



Student Classroom Observers & Student Teachers

NOTE: Student Teachers

Please have your University Professor or Placement Coordinator submit a placement request to the Assistant Superintendent's Executive Assistant, Claudia Salinas, at 559-595-7206.

Placement Guidelines:

Placement for Student Teachers and Student Observers is determined only by the Assistant Superintendent, Dave Holtermann. **Site Principals and teachers are not authorized to arrange placements.**

- **Copy of a Valid CA Driver's License or ID**
- **TB test or TB Risk Assessment Questionnaire (within 4 yrs) signed by your physician**

Date: _____

Name of Observer/Student Intern: _____

Address: _____

Phone Number: _____ Email: _____

College/University Name: _____ Name of Course: _____

Instructor/Professor Name: _____ Email: _____

Start Date: _____ End: _____ Attendance Days: _____ Total Hours _____

To Be Completed by the Executive Admin. Assistant of HR: Claudia Salinas

Signature: _____

Site: _____ Name of Mentor/Placement: _____

Applicant Passed Legal Clearance (Megan's Law): _____ Yes _____ No

Date: _____



**DINUBA UNIFIED SCHOOL DISTRICT
STUDENT TEACHER/OBSERVER APPLICATION**

INTERN POSITION _____

APPLICATION REQUIREMENTS

STUDENT TEACHER/INTERN TO PROVIDE: <ul style="list-style-type: none"> • TB Skin Test Clearance • CA Driver's License 	DISTRICT OFFICE TO PROVIDE: <ul style="list-style-type: none"> • Approval Form/Authorization to Release Information Form & Megan's Law Clearance • Workman's Comp Designation Form
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PERSONAL INFORMATION

Name _____ Social Security #xxx-xx _____

Address _____

City _____ State _____ Zip _____

Home Phone # () _____ Work Phone # () _____

Fax # () _____ E-mail _____ Cell # () _____

CREDENTIAL INFORMATION

Do you hold a valid California Teaching Credential? Yes No List all types of valid K-12 credentials you currently hold.

- Type/Authorization _____ Expiration Date _____ State _____
- Type/Authorization _____ Expiration Date _____ State _____
- Type/Authorization _____ Expiration Date _____ State _____

Additional Certificates Held: BBC BCLAD CLAD LDS Other _____

List languages, other than English, that you are familiar with.

- _____
 - _____
- Read Speak Write Fluent Some Read Speak Write Fluent Some

If you do not currently hold a valid teaching credential, through which college or university have you applied? _____ Date applied _____

Date CBEST passed _____ Anticipated test date _____

Have you passed the CSET? Yes No Have you taken and passed the PRAXIS / SSAT ? Yes No

Have you ever had a credential suspended, revoked, or received any other type of disciplinary action from any teaching or licensing agency from any state or country? Yes No

If YES, Please indicate action Revocation Suspension Other _____

Explain when, where, why action was taken and current status (**Explanation Required** – attach additional sheets as necessary)

APPLICATION GUIDELINES

Thank you for your interest in employment with the Dinuba Unified School District. Please keep in mind the following important suggestions as you prepare your applications:

1. The employment application represents you; it is to your advantage to fill out the application form carefully, neatly, and completely. Do not leave blank spaces with "SEE RESUME" written across them. Write on the application form the information requested and then attach a resume or other supplemental material.
2. In order to avoid misfiling or loss, make sure that letters of recommendation, resumes, and other supplemental material sent under separate cover include your name, position for which you are applying and the school site indicated on the position announcement.
3. It is your responsibility to submit a complete application. Human Resources CANNOT DUPLICATE materials in order to complete your application.
4. Application materials submitted cannot be returned and become the property of Dinuba Unified School District. Copies are accepted unless noted otherwise.
5. A selection committee will review and evaluate applications to select a limited number of candidates to interview. Meeting the minimum qualifications for a position does not assure the candidate an interview. Consideration will be given to factors other than education and experience, including, but not limited to, personal development, ability to work with others, and initiative.
6. Applicants selected for an interview will be contacted by telephone.
7. Faxed applications will be accepted if received before the deadline however; the original must follow by mail.
8. A complete application packet must be submitted for any and each position sought.

REQUIRED APPLICANT STATEMENT

1. Have you ever been convicted of a felony or a misdemeanor? Yes No
List all convictions, even if such conviction was later expunged from your record pursuant to Penal Code sections 667.6(c) and 1192(c). A conviction includes a plea of guilty, nolo contendere (no contest) and/or guilty by a judge or jury. If YES, a letter of explanation must accompany your application.
2. Are any criminal charges or proceedings pending against you? Yes No
If yes, a letter of explanation must accompany your application.
3. Can you, after employment, submit verification of your legal right to work in the United States? Yes No
4. May we contact your current employer? Yes No
5. I have read the job description and can perform the essential functions of the position with or without reasonable accommodation. Yes No

I hereby certify that all statements made herein are true and correct to the best of my knowledge and authorize investigation of all statements made herein. I understand that applicants may be disqualified or dismissed for any false statements. I release from all liability persons and organizations providing information required by the process. I hereby authorize all previous employers, whether or not listed on this application form, to release information regarding all aspects of my employment with such representatives of the Dinuba Unified School District and to freely and openly discuss my employment with such representatives. It is understood that if offered employment, I will be required to submit fingerprints and a TB examination at my own expense, as well as a loyalty oath. I understand that a pre-employment physical examination may be required prior to being employed. The Dinuba Unified School District reserves the right to disregard any application which is not fully completed and signed by the applicant.

Signature of Applicant _____ Date _____

PLEASE MAIL OR DELIVER YOUR COMPLETED APPLICATION TO:

Dinuba Unified School District, Human Resources

1327 E El Monte Way

Dinuba CA 93618

(559)595-7200 Fax (559)591-3334

E-mail Address: rosa@dinuba.k12.ca.us

**SISC I WORKERS' COMPENSATION
MEDICAL PROVIDER NETWORK
EMPLOYEE HANDBOOK ACKNOWLEDGMENT**

I have received the following:

1. Medical Provider Network (MPN) Employee Handbook
2. Predesignation of Personal Physician (DWC Form 9783) (New Employees Only)

Employee Name (Please Print)

Employee Signature

School District

Date _____

If you have any questions regarding any of these documents or are in need of additional information, please call the Human Resources Department.

PLEASE RETURN THIS FORM TO HUMAN RESOURCES. RETAIN THE DOCUMENTS LISTED ABOVE FOR YOUR RECORDS.



TO: All New Employees

FROM:

RE: **CHILD ABUSE REPORTING REQUIREMENTS**

State law requires that every school district employee who falls within certain statutorily defined categories be familiar with the laws relating to child abuse reporting requirements. Such employees must, prior to commencing employment, sign a statement signifying that they have knowledge of the reporting requirements and will comply with them (Penal Code, 11166.5).

Your employment falls within such a statutory category. Consequently, please read the attached material which explains your responsibilities and procedures regarding reporting any suspected instances of child abuse. After you have done so, please sign as indicated on the form and return the signed document (reverse side) to the Human Resources Office.

Please retain the Penal Code Section 11166.5 information sheet for your records (buff copy).

Thank you.

PENAL CODE SECTION 3.1166 -- REPORT; DUTY; TIME

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

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

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

(1) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals.

(2) Penetration of the vagina or rectum by any object.

(3) Masturbation, for the purpose of sexual stimulation of the viewer.

(4) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer.

(5) Exhibition of the genitals, pubic or rectal areas of any person for the purpose of sexual stimulation of the viewer.

(d) Any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse

may report the known or suspected instance of child abuse to a child protective agency.

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

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

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

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

RECEIPT AND ACKNOWLEDGMENT
OF CHILD ABUSE REPORTING REQUIREMENTS

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

“Child care custodian” includes teachers, administrative officers, supervisors of child welfare and attendance, or certificated pupil personnel employees of any public or private school; administrators of a public or private day camp; licensed day care workers; administrators or community care facilities licensed to care for children; licensed day care workers; administrators of community care facilities licensed to care for children; headstart teachers; licensing workers or licensing evaluators; public assistance workers; employees of a child care institution including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities; and social workers or probation officers.

“Medical practitioner” includes physicians and surgeons, psychiatrists, psychologists, dentists, residents, interns, podiatrists, chiropractors, licensed nurses, dental hygienists, or any other person who is licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.

“Nonmedical practitioner” includes state or county public health employees who treat minors for venereal disease or any other condition; coroners; paramedics; marriage, family or child counselors; and religious practitioners who diagnose, examine, or treat children (Penal Code 11166.5).

Attached hereto is a copy of Penal Code section 11166 which explains the procedure for reporting child abuse.

I have read the attached Penal Code section 11166 and I agree to comply therewith.

Employee's Name (Please Print)

Employee's Signature

Date



DINUBA UNIFIED SCHOOL DISTRICT

SEXUAL HARASSMENT INFORMATION SHEET

Sexual Harassment is a form of discrimination which is prohibited by both federal and state law. County Board and Superintendent Policies 4119.11 prohibit sexual harassment of employees and Board Policy 5145.7 prohibits sexual harassment of students. Sexual harassment includes gender-based harassment of a person of the same sex as the harasser. Both state and federal law and District Policy prohibit retaliation against any complainant or participant in the sexual harassment complaint process.

Definition: 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 gender, in the work or educational setting when:

1. Submission to the conduct is made expressly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by the individual is used as the basis for an employment decision, including, but not limited to, promotion, demotion, transfer, reassignment or termination.
3. The conduct has the purpose or effect of unreasonably interfering with the individual's work performance; creating an intimidating, hostile or offensive work environment; or adversely affecting the other individual's evaluation, advancement, assigned duties, or any other condition of employment or career development.

Examples of Sexual Harassment: Sexual harassment includes, but is not limited to:

1. Unwelcome leering, sexual flirtations or propositions.
2. Offering employment benefits in exchange for sexual favors.
3. Making sexual gestures, displaying sexually suggestive objects, pictures, cartoons or posters.
4. Unwelcome sexual slurs, epithets, threats, innuendoes, verbal abuse, derogatory comments or sexually degrading descriptions.
5. Sexual jokes, stories, cartoons, drawings, pictures, graffiti, or sexually explicit e-mails.
6. Spreading sexual rumors.
7. Graphic verbal comments about an individual's body, or overly personal conversations, or pressure for sexual activity.
8. Touching an individual's body or clothes in a sexual way.
9. Any act of retaliation against an individual who reports a violation of the District's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.
10. Massaging, grabbing, fondling, stroking or brushing the body.
11. Cornering, blocking, leaning over, or impeding normal movements.
12. Displaying sexually suggestive objects or using sexual computer screen savers.

Prohibition: The District prohibits sexual harassment in the working environment of employees or applicants by any person in any form. Employees who permit or engage in such harassment may be subject to disciplinary action up to and including dismissal.

Complaint Procedure: Any employee who believes he or she has been sexually harassed is encouraged to report the incident through either an informal or formal complaint process. An informal complaint may be made with the employment supervisor, program manager, or administrator. A formal complaint must be in writing and made to the Coordinator of Personnel/Human Resource Services. Any employee having knowledge of conduct by another employee, student volunteer or individual in the employment or academic community who may constitute sexual harassment of employees or students is required to immediately report such conduct to any of the individuals specified in the District's policies.

Employees needing additional information regarding the District's sexual harassment policies should contact

the Personnel/Human Resource Services at 595-7200. A copy of the District's policy prohibiting sexual harassment of employees and sexual harassment of students can be obtained from the Coordinator of Personnel/Human Resource Services.

Legal Remedies: The Dinuba Unified School District encourages employees to file their complaints of sexual harassment with the District so that the complaint can be resolved at the earliest possible date. However, employees are not prohibited from submitting their complaint directly to the Department of Fair Employment and Housing (DFEH). The address and telephone number of the local office of the DFEH are as follows:

Fresno DFEH
1900 Mariposa Mall, Suite 130
Fresno, CA 93721-2500
(800) 884-1684

Employees who file a complaint may be entitled to civil law remedies, including, but not limited to, injunctions, restraining orders, hiring, reinstatement, back pay, promotion or monetary damages.

Attached hereto id as copy of Policies 4119.11 prohibits sexual harassment of employees and Board Policy 5145.7 prohibits sexual harassment of students.

I have read the attached Policies 4119.11 & BP 5145.7, and I agree to comply therewith.

Employee's Name (Please Print)

Employee's Signature

Date

Regulation 5145.7: Sexual Harassment

Status: ADOPTED

Original Adopted Date: 07/16/1998 | **Last Revised Date:** 10/29/2020 | **Last Reviewed Date:** 10/29/2020

Note: Education Code 231.5 and Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibit discrimination based on sex, including sexual harassment, and mandate that the district adopt and publish complaint procedures. Also see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Title IX Coordinator

Note: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee to ensure district compliance with Title IX and its implementing regulations. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the compliance officer(s) for the district's uniform complaint procedures pursuant to AR 1312.3 - Uniform Complaint Procedures. Districts may modify this regulation to designate separate district employees to serve these functions.

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The Title IX Coordinator(s) may be contacted at:

Title IX Coordinator
Dinuba Unified School District
1327 E. El Monte Way
Dinuba, CA 93618t46

The district shall notify students, parents/guardians, employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

Prohibited Conduct

Note: Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting. For purposes of suspension and expulsion, Education Code 48900.2 defines sexual harassment as conduct, when considered from the perspective of a reasonable person of the same gender as the victim, that is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment for the victim; see AR 5144.1 - Suspension and Expulsion/Due Process. Conduct that meets the federal definition of sexual harassment in 34 CFR 106.30 (i.e., (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291) requires investigation and resolution through Title IX regulations; see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

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 educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.

3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

Note: The following list contains common examples of sexual harassment from the OCR January 2001 Revised Sexual Harassment Guidance, and definitions specified in 5 CCR 4916.

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

Notifications

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

Note: Education Code 231.6, as added by AB 543 (Ch. 428, Statutes of 2019), requires districts serving students in grades 9-12 to create a poster that notifies students of the district's sexual harassment policy, and to display it, as specified below. The district may partner with local, state, or federal agencies, or nonprofit organizations, for the purposes of the design and content of the poster.

3. Be summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and

locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)

Note: Education Code 234.6, as added by AB 34 (Ch. 282, Statutes of 2019), requires districts, beginning in the 2020-21 school year, to post on the district's web site the district's written policy on sexual harassment as well as other state and federal law requirements, in the manner specified below. 34 CFR 106.8 also requires districts that have web sites to prominently display the contact information for the Title IX Coordinator and the district's nondiscrimination policy on its web site.

4. Be posted in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. This shall include the name or title, office address, email address, and telephone number of the employee(s) designated as the district's Title IX Coordinator. (Education Code 234.6; 34 CFR 106.8)

Note: Education Code 231.5, as amended by AB 543, requires the district to provide a copy of the district's sexual harassment policy as part of any orientation program conducted for new and continuing students.

5. Be provided as part of any orientation program conducted for new and continuing students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
6. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
7. Be included in any handbook provided to students, parents/guardians, employees, or employee organizations (34 CFR 106.8)

Reporting Complaints

A student or parent/guardian who believes that the student has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to a teacher, the principal, the district's Title IX Coordinator, or any other available school employee. Within one school day of receiving such a report, the principal or other school employee shall forward the report to the district's Title IX Coordinator. Any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report the observation to the principal or Title IX Coordinator, regardless of whether the alleged victim files a formal complaint.

When a report or complaint of sexual harassment involves off-campus conduct, the Title IX Coordinator shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If the Title IX Coordinator determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the Title IX Coordinator shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with applicable district complaint procedures.

Complaint Procedures

All complaints of sexual harassment by and against students shall be investigated and resolved in accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to AR 1312.3 - Uniform Complaint Procedures.

Policy 5145.7: Sexual Harassment

Status: ADOPTED

Original Adopted Date: 07/16/1998 | **Last Revised Date:** 10/29/2020 | **Last Reviewed Date:** 10/29/2020

Note: Education Code 231.5 and 34 CFR 106.8 mandate the district to have written policies on sexual harassment. The following policy addresses harassment by and of students in the school setting. As part of this mandate, the district should also adopt a sexual harassment policy related to employees; see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment.

Note: Both federal law (Title IX of the Education Amendments of 1972) (20 USC 1681-1688; 34 CFR 106.1-106.82) and state law (Education Code 220, 231.5) prohibit sexual harassment and require districts to establish procedures for the prompt and equitable resolution of sexual harassment complaints. Whether a complaint is addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, or the state uniform complaint procedures adopted pursuant to 5 CCR 4600-4670 is dependent on whether the alleged conduct meets the more stringent federal definition or the state definition of sexual harassment. See the accompanying administrative regulation, BP/AR 1312.3 - Uniform Complaint Procedures, and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Note: A district can be held liable for civil damages for the sexual harassment of students pursuant to Title IX if the district is found to have been "deliberately indifferent" in its response to known sexual harassment. Pursuant to 34 CFR 106.30, a district is deliberately indifferent if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

Note: In addition to filing a private civil lawsuit, an alleged victim of sexual harassment may file a complaint with the California Department of Education (CDE) and/or the U.S. Department of Education's Office for Civil Rights (OCR), the federal agency responsible for administrative enforcement of federal laws and regulations that prohibit discrimination in programs and activities that receive federal financial assistance from the U.S. Department of Education.

The Board of Education is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

Note: 34 CFR 106.44, as added by 85 Fed. Reg. 30026, requires the district, when there is actual knowledge of sexual harassment in an education program or activity, to respond promptly in a manner that is not unreasonable in light of the known circumstances. 34 CFR 106.30, as added, defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of an elementary or secondary school.

Note: It is important to note that a referral to law enforcement does not relieve a school district of its responsibility to investigate the complaint as a matter of sex discrimination.

The district strongly encourages students who feel that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact their teacher, the principal, the district's Title IX Coordinator, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint is addressed through Title IX complaint procedures or uniform complaint procedures, as applicable, and shall offer supportive measures to the complainant.

Note: Education Code 234.6, as added by AB 34 (Ch. 282, Statutes of 2019), requires districts, beginning in the 2020-21 school year, to post the district's written policy on sexual harassment in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students.

Note: Education Code 231.6, as added by AB 543 (Ch. 428, Statutes of 2019), requires districts serving students in grades 9-12 to create a poster that notifies students of the district's sexual harassment policy, and to display it prominently and conspicuously in each bathroom and locker room on campus.

Note: Education Code 231.5, as amended by AB 543, requires the district to provide a copy of the district's sexual harassment policy as part of any orientation program conducted for new and continuing students.

Note: Pursuant to 34 CFR 106.8, the district is required to notify students, parents/guardians, employees, and bargaining units of its policy to not discriminate on the basis of sex as well as its complaint procedures and processes, and to post this information in a prominent location on the district's web site and in student and staff handbooks.

Note: Requirements related to the dissemination of the district's sexual harassment policy and procedures and best practices for reinforcing the policy are addressed in the accompanying administrative regulation.

The Superintendent or designee shall inform students and parents/guardians of the district's sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on the district's web site, and including it in student and staff handbooks. All district staff shall be trained regarding the policy.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even when the alleged victim of the harassment has not complained

Note: Where sexual harassment or violence occurs in the context of other possible rule violations, students may be reluctant to report sexual harassment or violence. For example, a student who is sexually harassed while away from school without permission may be reluctant to file a complaint if the student believes discipline will be imposed for the violation. As such, item #4 below clarifies that any other rule violation will be addressed separately from the sexual harassment complaint in order to encourage students to report the harassment.

4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students
6. Information about the district's procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the district will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation

Disciplinary Actions

Note: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

Record-Keeping

In accordance with law, the Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

Regulation 5145.71: Title IX Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 10/29/2020 | **Last Reviewed Date:** 10/29/2020

Note: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sexual harassment, and mandates that the district adopt and publish complaint procedures.

Note: The following administrative regulation reflects the Title IX complaint procedure detailed in 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, which must be used, effective August 14, 2020, to address any complaint of sexual harassment that meets the definition in 34 CFR 106.30. Pursuant to 34 CFR 106.30, allegations of sexual harassment governed by these regulations include (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Alleged sexual harassment that does not meet this definition should be addressed through the district's uniform complaint procedures (UCP); see BP/AR 1312.3 - Uniform Complaint Procedures.

Note: 34 CFR 106.44 requires the district, when there is actual knowledge of sexual harassment in an education program or activity, to respond promptly in a manner that is not deliberately indifferent. 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of the district. A district is deliberately indifferent only if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

Note: Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. Districts with questions about specific complaints are strongly encouraged to consult legal counsel.

Note: See BP/AR 5145.7 - Sexual Harassment for information about prohibited conduct, student instruction, required notifications, and processes for reporting sexual harassment.

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a student was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30)

1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

All other sexual harassment complaints shall be investigated and responded to pursuant to AR 1312.3 - Uniform Complaint Procedures.

A report of sexual harassment shall be submitted directly to or forwarded to the district's Title IX Coordinator using the contact information listed in AR 5145.7 - Sexual Harassment.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the process for filing a formal complaint.

Note: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sexual harassment in a manner that is not deliberately indifferent, the Title IX Coordinator should file a complaint in certain situations even when the victim chooses not to do so, including, but not limited to, when a safety threat exists.

***Note: In such cases, the alleged victim is not a party to the case, but will receive notices as required by the

Title IX regulations at specific points in the complaint process.***

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations in which a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

The Superintendent or designee shall ensure that the Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such persons receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, even if a formal complaint is not filed, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures which are nondisciplinary, nonpunitive, and do not unreasonably burden the other party. Such measures may include, but are not limited to, counseling, course-related adjustments, modifications of class schedules, mutual restrictions on contact, increased security, and monitoring of certain areas of the campus. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures. (34 CFR 106.30, 106.44)

Emergency Removal from School

Note: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.

Note: 34 CFR 106.44 allows a student to be removed in emergency situations as described below, but requires that a student should not be "disciplined" prior to a finding being made pursuant to the grievance process established by 34 CFR 106.45. Due to this inconsistency in state and federal law, districts are advised to consult legal counsel as to the manner of imposing an emergency removal.

On an emergency basis, the district may remove a student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

Dismissal of Complaint

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint that did not occur in the district's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly, and simultaneously to the parties, send written notice of the dismissal and the reasons for the dismissal. (34 CFR 106.45)

If a complaint is dismissed on the grounds that the alleged conduct does not constitute sexual harassment as defined

in 34 CFR 106.30, the conduct may still be addressed pursuant to BP/AR 1312.3 - Uniform Complaint Procedures as applicable.

Informal Resolution Process

When a formal complaint of sexual harassment is filed, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

Formal Complaint Process

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.

If, during the course of the investigation, the district investigates allegations about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

Note: The following paragraph is optional. Although not required by law, a best practice is to provide notice to the parties of the name of the investigator, facilitator, and decision-maker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall provide either party with no less than three calendar days to raise concerns of conflict of interest or bias regarding any of these persons.

Note: Pursuant to 34 CFR 106.45, when investigating a formal complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.

Note: 34 CFR 106.45 authorizes, but does not require, the district to conduct a live hearing at which each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions. If the district chooses to include such a hearing as a component of its complaint procedure, the following list should be modified to include requirements for the hearing in accordance with 34 CFR 106.45.

During the investigation process, the district shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response
9. After sending the investigative report to the parties and before reaching a determination regarding responsibility, afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

Note: Districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation should consult legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

***Note: Pursuant to 34 CFR 106.45, the person designated as the decision-maker of the determination of responsibility cannot be the same person designated as the Title IX Coordinator, an investigator, or the person who considers appeals. The following paragraph may be revised to reflect the position designated by the district

to provide a written determination of responsibility. While designation decisions will depend on the size of the district, a best practice is to designate an upper-level administrator as the decision-maker and designate the Superintendent as the person to consider appeals.***

The Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

Note: 34 CFR 106.45 requires that the district's complaint process include a "reasonably prompt" timeframe for concluding the complaint process, but does not specify the number of days within which the final decision must be issued. The following paragraph specifies a 45-day period so that, in the event it is determined that the alleged conduct does not meet the definition of sexual harassment pursuant to Title IX regulations, there will be time for the district to complete the resolution of the complaint through uniform complaint procedures within the required 60-day period for that process. Districts may revise the following paragraph to include a different timeline as long as it would satisfy the requirement to act promptly.

The written decision shall be issued within 45 calendar days of the receipt of the complaint.

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

Note: 34 CFR 106.45 mandates that the district's complaint procedures state whether the district's determination of responsibility will be based on a "preponderance of evidence" standard or "clear and convincing evidence" standard. The following paragraph reflects the "preponderance of evidence" standard, which is a less stringent standard to prove misconduct, and should be revised if the district chooses to use a "clear and convincing evidence" standard. The standard selected by the district must be applied uniformly for all Title IX sexual harassment complaints. The district should consult with legal counsel in determining which standard to use.

In making this determination, the district shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the district's code of conduct to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant
6. The district's procedures and permissible bases for the complainant and respondent to appeal

Appeals

Note: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision. The district may revise the following section to reflect applicable timelines established by the district.

Note: The following section should also be revised to identify the person who has been designated as the decision-maker(s) for the appeal. Pursuant to 34 CFR 106.45, the decision-maker for the appeal cannot be the same person as the decision maker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

Either party may appeal the district's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
4. Issue a written decision describing the result of the appeal and the rationale for the result
5. Provide the written decision simultaneously to both parties

An appeal must be filed in writing within 10 calendar days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered. Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Remedies

Note: 34 CFR 106.45 mandates that the district's Title IX complaint process list, or describe the range of, possible remedies that the district may implement following any determination of responsibility. The following section may be revised to reflect district practice.

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Corrective/Disciplinary Actions

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or Superintendent shall immediately suspend the student and shall recommend expulsion. (Education Code 48900.2, 48915)

Other actions that may be taken with a student who is determined to be responsible for sexual harassment include, but are not limited to:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference

3. Education of the student regarding the impact of the conduct on others
4. Positive behavior support
5. Referral of the student to a student success team
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

The Superintendent or designee shall maintain for a period of seven years a record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, any appeal or informal resolution and the results therefrom, and responses made pursuant to 34 CFR 106.44. (34 CFR 106.45)

The Superintendent or designee shall also maintain for a period of seven years all materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public. (34 CFR 106.45)

Policy 4119.11: Sexual Harassment

Status: ADOPTED

Original Adopted Date: 07/16/1998 | **Last Revised Date:** 10/29/2020 | **Last Reviewed Date:** 10/29/2020

Note: Education Code 231.5, 2 CCR 11023, and 34 CFR 106.8 mandate the district to have a written policy on sexual harassment. As part of this mandate, the district also should adopt a sexual harassment policy related to students; see BP/AR 5145.7 - Sexual Harassment.

Note: Sexual harassment is prohibited pursuant to Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17) and/or Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82), as well as the California Fair Employment and Housing Act (Government Code 12900-12996). Whether a complaint of sexual harassment is addressed through federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, or procedures adopted pursuant to 2 CCR 11023 is dependent on whether the alleged conduct meets the more stringent federal definition of sexual harassment or the state definition. See the accompanying administrative regulation, AR 4030 - Nondiscrimination in Employment, and AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

Note: Pursuant to 2 CCR 11034, the district may be liable for sexual harassment committed by a supervisor, coworker, or a third party. Pursuant to Government Code 12940, employers may also be held liable for sexual harassment committed against their workers by clients, customers, or other third parties if they knew or should have known of the harassment and failed to take immediate and appropriate corrective action to stop the harassment.

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

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

Note: Government Code 12940 clarifies that sexual harassment includes harassment based on sex, gender, pregnancy, childbirth, or related medical conditions.

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

Note: Federal and state courts have provided guidance that may help employers avoid liability or mitigate damages in sexual harassment cases. In Department of Health Services v. Superior Court (McGinnis), the California Supreme Court outlined measures that may constitute mitigating factors in the assessment of damages, including establishing anti-harassment policies, communicating those policies to employees, consistently enforcing the policies, preserving the confidentiality of employees who report harassment, and preventing retaliation against reporting employees. The U.S. Supreme Court in Burlington Industries v. Ellerth held that, for certain claims under federal law, an employer may defend against sexual harassment claims by proving that (1) reasonable care was exercised to prevent and promptly correct any sexually harassing behavior, and (2) the employee (victim) failed to take advantage of the preventive and corrective opportunities provided by the employer.

Note: Pursuant to Government Code 12950.1, as amended by SB 778 (Ch. 215, Statutes of 2019), employers with five or more employees are required to provide sexual harassment training to supervisory and nonsupervisory employees. See the accompanying administrative regulation for timelines and training requirements.

Note: Items #1-4 below reflect the courts' guidance and Government Code 12950.1, and should be modified to reflect district practice.

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

Note: The following optional paragraph reflects a recommendation of the U.S. Equal Employment Opportunity Commission's informal guidance Promising Practices for Preventing Harassment and may be revised to reflect district practice.

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

Sexual Harassment Reports and Complaints

Note: 34 CFR 106.8, as amended by 85 Fed. Reg. 30026, requires the district to designate at least one employee to coordinate its responsibilities under Title IX, who must be referred to as the Title IX Coordinator. See the accompanying administrative regulation.

Note: 34 CFR 106.44, as added by 85 Fed. Reg. 30026, requires the district, when there is actual knowledge of sexual harassment, to respond promptly in a manner that is not unreasonable in light of the known circumstances and in compliance with Title IX regulations. 34 CFR 106.30, as added, defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of an elementary or secondary school. For this reason, the district should train all employees regarding the reporting process.

Note: In Faragher v. City of Boca Raton, one of the factors relied on by the U.S. Supreme Court in finding liability for harassment by a supervisor was the failure of the policy to provide an assurance to its employees that harassing supervisors may be bypassed in registering complaints.

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

Once notified, the Title IX Coordinator shall ensure the complaint is addressed through either AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures for complaints meeting the Title IX definition of sexual harassment or AR 4030 - Nondiscrimination in Employment for complaints meeting the state definition, as applicable, and shall offer supportive measures to the complainant.

Note: In addition to district discipline imposed on employees who engage in sexual harassment, Government Code 12940 provides that such employees may be held personally liable in a court of law for any damage to the victim(s).

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

Board Policy Manual**Regulation 4119.11: Sexual Harassment**

Status: ADOPTED

Original Adopted Date: 05/08/2008 | Last Revised Date: 10/29/2020 | Last Reviewed Date: 10/29/2020

[see less](#)**See Related**[Policy 4119.11 : Sexual Harassment \(/Policy/ViewPolicy.aspx?S=36030760&revid=WiONgh3itiIMuwEONUEm5Q==\)](#)

Note: The following administrative regulation is mandated pursuant to Education Code 231.5 and includes reasonable steps for preventing the occurrence of discrimination and harassment as required pursuant to Government Code 12940 (California Fair Employment and Housing Act). The focus of this administrative regulation is on sexual harassment by and of employees. Pursuant to Government Code 12940 and 2 CCR 11009, interns, volunteers, and job applicants are entitled to the same protection against sexual harassment as applicable to employees.

Note: For information related to sexual harassment involving students, see BP/AR 5145.7 - Sexual Harassment.

The following 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.

Title IX Coordinator

Note: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee to ensure district compliance with Title IX of the Education Amendments of 1972 and its implementing regulations. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the coordinator for nondiscrimination in employment pursuant to AR 4030 - Nondiscrimination in Employment. Districts may modify this policy to designate separate district employees to serve these functions.

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as well as to investigate and resolve sexual harassment complaints under AR 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:

Title IX Coordinator
1327 E. El Monte Way
Dinuba CA 93618
559-595-7207

The district shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

Prohibited Conduct

Note: Alleged conduct that meets the federal definition of sexual harassment in 34 CFR 106.30, as added by 85 Fed. Reg. 30026, requires investigation and resolution through Title IX regulations; see AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Pursuant to 34 CFR 106.30, sexual harassment includes (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291)

Note: Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting. Conduct that does not meet the definition of sexual harassment in 34 CFR 106.30 shall be investigated and resolved in accordance with AR 4030 - Nondiscrimination in Employment.

Note: In Oncale v. Sundowner Offshore Services, Inc., the U.S. Supreme Court held that same-sex sexual harassment could be actionable under Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17).

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, regardless of whether or not the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or educational setting under any of the following conditions: (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. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment.
4. 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.

Note: Pursuant to Government Code 12940, the district may be held liable for sexual harassment committed against employees by clients, customers, or other third parties if the district knew, or should have known, of the harassment and failed to take immediate and appropriate corrective action to stop the harassment. The following paragraph clarifies that sexual harassment may include acts by supervisors, co-workers, or other parties and should be modified to reflect district practice.

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

Note: Government Code 12950.1, as amended by SB 778 (Ch. 215, Statutes of 2019), requires districts with five or more employees to provide sexual harassment training and education to supervisory and nonsupervisory employees by January 1, 2021 (or two years after a training provided in 2019) and once every two years thereafter. As amended, Government Code 12950.1 requires that new nonsupervisory employees be provided the training within six months of hire, consistent with the requirement for all newly hired supervisors or employees promoted to a supervisory position. Compliance with this law does not insulate the district from any liability for harassment.

***Note: Board of Education members, as elected officials, are not usually considered "supervisors"; however, since Board members have the authority to hire, reward, or discipline the

Superintendent and other employees, Board members may also be required to receive sexual harassment training. Districts should consult with legal counsel to ensure that the appropriate individuals receive training.***

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours, and nonsupervisory employees receive at least one hour, of classroom or other effective interactive training and education regarding sexual harassment. All newly hired employees and employees promoted to a supervisory position 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)

Such training may be completed by employees individually or as part of a group presentation, may be completed in shorter segments as long as the applicable hourly requirement is met, and may be provided in conjunction with other training provided to the employees. The training shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1)

The district's sexual harassment training and education program 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 concerning the prohibition, prevention, and correction of sexual harassment
2. The types of conduct that constitute sexual harassment
3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability
4. Strategies to prevent harassment in the workplace
5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware
6. 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
7. The limited confidentiality of the complaint process
8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment
9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the district's obligation to conduct an effective workplace investigation of a harassment complaint
10. What to do if the supervisor is personally accused of harassment
11. The essential elements of the district's anti-harassment policy, and how to use the policy if a harassment complaint is filed
Employees shall receive a copy of the district's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.
12. Information, including practical examples, of harassment based on gender identity, gender expression, and sexual orientation
13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and other in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

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

The Superintendent or designee shall notify employees that the district does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

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

Note: Government Code 12950 requires the Department of Fair Employment and Housing (DFEH) to develop an information sheet on employment discrimination and the illegality of sexual harassment and a poster regarding the rights of transgender employees. These documents are available on DFEH's web site.

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

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The 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, the DFEH poster on discrimination in employment and the illegality of sexual harassment and the DFEH poster regarding transgender rights. (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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

TO ALL EMPLOYEES:

If you are injured on the job and do not have a pre-designated physician on file, the following SISC I Medical Provider Network (MPN) medical facilities are authorized to provide treatment to you. You are required to use these providers for work-related injuries or illness.

You have the right to be treated by a MPN physician of your choice after the first visit. You can get a list of MPN providers by calling the MPN contact at (877) 222-4946 or by going to our website at www.cfmnet.org/sisc.

TULARE COUNTY

**SERIOUS/LIFE THREATENING MEDICAL
EMERGENCIES ONLY**

**Sierra View District Hospital
465 West Putnam
Porterville, CA 93257
(559) 784-1110**

**Kaweah Delta Med Center
400 W. Mineral King Avenue
Visalia, CA 93291
(559) 624-2000**

For an emergency or urgent care situation, call 911 or go directly to the nearest emergency room.

Effective: 07-01-2012

Foundation for Medical Care
SISC MPN - Adjustors Report
September, 2015

County	Specialty	Organization Name	Last Name	First Name	Office	Address	City	Zip	Phone Number	Effective Date
Tulare	Occupational Medicine		Tenn	David	Palm Occupational Medicine & Walk-In Clinic	235 East Noble Ave	Visalia	93277	5596251710	12/1/2014
Tulare	Orthopaedic Surgery		Feng	Frank	Orthopaedic Associates Medical Clinic Inc.	1337 South Lovers Ln	Visalia	93292	5597337888	5/1/2007
Tulare	Orthopaedic Surgery		Le	Bruce	Orthopaedic Associates Medical Clinic, Inc.	820 South Ackers Ste 220	Visalia	93277	5596250551	5/1/2007
Tulare	Orthopaedic Surgery		Redd	Burton	Orthopaedic Associates Medical Clinic Inc.	820 South Ackers Ste 220	Visalia	93277	5596250551	5/1/2007
Tulare	Orthopaedic Surgery		Schengel	Donald	Orthopaedic Associates Medical Clinic, Inc.	820 South Ackers Ste 220	Visalia	93277	5596250551	5/1/2007
Tulare	Orthopaedic Surgery	Orthopaedic Associates Medical Clinic			Orthopaedic Associates Medical Clinic	820 South Ackers Ste 220	Visalia	93277	5596250551	2/1/2007
Tulare	Physical Medicine and Rehabilitation		Deshmukh	Sanjay	Southern California Medical Specialists	225 South Chinowith	Visalia	93291	7145439555	12/1/2009
Ventura	Acupuncture	US Healthworks Medical Group Inc				1851 North Lombard Ste 100	Oxnard	93030	8059832234	10/24/2006
Ventura	Diagnostic Radiology		Berrett	Steven	Pueblo Radiology Medical Group	4517 Market St	Ventura	93003	8056548170	10/1/2006
Ventura	Diagnostic Radiology		Blum	Gary	Pueblo Radiology Medical Group Inc	4517 Market St	Ventura	93003	8056548170	10/1/2006
Ventura	Diagnostic Radiology		Bohannan	John	Pueblo Radiology Medical Group	4517 Market St	Ventura	93003	8056548170	10/1/2007

Foundation for Medical Care
SISC MPN - Adjusters Report
September, 2015

County	Specialty	Organization Name	Last Name	First Name	Office	Address	City	Zip	Phone Number	Effective Date
Fresno	Chiropractic		Armas	Matthew	Matthew Armas, D.C.	6759 North First St	Fresno	93710	5594353331	3/1/2011
Fresno	Chiropractic		Bowen	Jason	Bowen Chiropractic	5777 North Fresno St Ste 101	Fresno	93710	5594384055	7/1/2011
Fresno	Chiropractic		Dawson	John	John Dawson, D.C.	6700 North First St Ste 134	Fresno	93710	5594325560	3/1/2011
Fresno	Chiropractic		Mamigonian	Steven	Steven Mamigonian, D.C.	488 West Shaw	Fresno	93704	5592270995	3/1/2011
Fresno	Chiropractic		Molthen	Mark	Functional Industrial Rehabilitation Medical Associates	6042 N Fresno St Ste 101	Fresno	93710	5592246754	5/1/2007
Fresno	Chiropractic		Pruett	Bradley	Pruett Chiropractic	4844 North First St Ste 102	Fresno	93726	5592251796	7/1/2011
Fresno	Chiropractic		Ryan	Patrick	Functional Industrial Rehabilitation Medical Associates Inc	6042 N Fresno St Ste 101	Fresno	93710	5592246754	5/1/2007
Fresno	Chiropractic		Sullivan	C	Sullivan Chiropractic Center	4678 North First St	Fresno	93726	5594388900	7/1/2011
Fresno	Hand Surgery		Avena	Ricardo	Regional Hand Center of Central Coast	2139 East Beachwood Ave	Fresno	93720	5593226600	9/1/2015
Fresno	Hand Surgery		Galli	Randi	Regional Hand Center of Central Coast	2139 East Beachwood Ave	Fresno	93720	5593226600	9/1/2015
Fresno	Industrial or Occupational Medicine Clinic	Concentra Medical Centers			Occupational Health Ctrs of California, A Medical Corp dba Concentra	2555 S East Ave	Fresno	93706	5594992400	8/1/2006
Fresno	Industrial or Occupational Medicine Clinic	Concentra Medical Centers			Occupational Health Ctrs of California, A Medical Corp dba Concentra	2555 S East Ave	Fresno	93706	5594992400	8/1/2006

Foundation for Medical Care
SISC MPN - Adjustors Report
September, 2015

www.cfmnet.org/SISC

County	Specialty	Organization Name	Last Name	First Name	Office	Address	City	Zip	Phone Number	Effective Date
Fresno	Industrial or Occupational Medicine Clinic	Concentra Medical Centers			Occupational Health Ctrs of California, A Medical Corp dba Concentra	7265 N 1st St Ste 105	Fresno	93720	5594318181	8/1/2006
Fresno	Industrial or Occupational Medicine Clinic	Concentra Medical Centers			Occupational Health Ctrs of California, A Medical Corp dba Concentra	7265 N 1st St Ste 105	Fresno	93720	5594318181	8/1/2006
Fresno	Occupational Medicine		Tran	Tuan	Tuan Tran, MD	3042 Tulare St	Fresno	93721	5592338880	7/1/2010
Fresno	Orthopaedic Sports Medicine (Ortho Surgery)		Castonguay	Ronald	Ronald Castonguay, M.D. Inc.	7255 North Cedar Ste 103	Fresno	93720	5594315353	10/1/2007
Fresno	Orthopaedic Sports Medicine (Ortho Surgery)		Janda	John	John Janda, M.D.	6045 North First St Ste 103	Fresno	93710	5594498100	11/1/2007
Fresno	Orthopaedic Surgery		Goldstein	Ron	The Institute for Hand & Microsurgery	7108 N Fresno St Ste 440	Fresno	93720	5594510972	3/1/2007
Fresno	Orthopaedic Surgery		Oberto	Michael	Michael R. Oberto, M.D., Inc.	7235 N First St Ste 103	Fresno	93720	5594322600	4/1/2014
Fresno	Orthopaedic Surgery		Shantharam	Sanagaram	Center for Bone and Joint Surgery	7065 North Maple Ave Ste 102	Fresno	93720	5593220887	7/1/2011
Fresno	Physical Medicine and Rehabilitation	Function & Action Physical Therapy			Function & Action Physical Therapy	255 West Bullard Ave Ste 114	Clovis	93612	5592990344	9/1/2006
Fresno	Physical Medicine and Rehabilitation	Terrio Therapy and Fitness			Terrio Physical Therapy-Fitness, Inc.	2960 East Ess Ave Ste 108	Fresno	93720	5593224103	12/1/2013
Fresno	Physical Therapy		Bolich	James	Phys Med, Inc.	7339 N First St Ste 105	Fresno	93720	5594384300	2/1/2007
Fresno	Physical Therapy		Cherry	Lori	Function & Action Physical Therapy, Inc	255 W Bullard Ave Ste 114	Clovis	93612	5592990344	2/1/2007

Foundation for Medical Care
SISC MPN - Adjustors Report
September, 2015

www.cfmnet.org/SISC

County	Specialty	Organization Name	Last Name	First Name	Office	Address	City	Zip	Phone Number	Effective Date
Fresno	Physical Therapy		Cherry	William	Function & Action Physical Therapy, Inc	255 W Bullard Ave Ste 114	Clovis	93612	5592990344	2/1/2007
Fresno	Physical Therapy		Hoshiko	Eric	Function & Action Physical Therapy Inc	255 W Bullard Ave Ste 114	Clovis	93612	5592990344	9/1/2006
Fresno	Physical Therapy		Suglian	Dawnlynn	Function and Action Physical Therapy	255 W Bullard Ave Ste 114	Clovis	93612	5592990344	2/1/2007
Fresno	Physical Therapy	Functional Intergraded Therapy			Functional Intergraded Therapy	6042 N Fresno St Ste 203	Fresno	93710	5594351897	5/1/2007
Fresno	Plastic Surgery		Han	Hongshik	Hongshik Han, M.D.	7005 North Maple Ave Ste 108	Fresno	93720	5593253832	12/1/2006
Fresno	Podiatry		Schutz	Claude	Family Foot Care Center	1332 W Herndon Ave Ste 100	Fresno	93711	5592273338	2/1/2007
Fresno	Psychology		Hirokawa	Greg		2377 W Shaw Ave Ste 112	Fresno	93711	8886154321	6/1/2013
Fresno	Surgery		Avena	Ricardo	Regional Hand Center of Central Coast	2139 East Beachwood Ave	Fresno	93720	5593226600	9/1/2015
Fresno	Surgery		Galli	Randi	Regional Hand Center of Central Coast	2139 East Beachwood Ave	Fresno	93720	5593226600	9/1/2015
Fresno	Surgery		Juarez	Carlos	Surgical Associates of Fresno Medical Clinic, Inc.	1381 E Herndon Ave Ste 104	Fresno	93720	5594323434	12/1/2006
Fresno	Surgery	Surgical Associates of Fresno			Surgical Associates of Fresno	1381 E Herndon Ave Ste 104	Fresno	93720	5594323434	9/1/2007
Glenn	Podiatry		Hawkey	Redge		1133 W Sycamore St	Willows	95988	5308723038	8/25/2006
Imperial	Cardiovascular Disease		Rocamora	Jose		1415 Ross Ave	El Centro	92243	7603397100	9/18/2011
Imperial	Cardiovascular Disease		Rocamora	Jose		1503 N Imperial Ave Ste 201	El Centro	92243	7603535933	9/18/2011
Imperial	Cardiovascular Disease		Rocamora	Jose		529 Pine Ave	Holtville	92250	7603565568	9/18/2011

Foundation for Medical Care
SISC MPN - Adjusters Report
September, 2015

County	Specialty	Organization Name	Last Name	First Name	Office	Address	City	Zip	Phone Number	Effective Date
Stanislaus	Acupuncture	US Healthworks Medical Group Inc				1340 Mitchell Rd	Modesto	95351	2095819711	10/24/2006
Stanislaus	Acupuncture	US Healthworks Medical Group Inc				1524 Michenry Ave Ste 135	Modesto	95350	2095755801	10/24/2006
Stanislaus	Medical Group	US Healthworks Medical Group Inc				1340 Mitchell Rd	Modesto	95351	2095819711	10/24/2006
Stanislaus	Medical Group	US Healthworks Medical Group Inc				1524 Michenry Ave Ste 135	Modesto	95350	2095755801	10/24/2006
Stanislaus	Occupational Medicine	US Healthworks Medical Group Inc				1340 Mitchell Rd	Modesto	95351	2095819711	10/24/2006
Stanislaus	Occupational Medicine	US Healthworks Medical Group Inc				1524 Michenry Ave Ste 135	Modesto	95350	2095755801	10/24/2006
Stanislaus	Urgent Care Center	US Healthworks Medical Group Inc				1340 Mitchell Rd	Modesto	95351	2095819711	10/24/2006
Stanislaus	Urgent Care Center	US Healthworks Medical Group Inc				1524 Michenry Ave Ste 135	Modesto	95350	2095755801	10/24/2006
Tulare	Anesthesiology		Liu	Shuguang	Valley Anesthesia Associates	465 W Putnam Ave	Porterville	93257	6616331500	1/1/2009
Tulare	Anesthesiology		Tuesta	Enrique	Valley Anesthesia Associates	465 W Putnam Ave	Porterville	93257	6616331500	11/1/2008
Tulare	Anesthesiology		Wu	David	Valley Anesthesia Associates	465 W Putnam Ave	Porterville	93257	6616331500	11/1/2008
Tulare	Occupational Medicine		Durazo	Antonio	Morinda Medical Group	841 W Morton Ave	Porterville	93257	5597818080	10/1/2013
Tulare	Occupational Medicine		Tenn	David	Palm Occupational Medicine & Walk-In Clinic	1068 North Cherry St	Tulare	93274	5596847256	12/1/2014



SISC

SELF-INSURED SCHOOLS OF CALIFORNIA

**Schools
Helping
Schools**

**SELF-INSURED SCHOOLS OF CALIFORNIA
MEDICAL PROVIDER NETWORK**

EMPLOYEE HANDBOOK

Effective: October 1, 2007

To All Employees:

Your employer is committed to your well-being and safety at the workplace. Keeping injuries from happening is our first concern. However, if you do have a work injury, it is our goal to help you recover and return to useful employment as soon as it is medically possible.

Your employer has chosen the Self-Insured Schools of California (SISC)/California Foundation for Medical Care, Medical Provider Network (MPN) as the network of medical providers in the case of a work injury. The MPN is a Workers' Compensation Provider Network built around Occupational Care Providers.

Unless you predesignate a physician or medical group, your new work injuries arising on or after October 1, 2007 will be treated by providers in our SISC Medical Provider Network. If you have an existing injury, you may be required to change to a provider in the new SISC MPN. Check with your claims adjuster. You may obtain more information about the MPN from the Workers' Compensation Poster or from your employer.

The MPN will be delivered through SISC's network of medical providers and facilities. Your employer is self-insured and SISC (a Joint Powers Authority) functions as its Third Party Administrator. The California Foundation for Medical Care provides a comprehensive medical network to serve the needs of SISC and their medical providers.

The MPN includes occupational health clinics and doctors who will provide you with medical treatment. The occupational doctor will also manage your return-to-work with your employer.

Existing work injuries may be transferred into the new MPN, employees should check with their claims adjuster for more information.

Under the MPN Program, you will be provided:

- A primary care physician
- Other occupational health services and specialists
- Emergency health care services and
- Medical care if you are working or traveling outside of the Geographic services area

This network has been built to provide you with timely and quality medical care. The MPN is easy to access and is here to provide you with quality medical care and to assist you to return to health and a productive life.

Employees will be notified of the MPN Implementation by mail or included on or with an employee's pay stub, paycheck or distributed through electronic means, including e-mail, if the employee has regular electronic access to e-mail at work to receive this notice. If the employee cannot receive this notice electronically at work, then the employer shall ensure this information is provided to the employee in writing.

This MPN Employee Handbook will provide you with the information to help you through your work-related injury or illness, additional information regarding the MPN may also be obtained from the Workers' Compensation poster, asking your employer, www.cfmnet.org/SISC, or by calling the toll free number of 1-877-222-4946. Please refer to page 10 for MPN Contact Information.

MPN EMPLOYEE HANDBOOK

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THE PURPOSE OF THE MEDICAL PROVIDER NETWORK

California law requires your employer to provide and pay for medical treatment if you are injured at work. Your employer has chosen to provide this medical care by using a Workers' Compensation physician network called a Medical Provider Network (MPN). This MPN is administered by the California Foundation for Medical Care. Your employer's workers' compensation administrator is Self-Insured Schools of California (SISC). This notification tells you what you need to know about the MPN program and describes your rights in choosing medical care for work-related injuries and illnesses.

Injured workers deserve timely, quality medical care. The Medical Provider Network (MPN) is a network of doctors and hospitals who understand how to diagnose and treat work-related injuries. These providers are committed to improving your physical well-being and returning you to useful employment.

The MPN is not just for medical treatment. It will also help you to return to work after an injury or illness. The MPN's main purpose is to help employees who are injured or become ill on the job to return to work safely and as soon as possible. You may be assigned a telephonic nurse case manager to work with you, your employer, your insurance carrier and your doctor to help you recover from your injury or illness and help you return to work.

Your MPN should be used only for injuries and illnesses covered under your employer's workers' compensation plan. If you are injured at work, you must use the doctors, clinics, hospitals and other medical providers who are part of the MPN.

Please refer to the information below for specific instructions on how to access the MPN.

HOW TO ACCESS THE MPN

Your employer has designated a Site Coordinator to help you use the MPN if you are injured or ill on the job. This person should be your first contact if you have questions about the MPN or your workers' compensation coverage. You may also refer to the MPN Poster and State posting notice for additional information.

Access Standards

For answers to the below please see See Attachment C

How to access treatment if (a) the employee is authorized by the employer to temporarily work or travel for work outside the MPN's geographical area; (b) a former employee whose employer has ongoing workers' compensation obligations permanently resides outside the MPN geographical service area; and (c) an injured employee decides to temporarily reside outside the MPN geographic service area during recovery pursuant to 9767.12.a.5

How to obtain a referral to a specialist outside the MPN pursuant to 9767.12.a.9

Description of Services

Your employer is responsible for providing medical care including:

- A Primary Care Physician within 30 minutes or 15 miles of your residence or work place
- Other occupational health services and specialists within 60 minutes or 30 miles of your residence or work place
- Access to medical care in rural areas
- Emergency health care services, and
- Medical care if you are working or traveling outside of the geographic services area

IMPORTANT: REPORT YOUR INJURY IMMEDIATELY

In the event of an emergency (defined below on this page), or if urgent care is needed, please call 911 or seek medical attention from the nearest hospital or Urgent Care Center. ***Once you have received care, let your Site Coordinator know as soon as possible.***

If your job-related injury or illness is not an emergency, please let your immediate supervisor and/or the Site Coordinator know before seeing a doctor.

If you are treated away from your home or work place, upon your return to your geographic location, you must let your Site Coordinator know. Your Site Coordinator will provide you with a listing of the MPN doctors if you require additional medical care.

Definition of "Emergency Health Care Services"

"Emergency Health Care Services" or "Urgent Care" is defined as health care services for a medical condition manifesting itself by acute symptoms of sufficient severity such that the absence of immediate medical attention could reasonably be expected to place the patient's health in serious jeopardy.

The MPN is **ONLY** for work-related injuries or illnesses. You should not seek medical treatment from the MPN without telling your Site Coordinator. Remember, if you need emergency treatment call 911 or go to the nearest hospital. Never delay seeking medical treatment if you are seriously injured or ill.

VERY IMPORTANT:

IF YOU HAVE PRE-DESIGNATED YOUR PERSONAL PHYSICIAN PRIOR TO AN INJURY

If you have pre-designated your personal physician prior to an injury, you may seek care from this physician. **IMPORTANT:** You may only pre-designate your personal physician prior to the injury if: 1) Your employer offers a non-occupational group health plan or insurance; 2) You have received care with the physician prior to the injury; 3) The physician retains your medical records; 4) the physician agrees to be your primary treating physician; and 5) The physician must be either a physician who has limited her or her practice of medicine to general practice, or who is a board-certified internist, pediatrician, obstetrician-gynecologist, or family practitioner. **If your physician does not agree to participate in this capacity, you will be required to seek care with an MPN provider. This pre-designation must be in writing and on file with the employer.** You will be given an "Employee Physician Pre-Designation Form" at the time of the effective date of the MPN (or upon hire, if you are hired after the MPN effective date). Should you decide to pre-designate at a later time and require another form, request it from your employer.

Selecting a Medical Provider

Your employer must arrange for an initial medical evaluation and begin treatment, if appropriate. However, you have a right to be treated by a MPN physician of your choice after the

first visit. As a patient in the MPN, you have the right to see a doctor close to your home or work place. If you have to travel more than 15 miles or 30 minutes to see your treating doctor or 30 miles or 60 minutes to see a specialist, you should advise your SISC claims adjuster. If you live in a rural area, the travel distance and/or travel time may be greater than the timeframes listed previously. The instructions that follow will help you choose a doctor.

For an emergency, or urgent care situation, call 911 or go directly to the nearest emergency room.

For non-urgent care, do the following:

After reporting your injury to your Site Coordinator, your Site Coordinator will provide you with a DWC-1 Claim Form, a copy of the MPN handbook as required by law, and will give you the name of a doctor for an initial medical evaluation and you may begin treatment, if necessary. You may continue using this designated doctor after the initial evaluation or you may choose another MPN doctor. You can get the list of MPN providers by calling the MPN contact or by going to our website at www.cfmnet.org/SISC.

You also have the right to a complete listing of all of the MPN providers upon request.

What To Do If You Have Trouble Getting an Appointment

If you have trouble getting an appointment for non-emergency services with a MPN doctor within 3 business days or an MPN specialist doctor within 20 business days of your employer's receipt of a request, you should seek assistance from your SISC claims adjuster at 800-972-1727, or contact your attorney if you are represented. Your SISC claims adjuster will work with the MPN to assist you in getting an appointment in a timely manner. If you require further assistance, you may contact the MPN call center at (877) 222-4946 for any network questions.

CHANGING PROVIDERS & SECOND /THIRD OPINIONS

Changing Your Provider

Your employer has selected an initial medical provider to treat you for your work injury. However, you have the right to change your doctor if you are not happy with the doctor treating your work-related injury or illness, but even so, **medical treatment must still be provided inside the MPN.** To get a listing of MPN doctors in your area, you may consult with your MPN Site Coordinator, consult the MPN website at www.cfmcnnet.org/SISC, or contact the MPN call center at (877) 222-4946. If you decide to change doctors, it is your responsibility to advise the SISC claims adjuster immediately.

How To Obtain A Referral To A Specialist

If your treating physician cannot provide you the care needed for recovery, he or she will refer you to an MPN specialist that is appropriate to address your particular injury or illness. If you need assistance locating an MPN specialist near your workplace or home, you may consult with your MPN Site Coordinator, consult the MPN website at www.cfmcnnet.org/SISC, or contact the MPN call center at (877) 222-4946.

How To Use the Second and Third Opinion Process

If you dispute either the diagnosis or the treatment that is recommended by the treating physician, you may obtain a second and third opinion from physicians within the MPN. During this process, you must continue your treatment with your treating physician or another physician of your choice within the MPN.

For obtaining a second opinion, it is your responsibility to:

1. Inform the SISC Claims Examiner either orally or in writing that you dispute the treating physician's opinion and you are requesting a second opinion.
2. Select a physician or specialist from a regional area listing of available MPN providers.
3. Make an appointment with the second physician within 60 days.
4. Inform the SISC Claims Examiner of the appointment date.

For obtaining a second opinion, it is SISC's responsibility to:

1. Provide a regional area listing of MPN providers and/or specialists for you to select a second opinion physician based on the specialty or recognized expertise in treating your injury or condition in question.
2. Contact your treating physician.
3. Provide a copy of the medical records or send the necessary medical records to the opinion physician prior to the appointment.
4. Provide a copy of the records to you upon request.
5. Notify the second opinion physician in writing that he or she has been selected to provide a second opinion and the nature of the dispute.

If you do not make an appointment with a second opinion physician within 60 days of receiving the list of available MPN providers, then you will not be able to obtain a second opinion regarding the diagnosis or treatment in dispute.

If, after your second opinion physician reviews your medical records, he or she determines that your injury is outside the scope of his or her practice, the second opinion physician will notify you and SISC so that SISC can provide a new list of MPN providers.

If you disagree with either the diagnosis or treatment prescribed by the second opinion physician, you may seek the opinion of a third physician within the MPN, following the same procedure as above for requesting a second opinion physician.

The second and third opinion physicians must provide his/her opinion of the disputed diagnosis or treatment in writing and offer alternative diagnosis or treatment recommendations, if applicable. These physicians may order diagnostic testing if medically necessary. A copy of the written report must be given to you and your employer within 20 days of the date of your appointment or receipt of the results of the diagnostic tests, whichever is later.

If you disagree with either the diagnosis or treatment prescribed by the third opinion physician, you may file with the Administrative Director a request for an Independent Medical Review.

A copy of the second and/or third opinion report will be sent to the employee's treating physician pursuant to 9767.7f.

HOW TO OBTAIN AN INDEPENDENT MEDICAL REVIEW

You must obtain a second and third opinion before you can request an Independent Medical Review (IMR). If you disagree with either the diagnosis or treatment prescribed by the third opinion physician, you may file with the Administrative Director a request for an Independent Medical Review.

You may obtain an IMR by submitting an application to the Administrative Director. Upon notice of your selection of a third opinion physician, the SISC Claims Examiner will provide you with the IMR application and instructions form by which you would request an IMR in the event you dispute the findings of the third opinion physician. The

Administrative Director will assign the Independent Medical Reviewer, who may, at your request, conduct a medical examination during the review.

SISC will provide the Independent Medical Reviewer with a copy of all relevant medical records, and will send you a copy of the documents sent to the IMR. You may also furnish any relevant medical records or additional materials to the IMR, with a copy to SISC. The Independent Medical Reviewer must issue a report to the Administrative Director, in writing, that includes his/her analysis and determination whether the disputed health care service met the State's treatment guidelines. The report must be issued within 20 days of the examination, or within less time upon request of the Administrative Director. However, if the Reviewer certifies the disputed health care service is a serious threat to your health, the report must be provided within three days of the examination.

If the Independent Medical Reviewer does not agree with the disputed diagnosis, diagnostic service or medical treatment prescribed by the treating physician, you have the right to receive this treatment from any doctor you choose, inside or outside the MPN and SISC will pay for approved treatment. If you choose to receive medical treatment with a physician outside the MPN, the treatment is limited to the treatment or the diagnostic service recommended by the IMR.

MEDICAL BILLS

All medical bills resulting from your work-related injury or illness should be sent directly to SISC who will review the charges to make sure they are correct. SISC will pay the provider(s).

Your lost wage compensation and any other benefits you are entitled to under the California State Workers' Compensation Act will be paid by SISC. You can direct any questions regarding your benefits to your employer.

DISPUTES

What If My Employer Disputes My Injury

You may be entitled to receive treatment even if your employer initially disputes your injury. The injury is presumed to be work-related if the claim is not denied within 90 days of the date the claim form is filed. Until the date that liability for the claim is accepted or rejected, the employer's liability for the claim is limited to \$10,000. Please note this does not guarantee that you will receive medical care up to this \$10,000 limit. Treatment can continue until the employer makes a decision to deny your claim. **This treatment must be provided from an MPN doctor unless it is an emergency situation, or if you pre-designated a treating physician.**

CONTINUITY OF CARE

What Happens If Your Provider Is Terminated From the MPN

Attachment A is a copy of your employer's **Continuity of Care Policy**. This Policy provides for the completion of treatment by a doctor who has been terminated from the MPN for certain medical conditions.

TRANSFER OF ONGOING CARE

What Happens if You Already Have a Workers' Compensation Claim Prior to the Effective Date of the MPN

Until you are transferred into the MPN, your physician may make referrals to providers within or outside of the MPN pursuant to 9767.9.b.

If you are being treated for an injury or illness prior to the coverage of the MPN, your employer will provide for the completion of your treatment with your doctor under certain circumstances. **Attachment B** is your employer's **Transfer of Ongoing Care Policy**.

MPN CONTACT INFORMATION

The following is the contact information for the SISC MPN:

MPN Call Center: 1-877-222-4946

The contact for your MPN is:

Name: Provider Relations Department/SISC MPN Representative

Address: 5701 Truxtun Avenue, Suite 100, Bakersfield, CA 93309

Telephone Number: 1-877-222-4946

Email: FoundationMPN@kernfmc.com

Website address: www.cfmnet.org/SISC

Attachment A

Continuity of Care Policy

Completion of Treatment by a Terminated Provider

SISC will comply with the provisions set forth in California Labor Code Sections 4616.2(d) and (e) when the covered employee requests completion of treatment by a terminated provider. SISC will provide to all employees entering the workers' compensation system notice of its written Continuity of Care policy and information regarding the process for an employee to request a review under the policy and will provide, upon request, a copy of the written policy to the employee pursuant to 9767.12.a.12. SISC will comply with the requirements of LC §4616.2(d) and (e) as follows:

- SISC/CFMC will provide either verbal or written notice to the injured employee of the termination from the MPN of his or her treating provider.
- SISC will arrange for transfer of care to another MPN provider or will provide for the completion of treatment with the terminated provider according to LC §4616.2(d).
- If the injured employee requests completion of treatment with the terminated provider, the SISC claim adjuster will review the claim for compliance to LC §4616.2(d).
- If the injured employee meets the criteria as defined by LC §4616.2(d), SISC will provide:
 - Completion of care for up to 90 days of treatment for an "acute condition" as defined in LC §4616.2(d)(3)(A) as "a medical condition that involves a sudden onset of symptoms due to an illness, injury or other medical problem that requires prompt medical attention and that has a limited duration". Completion of treatment shall be provided for the duration of the acute condition.
 - Completion of care for the period of time necessary to complete a course of treatment for a "serious chronic condition" up to one year from the date of determination that the injured employee has a "serious chronic condition" defined in LC 4616.2(d)(3)(B) as "a medical condition due to a disease, illness, or other medical problem or medical disorder that is serious in nature and that persists without full cure or worsens over an extended period of time or requires ongoing treatment to maintain remission or prevent deterioration". Completion of care shall be provided for a period of time necessary to complete a course of treatment and to arrange for a safe transfer to another provider, as determined in consultation with the employee and the terminated provider and consistent with good professional practice. Completion of treatment shall not exceed 12 months from the contract termination date.
 - Completion of care for the duration of a "terminal illness" as defined in LC §4616.2(d)(3)(C) as "an incurable or irreversible condition that has a high probability of causing death within one year or less.
 - Performance of surgery or other procedure that has been authorized as part of a documented course of treatment and will occur within 180 days from the MPN coverage effective date as discussed in LC §4616.2(d)(3)(D).

- SISC/CFMC will notify terminated providers whose services are continued beyond the contract termination date pursuant to LC §4616.2(d)(4)(A) that they must agree in writing to be subject to the same contractual terms and conditions that were imposed upon the provider prior to termination. The SISC claim adjuster may direct the injured employee to an MPN provider if the terminated provider does not agree to comply with the prior contractual terms and conditions.
- Unless otherwise agreed by the terminated provider and SISC/CFMC, the services rendered pursuant to this section shall be compensated at rates and methods of payment similar to those used by SISC/CFMC for currently contracting providers providing similar services who are practicing in the same or a similar geographic area as the terminated provider. The SISC claims adjuster may direct the injured employee to an MPN provider if the terminated provider does not accept the payment rates provided for in this paragraph.
- If the terminated provider was terminated for cause, fraud, or other criminal activity, the injured employee shall be transferred to an MPN provider.
- Nothing stated above prohibits SISC from agreeing to provide continuity of care with a terminated provider should SISC determine that it is in the best interest of the injured employee to continue treatment with the terminated provider.

A copy of SISC's determination of the employee's medical condition will be sent to the employee's primary treating physician pursuant to 9767.10.d.1.

- **Dispute Resolutions:**

- After SISC makes a determination of the employee's medical condition, SISC will notify the employee (with a letter written in English and in Spanish sent to the employee's residence, using layperson's terms to the maximum extent possible), advising whether or not he or she will be required to select a new provider from within the MPN.
- If the terminated provider wishes to continue to treat and if the injured employee disputes the medical determination, he or she will be required to request a report from the treating physician that addresses whether his or her medical determination falls into any of the four conditions referenced above (as set forth in Labor Code 4616.2(d)(3). The treating physician will be required to provide this report within 20 calendar days from the request. If the treating physician fails to issue the report, then SISC's determination shall apply.
- If SISC disputes the medical determination by the treating physician, the dispute will be resolved using the QME process pursuant to Labor Code section 4062.
- If the treating physician agrees with SISC's determination that the injured employee's medical condition does not meet the conditions set forth in Labor Code section 4616.2(d)(3), the employee will be required to select a new provider from within the MPN during the dispute resolution process.

- If the treating physician does not agree with SISC's determination that the injured employee's medical condition does not meet the conditions set forth in Labor Code section 4616.2(d)(3), the injured employee shall continue to treat with the terminated provider until the dispute is resolved.

Attachment B

Transfer of Care Policy

SISC will comply with the provisions set forth in California Code of Regulations, Title 8, §9767.9 regarding Transfer of Ongoing Care into the MPN.

Until the injured covered employee is transferred into the MPN, the employee's physician may make referrals to providers within or outside of the MPN pursuant to 9767.9b.

If a provider delivering ongoing care for a covered injured employee is already participating in the newly implemented MPN, SISC will notify the injured employee if his or her treatment is being provided under the MPN provisions.

If a provider delivering ongoing care for a covered injured employee prior to the inception of the MPN is **not** a provider under the SISC/CFMC MPN, SISC as the claims administrator will provide:

- Completion of care for up to 90 days of treatment for an "acute condition" as defined in 8 CCR §9767.9(e)(1) as "a medical condition that involves a sudden onset of symptoms due to an illness, injury or other medical problem that requires prompt medical attention and that has a duration of less than 90 days". Completion of treatment shall be provided for the duration of the acute condition.
- Completion of care for the period of time necessary to complete a course of treatment for a "serious chronic condition" up to one year from the date of determination that the injured employee has a "serious chronic condition" as defined in 8 CCR §9767.9(e)(2) as "a medical condition due to a disease, illness, catastrophic injury, or other medical problem or medical disorder that is serious in nature and that persists without full cure or worsens over 90 days and requires ongoing treatment to maintain remission or prevent deterioration". Completion of care shall be provided for a period of time necessary, up to one year: (A) to complete a course of treatment approved by SISC; and (B) to arrange for transfer to another provider within the MPN, as determined by SISC. The one year period of completion of treatment starts from the date of the injured employee's receipt of the notification of the determination that the employee has a serious chronic condition.
- Completion of care for the duration of a "terminal illness" as defined in 8 CCR 9767.9(e)(3) as "an incurable or irreversible condition that has a high probability of causing death within one year or less".
- Performance of surgery or other procedure that has been authorized as part of a documented course of treatment and will occur within 180 days from the MPN coverage effective date as discussed in 8 CCR 9767.9(e)(4).
- Until the injured covered employee is transferred into the MPN, the employee's physician may make referrals to providers within or outside of the MPN pursuant to 9767.9b.

SISC will conduct an assessment of the injured employee's medical condition prior to any determination that the ongoing care does not meet any of the above criteria and therefore could be eligible for a transfer into the MPN. This assessment may involve the guidance of a TMC nurse case manager.

SISC will send notification of the determination of the transfer of care to the injured employee's residence and to the injured employee's primary treating physician. The notification will be provided in English and Spanish and will use layperson's terms to the maximum extent possible.

If the injured employee disputes the medical determination that transfer of care into the MPN is appropriate, he or she must request a report from the primary treating physician addressing whether the ongoing care falls within any of the conditions identified above. The treating physician must provide the report to the employee within 20 calendar days of the request. If the treating physician fails to issue the report, then SISC's determination regarding completion of treatment shall apply.

If the primary treating physician agrees with SISC's determination that the injured employee's medical condition does not meet the conditions identified above (as set forth in 8 CCR 9767.9(e)(1) through (4)), the transfer of care shall proceed during the dispute resolution process.

If the primary treating physician disagrees with SISC's determination that the injured employee's medical condition does not meet the conditions identified above (as set forth in 8 CCR 9767.9(e)(1) through (4)), the transfer of care shall not proceed until the dispute is resolved.

Any dispute concerning the medical determination made by the primary treating physician concerning transfer of care will be resolved by the QME process pursuant to LC §4062.

Referrals made to providers subsequent to the implementation of the MPN are to be made to a provider within the MPN.

Nothing stated above prohibits SISC from agreeing to provide care outside the MPN should SISC determine that it is within the best interest of the injured employee to continue treatment with the non-MPN provider.

Attachment C
Access Standards

- (a) A MPN must have at least three physicians of each specialty expected to treat common injuries experienced by injured employees based on the type of occupation or industry in which the employee is engaged and within the access standards set forth in (b) and (c).
- (b) A MPN must have a primary treating physician and a hospital for emergency health care services, or if separate from such hospital a provider of all emergency health care services within 30 minutes or 15 miles of each covered employee's residence or workplace.
- (c) A MPN must have providers of occupational health services and specialists within 60 minutes or 30 miles of a covered employee's residence or workplace.
- (d) If a MPN applicant believes that, given the facts and circumstances with regard to a portion of its service area, specifically rural areas including those in which health facilities are located at least 30 miles apart, the accessibility standards set forth in subdivision (b) and/or (c) are unreasonably restrictive, the MPN applicant may propose alternative standards of accessibility for that portion of its service area. The MPN applicant shall do so by including the proposed alternative standards in writing in its plan approval or in a notice of MPN plan modification. The alternative standards shall provide that all services shall be available and accessible at reasonable times to all covered employees.
- (e) (1) The MPN applicant shall have a written policy for arranging or approving non-emergency medical care for: (A) a covered employee authorized by the employer to temporarily work or travel for work outside the MPN geographic area when the need for medical care arises; (B) a former employee whose employer has ongoing workers' compensation obligations and who permanently resides outside the MPN geographic service area; and (C) an injured employee who decides to temporarily reside outside the MPN geographic service area during recovery.
(2) The written policy shall provide the employees described in subdivision (e)(1) above with the choice of at least three physicians outside the MPN geographic service area who either have been referred by the employee's primary treating physician within the MPN or have been selected by the MPN applicant. In addition to physicians within the MPN, the employee may change physicians among the referred physicians and may obtain a second and third opinion from the referred physicians.
(3) The referred physicians shall be located within the access standards described in paragraphs (c) and (d) of this section.
(4) Nothing in this section precludes a MPN applicant from having a written policy that allows a covered employee outside the MPN geographic service area to choose his or her own provider for non-emergency medical care.
- (f) For non-emergency services, the MPN applicant shall ensure that an appointment for initial treatment is available within 3 business days of the MPN applicant's receipt of a request for treatment within the MPN

(g) For non-emergency specialist services to treat common injuries experienced by the covered employees based on the type of occupation or industry in which the employee is engaged, the MPN applicant shall ensure that an appointment is available within 20 business days of the MPN applicant's receipt of a referral to a specialist within the MPN.

(h) If the primary treating physician refers the covered employee to a type of specialist not included in the MPN, the covered employee may select a specialist from outside the MPN.

(i) The MPN applicant shall have a written policy to allow an injured worker to receive emergency health care services from a medical service or hospital provider who is not a member of the MPN.

PREDESIGNATION OF PERSONAL PHYSICIAN

In the event you sustain an injury or illness related to your employment, you may be treated for such injury or illness by your personal medical doctor (M.D.), doctor of osteopathic medicine (D.O.) or medical group if:

- on the date of your work injury you have health care coverage for injuries or illnesses that are not work related;
- the doctor is your regular physician, who shall be either a physician who has limited his or her practice of medicine to general practice or who is a board-certified or board-eligible internist, pediatrician, obstetrician-gynecologist, or family practitioner, and has previously directed your medical treatment, and retains your medical records;
- your "personal physician" may be a medical group if it is a single corporation or partnership composed of licensed doctors of medicine or osteopathy, which operates an integrated multispecialty medical group providing comprehensive medical services predominantly for nonoccupational illnesses and injuries;
- prior to the injury your doctor agrees to treat you for work injuries or illnesses;
- prior to the injury you provided your employer the following in writing: (1) notice that you want your personal doctor to treat you for a work-related injury or illness, and (2) your personal doctor's name and business address.

You may use this form to notify your employer if you wish to have your personal medical doctor or a doctor of osteopathic medicine treat you for a work-related injury or illness and the above requirements are met.

NOTICE OF PREDESIGNATION OF PERSONAL PHYSICIAN

Employee: Complete this section.

To: _____ (name of employer) If I have a work-related injury or illness, I choose to be treated by:

(name of doctor)(M.D., D.O., or medical group)

(street address, city, state, ZIP)

(telephone number)

Employee Name (please print):

Employee's Address:

Name of Insurance Company, Plan, or Fund providing health coverage for nonoccupational injuries or illnesses:

Employee's Signature _____ Date: _____

Physician: I agree to this Predesignation:

Signature: _____ Date: _____
(Physician or Designated Employee of the Physician or Medical Group)

The physician is not required to sign this form, however, if the physician or designated employee of the physician or medical group does not sign, other documentation of the physician's agreement to be predesignated will be required pursuant to Title 8, California Code of Regulations, section 9780.1(a)(3).

Title 8, California Code of Regulations, section 9783.