline, attendance and other student matters, the Board shall afford students their due process rights in accordance with law.

Legal Reference:	Education Code	
	35160	Authority of Governing Boards
	35160.1	Board Authority of School Districts
	35291- 35291.5	Rules