

2026-2027
ANNUAL NOTICES
for
EMPLOYEES

A Legacy of Excellence in Education

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California Workplace – Know Your Rights
SB 294

As a worker in California, you are entitled to know and exercise your workplace and constitutional rights. Labor laws, including but not limited to standards for wages, hours, and health and safety, apply to all workers in the state regardless of immigration status. It is against the law for your employer to retaliate against you for exercising your rights, including:

- Filing a complaint with the Labor Commissioner, Cal/OSHA, the Civil Rights Department, or another government agency.
- Asking about your employer's compliance with federal, state, or local law.
- Talking with others about their rights or helping them exercise their rights under federal, state, or local law.

Examples of illegal retaliation include firing you, reducing your work hours, or threatening to report you or a relative to immigration authorities because you exercised your rights.

Workplace Protections Related to Immigration Status

Your right to Notice of Immigration Inspections (Labor Code § 90.2)

If your employer receives notice of an upcoming immigration agency's inspection of I-9 Employment Eligibility Verification forms or other employment records, your employer must post a notice informing workers and their union representative, if applicable, within 72 hours of receiving that notice.

Your protections against unfair immigration-related practices (Labor Code §§ 1019-1019.2)

Under California law, it is unlawful for employers to retaliate against you or threaten immigration-related action when you exercise your rights. An employer is prohibited from taking any of the following actions because you exercised your rights:

- Refusing to accept identification documents during the I-9 process (proof of ID and federal permission to work) that appear to be genuine.
- Using E-Verify in a way not required or authorized by law.
    - For example, using E-Verify to reverify employment eligibility for an employee when not legally required to do so or screening only specific workers rather than all workers in a workplace without a legitimate basis for doing so.
- Reporting or threatening to report you or your family to immigration authorities.
- Filing or threatening to file any false report to the police or a state or federal agency.

Your right to designate an emergency contact (Labor Code § 1555)

Your employer must allow you to provide them with emergency contact information and to indicate if you want the emergency contact to be notified if you are arrested or detained at work. If you are arrested or detained at work and your employer has knowledge of it, they must notify your designated emergency contact if you choose that option.

Your right to organize a union or engage in protected activity in the workplace

Most employees in California have the right to organize, join, or participate in union activities. Employees also have the right to jointly act with co-workers to address work-related issues and concerns to improve working conditions or for the purpose of collective bargaining. This means you have the right to join with coworkers to request better working conditions or raise work-related concerns, including about wages, hours, health and safety, and other terms of employment. You also

have the right to not participate in union activities or protected activities. It is illegal for your employer to:

- Interfere with or discourage your union activity or protected activities.
- Threaten you, or retaliate or discriminate against you, because of your union support or protected activities.

Your rights when interacting with law enforcement, including immigration agents, in the workplace

California workers have certain rights and protections under the U.S. Constitution, regardless of their immigration status, including when law enforcement (including a federal immigration agent) approaches you.

In addition, under California law, state and local law enforcement cannot assist federal agencies such as ICE with immigration enforcement in most circumstances.

Your right to be free from unreasonable searches (U.S. Constitution, 4th Amendment)

- If law enforcement, including immigration agents, ask if they can search you or your personal belongings, unless they have a judicial warrant specifically authorizing a search of your person or your personal belongings, you have the right to say no.
- If the officer conducts the search, even if you say no – remain calm, do not physically resist, and do not run.

Law enforcement can enter public areas without a warrant. Public areas may include a lobby, waiting room, public dining area, or parking lot of a workplace. In most circumstances, law enforcement needs a judicial warrant, signed by a judge, to enter non-public areas of your workplace without consent. Non-public areas may include a breakroom, employee restroom, workspace, or any area marked as employees only. Administrative forms, such as an I-200 or I-205, are not a judicial warrant. In California, your employer is prohibited from providing voluntary consent to an immigration enforcement agent to enter non-public areas of the workplace. Without a judicial warrant, your employer must refuse entry to immigration enforcement to non-public areas of the workplace.

More detailed information can be found in the DOJ's and LCO's joint Immigrant Worker Protection Act FAQ (https://oag.ca.gov/system/files/media/ab450-faqs.pdf).

Your right to be free from unreasonable seizures (U.S. Constitution, 4th Amendment)

- You are protected against unreasonable seizures, which includes detaining or arresting you.
- Law enforcement must have a reasonable suspicion of wrongdoing before they can stop and question or search you. You can ask "Am I being detained?" or "Am I free to leave?" If the officer says that you are not being detained or you are free to leave, then you can walk away calmly.
- An arrest requires probable cause and occurs when a person is taken into custody by law enforcement officers.
- Law enforcement agents do not need a judge-signed warrant to arrest someone in public.
- You have the right to speak to a lawyer if you are arrested. You may be pressured to sign documents. You do not have to sign anything without speaking to an attorney.

Your right to remain silent (U.S. Constitution, 5th Amendment)

- Anything you say to law enforcement officers can be used against you in court.
- You have the right to remain silent, even if you are asked about your immigration status.
- If you wish to remain silent, clearly state so, request to speak with an attorney and then remain silent.

- Do not provide false information, false identification, or false documents to an officer. Providing false documents is a federal offense and may carry severe immigration consequences for noncitizens.

Your right to record interactions with law enforcement in public spaces under the 1st Amendment
The public has the right to observe and record officers and government officials carrying out their duties in public. If you choose to record, you should stand a safe distance away and do not interfere with the officer's actions. Physical obstruction or verbal escalation can put your safety at risk and may lead to criminal charges.

Access to legal representation
If you are arrested, you have the right to an attorney. If you cannot afford an attorney, you can get a government-appointed attorney to represent you in a criminal case.
However, if you are arrested by U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP), which includes Border Patrol, for civil immigration violations, you have the right to consult with a lawyer, but the government is not required to provide a lawyer for you. If you are arrested by ICE or CBP, you may invoke your right to speak with an attorney before saying or signing anything. You may also ask to speak to your consulate who may provide assistance.

Workers' Compensation
You have the right to workers' compensation benefits if you are injured or become ill because of your job. The benefits provide you with medical care for your injury/illness, partially replace the wages you lose while you are recovering, and help you return to work. For additional information, visit www.dir.ca.gov/dwc/ or call 1-800-736-7401.

Who can I contact if I believe my rights have been violated?
If you believe your rights have been violated, below is a list of government agencies where you can seek assistance:

California Department of Industrial Relations (DIR):	
California Labor Commissioner's Office (LCO) Information: (833) LCO-INFO (833-526-4636) Immigration helpline: (855) 526-7775 www.dir.ca.gov/dlse	**California Division of Occupational Safety and Health (Cal/OSHA)** (833) 579-0927 www.dir.ca.gov/dosh/
California Division of Workers Compensation (DWC) (800) 736-7401 www.dir.ca.gov/dwc/	

Other California Agencies:	
California Attorney General (AG) (800) 952-5225 www.oag.ca.gov	**California Civil Rights Department (CRD)** (800) 884-1684 www.calcivilrights.ca.gov/
California Agricultural Employees Agricultural Labor Relations Board (ALRB) (800) 449-3699	**California Public Sector Employees and Transportation Network Company Drivers Public Employment Relations Board (PERB)**

www.alrb.ca.gov	(916) 322-3198 www.perb.ca.gov

Federal Agencies:	
Private Sector Employees National Labor Relations Board (NLRB): (844) 762-6572 www.nlrb.gov	**Federal Employees U.S. Labor Relations Authority (FLRA):** (771) 444-5801 www.flra.gov/
Railway and Airline Employees National Mediation Board (NMB): (202) 692-500 www.nmb.gov/NMB_Application/	

Non-Governmental Organizations:
You may also contact a nonprofit legal or community-based organization for assistance. For a list of organizations that partner with state agencies to help workers understand their rights, visit www.dir.ca.gov/dlse/Nonprofit-Legaland-Community-Based-Organizations-Serving-Workers.html.

Nondiscrimination

Board Policy 0410, 4030
Administrative Regulation 4030

Nondiscrimination Statement

The Tustin Unified School District prohibits discrimination, intimidation, harassment (including sexual harassment) or bullying based on a person's actual or perceived ancestry, color, disability, gender, gender expression, gender identity, immigration status, national origin, religion, race or ethnicity, sex, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. For questions or complaints, please contact Equity Compliance Officer: Stephanie Yang, Director Educational Service TK-12, 300 S. C Street Tustin, CA 92780, 714-730-7301 ext. 51318 | Title IX Coordinator: Stephanie Yang, Director Educational Service TK-12, 300 S. C Street Tustin, CA 92780, syang@tustin.k12.ca.us, 714-730-7301 ext. 51318 and Section 504 Coordinator: Michelle Everitt, Coordinator of Student Services, 1151 San Juan St. Tustin, CA 92780, 714-730-7301 ext. 51326.

Board Policy 0410

This policy shall apply to all acts related to a school activity or school attendance and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the district.

The Board is committed to providing equal opportunity for all individuals in district programs and activities. District programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, reproductive health decision making, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, veteran or military status, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

All individuals shall be treated equitably in the receipt of district and school services. Personally identifiable information collected in the implementation od any district program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other educational program, shall be used only for the purposes of the program, except when the Superintendent or designee authorizes its use for another purpose in accordance with law. Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status or any other category identified above.

District programs and activities shall be free of any discriminatory use, selection, or rejection of textbooks, instructional materials, library books, or similar educational resources.

The use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library shall not be rejected or prohibited by the Board or district on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. *(Education Code 243)*

District programs and activities shall be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

The Superintendent or designee shall annually review district programs and activities to ensure the removal of any derogatory or discriminatory name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities. The Superintendent or designee shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

All allegations of unlawful discrimination in district programs and activities shall be brought, investigated, and resolved in accordance with Board Policy 1312.3 – Uniform Complaint Procedures.

Pursuant to 34 CFR 104.8 and 34 CFR 106.8, the Superintendent or designee shall notify students, parents / guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual parental notification distributed pursuant to Education Code 48980 and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by the district. The notification shall also be posted on the district's website and social media and in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

In addition, the annual parental notification shall inform parents / guardians of their children's right to a free public education regardless of immigration status or religious beliefs, including information on educational rights issued by the California Attorney General. Alternatively, such information may be provided through any other cost-effective means determined by the Superintendent or designee. *(Education Code 234.7)*

The district's nondiscrimination policy and related informational materials shall be published in a format that parents / guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language. *(Education Code 48985; 20 USC 6312)*

Access for Individuals with Disabilities

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and / or regulations. When structural changes to existing district facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Superintendent or designee shall develop a transition plan that sets forth the steps for completing the changes.

The Superintendent or designee shall ensure that the district provides appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devised, assistive technologies, or other modifications to increase accessibility to a district and school websites, notetakers, written materials, taped text, and Braille or large-print materials. Individuals with disabilities shall notify the Superintendent or designee if they have a disability that requires special assistance or services. Reasonable notification should be given prior to a school-sponsored function, program, or meeting.

The individual identified in Administrative Regulation 1312.3 – Uniform Complaint Procedures as the employee responsible for coordinating the district's response to complaints and for complying with state federal civil rights laws is hereby designated as the district's ADA coordinator. The compliance officer shall receive and address requests for accommodation submitted by individuals with disabilities, and shall investigate and resolve complaints regarding their access to district programs, services, activities, or facilities.

Director, Educational Services
Tustin Unifies School District
300 South C Street
Tustin, CA 92780
714-730-7301 Ext. 51350
syang@tustin.k12.ca.us

Board Policy 4030

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

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

The Superintendent or designee shall regularly publicize, within the District and the community, the District's nondiscrimination policy and the availability of complaint procedures. The District's policy shall be posted in all District schools and offices, including staff lounges.

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

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

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

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

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

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

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

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

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

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

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

Administrative Regulation 4030

All allegations of discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or other person contracted to provide services to the district shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

The district designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to organize and manage the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The coordinator may be contacted at:

Chief Personnel Officer
300 South C Street
Tustin, CA 92780
714-731-7301
mdelatorre@tustin.k12.ca.us

Measures to Prevent Discrimination

To prevent unlawful discrimination, harassment, and retaliation in district employment, the Superintendent or designee shall implement the following measures:

1. Display in a prominent and accessible location at every work site where the district has employees, and post electronically in a conspicuous location on computers for employee use, up-to-date California Civil Rights Department (CRD) posters on the prohibition of workplace discrimination and harassment, the rights of transgender employees, and the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth *(Government Code 12950; 2 CCR 11013, 11023, 11049)*
2. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: *(5 CCR 4960; 34 CFR 100.6, 106.8)*
    a. Including them in each announcement, bulletin, or application form that is used in employee rec
    b. Posting them in all district schools and offices, including staff lunges and other prominent locations
    c. Posting them on the district's web site and providing easy access to them through district-supported social medial, when available
3. Disseminate the district's nondiscrimination policy and administrative regulation to all employees by one or more of the following methods: *(2 CCR 11023)*
    a. Printing and providing a copy to all employees, with an acknowledgement form for each employee to sign and return
    b. Sending a copy via email with an acknowledgement return form
    c. Posting a copy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies
    d. Discussing the policy and regulation with employees upon hire and / or during a new hire orientation session
    e. Any other way that ensures employees receive and understand the policy
4. Provide to employees a handbook which contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to employees who believe they have been the victim of any discriminatory or harassing behavior
5. Provide training regarding the district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made. The district may also provide bystander intervention training to employees which includes information and practical guidance on how to recognize potentially problematic behaviors and which may motivate them to take action when they observe such behaviors. The training and education may include exercises to provide employees with the skills and confidence to intervene as appropriate and to provide them with resources they can call upon that support their intervention. *(Government Code 12950.2)*
6. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law
7. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce (2 CCR 11023)

Complaint Procedure

Complaints of sexual harassment shall be investigated and resolved in accordance with AR 4119.12 / 4219.12 / 4319.12 - Title IX Sexual Harassment Complaint Procedures if the alleged conduct meets the definition of sexual harassment pursuant to 34 CFR 106.30.

Any other complaint alleging unlawful discrimination or harassment shall be addressed in accordance with the following procedures:

1. Notice and Receipt of Complaint: A complainant may inform a direct supervisor, another supervisor, the coordinator, the Superintendent or, if available, a complaint hotline or an ombudsman. The complainant's direct supervisor may be bypassed in filing a complaint when the supervisor is the subject of the complaint.

   The complainant may first attempt to resolve the situation informally with the complainant's supervisor before filing a written complaint.

   A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a written complaint.

   The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, any available evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

2. Investigation Process: The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the alleged discriminatory or harassing behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

   The coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. The coordinator shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be disclosed as necessary to conduct an effective investigation.

   If the coordinator determines that a detailed fact-finding investigation is necessary, the investigation shall begin immediately. As part of this investigation, the coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

   The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

   When necessary to carry out the investigation or to protect employee safety, the coordinator may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.

   The coordinator shall also determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed in order to prevent further incidents. The coordinator shall ensure that such interim measures do not constitute retaliation.

3. Written Report on Findings and Remedial/Corrective Action: No more than 30 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of the findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the parties and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report shall also include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented. The report shall be presented to the Superintendent or designee.

A summary of the findings shall be presented to the complainant and the person accused.

4. Appeal to the Governing Board: The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days.

Other Remedies

In addition to filing a discrimination or harassment complaint with the district, a persona may file a complaint with either CRD or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. For filing a complaint with CRD alleging a violation of Government Code 12940-12952, within three years of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 *(Government Code 12960)*
2. For filing a complaint with EEOC, within 180 days of the alleged discriminatory act(s) *(42 USC 2000e-5)*
3. For filing a complaint with EEOC after first filing a complaint with CRD, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by CRD, whichever is earlier *(42 USC 2000e-5)*

Sexual Harassment

Board Policy 4119.11 / 4219.11 / 4319.11
Administrative Regulation 4119.11 / 4219.11 / 4319.11

<u>Board Policy 4119.11 / 4219.11 / 4319.11</u>

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 Governing Board 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 complaints, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

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

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.

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

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

Upon investigation of a sexual harassment complaint, any 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.

Administrative Regulation 4119.11 / 4219.11 / 4319.11

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.

Definitions

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 and 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.

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, *sexual harassment* is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: *(34 CFR 106.30, 106.44)*

1. A district employee conditioning the provision of district aid, benefit, or service n the person'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
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291.

Examples of Sexual Harassment

Examples of actions that might constitute sexual harassment under state or federal law in accordance e with the definitions above, 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, innuendos, 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

Title IX Coordinator / Compliance Officer

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 in accordance with AR 4119.12 / 4219.12 / 4319.12 – Title IX Sexual Harassment Complaint Procedures, as well as to oversee, investigate, and resolve sexual harassment complaints processed under AR 4030 – Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted as follows:

District Lead Compliance Officer for Title IX – Student against student sexual harassment complaints:

Stephanie Yang, Ed.D.
Director, Educational Services
Tustin Unified School District
300 South C Street
Tustin, CA 92780
714-730-7301 Ext. 51368

District Lead Compliance Officer for Title IX – Sexual harassment complaints against employees):
Monique Yessian
Director, Personnel Services
Tustin Unified School District
300 South CC Street
Tustin, CA 60780
714-730-7301 Ext. 51328

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 a 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 should 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 or liability
4. Strategies to prevent harassment in the workplace
5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation or 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 others in the workplace, the detrimental consequences of this conduct on employee productivity and morae, 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)*

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)*

A copy of the Board policy and this administrative regulation shall:

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 *(Education Code 231.5)*
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 *(Education Code 231.5)*
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 *(Education Code 231.5)*
4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's website *(34 CFR 106.8)*
5. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to employees or employee organizations *(34 CFR 106.8)*

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)*

Complaint Procedures

All complaints and allegations of sexual harassment by and against employees 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 4119.12 / 4219.12 / 4319.12 – Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to AR 4030 – Nondiscrimination in Employment.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, and address any continuing effects.

Nondiscrimination, Harassment and Bullying

Board Policy 5145.3
Administrative Regulation 5145.3
CDE Bullying Resource (AB 1993, Ed Code 32283.5)

Board Policy 5145.3

The Governing Board desires to provide a welcoming, safe, and supportive school environment that allows all students equal access to and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. This policy shall apply to all acts constituting unlawful discrimination or harassment related to district activity or attendance, to acts which occur off campus or outside of district-related or district-sponsored activities but which may have an impact or create a hostile environment at school, and to all acts of the Board and the Superintendent in enacting policies and procedures that govern the district. The Board prohibits, at any district school or activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, against an individual or group based on one, or a combination of two or more, protected characteristics, which include, but may not be limited to, race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or

related conditions or recovery; and parental, marital, and family status; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. *(Education Code 200, 210.1, 210.2, 212, 212.1, 220, 221.51, 230, 260; Government Code 11135, 12926; 20 USC 1681-1688, 42 USC 2000d-2000d-7)*

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, non-verbal, or written conduct based on any of the categories listed above. Unlawful discrimination also occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in district programs or activities or the provision or receipt of educational benefits or services.

Because unlawful discrimination may occur when disciplining students, including suspension and expulsion, the Superintendent or designee shall ensure that staff enforce discipline rules fairly, consistently and in a non-discriminatory manner, as specified in Board Policy and Administrative Regulation 5144 - Discipline, Board Policy and Administrative Regulation 5144.1 - Suspension and Expulsion/Due Process, and Administrative Regulation 5144.2 - Suspension and Expulsion/Due Process (Students With Disabilities).

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the Superintendent or designee shall post the district's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the district's website in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation. *(Education Code 234.1, 234.6)*

The Superintendent or designee shall provide training and/or information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to

appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination related to a district activity, attendance, or district-related or district-sponsored activity, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

All allegations of unlawful discrimination in district programs and activities shall be brought, investigated, and resolved in accordance with Board Policy 1312.3 - Uniform Complaint Procedures.

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

Administrative Regulation 5145.3

The district designates the individual(s) identified below as the Compliance Officer(s). The employee(s) is responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the Compliance Officer(s) specified in Administrative Regulation 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination of a student, and the Title IX Coordinator specified in Administrative Regulation 5145.7 - Sex Discrimination and Sex-Based Harassment as the responsible employee to handle complaints alleging unlawful sex discrimination and sex-based harassment, as permitted by law. The Compliance Officer(s) may be contacted at: *(Education Code 234.1; 5 CCR 4621)*

Stephanie Yang, Ed.D.
Director, Educational Services
Tustin Unified School District 300 South C Street
Tustin, CA 92780
714-730-7301 Ext. 51368
syang@tustin.k12.ca.us

In addition to the district level compliance officer, complainants may also contact their school site principal to file a uniform complaint.

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the Compliance Officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through district-supported communications
2. Post the district's policies and procedures prohibiting discrimination, harassment, student sex-based harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as

possible forums for social media, in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students *(Education Code 234.1, 234.6)*

3. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students *(Education Code 234.6)*
4. Post in a prominent location on the district website in a manner that is easily accessible to parents/guardians and students information regarding Title IX prohibitions against discrimination based on a student's sex; sex characteristics; sexual orientation; gender; gender identity; pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery; and parental, marital, and family status, including the following: *(Education Code 221.6, 221.61, 234.6)*
    a. The name and contact information of the district's Title IX Coordinator, including the phone number and email address
    b. The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the websites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)
    c. A description of how to file a complaint of noncompliance under Title IX, which shall include:
        i. An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations
        ii. An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on OCR's website
        iii. A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office
    d. A link to the Title IX information included on the California Department of Education's (CDE) website
5. By April 1, 2025, post CDE's standardized incident form to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events, including information on how to submit a completed incident form to the district *(Education Code 33353)*
6. Post in a prominent location on the district's website and include in each handbook, catalog, announcement, bulletin, and application form for students, parents/guardians or other authorized legal representative, and employees, the Title IX notice of nondiscrimination which includes the following: *(34 CFR 106.8)*
    a. The district does not discriminate on the basis of sex in any education program or activity that it operates
    b. Inquiries about the application of Title IX may be referred to the district's Title IX Coordinator and/or OCR
    c. The name or title, office and email address, and telephone number of the district's Title IX Coordinator
    d. How to locate the district's nondiscrimination policy and the district's grievance procedures for Title IX complaints
    e. How to report conduct that may constitute sex discrimination under Title IX
    f. How to make a complaint of Title IX sex discrimination

    If necessary due to the format or size of any publication specified above, the district may include only the statement that the district prohibits sex discrimination in any education program or activity that it operates, that individuals may report concerns or

questions to the Title IX Coordinator, and the location of the complete notice on the district's website.

The district shall not distribute a publication stating that the district treats students, employees or applicants differently on the basis of sex, unless such treatment is permitted by Title IX.

7. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families *(Education Code 234.5)*

   Such resources shall be posted in a prominent location on the district's website in a manner that is easily accessible to parents/guardians and students. *(Education Code 234.6)*
8. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior
9. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students

   The notice shall inform students and parents/guardians that they may request to meet with the Compliance Officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.
10. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand

    If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.
11. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them

    Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students.
12. Provide to certificated employees serving students in grades 7-12 information on existing school and community resources related to the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) students, or related to the support of students who may face bias or bullying on the basis of any of the actual or perceived characteristics in Penal Code 422.55, including immigration status; Education Code 220; and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation; or association with a person or group with one or more of these actual or perceived characteristics *(Education Code 234.1)*

13. For the 2025-2026 school year through the 2029-2030 school year, provide annually to certificated employees serving students in grades 7-12 at least one hour of training to support LGBTQ+ cultural competency in accordance with Education Code 218.3
14. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so *(Education Code 234.1)*
15. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights

Process for Initiating and Responding to Complaints

Students who feel that they have been subjected to unlawful discrimination described above or in district policy are strongly encouraged to immediately contact the Compliance Officer, Title IX Coordinator, principal, or any other staff member. In addition, students who observe any such incident are strongly encouraged to report the incident to the Compliance Officer, Title IX Coordinator, or principal, regardless of whether the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the Compliance Officer, Title IX Coordinator, or principal within one workday, regardless of whether the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. *(Education Code 234.1)*

When a report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal, Compliance Officer, or Title IX Coordinator, the principal, Compliance officer, or Title IX Coordinator shall notify the student or parent/guardian of the right to file a formal complaint in accordance with Administrative Regulation 1312.3 - Uniform Complaint Procedures or, for complaints of sex discrimination, including sex-based harassment, the right to initiate the Title IX grievance procedures as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. Once notified verbally or in writing, the Compliance Officer or Title IX Coordinator shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, Compliance Officer, Title IX Coordinator, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

CDE Bullying Resource

Chapter 1: What is Bullying?
Bullying is an unwanted, aggressive behavior that involves an imbalance of real or perceived power between individuals with the intent to cause harm. Students who are the targets of bullying behavior

and those who exhibit bullying behavior toward others may suffer serious, lasting consequences. In order to be considered bullying, the behavior must include:

A **Deliberate** Act: To cause emotional or physical harm to another individual.

An **Imbalance of Power:** Those who bully use their power—such as physical strength, access to embarrassing information, or popularity—to control or harm others. Power imbalances can change over time and vary in different situations, even if they involve the same people.

Repetition: Bullying behaviors that display more than one time or have the potential to happen more than once.

Verbal, Social/Psychological/Relational, and Physical are three types of bullying outlined by the federal government and the U.S. Department of Health and Human Services.

Verbal Bullying is saying or writing hurtful things. Examples include:

- Teasing
- Name-calling
- Inappropriate sexual comments
- Taunting
- Threatening to cause harm

Social Bullying, sometimes referred to as relational bullying, involves harming someone's reputation or relationships. Examples include:

- Leaving someone out of an activity on purpose
- Influencing others not to be friends with someone
- Spreading rumors about someone
- Embarrassing someone in public

Physical Bullying involves inflicting harm upon a person's body or damaging their possessions. Examples include:

- Hitting/kicking/pinching
- Spitting
- Tripping/pushing
- Taking or breaking someone's possessions
- Making cruel or rude hand gestures

Students can play the role of bully (instigator/perpetrator of bullying behavior), of target (recipient/object of bullying behavior), or of bystander (witness/observer of bullying behavior). Students may play one or more of these roles at different times.

Cyberbullying can involve all three types of bullying and takes place using electronic technology. Electronic technology includes devices and equipment such as cell phones, computers, and tablets, as well as communication tools including social media sites, text messages, chat and website. This type of bullying is becoming more prevalent every day. Examples include:

- Demeaning or hateful text messages or emails
- Rumors sent by email or posted on social networking sites
- Embarrassing pictures, videos, website, or fake profiles posted online

Why is Cyberbullying Different? Students who are being cyberbullied are often bullied in person as well. Additionally, students who are cyberbullied have a more difficult time escaping the negative behavior.

- Cyberbullying can occur 24 hours a day, 7 days a week, and reach a student when he or she is alone and/or when in their own home.
- Cyberbullying messages and images can be posted anonymously and distributed quickly to a very wide audience. It can be difficult and sometimes impossible to trace the source.
- Deleting inappropriate or harassing messages, texts, and pictures is extremely difficult after they have been posted or sent.

Common Signs that a Student is a Target of Bullying Include:

- Physical cuts or injuries
- Lost or broken personal items
- Fear of going to school/practice/games
- Loss of interest in school, activities, or friends
- Trouble sleeping or eating
- Anxious/sick/nervous behavior or distracted appearance
- Self-destructiveness or displays of odd behavior
- Decreased self-esteem

Important Fact: The Centers for Disease Control and Prevention have found 20 percent of high school-aged students have experienced some form of bullying on school grounds in their lifetime. It is also alarming to note that more than 160,000 United States students stay home from school each day for fear of being bullied; 8 percent of students miss one day of class per month due to fear of being targeted by a bully; and more than 280,000 students are physically attacked in secondary schools each month.

Adults and bystanders (those who witness incidents) need to step up and help students and classmates who are being bullied. Students are often reluctant to report bullying incidents out of fear of being labeled as a “snitch” or fear that bullying will increase if it is reported. Students should be encouraged to report bullying incidents and be praised when they do so.

Resources

Please visit the federal government’s Stopbullying.gov website at https://www.stopbullying.gov/

Please visit the U.S. Department of Health and Human Services website at https://www.hhs.gov/

Please visit the Stopbullying.gov–Bullying Training Prevention Center web page at https://www.stopbullying.gov/prevention/training-center/index.html

Please visit the Olweus Bullying Prevention Program website at https://www.olweusprogram.com/

Please visit the PACER’s National Bullying Prevention Center website at http://www.pacer.org/bullying/

Please visit the National Alliance for Youth Sports and receive free training at http://www.nays.org/resources/more/free-bullying-prevention-training/

Chapter 2: What is Cyber Bullying and How Can We Address It?

Cyberbullying is bullying that takes place via electronic communications or digital devices such as cell phones, tablets, or computers. It is deliberate harassing, intimidating, shaming, or otherwise targeting another person via electronic devices. Cyberbullying is a serious act that has lasting consequences.

Cyberbullying commonly occurs on social media as: text messaging through devices; instant messaging through devices; email provider services; social media message features; diary sites; interactive games; online profiles; Apps; and more. With easy access and the prevalence of such media and digital forums, personal content can be viewed by strangers as well as acquaintances. Racism, intolerance, and fear can also play a role.

Cyberbullying has special aspects. It can be persistent, permanent, and/or hard to notice. When it is persistent, it can be difficult for students experiencing it to find relief. When the cyberbullying is posted online, it becomes publicly available and may lead to a negative online reputation impacting college admissions, employment, and other areas of life. Cyberbullying is harder to recognize since educators and parents may not overhear or see it taking place. Similar to acts of bullying, students may be reluctant to report cyberbullying due to humiliation or embarrassment.

Some types of online or electronic conduct are crimes. The underlying challenge to determining criminal acts is that cyberbullying can take many forms and can violate a number of disparate criminal statues dependent on the underlying content. As examples, but not an exhaustive list, statutory violations can include:

- Identity Theft, Penal Code section 530.5; here the harasser assumes the identity of the victims and creates a social media page or communication that appears to come from the victim. This is also a violation of Penal Code section 529, false personation.
- Unlawful recording, Penal Code section 632; here the harasser records the victim without their knowledge and posts the conversation.
- Cyber exploitation generally. See https://oag.ca.gov/cyberexploitation. A list of crimes can be found at https://oag.ca.gov/sites/all/files/agweb/pdfs/ce/cyber-exploitation-post.pdf.

Unfortunately, cyberbullying is not limited to a specified form of conduct. It's only limit is that of the human imagination to cause harm and perpetrators are consistently adopting new technology and innovate techniques to accomplish their goals.

How Can Cyberbullying Be Prevented?

- **Administrators, trusted adults, and parents can advise students**
  - To never share passwords, personal data, or private photos online.
  - To think about what they are doing carefully before posting and by emphasizing that comments cannot be retracted once they are posted.
  - That personal information revealed on social media can be shared with anyone including parents, teachers, administrators, and potential employers. Students should never reveal information that would make them uncomfortable if the world had access to it.
  - To consider how it would feel receiving such comments before making comments about others online.

What Can Be Done about Cyberbullying?

- Targets should be encouraged to tell parents or a trusted adult. Targets should be encouraged to talk to someone at school such as a counselor, teacher, nurse, coach, or principal. Targets should be assured they do not have to deal with cyberbullying alone.

- In order to secure evidence of cyberbullying for reporting purposes, targets should be encouraged to save all communications, including emails, posts, screenshots, and messages, and not to delete them.
- Targets should be encouraged to report to social media sources any harassing comments, inappropriate photos or information, or fake profiles.\
- Social media has been a source of bullying and conflicts that can carry over into the school setting and contribute to an emotionally or physically unsafe environment. When this occurs, school administrators are obligated to take action.
- School administrators need to provide assistance to students who are bullied online.
    - By encouraging students not to share, "like," or participate in online bullying.
    - By encouraging students to report the incident(s) to a trusted adult.
    - By encouraging students to reach out to targets of bullying and respond with positive support.

Online behavior through social media channels has been a growing source of bullying and conflicts that carry over into the school setting, which can contribute to an environment that can be emotionally or even physically unsafe. When this occurs school administrators are obligated to take disciplinary action.

Resources

Please see the PACER CENTER's Teens Against Bullying: Cyberbullying–What is Cyberbullying? web page at https://www.pacerteensagainstbullying.org/experiencing-bullying/cyber-bullying/

Please see Stopbullying.gov's–Official United States Government Anti-Bullying and Anti-Cyberbullying Laws and Policies for California web page at https://www.stopbullying.gov/laws/california/index.html

Please see the California Attorney General's Cyberbullying web page at https://oag.ca.gov/cybersafety/children/cyberbullying

Please see the Connect Safely–Tips to Help Stop Cyberbullying web page at http://www.connectsafely.org/tips-to-help-stop-cyberbullying/

Please see the National Suicide Prevention Lifeline website at https://suicidepreventionlifeline.org/

Chapter 3: What Roles Do Students Play?

There are many roles a student can play when it comes to bullying. For example, they can be both a target of bullying and the instigator of bullying or they may witness bullying and even defend against bullying in some cases. This is important to note as studies have shown cases involving students who are both bullied and who bully others are often at a greater risk of having an unstable mental and physical state in their lifetime.

It is important to understand the difference between the roles of the target, the witness/bystander, and the perpetrator, and how a student can play different roles depending on the circumstances. Understanding these roles will help prevent bullying from occurring and help in reacting properly when it does occur.

Students Directly Involved in Bullying: A student is directly involved in bullying when they are the one who is bullying others or are the target of bullying. These students are often perceived as the only two individuals involved in the bullying situation.

- **Students Who Engage in Bullying Behavior:** These are students engaging in bullying behavior toward their peers. There are many factors that contribute to this behavior, including: parenting styles, domestic violence in homes, siblings or peers who engage in bullying, tolerance in the community, and school climate, among many others. Often, these students require the support of educators to explain the consequences of bullying and to put an end to the inappropriate behavior. Adults should also address other challenges the student may be facing that are influencing their inappropriate behavior.

- **Students Who Are Bullied:** These are students who are the target of bullying behavior. Some factors put students at greater risk of being bullied, such as low self-esteem, not being a member of a strong social group, being perceived as weak or different, and countless other factors. However, not all students with these characteristics are targets of bullying. Sometimes, these students may need a parent, teacher, school counselor, or coach to listen and focus on their needs, or they may need to be assured that bullying is not their fault and learn how to respond to being bullied.

Students Indirectly Involved in Bullying (Bystanders): A student might not be directly involved in bullying but they can often be affected by observing the behavior. Through witnessing bullying, a student may experience an increased likelihood of distress, school absenteeism or truancy, and depression throughout their lifetime. Therefore, it is it is important for each student to learn what to do when they witness bullying or other forms of abuse. Roles students play when they witness bullying include:

- **Students Who Assist:** These are students who may not initiate the bullying or instigate the action, but serve as an "assistant" to their peers who are bullying others. These students may cheer the bullying behavior to continue and occasionally join in.

- **Students Who Reinforce:** These are students who are not directly involved in the bullying behavior but who give the student who bullies an audience by standing by and watching. Oftentimes they will laugh or provide support for the individuals who are engaging in bullying. As a result, this frequently encourages the inappropriate behavior to continue.

- **Outsiders:** These are students who are bystanders to the bullying but do not support the bullying behavior or in any way protect the student being bullied. They often watch what is going on but do not provide feedback about the situation for fear of taking sides. Nonetheless, by being an outsider and providing an audience to the student who bullies, this frequently encourages the bullying behavior to continue. Outsiders often want to help the individual who is being bullied, but do not know how or are fearful of getting involved because they do not want to experience retaliation.

- **Students Who Defend:** These are students who actively console the student being bullied and may come to the student's defense either through verbal or physical means when bullying occurs.

Administrators should inform students that they have an important and urgent responsibility to alert appropriate adults when they witness bullying. Every situation and student is different. It is important that all students learn the dangerous outcomes that bullying presents and how they can help prevent it from happening in their everyday life.

Try Not to Label Students: When referring to students involved in bullying, do not categorize students as “bullies” or “victims.” These terms send the message that a student will be identified by these roles. As previously stated, students play multiple roles in different bullying situations over time. Peer pressure and school environment can also contribute to student behavior. Refer to those

individuals involved as “the student who bullied,” “the student who was the target of bullying” or “the student who was both bullied and bullied others.”

Resources

Please visit the Stopbullying.gov–Bullying Prevention Training Center web page at https://www.stopbullying.gov/prevention/training-center/index.html

Please visit the PACER’s National Bullying Prevention Center web page at http://www.pacer.org/bullying/

Chapter 4: Where Does Bullying Occur?

Bullying can occur anywhere and at any time. It can happen before, during, or after school hours, and before, during, or after events, athletic practices, and games. While most reported bullying occurs in a school building, a significant percentage also occurs on the playground, on the bus, in bathrooms, at school-sponsored dances and events, and during athletic events. It can also occur while travelling to or from school, in the youth’s neighborhood, or on social media.

At School: Bullying occurs most often at school, whether it is on the playground, in the classroom, in the bathroom, in the cafeteria, or in hallways. Statistics show that every seven minutes a student is bullied on a playground and 43 percent of students fear harassment in the bathroom at school. Bullying can also occur on the way to school as students of different ages ride the school bus and are forced to be in close contact with one another. Also, many students struggle to be accepted by their peers at school and unfortunately, this setting provides an audience for bullying behavior to occur. School faculty members cannot always be present when bullying incidents occur, so educating students about bullying is a key prevention technique to limit bullying from happening. In addition, during school hours students need to report any type of bullying to a faculty member. It is important to monitor known bullying situations, and pay close attention to any tension that carries over from school to outside venues.

During an Athletic Event: The student who bullies others may try to prove their power by targeting a perceived weaker student through one of the three forms of bullying. The student who bullies, unfortunately, will often gain the support of other students on the team who do not wish to be bullied or perceived as unpopular. Examples of what may instigate bullying include: difference in equipment and clothing, appearance, social skills, and even athletic ability during the activity.

At Home: This type of bullying often includes cyberbullying. In the past, a student could escape being bullied by other students by returning to the security of their home. Today with the range of electronic devices to which students have access, bullying can occur 24 hours a day, seven days a week with no safe haven, not even in one’s home. Social media, emails, cell phones, texting, and online profiles have given those students who bully a large audience to whom they express their negative and hurtful comments. It is alarming to note that 19 percent of students admit to saying something hurtful to or about others online. In recent years, this type of bullying has had serious impact, including depression and even suicides in children and young adults. Students should try to limit their exposure to students who bully and report to authorities when bullying does not cease.

Resources:

Please visit the StopBullying.gov–Facts About Bullying web page at https://www.stopbullying.gov/media/facts/index.html

Please visit the National Alliance for Youth Sports web page at http://www.nays.org/resources/more/free-bullying-prevention-training/

Chapter 5: How Do We Prevent Bullying?

Include and practice the following bullying prevention strategies to help prevent students from developing bullying behaviors:

Stop Bullying at a Young Age: Some students engage in aggressive behavior at an early age that may be a precursor to bullying. It is important to address and stop this behavior before it becomes an established pattern with the student.

Teach Prevention: Do not assume that only aggressive or vulnerable students are involved in bullying. Most students, regardless of their demeanor, will experience bullying to some degree at some point during their childhood. All students can benefit from learning the difference between appropriate and inappropriate behaviors. They should also learn how to advocate for themselves and others, and when to go to an adult for help.

Take Bullying Seriously: Many dismiss bullying as “kids just being kids” or as it being a normal part of growing up, however, bullying needs to be taken seriously. If you notice warning signs that a student is bullying or is the target of bullying, you should discuss the matter with the student immediately. Students must know that bullying in any form will not be tolerated. Regardless if the student is the instigator of the bullying, or is the target of the bullying, it is the adult’s responsibility to address the issue with the student to ensure the behavior stops.

Encourage Compassion: Students should be aware that bullying is hurtful both emotionally and physically. When a student practices compassion and realizes the repercussions of one’s actions, they are more likely to come forward and help a student who is being bullied.

Model Desired Behavior: As a child matures, they learn how to behave by watching and imitating the adults in their lives. By adults demonstrating effective problem-solving, anger management, and self-confidence skills, youth are more likely to behave in a similar manner.

Clarify Media Violence: Students are exposed to many types of violence in video games, movies, and television every day, and without proper adult direction may think aggressive responses are acceptable in real life. Adults need to emphasize to students that this hateful and/or demeaning behavior is inappropriate and unacceptable in our society. If a student begins to act out in a violent or hurtful manner, you need to immediately intervene.

Demonstrate Desired Qualities: Helping students gain confidence is important. Use sample situations to help students learn and practice appropriate behavior. Students with the confidence to stand up to bullying will be less likely to be bullied and they will often come to the defense of others. Students develop confidence through developing techniques and strategies to respond in a in a non-aggressive way to bullying-type behaviors.

Talk About and Report Bullying: Students should not be afraid to report bullying to an administrator, a school faculty member, a coach, or any significant adult in their life. Students need to feel secure about reporting bullying and feel free from retaliation for reporting. Adults should listen carefully and provide support to students who come forward to report bullying or other similar issues.

Build Strong Relationships with Students: Students will be less likely to bully if they respect and trust the adults in their lives. They will also be more likely to confide in those adults.

Follow School Rules: Parents should be advised of school policies on the use of technology in and out of the classroom and help their children understand and comply with the rules.

Communicate and Implement Bullying Prevention Policies: Parents, students, and all school personnel should know and follow bullying prevention program policies. Policies should be included in

Parent/Student Handbooks. California Department of Education recommends that these policies also be included in the Comprehensive School Safety Plan.

Be Aware of Protected Student Groups: All students are allowed to attend public school. It is an inclusive educational environment. Be prepared to educate students to accept all student peers regardless of sexual orientation, gender identification, physical or cognitive disabilities, race, ethnicity, and religion.

Resources:

Please visit the Stopbullying.gov–Bullying Training Prevention Center web page at https://www.stopbullying.gov/prevention/training-center/index.html

Please visit the PACER's National Bullying Prevention Center web page at http://www.pacer.org/bullying/

Chapter 6: How Do We Respond to Bullying?

Intervene Immediately: Disregarding bullying will send the message that it is acceptable or even encouraged. By ignoring the problem, or not taking it seriously, students who are being bullied may feel as though the adults in their lives do not understand or care for them. If they find themselves dealing with a dangerous situation in the future, they are less likely to seek help. If there is no adult intervention, a student who witnesses an act of bullying also may not intervene. When adults see bullying occur, it is critical to intervene immediately.

Intervene Even If You Suspect: You may be unsure whether a situation involves bullying or not, but you should not hesitate to act if you sense a problem, even if you are unsure whether or not the situation involves bullying. You should be able to determine if bullying is occurring through observation of student behavior, body language, and facial expressions.

Respond Decisively: If you notice a student exhibiting bullying behavior, remain calm, talk with them privately, and express the seriousness of the situation you have witnessed. Explain why the behavior is unacceptable and point out that they would not like being the target of bullying behavior.

Do not Overreact: Using aggressive behavior or loud tones sends the wrong message to a student and it is not the proper way to solve the problem. Remain calm and in control of your emotions when dealing with bullying individuals. If you cannot remain calm, then move the discussion to the office of another adult who can remain calm, like a school counselor or school administrator.

Avoid Lecturing a Student: Do not lecture a student who bullies in front of their peers. You want to end the behavior, but not demean or shame the student. Discuss the situation with the student in private to resolve it.

Do not Ask the Student to "Work Things Out" for Themselves: For a student, bullying is a serious problem in their life and without help they are not likely to be able to resolve the matter on their own. In these situations they will often feel inferior to the other students involved and will need adult intervention to help resolve the issue.

Give Praise When it is Due: If you notice a student or another bystander helping a bullying victim or stopping unacceptable behavior, praise them for their actions. Far too often, witnesses stand by and do nothing when someone is being bullied.

Coach Students to Advocate for Themselves: Following are some helpful tips to empower students to appropriately respond to bullying:

- Take a deep breath and exhale slowly.
- Stand tall with their head held high.

- Keep hands at their sides and stand slightly sideways to an aggressor. Do not face the aggressor with squared shoulders, as a front-facing stance may be perceived as posturing for a fight.
- Have a relaxed and focused facial expression, not angry or laughing.
- Maintain eye contact.
- Speak with a calm voice but loud enough to be heard by the student who is bullying or those who are witnesses.
- Use non-confrontational words but with a confident tone of voice.
- Avoid name-calling or making threats.
- Avoid finger-pointing or other threatening gestures.
- Be brief and direct with your responses.
- Avoid discussing old grudges.

What Students Should Be Told about Bullying

- Bullying will not be tolerated or accepted.
- Stand up for yourself, walk away, or ask a friend or adult for help if a student bothers you.
- Do not fight back as this will usually make the situation worse and it rarely solves the problem.
- Report bullying when you see it or hear about it.
- Work together and treat others with respect so bullying does not happen.
- Report any cyberbullying to a trusted adult immediately.

What To Tell Students if They Witness Bullying

- Do not stand by and watch—your involvement makes a difference.
- Stand up for those being bullied. Tell the person doing the bullying to stop by using phrases such as “Stop teasing!” “Do not fight!” “Leave them alone!” and “It is not funny!”
- Do not laugh, participate, or watch the bullying occur as this encourages the behavior to continue.
- Help the student being bullied walk away. A student being bullied may be afraid to leave on their own. In addition, someone who bullies will often not harass multiple students.
- Encourage outsiders to help the student being bullied.
- Tell others who are assisting or reinforcing the behavior to stop immediately and not to join in.
- Report or seek immediate help from a school staff member, coach, or trusted adult.
- After an incident, console the student being bullied by expressing your compassion for them and encourage them to talk with an adult; you might accompany them to speak with the adult to lend moral support.
- Report any cyberbullying of which you are aware; do not forward or like online messages that are acts of cyberbullying.

Resources:

Please visit the Stopbullying.gov–Respond to Bullying: Stop Bullying on the Spot web page at https://www.stopbullying.gov/respond/on-the-spot/index.html

Please visit the Kids Health–Helping Kids Deal with Bullies web page at https://kidshealth.org/en/parents/bullies.html

Please visit the PACER’s National Bullying Prevention Center web page at http://www.pacer.org/bullying/

Chapter 7: Bullying and Students with Disabilities

Every student deserves to thrive in a safe school and classroom free from fear, disrespect, violence, and bullying of all kinds. This includes students with disabilities, who are more likely to be bullied and cyberbullied than students without disabilities.

Top 10 Facts that Parents, Educators, and Students Should Know:

1. The definition—Bullying includes repeated hateful acts and a real or perceived imbalance of power. Bullying can be physical, verbal, or psychological/relational. Cyberbullying is a distinct type of bullying in which the victim is targeted online. It can also take the form of sexual harassment.

   The Office for Civil Rights and the Department of Justice have stated that bullying may also be considered harassment when it is based on a student's race, color, national origin, sex, disability, or religion.

   Harassing behaviors may include:

   - Unwelcome conduct such as verbal abuse, name calling, epithets, or slurs
   - Graphic or written statements
   - Threats
   - Physical assault
   - Other conduct that may be physically threatening, harmful, or humiliating

2. The statistics—Students with disabilities are more likely to be bullied than their nondisabled peers.

   Although only 10 U.S. studies have been conducted on the connection between bullying and developmental disabilities, all of these studies found that children with disabilities were two to three times more likely to be bullied than their nondisabled peers. (Disabilities: Insights from Across Fields and Around the World; Marshall, Kendall, Baniks and Gover [Eds.], 2009)

3. The impact—Bullying affects a student's ability to learn. When students are bullied, it can directly impact all aspects of their education and social-emotional development.

   Bullying is not a harmless rite of childhood that everyone experiences. Research shows that bullying can negatively impact a child's access to education and lead to:

   - School avoidance and higher rates of absenteeism
   - Decrease in grades
   - Inability to concentrate
   - Loss of interests in academic achievement
   - Increase in dropout rates

Deaf and hard-of-hearing youth are confronted with daunting challenges socially, academically, physiologically, and are highly prone to bullying. Due to language deprivation, they experience cognitive limitations and psycho-social difficulties and are unable to communicate with others without the use of sign language interpreters.

Resources:

Please visit the U.S. Department of Education–Disability Bullying and Harassment web page at https://www2.ed.gov/about/offices/list/ocr/frontpage/pro-students/issues/dis-issue08.html

Please visit the California Department of Education Position Statement on Language Access web page at https://www.cde.ca.gov/sp/ss/dh/positionstmnt.asp

Please visit the PACER National Bullying Prevention Center–Bullying and Harassment of Students with Disabilities web page at http://www.pacer.org/bullying/resources/students-with-disabilities/

Please visit the American Society for Deaf Children web page at http://deafchildren.org/about/

Please visit the National Association of the Deaf web page at https://www.nad.org/about-us/

Please visit the Stopbullying.gov–Keeping Students with Disabilities Safe from Bullying web page at https://www.stopbullying.gov/blog/2013/08/23/keeping-students-disabilities-safe-bullying.html

Please visit the Stopbullying.gov–Keeping Students with Special Needs Safe from Bullying web page at https://www.stopbullying.gov/at-risk/groups/special-needs/index.html

Chapter 8: Bullying and Lesbian, Gay, Bisexual, Transgender, and Questioning Youth

Lesbian, gay, bisexual, transgender, and questioning youth (LGBTQ) and those youth perceived as LGBTQ are disproportionately harassed and bullied and continue to experience an increased risk of being bullied and cyberbullied.

California also has two data sources that can further illuminate what LGBTQ face in California's public school:

1. The California Healthy Kids Survey at https://www.cde.ca.gov/ls/he/re/
2. The Youth Risk Behavior Survey at https://www.cde.ca.gov/ls/he/re/

LGBTQ youth experience high rates of substance use, depression, self-harm behavior, and suicide. According to Mental Health America, gay teen in U.S. schools are often subjected to such intense bullying that they are unable to receive an adequate education. LGBTQ youth identify bullying problems as the second most important problem in their lives, after non-accepting families. They experience academic decline, higher absenteeism due to feeling unsafe, and often have nowhere to turn for support.

Strategies to prevent and address bullying of LGBTQ youth require special consideration. It is essential to create a safe environment for all youth.

Creating a Safe Environment for Lesbian, Gay, Bisexual, Transgender, and Questioning Youth

It is important to build a safe environment for all youth, whether they are straight or LGBTQ. All youth can thrive when they feel supported. Parents, schools, and communities can all play a role in helping LGBTQ youth feel physically and emotionally safe:

- Build strong connections and keep the lines of communication open. Some LGBTQ youth often feel rejected. It is important for them to know that their families, friends, schools, and communities support them.
- Establish a safe environment at school. Schools can send a message that no one should be treated differently because they are, or are perceived to be, LGBTQ. Sexual orientation and gender identity protection can be added to school policies.

- Create gay-straight alliances (GSAs). GSAs help create safer schools. Schools must allow these groups if they have other “non-curricular” clubs or groups. Protect privacy. Be careful not to disclose or discuss issues around being LGBTQ with parents or anyone else.

According to Mental Health America, the Following Actions Can Help

- Be alert to signs of distress.
- Work with student councils to have programs on respect, school safety, and anti-bullying.
- Ask school personnel to have a discussion at an assembly or after-school activity about gay prejudice.
- Help start a Gay Lesbian Straight Educational Alliance chapter at your local high school.
- Encourage anyone who is being bullied to tell a teacher, counselor, coach, nurse, or parent or guardian. If the bullying continues, report it yourself.

Resources:

Please visit the California Department of Education–Statewide and Natural Sexual Health Resources web page at https://www.cde.ca.gov/ls/he/se/resources.asp

Please visit the GSA Network (Gay Straight Alliance Network) web page at https://gsanetwork.org/ca

Please visit the GLSEN (Gay Lesbian Straight Educator Network) website at https://www.glsen.org/

Please visit the Los Angeles LGBT Center–Out for Safe Schools web page at https://lalgbtcenter.org/out-for-safe-schools

Please see U.S. Department of Education–to learn more about the right to form a GSA under the Equal Access Act https://www2.ed.gov/policy/elsec/guid/secletter/110607.html

Uniform Complaint Procedures

Board Policy 1312.3, 0460, 3260
Administrative Regulation 1312.3

Board Policy 1312.3

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

Complaints Subject to UCP

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

1. Accommodations for pregnant and parenting students *(Education Code 46015)*
2. Adult education programs (*Education Code 8500-8538, 52334.7, 52500, 52616.18)*
3. After School Education and Safety programs *(Education Code 8482-8484.65)*
4. Agricultural career technical education *(Education Code 52460-52462)*

5. Career technical and technical education and career technical and technical training programs *(Education Code 52300-52462)*
6. Child care and development programs *(Education Code 8200-8488)*
7. Compensatory education *(Education Code 54400)*
8. Consolidated categorical aid programs *(Education Code 33315; 34 CFR 299.10-299.12)*
9. Course periods without educational content *(Education Code 51228.1-51228.3)*
10. Discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on one, or a combination of two or more, protected characteristics, which include, but may not be limited to, a person's actual or perceived race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status; any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55; or based on the person's association with a person or group with one or more of these actual or perceived characteristics *(Education Code 200, 210.1, 210.2, 212, 212.1, 220, 221.51, 230, 260; Government Code 11135, 12926; 5 CCR 4610; 20 USC 1681-1688, 42 USC 2000d-2000d7)* However, the UCP shall not be used to investigate and resolve employment discrimination complaints. *(5 CCR 4611)*
11. Educational and graduation requirements for students in foster care, students experiencing homelessness, students from military families, students formerly in a juvenile court school, students who are migratory, and students participating in a newcomer program *(Education Code 48645.7, 48850, 48853, 48853.5, 48911, 48915.5, 49069.5, 51225.1, 51225.2)*
12. Every Student Succeeds Act *(Education Code 12030, 52059.5; 64000; 20 USC 6301 et seq.)*
13. Instructional Materials and Curriculum: Diversity *(Education Code 243)*
    a. A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with the district, be directly filed with the Superintendent of Public Instruction (SPI). *(Education Code 243, 244)*
14. Local control and accountability plan *(Education Code 52075)*
15. Migrant education *(Education Code 54440-54445)*
16. Physical education instructional minutes *(Education Code 51210, 51222, 51223)*
17. Student fees *(Education Code 49010-49013)*
18. Reasonable accommodations to a lactating student *(Education Code 222)*
19. Regional occupational centers and programs *(Education Code 52300-52334.7)*
20. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding *(Education Code 64001)*
21. School site councils as required for the consolidated application for specified federal and/or state categorical funding *(Education Code 65000)*
22. State preschool programs *(Education Code 8200-8488, 33315)*
23. State preschool health and safety issues in license-exempt programs *(Education Code 8212)*
24. School or athletic team names, mascots, or nicknames pursuant to Education Code 221.3
25. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
26. Any other state or federal educational program the SPI or designee deems appropriate

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

mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

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

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

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

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

Non-UCP Complaints

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

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency. *(5 CCR 4611)*
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. *(5 CCR 4611)*
3. Any complaint alleging that a student, while in an education program or activity, was subjected to sexual harassment, as defined in 34 CFR 106.30 Such a complaint shall be addressed through the federal Title IX complaint procedures as specified in Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures.
4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in Administrative Regulation 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Civil Rights Department.
5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with Administrative Regulation 6159.1 - Procedural Safeguards and Complaints for Special Education. *(5 CCR 3200-3205)*
6. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with Board Policy 3555 - Nutrition Program Compliance. *(5 CCR 15580-15584)*

7. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with Board Policy 3555 - Nutrition Program Compliance. *(5 CCR 15582)*
8. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures. *(Education Code 35186)*

Administrative Regulation 1312.3

District Compliance Officers

The District designates the individual(s), position(s), or unit(s) identified below as responsible for receiving, coordinating, and investigating complaints, and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in AR 5145.3 Nondiscrimination/Harassment, who is responsible for handling complaints regarding unlawful discrimination, harassment, intimidation, or bullying, in AR 5145.7 - Sexual Harassment, who is responsible for handling complaints regarding sexual harassment, and in BP 6164.6 - Identification and Education Under Section 504.

District Lead Compliance Officer(s) for discrimination, harassment, intimidation, bullying, sexual harassment, and Section 504:

District Lead Compliance Officer(s) for Equity Compliance (UCP - discrimination, harassment, intimidation)
Stephanie Yang, Ed.D.
Director, Educational Services
Tustin Unified School District 300 South C Street
Tustin, CA 92780
714-730-7301 Ext. 51368
syang@tustin.k12.ca.us

District Lead Compliance Officer(s) for Title IX (Student Against Student Sexual Harassment Complaints)
Stephanie Yang, Ed.D.
Director, Educational Services
Tustin Unified School District 300 South C Street
Tustin, CA 92780
714-730-7301 Ext. 51368
syang@tustin.k12.ca.us

District Lead Compliance Officer(s) for Title IX (Sexual Harassment Complaints Against Employees)
Monique Yessian
Director, Personnel Services
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District Lead Compliance Officer(s) for Bullying
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Except as may otherwise be specifically provided in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in the accompanying Board Policy.

Compliance Officers

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

UCP Complaince Officer
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In addition to the district level compliance officer, complainants may also contact their school site principal to file a uniform complaint.

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

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

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

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

Notifications

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

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

The notice shall include, but need not be limited to, all of the following:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy
2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such person(s) will be knowledgeable about the laws and programs that they are assigned to investigate
3. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one year from the date the alleged violation occurred
4. A statement that a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct
5. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities
6. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint
7. A statement that the district will post a standardized notice of the educational and graduation requirements of foster youth, students experiencing homelessness, children of military families, former juvenile court school students now enrolled in the district, students who are migratory,

and students participating in a newcomer program as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process
8. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
9. A statement that, for programs within the scope of the UCP as specified in the accompanying Board policy, the complainant has a right to appeal the district's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and the district's decision, within 30 calendar days of receiving the district's decision
10. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable
11. A statement that copies of the district's UCP are available free of charge

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

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

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

Filing of Complaints

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

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

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

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy may be filed by any individual, public agency, or organization. *(5 CCR 4600)*
2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. *(Education Code 49013, 52075)*
    a. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. *(Education Code 49013)*

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

Mediation

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

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

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

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

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

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

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

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

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

Timeline for Investigation Report

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

Investigation Report

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

1. The findings of fact based on the evidence gathered
2. A conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant law
3. Corrective action(s) whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600
4. Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610

5. Procedures to be followed for initiating an appeal to CDE

The investigation report may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

In consultation with district legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint.

If the complaint involves a limited-English-proficient (LEP) student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

For complaints alleging unlawful discrimination, harassment, intimidation, or bullying based on state law, the investigation report shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including, but not limited to, injunctions, restraining orders or other remedies or orders, 60 calendar days after the filing of an appeal with CDE *(Education Code 262.3)*
2. The 60-day moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law *(Education Code 262.3)*
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school practices or procedures or school climate surveys.

For complaints involving retaliation or unlawful discrimination, harassment, intimidation, or bullying, appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints of retaliation or unlawful discrimination, harassment, intimidation, or bullying involving a student as the respondent, appropriate corrective actions that may be provided to the student include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law

2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

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

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, harassment, intimidation, or bullying, that the district does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the law regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. *(Education Code 49013, 51222, 51223, 51228.3, 52075)*

For complaints alleging noncompliance with the law regarding student fees, the district, by engaging in reasonable efforts, shall attempt in good faith to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. *(Education Code 49013; 5 CCR 4600)*

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's investigation report. *(5 CCR 4632)*

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: *(5 CCR 4632)*

1. The district failed to follow its complaint procedures
2. Relative to the allegations of the complaint, the district’s investigation report lacks material findings of fact necessary to reach a conclusion of law
3. The material findings of fact in the district’s investigation report are not supported by substantial evidence
4. The legal conclusion in the district’s investigation report is inconsistent with the law
5. In a case in which the district found noncompliance, the corrective actions fail to provide a proper remedy

Upon notification by CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: *(5 CCR 4633)*

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

If notified by CDE that the district's investigation report failed to address allegation(s) raised by the complaint, the district shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. *(5 CCR 4632)*

Health and Safety Complaints in License-Exempt Preschool Programs

Any complaint regarding health or safety issues in a license-exempt California State Preschool Program (CSPP) shall be addressed through the procedures described in 5 CCR 4690-4694.

In order to identify appropriate subjects of CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted in each license-exempt CSPP classroom in the district notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. For this purpose, the Superintendent or designee may download and post a notice available from CDE's website. (Education Code 8212; 5 CCR 4691)

The district's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint, contain a space to indicate whether the complainant desires a response to the complaint, and allow a complainant to add as much text as desired to explain the complaint. *(Education Code 8212; 5 CCR 4690)*

If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. The preschool administrator or the Superintendent or designee shall make all reasonable efforts to investigate any complaint within their authority. *(Education Code 8212; 5 CCR 4692)*

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. *(Education Code 8212; 5 CCR 4692)*

The preschool administrator or designee shall remedy a valid complaint within a reasonable time

period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or Superintendent's designee shall, within 45 working days of the initial filing of the complaint, report the resolution of the complaint to the complainant and CDE's assigned field consultant. If the preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. *(Education Code 8212; 5 CCR 4692)*

If a complaint regarding health or safety issues in a license-exempt CSPP program involves an LEP student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board at a regularly scheduled hearing and, within 30 days of the date of the written report, may file a written appeal of the district's decision to the Superintendent of Public Instruction in accordance with 5 CCR 4632. *(Education Code 8212; 5 CCR 4693, 4694)*

All complaints and responses are public records. *(5 CCR 4690)*

On a quarterly basis, the Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the Board at a regularly scheduled Board meeting and to the County Superintendent. *(5 CCR 4693)*

Board Policy 0460

The Governing Board desires to ensure the most effective use of available funding to improve outcomes for all students. A comprehensive, data-driven planning process shall be used to identify annual goals and specific actions which are aligned with the district budget and facilitate continuous improvement of district practices.

The Board shall adopt a districtwide local control and accountability plan (LCAP) and an annual update to the LCAP, based on the most up-to-date template adopted by the State Board of Education (SBE), that addresses the state priorities in Education Code 52060 and any local priorities adopted by the Board. The LCAP and the annual update shall be adopted or updated, as required, on or before July 1 of each year. *(Education Code 52060, 52064; 5 CCR 15494-15497)*

The LCAP shall focus on improving outcomes for all students, particularly those who are "unduplicated students" or are part of any numerically significant student subgroup that is at risk of or is underperforming.

An "unduplicated student" is a student who is eligible for free or reduced-price meals, who is an English learner, or who is a foster youth, as defined in Education Code 42238.01. *(Education Code 42238.02)*

Numerically significant student subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, long-term English learners, students with disabilities, foster youth, and students experiencing homelessness, when there are at least 30 students in the subgroup or at least 15 foster youth, students experiencing homelessness, or long-term English learners. *(Education Code 52052)*

Beginning July 1, 2025, if the district is identified by the California Department of Education (CDE) as

needing an improvement plan pursuant to 34 CFR 300.600-300.647, the Board shall adopt, and update on an annual basis, an Individual with Disabilities Education Act (IDEA) Addendum, based on the template adopted by SBE. However, if the district adopts an improvement plan after being identified, but before July 1, 2025, the IDEA Addendum shall be developed upon expiration of the adopted improvement plan, but no later than July 1, 2028, whichever occurs first. The IDEA addendum shall be developed, reviewed, and approved in conjunction with and in the same manner as the LCAP and the annual update to the LCAP, and shall be submitted to CDE within 15 days of adoption by the Board. *(Education Code 52064.3)*

The Superintendent or designee shall review the school plan for student achievement (SPSA) submitted by each district school pursuant to Education Code 64001 to ensure that the specific actions included in the LCAP are consistent with strategies included in the SPSA. *(Education Code 52062)*

The LCAP shall also be aligned with other district and school plans, to the extent possible, in order to minimize duplication of effort and provide clear direction for program implementation.

As part of the adoption of the LCAP and the annual update, the Board shall separately adopt a local control funding formula budget overview for parents/guardians, based on the template developed by SBE, which includes specified information relating to the district's budget. The budget overview shall be adopted, reviewed, and approved in the same manner as the LCAP and the annual update. *(Education Code 52064.1)*

Advisory Committees

The Board shall establish a parent advisory committee, which shall be composed of a majority of parents/guardians and shall include parents/guardians of unduplicated students and parents/guardians of students with disabilities. (Education Code 52063; 5 CCR 15495) Whenever district enrollment includes at least 15 percent English learners, with at least 50 students who are English learners, the Board shall establish an English learner parent advisory committee, which shall be composed of a majority of parents/guardians of English learners. *(Education Code 52063; 5 CCR 15495)*

Beginning July 1, 2024, unless a student advisory committee is established to provide advice to the Board and Superintendent, two students shall be included as full members of the parent advisory committee. The students shall serve for a renewable term of one full school year. *(Education Code 52063)* Student members of the parent advisory committee or the student advisory committee shall represent the diversity of the district's students, including geographical, socioeconomic, cultural, physical, and educational diversity, and particular effort shall be made to reach out to at-risk or disadvantaged students to serve as members of such committees. *(Education Code 52063)* The Superintendent or designee shall present the LCAP and the annual update to each of these committee(s) before they are submitted to the Board for adoption, and shall respond in writing to comments received from the committee(s).

LCAP Development and Consultation

The Superintendent or designee shall gather data and information needed for effective and meaningful development of the LCAP and present it to the Board and community. Such data and information shall include, but not be limited to, data regarding the number of students in student subgroups, disaggregated data on student achievement levels, and information about current programs and expenditures.

The Board shall consult with teachers, principals, administrators, other school personnel, employee bargaining units, parents/guardians, and students in developing the LCAP. Consultation with students shall enable unduplicated students and other numerically significant student subgroups to review and comment on LCAP development and may include surveys of students, student forums, student advisory committees, and/or meetings with student government bodies or other groups representing students. *(Education Code 52060; 5 CCR 15495)*

As part of the parent/guardian and community engagement process, the district shall solicit input on effective and appropriate instructional methods, including, but not limited to, establishing language acquisition programs to enable all students, including English learners and native English speakers, to have access to the core academic content standards and to become proficient in English. *(Education Code 305-306)*

The Superintendent or designee shall consult with the administrator(s) of the special education local plan area of which the district is a member to ensure that specific actions for students with disabilities are included in the LCAP and are consistent with strategies included in the annual assurances support plan for the education of students with disabilities. *(Education Code 52062)*

The Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP and the annual update. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. All written notifications related to the LCAP and the annual update shall be provided in the primary language of parents/guardians when required by Education Code 48985. *(Education Code 52062)*

The Board shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the LCAP and the annual update. The public hearing shall be held at the same meeting as the budget hearing required pursuant to Education Code 42127 and Board Policy 3100 - Budget. *(Education Code 52062)*

Adoption and Submission

The Board shall adopt the LCAP and the annual update prior to adopting the district budget, but at the same public meeting. This meeting shall be held after the public hearing described above, but not on the same day as the hearing. *(Education Code 52062)*

Not later than five days after adoption of the LCAP, the annual update, the district budget, and the budget overview for parents/guardians, the Board shall file the LCAP, the annual update, the budget, and the budget overview with the County Superintendent of Schools. *(Education Code 42127, 52064.1, 52070)*

If the County Superintendent sends, by August 15, a written request for clarification of the contents of the LCAP and the annual update, the Board shall respond in writing within 15 days of the request. If the County Superintendent then submits recommendations for amendments within 15 days of receiving the Board's response, the Board shall consider those recommendations in a public meeting within 15 days of receiving the recommendations. *(Education Code 52070)* If the County Superintendent does not approve the district's LCAP and the annual update, the Board shall accept technical assistance from the County Superintendent focused on revising the LCAP and the annual update so that they can be approved. *(Education Code 52071)*

Revisions

The Board may adopt revisions to the LCAP and the annual update at any time during the period in which it is in effect, provided the Board follows the process to adopt the LCAP and the annual update pursuant to Education Code 52062 and the revisions are adopted in a public meeting.

Monitoring Progress and Complaints

The Superintendent or designee shall report to the Board, at least annually in accordance with the timeline and indicators established by the Superintendent and the Board, regarding the district's progress toward attaining each goal identified in the LCAP. Evaluation shall include, but not be limited to, an assessment of district and school performance reported on the California School Dashboard. Evaluation data shall be used to recommend any necessary revisions to the LCAP. Any complaint that the district has not complied with legal requirements pertaining to the LCAP may be filed pursuant to Administrative Regulation 1312.3 - Uniform Complaint Procedures. *(Education Code 52075)*

Technical Assistance

If the district's LCAP and the annual update are not approved, the district shall accept technical assistance or other intervention that may be required pursuant to Education Code 52071.

Board Policy 3260

The Governing Board recognizes its responsibility to ensure that books, materials, equipment, supplies, and other resources necessary for student participation in the district's educational program are made available to students at no cost.

No student shall be required to pay a fee, deposit, or other charge for participation in an educational activity which constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities. *(Education Code 49010, 49011; 5 CCR 350)*

As necessary, the Board may approve fees, deposits, and other charges which are specifically authorized by law. When approving such fees, deposits, or charges, establishing fee schedules, or determining whether waivers or exceptions should be granted, the Board shall consider relevant data, including the socioeconomic conditions of students' families and their ability to pay.

The prohibition against student fees shall not prevent the district from soliciting for donations, conducting fundraising activities, or providing prizes or other recognition for participants in such activities and events. The Superintendent or designee shall emphasize that participation of students, parents/guardians, district employees, volunteers, or educational or civic organizations in such activities and events is voluntary. The district shall not offer or award to a student any course credit or privileges related to educational activities in exchange for voluntary donations or participation in fundraising activities by or on behalf of the student. The district also shall not remove or threaten to remove from a student any course credit or privileges related to educational activities, or otherwise discriminate against the student, due to a lack of voluntary donations or participation in fundraising activities by or on behalf of the student.

The Superintendent or designee may provide information or professional development opportunities to administrators, teachers, and other personnel regarding permissible fees.

Complaints

A complaint alleging district noncompliance with the prohibition against requiring student fees, deposits, or other charges shall be filed in accordance with the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures. *(Education Code 49013)*

If, upon investigation, the district finds merit in the complaint, the Superintendent or designee shall recommend and the Board shall adopt an appropriate remedy to be provided to all affected students and parents/guardians in accordance with 5 CCR 4600.

Information related to the prohibition against requiring students to pay fees for participation in an educational activity shall be included in the district's annual notification of uniform complaint procedures to be provided to all students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. *(Education Code 49013)*

Collection of Debt

The Superintendent or designee shall, in accordance with law, recover any debt owed to the district as a result of unpaid permissible student fees approved by the Board. However, the district shall not bill a current or former student for accumulated debt, nor take negative action against a student or former student because of such debt, including, but not limited to, any of the following: *(Education Code 49014)*

1. Denying full credit for any class assignment
2. Denying full and equal participation in any classroom activity
3. Denying access to the library or other on-campus educational facilities
4. Denying or withholding grades or transcripts
5. Denying or withholding a diploma
6. Limiting or barring participation in an extracurricular activity, club, or sport
7. Limiting or excluding the student from participation in an educational activity, field trip, or school ceremony

Nonschool Employment

Board Policy 4136 / 4236 / 4336

Board Policy 4136 / 4236 / 4336

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

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

1. Requires time periods that interfere with the proper, efficient discharge of the employee's duties
2. Entails compensation from an outside source for activities which are part of the employee's regular duties
3. Involves using the district's name, prestige, time, facilities, equipment, or supplies for private gain

4. Involves service which will be wholly or in part subject to the approval or control of another district employee or Board member

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

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

Tutoring

It is expected that every effort will be made by the principal and teacher to resolve the learning problems of a student before recommending that parents engage a tutor or seek other outside professional help. The Board of Education believes that, by maintaining a high quality instructional staff and providing for a rich varied curriculum, the need for individual tutoring is minimized, as well as any potential conflict of interest. An employee may not:

1. Accept any kind of remuneration for tutoring any student enrolled in his/her class or assignment.
2. Carry out any paid tutoring activities in or on a school district facility.

However, an employee may be hired by parent support groups to provide tutoring activities in or on a school district facility when recommended by the principal and approved by the Superintendent.

An employee who accepts outside tutoring engagements, will make his/her own arrangements with parents for any fees for the services rendered.

Employees of the Tustin Unified School District who tutor District students shall hold and keep harmless the District and its officers from any related actions, suits, or other legal proceedings, and shall be liable and responsible to pay or satisfy any judgment that may be rendered in any such actions, suits, or legal proceedings that may be brought or instituted against them as employees of the District.

Any exception to this policy must be approved by the Superintendent.

Employee Security and Leaves

Administrative Regulation 4158 / 4258 / 4358, 4161.2 / 4261.2 / 4361.2

Administrative Regulation 4158 / 4258 / 4358

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

An employee shall promptly report to the principal or other immediate supervisor any attack, assault, or physical threat made against the employee by a student or by any other individual in relation to the performance of the employee's duties, and any action the employee took in response.

Additionally, the employee and the principal or other immediate supervisor shall promptly report to local law enforcement authorities an attack, assault, or physical threat made against the employee by a student. Reports of an attack, assault, or physical threat shall be forwarded immediately to the Superintendent or designee. *(Education Code 44014)*

Notice Regarding Student Offenses

When a student commits certain offenses that may endanger staff or others, the following procedures shall be implemented to notify staff members as appropriate:

1. Acts that are grounds for suspension or expulsion
    a. The Superintendent or designee shall inform the teacher(s) of each student who, during the previous three school years, has engaged in or is reasonably suspected to have engaged in any act, except the possession or use of tobacco products, that would constitute a ground for suspension or expulsion as specified in Administrative Regulation 5144.1 - Suspension and Expulsion/Due Process *(Education Code 49079)*

       This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. *(Education Code 49079)*
    b. Upon receiving a transfer student's record regarding acts committed by the student that resulted in suspension or expulsion, the Superintendent or designee shall inform the student's teacher(s) that the student was suspended from school or expelled from the former district and of the act that resulted in the suspension or expulsion *(Education Code 48201)*
    c. Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher *(Education Code 48201, 49079)*
2. Offenses reported to the district by a court
    a. When informed by a court that a minor student has been found by the court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism, or graffiti, the Superintendent or designee shall expeditiously notify the school principal or designee *(Welfare and Institutions Code 827)*
    b. The principal or designee shall expeditiously disseminate this information to any counselor who directly supervises or reports on the student's behavior or progress and to any teacher or administrator directly supervising or reporting on the student's behavior or progress whom the principal or designee thinks may need the information in order to work with the student appropriately, to avoid being needlessly vulnerable, or to protect others from vulnerability *(Welfare and Institutions Code 827)*
    c. Any court-initiated information that a teacher, counselor, or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff *(Welfare and Institutions Code 827)*

       The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff, and probation officer is necessary to

rehabilitate the student or to protect students and staff. *(Welfare and Institutions Code 827)*

d. When a student is removed from school as a result of an offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to the district *(Welfare and Institutions Code 827)*

   If the student is returned to a different district, the Superintendent shall transmit the information provided by the student's parole or probation officer to the superintendent of the new district of attendance. *(Welfare and Institutions Code 827)*

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

In order to maintain confidentiality when providing information about student offenses to a counselor or teacher, the principal or designee shall send the staff member a written notification that a student has committed an offense that requires review of a student's file in the school office. This notice shall not name or otherwise identify the student. The staff member shall initial the notification and shall also initial the student's file when reviewing it in the school office.

Accommodations for Victims of Domestic Violence, Sexual Assault, Stalking, or Other Qualifying Acts of Violence

When requested by an employee who is a victim of domestic violence, sexual assault, stalking, or other qualifying acts of violence, the district shall provide the employee reasonable accommodations which may include the implementation of safety measures, including, but not limited to: *(Government Code 12945.8)*

1. A transfer, reassignment, or modified schedule
2. A changed work telephone or work station, including the permission to carry a telephone at work
3. An installed lock
4. Assistance in documenting domestic violence, sexual assault, stalking, or other qualifying acts of violence that occurs in the workplace
5. Referral to a victim assistance organization
6. Another safety procedure or adjustment to a job structure, workplace, facility, or work requirement in response to domestic violence, sexual assault, stalking, or other qualifying act of violence

The Superintendent or designee shall engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations that do not pose an undue hardship on the district. In determining whether an accommodation is reasonable, the Superintendent or designee shall consider any exigent circumstance or danger facing the employee or their family member. (Government Code 12945.8)

Upon the request of the Superintendent or designee, an employee requesting a reasonable accommodation shall provide a written statement, signed by the employee or an individual acting on the employee's behalf, certifying that the accommodation is for an authorized purpose. The Superintendent or designee may also request that the employee provide certification of the employee's status as a victim of domestic violence, sexual assault, stalking, or other qualifying act of violence. Such certification may include: *(Government Code 12945.8)*

1. A police report indicating that the employee or a family member of the employee, was a victim

2. A court order protecting or separating the employee, or family member of the employee, from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a licensed medical professional or health care provider, domestic violence or sexual assault counselor, victim advocate, or counselor that the employee, or family member of the employee, was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse
4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf

Any verbal or written statement, police or court record, or other documentation identifying an employee, or a family member of the employee, as a victim shall be confidential and shall not be disclosed by the district except as required by federal or state law or as necessary to protect the employee's safety in the workplace. The employee shall be notified before any authorized disclosure. *(Government Code 12945.8)*

Every six months after the date of the certification, the Superintendent or designee may request recertification of the employee's status as a victim of domestic violence, sexual assault, stalking, other specified offense, or ongoing circumstances related to the crime or abuse. The employee shall notify the Superintendent or designee if, due to changing circumstances, the employee needs a new accommodation or no longer needs an accommodation. If a new accommodation is needed, the Superintendent or designee shall follow the procedures described above when making the initial determination regarding effective reasonable accommodations. *(Government Code 12945.8)*

The district shall not discharge or retaliate against an employee because of the employee's status as a victim of crime or abuse or for requesting a reasonable accommodation, regardless of whether the request was granted. *(Government Code 12945.8)*

Use of Pepper Spray

The Superintendent or designee shall notify employees of the district's policy prohibiting the possession of pepper spray on school property or at school-related activities without prior approval of the Superintendent or designee. Employees wishing to carry pepper spray shall submit to the Superintendent or designee a written request setting forth the need to carry or possess pepper spray and for how long the need is anticipated to last. The Superintendent or designee shall notify the employee in writing as to whether the request was approved or denied.

When approving an employee's request, the Superintendent or designee shall inform the employee of the following conditions:

1. The pepper spray shall be used only in self-defense pursuant to Penal Code 22810
2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the district and, in accordance with law, a fine and / or imprisonment
3. The pepper spray must be stored in a secure place and not be accessible to students or other individuals. Negligent storage or use of the pepper spray may subject the employee to disciplinary action.

Personal leaves granted to district employees shall be used as permitted in this administrative regulation, other Board-approved policy or district regulation, or applicable collective bargaining agreement.

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and any protections provided to a spouse's child shall also apply to a child of a registered domestic partner. *(Family Code 297.5)*

Whenever possible, employees shall request personal leaves in advance and prepare suitable instructions, including lesson plans as applicable, for a substitute employee.

Bereavement

Employees are entitled to a leave of up to five days upon the death of any member of the employee's immediate family, as defined in Education Code 44985 and 45194. *(Government Code 12945.7)*

No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. *(Education Code 44985, 45194; Government Code 12945.7)*

Immediate Family means a parent, parent-in-law, grandparent, or grandchild of the employee or of the spouse of the employee, and the spouse, domestic partner, child, child-in-law, or sibling of the employee, or any relative living in the immediate household of the employee. *(Education Code 44985, 45194)*

At the employee's request, bereavement leave may be extended under personal necessity leave provisions as provided in the section "Personal Necessity" below. *(Education Code 44981, 45207)*

Personal Necessity

Employees may use a maximum of seven days of accrued personal illness/injury leave (sick leave) during each school year for reasons of personal necessity. *(Education Code 44981, 45207)*

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, personal necessity leave shall not be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a request reflects personal necessity.

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed district absence form to the employee's immediate supervisor.

Leave to Perform Legal Duties

An employee may take time off work in order to: *(Labor Code 230)*

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the district office when requesting leave.

Leaves for Crime Victims for Judicial Proceedings

An employee who is a victim of a crime or an immediate family member, registered domestic partner, or child of a registered domestic partner of such victim may be absent from work in order to attend related judicial proceedings, if the crime is any of the following: *(Labor Code 230.2)*

1. A violent felony as defined in Penal Code 667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

For these purposes, the employee may use vacation, personal leave, personal illness/injury leave, unpaid leave, or compensatory time off that is otherwise available to the employee. *(Labor Code 230.2)*

Prior to taking time off, an employee shall give the Superintendent or designee a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. *(Labor Code 230.2)*

The district shall keep confidential any records pertaining to the employee's absence from work by reason of this leave. *(Labor Code 230.2)*

Leaves for Victims of Crime or Abuse

An employee who is a victim of domestic violence, sexual assault, stalking, or a crime that caused physical injury or mental injury with a threat of physical injury or an employee whose immediate family member, as defined, is deceased as the direct result of a crime may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to the employee to attend to the following activities: *(Labor Code 230, 230.1, 246.5)*

1. Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or the employee’s child
2. Seek medical attention for injuries caused by crime or abuse
3. Obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse
4. Obtain psychological counseling or mental health services related to an experience of crime or abuse
5. Participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation

Prior to taking time off, an employee shall give reasonable notice to the Superintendent or designee, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide, within a reasonable period of time, certification of the absence in the form of any of the following: *(Labor Code 230, 230.1)*

1. A police report indicating that the employee was a victim

2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a domestic violence or sexual assault counselor as defined in Evidence Code 1037.1 or 1035.2, licensed medical professional or health care provider, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse
4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf certifying that the absence is for a purpose authorized under Labor Code 230 or 230.1

The district shall maintain the confidentiality of such an employee to the extent authorized by law. *(Labor Code 230, 230.1)*

The Superintendent or designee shall inform employees of the rights provided employees pursuant to Labor Code 230 and 230.1 using a form developed by the Labor Commissioner or a substantially similar form developed by the district. Such information shall be provided to new employees upon hire and to other employees upon request. *(Labor Code 230.1)*

Personal Leave for Child-Related Activities

Any employee who is a parent/guardian of one or more children of an age to attend any of grades K-12 or a program offered by a licensed child care provider may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to: *(Labor Code 230.8)*

1. Find, enroll, or reenroll a child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.
2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:
    a. A request by the school or child care provider that the child be picked up
    b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider
    c. Behavioral or discipline problems
    d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays
    e. A natural disaster, including, but not limited to, fire, earthquake, or flood

For purposes of this leave, parent/guardian includes a parent, guardian, stepparent, foster parent, grandparent, or person who stands in loco parentis to a child. *(Labor Code 230.8)*

In lieu of using vacation, personal leave, or compensatory time off, eligible employees may take unpaid leave for this purpose.

If two or more parents/guardians of a child are employed at the same work site, this leave shall be allowed for the parent/guardian who first gives notice to the district. Simultaneous absence by another parent/guardian of the child may be granted by the Superintendent or designee. *(Labor Code 230.8)*

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or licensed child care provider that the employee engaged in permitted child-related activities on a specific date and at a particular time. *(Labor Code 230.8)*

Spouse on Leave from Military Deployment

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that the employee's spouse is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10. *(Military and Veterans Code 395.10)*

Within two business days of receiving official notice that the employee's spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of the intention to take the leave. The employee shall submit written documentation certifying that the employee's spouse will be on leave from deployment during the time that the leave is requested. *(Military and Veterans Code 395.10)*

Leave for Emergency Duty

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. *(Labor Code 230.3)*

Any employee who performs duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training. *(Labor Code 230.4)*

Civil Air Patrol Leave

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to the employee, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the district for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. *(Labor Code 1501, 1503)*

The employee shall give the district as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification. *(Labor Code 1503)*

Lactation Accommodation

Board Policy 4033

Board Policy 4033

The Governing Board recognizes the immediate and long-term health benefits of breastfeeding and desires to provide a supportive environment for any district employee to express milk for an infant child upon returning to work following the birth of a child. The Board prohibits discrimination,

harassment, and/or retaliation against any district employee for seeking an accommodation to express breast milk for an infant child while at work.

An employee shall notify the employee's supervisor or other appropriate personnel in advance of the intent to request an accommodation. The supervisor shall respond to the request and shall work with the employee to make arrangements. If needed, the supervisor shall address scheduling in order to ensure that the employee's essential job duties are covered during the break time.

Lactation accommodations shall be granted unless limited circumstances exist as specific in law. *(Labor Code 1031, 1032; 29 USC 207)*

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

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

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

Break Time and Location Requirements

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

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

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

1. Is shielded from view and free from intrusion while the employee is expressing milk
2. Is safe, clean, and free of hazardous materials, as defined in Labor Code 6382
3. Contains a place to sit and a surface to place a breast pump and personal items
4. Has access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump.
5. Has access to a sink with running water and a refrigerator, or if a refrigerator cannot be provided, another cooling device suitable for storing milk in close proximity to the employee's workspace

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

Dispute Resolution

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

The Family Care and Medical Leave Act and California Family Rights Act

Administrative Regulation 4161.8 / 4261.8 / 4361.8

Administrative Regulation 4161.8 / 4261.8 / 4361.8

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

Definitions

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

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

Designated person, for CFRA purposes, means any individual related by blood, or whose association with the employee is the equivalent of a family relationship. *(Government Code 12945.2)*

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

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

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

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

postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

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

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

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

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

   Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.
2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:
   a. A period of incapacity of more than three consecutive full days
   b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
   c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
   d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective
   e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

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

Eligibility / Purposes of Leave

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

1. The birth of a child or the employee or placement of a child with the employee in connection with the employee’s adoption or foster care of the child (parental leave)
2. The care of an eligible family member with a serious health condition
3. The employee’s own serious health condition that makes the employee unable to perform the job functions of the position
4. A qualifying exigency arising out of the fact that the employee’s spouse, child, parent, or next of kin of the covered servicemember

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

Terms of Leave

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

The 12-month period shall be a rolling period measured backward from the date an employee uses any family care and medical leave, as defined in 29 CFR 825.200. *(29 CFR 825.200)*

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

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

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

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

Use/Substitution of Paid Leave

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

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

Intermittent Leave / Reduced Work or Leave Schedule

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

(Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

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

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

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

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

Request for Leave

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

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

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

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

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

In all instances, the employee shall consult with the Superintendent or designee and make a

reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. *(Government Code 12945.2; 2 CCR 11050, 11091)*

An eligible employee may request CFRA leave to care for a designated person with a serious health condition. The employee may identify the designated person at the time of the employee's request for the leave. The district may limit an employee to using CFRA leave to care for one designated person per 12-month period. *(Government Code 12945.2; Labor Code 245.5)*

Certification of Health Condition

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

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

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

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

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

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

Certification for PDL

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

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

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

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

Release to Return to Work

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

Rights to Reinstatement

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

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

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time

the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. *(2 CCR 11043)*

Maintenance of Benefits / Failure to Return from Leave

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

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

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. *(Government Code 12945.2; 2 CCR 11044, 11092)*

Military Family Leave Resulting from Qualifying Exigencies

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

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

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

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence

5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and district agree is a qualifying exigency

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

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

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

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

Military Caregiver Leave

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

Covered servicemember may be: *(29 CFR 825.127)*

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

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

Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember

(except "parents-in-law"). *(29 CFR 825.127)*

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

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

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

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating
2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:
    a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating
    b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition
    c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran
    d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

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

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

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

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

Notifications

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

1. General Notice: Information explaining the provisions of the Fair Employment and Housing Act/PDL and FMLA/CFRA and employees' rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. *(2 CCR 11049, 11095; 29 USC 2619)*
2. The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. *(2 CCR 11049, 11050, 11091)*
3. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of eligibility to take such leave. *(2 CCR 11049, 11091; 29 CFR 825.300)*
4. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: *(29 CFR 825.300)*
    a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying
    b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification
    c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave
    d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis
    e. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave
    f. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

    Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. *(29 CFR 825.300)*
5. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, the Superintendent or designee shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. *(2 CCR 11091; 29 CFR 825.300)*

    If the amount of leave needed is known, the notice shall include the number of hours, days, or

weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. *(29 CFR 825.300)*

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

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

Records

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

Drug, Alcohol, and Tobacco Free Schools and Workplaces

Board Policy 4020, 4159 / 4259 / 4359
Administrative Regulation 3513.3

Board Policy 4020

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

An employee shall not unlawfully manufacture, distribute, dispense, possess, or use any controlled substance in the workplace. *(Government Code 8355; 41 USC 8103)*

Employees are prohibited from being under the influence of controlled substances or alcohol while on duty. For purposes of this policy, on duty means while an employee is on duty during both instructional and noninstructional time in the classroom or workplace, at extracurricular or cocurricular activities, or while transporting students or otherwise supervision them. Under the influence means that the employee's capabilities are adversely or negatively affected, impaired, or diminished to an extent that impacts the employee's ability to safely and effectively perform his/her job.

The Superintendent or designee shall notify employees of the district's prohibition against drug use and the actions that will be taken for violation of such prohibition. *(Government Code 8355; 41 USC 8103)*

The Superintendent or designee shall notify the appropriate federal granting or contracting agency within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace. *(41 USC 8103)*

In accordance with law and the district's collective bargaining agreements, the Superintendent or designee shall take appropriate disciplinary action, up to and including termination, against an employee for violating the terms of these policy and/or shall require the employee to satisfactorily

participate in and complete a drug assistance or rehabilitation program approved by a federal, state, or local public health or law enforcement agency or other appropriate agency.

Alcohol and Controlled Substances Free Awareness Program

The Superintendent or designee shall establish a drug-free awareness program to inform employees about: *(Government Code 8355; 41 USC 8103)*

1. The dangers of drug abuse in the workplace
2. The district's policy on maintaining a drug-free workplace
3. Available counseling, rehabilitation, and employee assistance programs
4. The penalties that may be imposed on employees for drug abuse violations occurring in the workplace

Board Policy 4159 / 4259 / 4359

The Governing Board recognizes that school district employees may have problems which can have detrimental effects upon job performance and student safety. The Board encourages employees to seek help when such problems exist and to take advantage of the resources that are available to assist them.

Employees shall have confidential access to information about the district's employee assistance program. This information shall be available to all employees and their spouses and dependents.

Management and supervisory staff shall be knowledgeable about the district's employee assistance program and may counsel employees about the program, as appropriate.

Participation in the assistance program shall not jeopardize an employee's employment or career advancement, nor will it protect the employee from disciplinary action for substandard job performance.

Administrative Regulation 3513.3

Notifications

Information about the district's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students, and the community. *(Health and Safety Code 104420)*

The Superintendent or designee may disseminate this information through annual written notifications, district and school web sites, student and parent handbooks, and/or other appropriate methods of communication.

The Superintendent or designee shall ensure that signs stating "Tobacco use is prohibited" are prominently displayed at all entrances to school property. *(Health and Safety Code 104420, 104559)*

Enforcement / Discipline

Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave school property
2. Request local law enforcement assistance in removing the person from school premises
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering district property for a specified period of time

The Superintendent or designee shall not be required to physically eject a nonemployee who is smoking or to request that the nonemployee refrain from smoking under circumstances involving a risk of physical harm to the district or any employee. *(Labor Code 6404.5)*

Use of Automatic External Defibrillator (AED)

Administrative Regulation 5141
Proper Use of AED
AED Locations

Administrative Regulation 5141

Emergency Contact Information

In order to facilitate contact in case of an emergency or accident, the principal or designee shall annually request that parents / guardians provide the following information:

1. Home address and telephone number
2. Parent / guardian's business address and telephone number
3. Parent / guardian's cell phone number and email address, if applicable
4. Name, address, and telephone number of an alternative contact person to whom the student may be released and who is authorized by the parent / guardian to care for the student in cases of emergency or when the parent / guardian cannot be reached
5. Local physician to call in case of emergency

In addition, parents / guardians shall be encouraged to notify the school whenever their emergency contact information changes.

Notification / Consent for Medical Treatment

Whenever a student requires emergency or urgent medical treatment while at school or a school-sponsored activity, the principal or designee shall contact the parent / guardian or other person identified on the emergency contact form.

A person who has filed with the district a completed caregiver's authorization affidavit pursuant to Family Code 6550-6552 shall have the right to consent to or refuse school-related medical care on behalf of the minor student. The caregiver's authorization shall be invalid if the district receives notice that the minor student is no longer living with the caregiver or if the Superintendent or designee has actual knowledge of facts contrary to those stated on the affidavit. *(Family Code 6550)*

The caregiver's consent to medical care shall be superseded by any contravening decision of a parent or other person having legal custody of the student, provided that this contravening decision does not jeopardize the student's life, health, or safety. *(Family Code 6550)*

Automated External Defibrillators

When an automated external defibrillator (AED) is placed in a district school, the Superintendent or designee shall notify an agent of the local emergency medical services agency of the existence, location, and type of AED acquired*. (Health and Safety Code 1797.196, 1797.200)*

The Superintendent or designee shall ensure that any AED placed at a district school is maintained and tested according to the operation and maintenance guidelines set forth by the manufacturer. *(Health and Safety Code 1797.196)*

The Superintendent or designee shall develop a written plan which describes the procedures to be followed in the event of a medical emergency, including an emergency that may involve use of an AED. These procedures should include, but not be limited to, requirements for immediate notification of the 911 emergency telephone number in the event of an emergency that may involve the use of an AED.

The principal of any district school with an AED shall annually provide information to school employees that describes: *(Health and Safety Code 1797.196)*

1. Sudden cardiac arrest
2. The school's emergency response plan
3. The proper use of an AED

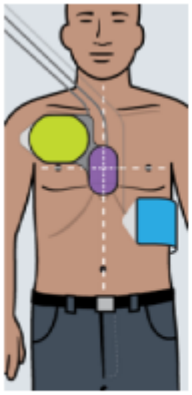
Proper Use of an AED

Use a defibrillator when a suspected cardiac arrest victim has an apparent lack of circulation as indicated by **all** of the following symptoms

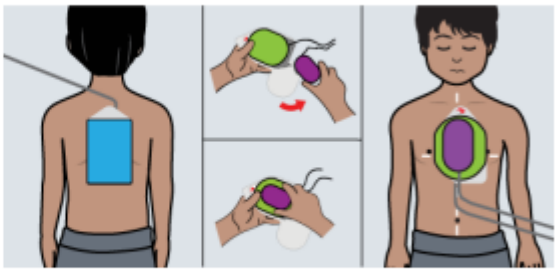
1. Unconsciousness
2. Absence of normal breathing
3. Absence of a pulse or signs of circulation

Call for help, retrieve the defibrillator, and bring it to the patient's side. Follow these basic steps to treat the suspected cardiac arrest patient:

1. Ensure a green check is visible in the self-test screen. If no green check is present, the unit has failed its self-test and a different unit should be used.
2. Press the On / Off button to turn on the defibrillator and follow the voice prompts. Press the Child button only if the patient is a child of less than 8 years old or weighs less than 55 pounds and you are using CPR Uni-padz.
3. Remove defibrillation pads from package. Remove all clothing from pateint's chest. Ensure that the patient's chest is clean and dry. If the patient has excessive chest hair, clip or shave the hair. Remove the adhesive liner from the pads and place on the patent per the instructions and samples below.



OR



Adult pad placement

Child pad placement

NOTE If you are using CPR Uni-padz in Child Mode, the AED issues the voice prompts *ATTACH BLUE PAD TO CHILD'S BACK, TEAR PURPLE SENSOR AWAY FROM GREEN PAD, PLACE PURPLE SENSOR ON GREEN PAD,* and *ATTACH GREEN PAD TO CENTER OF CHILD'S CHEST.*

WARNING! The purple CPR sensor is not intended for use on patients less than 1 year of age; remove the purple CPR sensor and place it next to the patient.

WARNING! Poor adherence or air pockets under the defibrillation pads can lead to arcing, skin burns, or reduced energy delivery. To minimize burning, apply freshly opened and undamaged defibrillation pads to clean and dry skin. Do not fold or wrinkle the defibrillation pad gel surface when applying defibrillation pads to the patient.

4. The AED will notify you if a shock is or is not needed and provide directions for administering the shock. Do not touch the patient while the AED is determining if a shock is needed or while a shock is administered.
5. Start CPR.
6. Transition care to Emergency Medical Services when they arrive.

AED Locations

School	Location
Arroyo Elementary School	Healthroom
Barbara Benson Elementary School	Healthroom
Beckman High School	Performing Art Center
Beckman High School	Healthroom
Beckman High School	Gym
Beckman High School	Training Room
Beckman High School	Auxiliary Gym
Beckman High School	Pool
Benjamin Beswick Elementary School	Healthroom
Columbus Tustin Middle School	Gym
Columbus Tustin Middle School	Healthroom
District Admin	New Co-Lab

Foothill High School	Baseball Field Garage
Foothill High School	Nurse’s Office
Foothill High School	Main Gym
Foothill High School	Event Center
Foothill High School	Pool-Outside Cabinet
Foothill High School	Boys Locker Room
Foothill High School	Tennis Office
Foothill High School	Trainer’s Office
Foothill High School	Back of Portable 730
Guin Foss Elementary School	Healthroom
Helen Estock Elementary School	Healthroom
Heritage Elementary School	Office
Hewes Middle School	Gym
Hewes Middle School	Healthroom
Hicks Canyon Elementary School	Office
Hillview High School	MPR
Hillview High School	Health Office
Ladera Elementary School	Healthroom
Legacy Magnet School	Outside Healthroom
Legacy Magnet School	Gym
Loma Vista Elementary School	Healthroom
Myford Elementary School	Office
Orchard Hills K-8 School	Gym
Orchard Hills K-8 School	Healthroom
Peters Elementary School	Healthroom
Pioneer Middle School	Gym
Pioneer Middle School	Office
Red Hill Elementary School	Office
Robert Heideman Elementary School	Office
Robert Heideman Elementary School	2nd Floor Teacher’s Lounge
Support Services	Break Room
Sycamore Magnet Academy, Currie Middle School	Gym
Sycamore Magnet Academy, formerly Thorman Elementary	Co-Lab 5
Sycamore Magnet Academy, formerly Thorman Elementary	Teacher’s Lounge
School Readiness	Healthroom
Tustin High School	Office
Tustin High School	Nurse’s Office
Tustin High School	Old Gym Closet
Tustin High School	Trainer’s Office- portable Rm 817

Tustin High School	Pavilion
Tustin High School	Pool
Tustin High School Annex	Girls RR near turf field
Tustin Memorial Academy	Healthroom
Tustin Ranch Elementary school	Healthroom
Utt Middle School	Athletic Office
Utt Middle School	Healthroom
W.R. Nelson Elementary School	Healthroom

Environmental Safety

Administrative Regulation 3514

Administrative Regulation 3514

The Superintendent may designate and train one or more employees to oversee and coordinate the district's environmental safety program(s). The responsibilities of the coordinator(s) shall include, but are not limited to, overseeing assessments of district facilities, recommending strategies for the prevention and mitigation of environmental health risks, ensuring effective implementation of environmental safety strategies, and reporting to the Superintendent regarding the district's progress in addressing environmental safety concerns.

Indoor Air Quality

In order to provide proper ventilation, humidity, and temperature in school facilities and to reduce indoor air contaminants, the following strategies shall be implemented:

1. Mechanically driven heating, ventilation, and air conditioning systems shall be operated continuously during working hours except under the circumstances specified in 8 CCR 5142. The systems shall be inspected at least annually and problems corrected within a reasonable time. Where the air supply is filtered, the filters shall be replaced or cleaned regularly to prevent significant reductions in airflow. Documentation of inspections, tests of ventilation rates, and maintenance shall be retained for at least five years. *(8 CCR 5142-5143)*

   Staff shall ensure that airflow is not obstructed by the blocking of ventilators with posters, furniture, books, or other obstacles.
2. School facilities shall be regularly inspected for water damage, spills, leaks in plumbing and roofs, poor drainage, and improper ventilation so as to preclude the buildup of mold and mildew and prevent accidents due to unsafe conditions. Wet building materials and furnishings shall be dried within 48 hours if possible to prevent mold growth. When evidence of mold or mildew is found, maintenance staff shall locate and repair the source of water intrusion and remove or clean moldy materials.
3. Exterior wall and foundation cracks and openings shall be sealed as soon as possible to minimize seepage of radon into buildings from surrounding soils.
4. Least toxic pest management practices shall be used to control and manage pests at school sites. *(Education Code 17608-17614; Food and Agriculture Code 13182)*
5. A carbon monoxide detector or alarm shall be installed in all school buildings that contain a fuel-burning appliance, fireplace, or forced-air furnace, unless otherwise exempted by state law

or regulations. The device or alarm shall be located in close proximity to the appliance in order to accurately detect and alert school personnel of any leakage of carbon monoxide. *(24 CCR 915.1-915.7)*

6. Schedules and practices for routine housekeeping and maintenance shall be designed to effectively reduce levels of dust, dirt, and debris. Plain water, soap and water, or low-emission cleaning products shall be used whenever possible. Aerosols, including air fresheners and other products containing ozone, shall be avoided to the extent possible.
7. Painting of school facilities and maintenance or repair activities that require the use of potentially harmful substances shall be limited to those times when school is not in session. Following any such activity, the facility shall be properly ventilated with adequate time allowed prior to reopening for use by any person.
8. Paints, adhesives, and solvents shall be used and stored in well-ventilated areas. These items shall be purchased in small quantities to avoid storage exposure.
9. To the extent possible, printing and duplicating equipment that may generate indoor air pollutants, such as methyl alcohol or ammonia, shall be placed in locations that are well ventilated and not frequented by students and staff.
10. The district's tobacco-free schools policy shall be consistently enforced in order to reduce the health risks caused by second-hand smoke.
11. Staff and students shall be asked to refrain from bringing common irritants such as furred or feathered animals, stuffed toys that may collect dust mites, scented candles, incense, or air fresheners and from using perfume or cologne, scented lotion or hair spray, nail polish or nail polish remover, or other personal care products that are not fragrance-free in classrooms, school buses, or other enclosed areas or buildings.

Outdoor Air Quality

The Superintendent or designee may coordinate with the local air resources control board and monitor local health advisories and outdoor air quality alerts to obtain forecasts of ozone levels, particle pollution, ultraviolet radiation levels, and/or temperature and humidity.

Whenever a forecast indicates a significant health risk, the Superintendent or designee shall communicate with each principal so that outdoor activities, especially those requiring prolonged or heavy exertion, may be avoided, limited in duration, or modified as necessary for all persons or for persons who may be particularly susceptible to the health risk involved.

Reduction of Vehicle Emissions

In order to reduce public exposure to toxic air contaminants, school bus drivers and other drivers of commercial motor vehicles shall limit unnecessary idling of vehicles at or near schools in accordance with 13 CCR 2480. The Superintendent or designee may also request parents/guardians to turn off their vehicles when they are idling on school grounds and encourage students to walk and/or bicycle to school.

Any school bus that is diesel-fueled, dual-fueled, or alternative diesel-fueled and has a gross vehicle weight rating over 14,000 pounds shall be equipped with a particulate filter designed to reduce particulate matter emissions, oxides of nitrogen emissions, and other pollutants. *(13 CCR 2025)*

Drinking Water Safety

The quality and safety of the district's drinking water sources shall be regularly assessed, and drinking fountains shall be regularly cleaned and maintained, to ensure that drinking water consumed at school does not contain dirt, mold, lead, or other impurities or contaminants that may cause serious

health concerns.

Whenever any contaminants in the drinking water are determined to be a concern, the Superintendent or designee shall take reasonable steps to identify the source and mitigate any potential problem to ensure the availability of safe drinking water. As needed, the Superintendent or designee shall provide alternative sources of drinking water, such as bottled water or on-site water filtration, to ensure that students have access to fresh drinking water at mealtimes and at other times throughout the day.

Whenever testing of drinking water finds concentrations of lead that exceed federal and state standards, the Superintendent or designee shall notify parents/guardians and take immediate steps to shut down and make inoperable any fountains or faucets where excess lead levels may exist.

Prevention of Lead Exposure

In addition to testing for the presence of lead in drinking water in district schools, the following steps shall be taken to minimize potential exposure to lead in school facilities:

1. School facilities shall be kept as dust-free and clean as possible.
2. Lead-based paint, lead plumbing and solders, or other potential sources of lead contamination shall not be used in the construction of any new school facility or the modernization or renovation of any existing school facility. *(Education Code 32244)*
3. Lead exposure hazards shall be evaluated before any renovation or remodeling is begun, and children shall not be allowed in or near buildings in which these activities may create lead dust. Contractors and workers shall comply with state and federal standards related to the handling and disposal of lead debris and the clean-up and containment of dust within the construction area.
4. Soil with low lead content may be covered with grass, other plantings, concrete, or asphalt. For soil with high lead content, removal and abatement are required.
5. Soil with low lead content may be covered with grass, other plantings, concrete, or asphalt. For soil with high lead content, removal and abatement are required.

Any action to abate existing lead hazards shall be taken only by contractors, inspectors, and workers certified by the California Department of Public Health in accordance with 17 CCR 35001-35099. *(Education Code 32243)*

The Superintendent or designee shall notify parent/guardians, teachers, and staff members if significant risk factors for lead exposure are found. *(Education Code 32243)*

Prevention of Mercury Exposure

The Superintendent or designee shall identify any mercury-containing products that are present in district facilities and, to the extent possible, shall replace them with mercury-free alternatives.

Staff shall receive information about proper procedures to follow in the event of a mercury spill. Clean-up instructions, a clearly labeled kit with necessary clean-up supplies, and a list of local resources shall be readily accessible.

In the event of a spill, staff shall evacuate all students from the immediate area of the spill, ensure that any clothing or other items with mercury on them remain in the room, open windows to the outside, and close doors to other parts of the school. Staff who are trained in proper clean-up procedures may carefully clean a small spill. As needed for larger or difficult-to-clean spills, the

Superintendent or designee shall use an experienced professional referred by the local health department or environmental agency.

Any products containing mercury shall be properly disposed at an appropriate hazardous waste collection facility.

Asbestos Management

The Superintendent shall designate an employee who shall ensure that the district's responsibilities related to asbestos inspection and abatement are implemented in accordance with federal and state regulations. This employee shall receive adequate training to perform these duties, including, as necessary, training on the health effects of asbestos; detection, identification, and assessment of asbestos-containing building materials; options for controlling asbestos-containing building materials; asbestos management programs; and relevant federal and state regulations. *(40 CFR 763.84)*

The designated employee shall ensure that the district complies with the following requirements:

1. School facilities shall be inspected for asbestos-containing building materials as necessary in accordance with the following:
    a. Any school building that is leased, acquired, or otherwise used by the district shall be inspected for asbestos-containing building materials prior to its use as a school building, unless exempted by federal regulations. *(40 CFR 763.85, 763.99)*
    b. At least once every six months, the district shall conduct a periodic surveillance consisting of a visual inspection of each school building that contains or is assumed to contain asbestos-containing building materials. *(40 CFR 763.92)*
    c. At least once every three years, the district shall conduct a re-inspection of all known or assumed asbestos-containing building materials in each school building. *(40 CFR 763.85)*
2. Based on the results of the inspection, an appropriate response which is sufficient to protect human health and the environment shall be determined from among the options specified in 40 CFR 763.90. The district may select the least burdensome response, taking into consideration local circumstances, including occupancy and use patterns within the school building and economic concerns such as short-term and long-term costs. *(40 CFR 763.90)*
3. An asbestos management plan for each school site shall be maintained and regularly updated to keep it current with ongoing operations and maintenance, periodic surveillance, inspection, re-inspection, and response action activities. *(15 USC 2643; 40 CFR 763.93)*

    The asbestos management plan shall be available for inspection in district and school offices during normal business hours. Parent/guardian, teacher, and employee organizations shall be annually informed of the availability of these plans. *(40 CFR 763.84, 763.93)*
4. Staff, students, and parents/guardians shall be informed at least once each school year about any inspections, response actions, and post-response actions, including periodic re-inspection and surveillance activities, that are planned or in progress. *(40 CFR 763.84)*
5. Inspections, re-inspections, periodic surveillance, and response actions, including operations and maintenance, shall be conducted in compliance with state and federal regulations for the protection and safety of workers and all other individuals. *(Education Code 49410.5; 40 CFR 763.84, 763.90)*

    Asbestos inspection and abatement work, preparation of a management plan, and any maintenance activities that may disturb asbestos-containing building materials, except for emergency repairs or small-scale, short-duration maintenance activities, shall be completed by

state-certified asbestos inspectors or contractors. *(15 USC 2646; 40 CFR 763.84, 763.85, 763.91)*

6. All custodial and maintenance employees shall be properly trained in accordance with applicable federal and/or state regulations. *(40 CFR 763.84)*

   All district maintenance and custodial staff who may work in a building that contains asbestos-containing building materials, regardless of whether they are required to work with such materials, shall receive at least two hours of related asbestos awareness training. New maintenance and custodial staff shall receive such training within 60 days after beginning employment. Any maintenance or custodial staff who conduct activities that will disturb asbestos-containing building materials shall receive 14 hours of additional training. The trainings shall address the topics specified in 40 CFR 763.92. *(15 USC 2655; 40 CFR 763.84, 763.92)*
7. Short-term workers, such as telephone repair workers, utility workers, or exterminators, who may come in contact with asbestos in a school shall be provided information regarding the locations of known or suspected asbestos-containing building materials. *(40 CFR 763.84)*
8. Warning labels shall be posted immediately adjacent to any known or suspected asbestos-containing building material located in routine maintenance areas in accordance with 40 CFR 763.95. *(40 CFR 763.84)*

The district shall maintain, in both the district and school offices and for a period of three years, records pertaining to each preventive measure and response action taken; staff training; periodic surveillances conducted; cleaning, operations, and maintenance activities; and any fiber release episode. *(40 CFR 763.94)*

Integrated Pest Management

AR 3514.2
IPM Plan

Integrated Pest Management

Definitions

Integrated pest management (IPM) means a strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as monitoring for pest presence and establishing treatment threshold levels, using nonchemical practices to make the habitat less conducive to pest development, improving sanitation, and employing mechanical and physical controls. *(Education Code 17609; Food and Agricultural Code 13181)*

School site means any facility used as a child day care facility or for kindergarten, elementary, or secondary school purposes and includes the buildings or structures, playgrounds, athletic fields, vehicles, or any other area of property visited or used by students. *(Education Code 17609)*

Program Components

The Superintendent or designee shall designate an employee at the district office and/or school site to develop, implement, and coordinate an IPM strategy that incorporates effective, least toxic pest management practices.

The IPM coordinator shall prepare and annually update a districtwide or school site IPM plan based on the template provided by the California Department of Pesticide Regulation (DPR).

The IPM plan shall include the name of the district and/or school IPM coordinator, the pesticides expected to be applied at the school site by district employees and/or pest control applicators, and a date that the plan shall be reviewed and, if necessary, updated. *(Education Code 17611.5)*

The district shall use pesticides that pose the least possible hazard and are effective in a manner that minimizes risks to people, property, and the environment. Such pesticides shall only be used after careful monitoring indicates they are needed according to pre-established guidelines and treatment thresholds. *(Food and Agricultural Code 13181)*

The IPM plan and this administrative regulation shall not apply to reduced-risk pesticides, including self-contained baits or traps, gels or pastes used for crack and crevice treatments, antimicrobials, and pesticides exempt from registration by law. *(Education Code 17610.5; 3 CCR 6147)*

The district's program shall include, but not necessarily be limited to, the following components:

1. Identifying and monitoring pest population levels and identifying practices that could affect pest populations. Strategies for managing the pest shall be influenced by the pest species and whether that species poses a threat to people, property, or the environment.
2. Setting action threshold levels to determine when pest populations or vegetation at a specific location might cause unacceptable health or economic hazards that would indicate corrective action should be taken
3. Modifying or eliminating pest habitats to deter pest populations and minimize pest infestations.
4. Considering a full range of possible alternative cost-effective treatments. Such alternative treatments may include taking no action or controlling the pest by physical, horticultural, or biological methods. Cost or staffing considerations alone will not be adequate justification for the use of chemical control agents.
5. Selecting nonchemical pest management methods over chemical methods whenever such methods are effective in providing the desired control or, when it is determined that chemical methods must be used, giving preference to those chemicals that pose the least hazardous effects to people and the environment.

   No pesticide that is prohibited by DPR or the U.S. Environmental Protection Agency, as listed on the DPR web site, shall be used at a school site. *(Education Code 17610.1)*
6. Limiting pesticide purchases to amounts needed for the year. Pesticides shall be stored at a secure location that is not accessible to students and unauthorized staff. They shall be stored and disposed of in accordance with state regulations and product label directions.
7. Informing parents/guardians and employees regarding pesticide use as described in the sections "Notifications" and "Warning Signs" below.
8. Ensuring that persons applying pesticides follow label precautions and are sufficiently trained in the principles and practices of IPM as described in the section "Training" below.
9. Evaluating the effectiveness of treatments to determine if revisions to the IPM plan are needed.

Training

The IPM coordinator and any employee or contractor who may be designated to apply a pesticide at a school site shall annually complete a DPR-approved training course on IPM and the safe use of pesticides in relation to the unique nature of school sites and children's health. *(Education Code 17614; Food and Agricultural Code 13186.5)*

Any district employee who handles pesticides shall also receive pesticide-specific safety training prior to applying pesticides and annually thereafter in accordance with 3 CCR 6724.

Notifications

Staff and parents/guardians of students enrolled at a school site shall be annually notified, in writing, regarding pesticide products expected to be applied at the school site in the upcoming year. The notification shall include at least the following: *(Education Code 17612)*

1. The name of each pesticide product expected to be applied in the upcoming year and the active ingredient(s) in it
2. The Internet address (http://www.cdpr.ca.gov/schoolipm) used to access information on pesticides and pesticide use reduction developed by the DPR pursuant to Food and Agricultural Code 13184
3. If the school has posted its IPM plan, the internet address where the plan may be found
4. The opportunity to view a copy of the IPM plan in the school office
5. An opportunity for interested persons to register to receive prior notification of each application of a pesticide at the school site
6. Other information deemed necessary by the IPM coordinator

Whenever a person registers to receive notice of individual pesticide application pursuant to item #5 above, the IPM coordinator shall notify such registered persons of individual pesticide applications at least 72 hours prior to the application. The notice shall include the product name, the active ingredient(s) in the product, and the intended date of application. *(Education Code 17612)*

If a pesticide product not included in the annual notification is subsequently intended for use at a school site, the IPM coordinator shall provide written notification of its intended use to staff and parents/guardians of students enrolled at the school, at least 72 hours prior to the application. *(Education Code 17612)*

If a school chooses to use a pesticide not exempted pursuant to Education Code 17610.5, it shall post the school or district IPM plan on the school's web site or, if the school does not have a web site, then on the district web site. If neither the school nor district has a web site, then the IPM plan shall be included with the annual notification sent to staff and parents/guardians pursuant to Education Code 17612 as described above. When not required, the IPM coordinator may post or distribute the IPM plan at his/her discretion. *(Education Code 17611.5)*

Whenever the IPM coordinator deems that the immediate use of a pesticide is necessary to protect the health and safety of students, staff, or other persons at the school site, he/she shall make every effort to provide the required notifications prior to the application of the pesticide. *(Education Code 17612)*

Warning Signs

The IPM coordinator shall post a warning sign at each area of the school site where pesticides will be applied that shall be visible to all persons entering the treated area. The sign shall be posted at least 24 hours prior to the application and shall remain posted until 72 hours after the application. The warning sign shall prominently display the following information: *(Education Code 17612)*

1. The term "Warning/Pesticide Treated Area"
2. The product name, manufacturer's name, and the EPA's product registration number

3. The product name, manufacturer's name, and the EPA's product registration number
4. Reason for the pesticide application

When advance posting is not possible due to an emergency condition requiring immediate use of a pesticide to protect the health and safety of students, staff, or other persons or the school site, the warning sign shall be posted immediately upon application and shall remain posted until 72 hours after the application. *(Education Code 17609, 17612)*

Records

At the end of each calendar year, the IPM coordinator shall submit to DPR, on a form provided by DPR, a copy of the records of all pesticide use at the school site for that year, excluding any pesticides exempted by law and any pesticide use reported by the pest control operator pursuant to Food and Agricultural Code 13186. The IPM coordinator may submit more frequent reports at his/her discretion. *(Education Code 17611)*

Each school site shall maintain records of all pesticide use at the school for four years, and shall make the information available to the public, upon request, in accordance with the California Public Records Act. A school may meet this requirement by retaining a copy of the warning sign posted for each pesticide application with a recording on that copy of the amount of the pesticide used. *(Education Code 17611)*

Pesticide Use Near School Site

Upon receiving notification pursuant to 3 CCR 6692 that a grower expects to use agricultural pesticides within one-quarter mile of a school site Monday through Friday from 6:00 a.m. to 6:00 p.m., the principal or designee shall notify the Superintendent or designee, IPM coordinator, staff at the school site, and parents/guardians of students enrolled at the school.

The principal or designee may communicate with any grower within one-quarter mile of the school to request that the grower not apply pesticides during evenings or weekends when school activities are scheduled.

IPM Plan

The district's current IPM plan and all required components can be viewed on the district's website at https://www.tustin.k12.ca.us/departments/business-services/maintenance-operations-facilities/integrated-pest-management-plan.

Universal Precautions

Board Policy 4119.42 / 4219.42 / 4319.42, 4119.43 / 4219.43 / 4319.43
Administrative Regulation 4119.43 / 4219.43 / 4319.43

Board Policy 4119.42 / 4219.42 / 4319.42

Definitions

Occupational exposure means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. *(8 CCR 5193; 29 CFR 1910.1030)*

Exposure incident means a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties. *(8 CCR 5193; 29 CFR 1910.1030)*

Parenteral contact means piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions. *(8 CCR 5193; 29 CFR 1910.1030)*

A sharp is any object that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident. *(8 CCR 5193)*

A sharps injury is any injury caused by a sharp, including, but not limited to, cuts, abrasions, or needlesticks. *(8 CCR 5193)*

Work practice controls are controls that reduce the likelihood of exposure by defining the manner in which a task is performed. *(8 CCR 5193; 29 CFR 1910.1030)*

Engineering controls are controls, such as sharps disposal containers, needleless systems, and sharps with engineered sharps injury protection, that isolate or remove the bloodborne pathogens hazard from the workplace. *8 CCR 5193; 29 CFR 1910.1030)*

Engineered sharps injury protection is a physical attribute, such as a barrier, blunting, encapsulation, withdrawal, or other effective mechanism, built into a needle device or into a non-needle sharp which effectively reduces the risk of an exposure incident. *(8 CCR 5193; 29 CFR 1910.1030)*

Personal protective equipment is specialized clothing or equipment worn or used by an employee for protection against a hazard, such as gloves, gowns, laboratory coats, face shields or masks. *(8 CCR 5193)*

Exposure Control Plan

The district's written exposure control plan for bloodborne pathogens shall contain at least the following components: *(8 CCR 5193; 29 CFR 1910.1030)*

1. A determination of which employees have occupational exposure to blood or other potentially infectious materials, which shall be made without regard to employees' use of personal protective equipment and shall include a list of:
    a. All job classifications in which all employees have occupational exposure
    b. Job classifications in which some employees have occupational exposure
    c. All tasks and procedures, or groups of closely related tasks and procedures, in which occupational exposure occurs and which are performed by employees listed in item #1b above
2. The schedule and method of implementing each of the following in accordance with 8 CCR 5193 and this administrative regulation:
    a. Methods of compliance required by 8 CCR 5193(d) and 29 CFR 1910.1030, including universal precautions, general and specific engineering and work practice controls, and personal protective equipment
    b. Hepatitis B vaccination
    c. Bloodborne pathogen post-exposure evaluation and follow-up
    d. Communication of hazards to employees through information and training
    e. Recordkeeping, including medical records, training records, and a log of sharps injuries

3. The district's procedure for documenting the route(s) of exposure and the circumstances under which exposure incidents occurred
4. An effective procedure for gathering information about each exposure incident involving a sharp
5. An effective procedure for periodically determining the frequency of use of the types and brands of sharps involved in exposure incidents
6. An effective procedure for identifying currently available engineering controls and selecting such controls, as appropriate, for the procedures performed by employees in their work areas or departments
7. An effective procedure for documenting instances when a licensed healthcare professional directly involved in an employee's care determines that the use of an engineering control would jeopardize the employee's safety or the success of a medical, dental, or nursing procedure involving the employee
8. An effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed by employees in their respective work areas or departments

The exposure control plan shall be reviewed and updated at least annually and whenever necessary to: *(8 CCR 5193; 29 CFR 1910.1030)*

1. Reflect new or modified tasks and procedures affecting occupational exposure
2. Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens and, to the extent that sharps are used in the district, document consideration and implementation of appropriate commercially available needleless systems and needle devices and sharps with engineered sharps injury protection
3. Include new or revised employee positions with occupational exposure
4. Review and evaluate the exposure incidents which occurred since the previous update
5. Review and respond to information indicating that the exposure control plan is deficient in any area

The district's exposure control plan shall be accessible to employees upon request. *(8 CCR 3204(e), 5193; 29 CFR 1910.1030)*

Preventive Measures

The Superintendent or designee shall use engineering controls and work practice controls, as defined above, to eliminate or minimize employee exposure to bloodborne pathogens. Engineering controls and work practice controls shall be evaluated on a regular schedule and, as applicable, maintained, replaced, or updated to ensure their effectiveness. *(8 CCR 5193; 29 CFR 1910.1030)*

Whenever potential occupational exposure continues to exist after institution of engineering and work practice controls, the district shall provide, at no cost to the employee, appropriate personal protective equipment. *(8 CCR 5193; 29 CFR 1910.1030)*

Employees shall observe universal precautions to prevent contact with blood or other potentially infectious materials, including, but not limited to, handwashing, proper use of personal protective equipment, and proper disposal or washing of contaminated garments or objects. *(8 CCR 5193; 29 CFR 1910.1030)*

Any use of needleless systems, needle devices, or non-needle sharps shall adhere to the specific requirements of 8 CCR 5193(d) and 29 CFR 1910.1030.

Pre-Exposure Hepatitis B Vaccination

The hepatitis B vaccination and vaccination series shall be made available at no cost to all employees who have occupational exposure. The hepatitis B vaccination shall be made available after an employee with occupational exposure has received the required training and within 10 working days of initial assignment, unless the employee has previously received the complete hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or vaccination is contraindicated for medical reasons. *(8 CCR 5193; 29 CFR 1910.1030)*

Employees who decline to accept the vaccination shall sign the hepatitis B declination statement. *(8 CCR 5193; 29 CFR 1910.1030)*

The Superintendent or designee may exempt from the pre-exposure hepatitis B vaccine designated first aid providers whose primary job assignment is not the rendering of first aid, provided that the district implements the procedures in its exposure control plan for providing hepatitis B vaccine to all unvaccinated first aid providers who have rendered assistance in any situation involving the presence of blood or other potentially infectious materials and provides appropriate follow-up for those who experience an exposure incident. (8 CCR 5193)

Training

The Superintendent or designee shall ensure that all employees with occupational exposure participate in a training program at the time of initial assignment to tasks where occupational exposure may take place and at least annually thereafter. The training shall be offered during working hours and at no cost to the employee. *(8 CCR 5193; 29 CFR 1910.1030)*

The training shall address, at a minimum: *(8 CCR 5193; 29 CFR 1910.1030)*

1. The exposure control standard contained in 8 CCR 5193 and 29 CFR 1910.1030
2. The epidemiology and symptoms of bloodborne diseases
3. Modes of transmission of bloodborne pathogens
4. The district's exposure control plan and the means by which employees may obtain a copy of the written plan
5. Appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials
6. The use and limitations of methods to prevent or reduce exposure, including appropriate engineering controls, administrative or work practice controls, and personal protective equipment
7. The types, proper use, location, removal, handling, decontamination, and disposal of personal protective equipment
8. The basis for selecting personal protective equipment
9. The hepatitis B vaccine, including its efficacy, safety, and method of administration; the benefits of being vaccinated; and that the vaccine will be offered free of charge
10. Appropriate actions to take and persons to contact in an emergency or exposure incident involving blood or other potentially infectious materials
11. The post-exposure evaluation and follow-up that the district is required to provide for the employee following an exposure incident

Additional training shall be provided to affected employees whenever a change, such as the introduction or modification of tasks or procedures or the introduction of new engineering, administrative, or work practice controls, affects the employee's exposure. The additional training may be limited to addressing the new exposures created. *(8 CCR 5193; 29 CFR 1910.1030)*

Designated first aid providers shall receive training that includes the specifics of reporting first-aid incidents which involve blood or body fluids which are potentially infectious. *(8 CCR 5193)*

Reporting Incidents

All exposure incidents shall be reported as soon as possible to the Superintendent or designee.

Unvaccinated designated first aid providers must report any first aid incident involving the presence of blood or other potentially infectious material, regardless of whether an exposure incident occurred, by the end of the work shift. The full hepatitis B vaccination series shall be made available to such employees no later than 24 hours after the first aid incident. *(8 CCR 5193)*

Sharps Injury Log

The Superintendent or designee shall establish and maintain a log recording each exposure incident involving a sharp. *(8 CCR 5193; 29 CFR 1910.1030)*

The exposure incident shall be recorded within 14 working days of the date the incident is reported to the district. *(8 CCR 5193)*

The information recorded shall include the following, if known or reasonably available: *(8 CCR 5193; 29 CFR 1910.1030)*

1. Date and time of the exposure incident
2. Type and brand of sharp involved in the exposure incident
3. A description of the exposure incident, including:
    a. Job classification of the exposed employee
    b. Department or work area where the exposure incident occurred
    c. The procedure that the exposed employee was performing at the time of the incident
    d. How the incident occurred
    e. The body part involved in the incident
    f. If the sharp had engineered sharps injury protection, whether the protective mechanism was activated and whether the injury occurred before, during, or after the protective mechanism was activated
    g. If the sharp had no engineered sharps injury protection, the injured employee's opinion as to whether and how such a mechanism could have prevented the injury
    h. The employee's opinion about whether any other engineering, administrative, or work practice could have prevented the injury

Post-Exposure Evaluation and Follow-up

Following a report of an exposure incident, the Superintendent or designee shall immediately make available to the exposed employee, at no cost, a confidential medical evaluation, post-exposure evaluation, and follow-up. The Superintendent or designee shall, at a minimum: *(8 CCR 5193; 29 CFR 1910.1030)*

1. Document the route(s) of exposure and the circumstances under which the exposure incident occurred
2. Identify and document the source individual, unless that identification is not feasible or is prohibited by law

3. With the consent of the exposed employee, provide for the collection and testing of the employee's blood for hepatitis B, hepatitis C, and HIV serological status
4. Provide for post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service
5. Provide for counseling and evaluation of reported illnesses

The Superintendent or designee shall provide the health care professional responsible for the employee's hepatitis B vaccination with a copy of 8 CCR 5193 and 29 CFR 1910.1030; a description of the employee's duties as they relate to the exposure incident; documentation of the route(s) of exposure and circumstances under which exposure occurred; results of the source individual's blood testing, if available; and all medical records maintained by the district relevant to the appropriate treatment of the employee, including vaccination status. *(8 CCR 5193; 29 CFR 1910.1030)*

The district shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation. *(8 CCR 5193)*

Records

Upon an employee's initial employment and at least annually thereafter, the Superintendent or designee shall inform employees with occupational exposure of the existence, location, and availability of related records; the person responsible for maintaining and providing access to records; and the employee's right of access to these records. *(8 CCR 3204)*

The district shall maintain a medical record of each employee with occupational exposure, including the employee's hepatitis B vaccination status, the results of any post-exposure medical examinations and follow-up procedures, a copy of the information provided to the health care professional, and a copy of the health care professional's written opinion. The medical record shall be kept confidential and not disclosed or reported without the employee's written consent to any person within or outside the workplace except as required by law. *(8 CCR 5193; 29 CFR 1910.1030)*

Upon request by an employee, or a designated representative with the employee's written consent, the Superintendent or designee shall provide access to a record in a reasonable time, place, and manner, no later than 15 days after the request is made. *(8 CCR 3204)*

Records shall be maintained as follows: *(8 CCR 3204, 5193; 29 CFR 1910.1030)*

1. The medical records of each employee with occupational exposure shall be maintained for the duration of employment plus 30 years.
2. Training records shall be maintained for three years from the date of training.
3. The sharps injury log shall be maintained five years from the date the exposure incident occurred.
4. Exposure records shall be maintained for at least 30 years.
5. Each analysis using medical or exposure records shall be maintained for at least 30 years.

Board Policy 4119.43 / 4219.43 / 4319.43

In order to protect all employees from contact with potentially infectious blood or other bodily fluids, the Governing Board requires that universal precautions be observed throughout the district. Universal precautions are appropriate for preventing the spread of all infectious diseases and shall be used regardless of whether bloodborne pathogens are known to be present.

The Superintendent or designee shall distribute to employees information provided by the California Department of Education (CDE) regarding acquired immune deficiency syndrome (AIDS), AIDS-related conditions, and hepatitis B. This information shall include, but not be limited to, any appropriate methods employees may use to prevent exposure to AIDS and hepatitis B, including information concerning the availability of a vaccine to prevent contraction of hepatitis B, and that the cost of this vaccination may be covered by the health plan of the employees. Information shall be distributed annually, or more frequently if there is new information supplied by CDE. *(Health and Safety Code 120875, 120880)*

Information regarding universal precautions may be included in employee handbooks.

Employees shall immediately report any exposure incident or first aid incident in accordance with the district's exposure control plan for bloodborne pathogens or other safety procedures.

Administrative Regulation 4119.43 / 4219.43 / 4319.43

Definitions

Universal precautions are an approach to infection control. All human blood and certain human body fluids, including, but not limited to semen, vaginal secretions, and any body fluid that is visibly contaminated with blood, are treated as if known to be infectious for human immunodeficiency virus (HIV), hepatitis B virus (HBV), hepatitis C virus (HCV), and other bloodborne pathogens. *(8 CCR 5193; 29 CFR 1910.1030)*

Occupational exposure means reasonably anticipated contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. *(8 CCR 5193; 29 CFR 1910.1030)*

A sharp is any object that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident. *(8 CCR 5193)*

Infection Control Practices

For the prevention of infectious disease, the district shall:

1. Effectively maintain the worksite in a clean and sanitary condition, and implement an appropriate written schedule for cleaning and decontamination of the worksite.
2. When necessary for employees with occupational exposure to bloodborne pathogens, provide appropriate personal protective equipment, such as gloves, masks, and outer garments, at no cost to the employee *(8 CCR 5193)*
3. Provide handwashing facilities which are readily accessible to employees, or, if not feasible, provide an appropriate antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes

Any employee who has contact with blood or other body fluid, regardless of whether bloodborne pathogens are known to be present, shall:

1. Use personal protective equipment as appropriate
2. Wash hands and other skin surfaces thoroughly with soap and running water:
    a. Immediately or as soon as feasible following contact with blood or other potentially infectious materials
    b. Immediately after removing gloves or other personal protective equipment

3. When handwashing facilities are not available, use antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes. In such instances, hands shall be washed with soap and running water as soon as feasible.
4. Refrain from eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses in work areas with a reasonable likelihood of occupational exposure to bloodborne pathogens.
5. Clean and decontaminate all equipment and environmental and work surfaces after contact with blood or other potentially infectious material, no later than the end of the shift or more frequently as required by state regulations.
6. Rather than using the hands directly, use mechanical means such as a brush and dust pan, tongs, or forceps to clean up broken glassware which may be contaminated.
7. Use effective techniques designed to minimize the risk of a sharps injury in all procedures involving the use of sharps.
8. Handle, store, treat, and dispose of regulated waste in accordance with Health and Safety Code 117600-118360 and other applicable state and federal regulations.
    a. Immediately or as soon as possible after use, contaminated sharps shall be placed in containers meeting the requirements of 8 CCR 5193.
    b. Specimens of blood or other potentially infectious material shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport, or shipping.

Suspected Child Abuse and Neglect

Board Policy 5141.4
Administrative Regulation 5141.4

Commitment to Protection Statement:

Tustin Unified School District is committed to student safety and expects its employees and volunteers to maintain the highest professional and ethical standards. This includes a commitment to upholding professional boundaries and fulfillment of Mandated Reporting requirements. Any mistreatment or abuse by an employee or volunteer will result in disciplinary action, up to and including termination of employment or volunteer service and cooperation with law enforcement agencies.

Board Policy 5141.4:

The Governing Board is committed to supporting the safety and well-being of district students and desires to facilitate the prevention of and response to child abuse and neglect. The Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

The Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

Child Abuse Prevention

The Superintendent or designee may display posters, in areas on campus where students frequently congregate, notifying students of the appropriate telephone number to call to report child abuse or neglect. (Education Code 33133.5)

In addition, student identification cards for students in grades 7-12 shall include the National

Domestic Violence Hotline telephone number. (Education Code 215.5)

The Superintendent or designee shall, to the extent feasible, seek to incorporate community resources into the district's child abuse prevention programs and may use these resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

Child Abuse Reporting

The Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

Procedures for reporting child abuse shall be included in the district and/or school comprehensive safety plan. (Education Code 32282)

District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

The Superintendent or designee shall provide training regarding the duties of mandated reporters as required by law and as specified in the accompanying administrative regulation. (Education Code 44691; Penal Code 11165.7)

Administrative Regulation 5141.4

Definitions

Child abuse or neglect includes the following: *(Penal Code 11165.5, 11165.6)*

1. A physical injury or death inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1
3. Neglect of a child as defined in Penal Code 11165.2
4. Willful harming or injuring of a child or endangering of the person or health of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4

Child abuse or neglect does not include:

1. A mutual affray between minors *(Penal Code 11165.6)*
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of employment as a peace officer *(Penal Code 11165.5, 11165.6)*
3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be legally privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning *(Education Code 44807)*
4. An injury caused by a district employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, for purposes of self-defense, or to obtain weapons or other dangerous objects within the control of a student *(Education Code 49001)*
5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by a student *(Education Code 49001)*

Additionally, general neglect does not include: *(Penal Code 11165.2)*

1. A parent/guardian's economic disadvantage
2. A child receiving treatment by spiritual means pursuant to Welfare and Institutions Code 16509.1, or not receiving specified medical treatment for religious reasons

Mandated Reporters include, but are not limited to, Governing Board members; teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; athletic coaches, administrators, and directors; licensees, administrators, and employees of a licensed child day care facility; Head Start program teachers; district police or security officers; licensed nurses or health care providers; administrators, presenters, and counselors of a child abuse prevention program; and volunteers who are over 18 years of age and who interact with students outside of the immediate supervision and control of the student's parent/guardian or a school employee. *(Penal Code 11165.7)*

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on the person's training and experience, to suspect child abuse or neglect. However, reasonable suspicion does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect. *(Penal Code 11166)*

Reportable Offenses

Using the procedures provided below, a mandated reporter shall make a report whenever the mandated reporter, while acting in a professional capacity or within the scope of employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. *(Penal Code 11166)*

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency. *(Penal Code 11165.9, 11166.05, 11167)*

Any district employee who reasonably believes to have observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury against a victim who is a child under 14 years of age shall notify a peace officer. *(Penal Code 152.3)*

The fact that a child is experiencing homelessness or is classified as an unaccompanied minor, as defined in the federal McKinney-Vento Homeless Assistance Act (42 USC 11434a), is not, in and of itself, a sufficient basis for reporting child abuse or neglect. *(Penal Code 11165.15)*

Responsibility for Reporting

The reporting duties of mandated reporters are individual and cannot be delegated to another person. *(Penal Code 11166)*

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. *(Penal Code 11166)*

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. *(Penal Code 11166)*

Any person not identified as a mandated reporter who has knowledge of or observes a child whom the person knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. *(Penal Code 11166)*

Reporting Procedures

1. Initial Telephone Report

   Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a district School Resource Officer (SRO)), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. *(Penal Code 11165.9, 11166)*
   Such reports may be made to the following agencies:

   Tustin Police Department – 714-573-3225
   Irvine Police Department – 714-724-7000
   Orange County Sheriff's Department – 714-647-7000
   Orange County Child Protective Services – 714-940-1000

   When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Written Report

   Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall prepare and either send, fax, or electronically transmit to the appropriate agency a written follow-up report, which includes a completed California Department of Justice (DOJ) form BCIA 8572. *(Penal Code 11166, 11168)*

   The DOJ form may be obtained from the district office or other appropriate agencies, such as the police department, sheriff's department, or county probation or welfare department.

   Reports of suspected child abuse or neglect shall include, if known: *(Penal Code 11167)*

   a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
   b. The child's name and address, present location, and, where applicable, school, grade, and class
   c. The names, addresses, and telephone numbers of the child's parents/guardians
   d. The name, address, telephone number, and other relevant personal information about the person(s) who might have abused or neglected the child
   e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

   The mandated reporter shall make a report even if some of this information is not known or is uncertain to the mandated reporter. *(Penal Code 11167)*

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05 *(Penal Code 11167).*

3. Internal Reporting

   The mandated reporter shall not be required to disclose the mandated reporter's identity to a supervisor, the principal, or the Superintendent or designee *(Penal Code 11166)*

   However, employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the principal as soon as possible after the initial telephone report to the appropriate agency. When so notified, the principal shall inform the Superintendent or designee.

   The principal so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with the law, Board policy, and administrative regulation. At the mandated reporters request, the principal may assist in completing and filing the necessary forms.

   Reporting the information to an employer, supervisor, principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

Training

Within the first six weeks of each school year, within the first six weeks of employment if hired during the school year, or within six weeks of commencing volunteer services, the Superintendent or designee shall provide training on mandated reporting requirements to district employees, persons working on their behalf, and volunteers who are mandated reporters. *(Education Code 44691; Penal Code 11165.7)*

The Superintendent or designee shall use the online training module provided by the California Department of Social Services (CDSS). *(Education Code 44691)*

The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. Additionally, the training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified. *(Education Code 44691; Penal Code 11165.7)*

In addition, the Superintendent or designee shall provide annual training on the prevention of abuse, including sexual abuse and assault, of children on district property, by district staff and volunteers, or in district-sponsored programs. *(Education Code 44691)*

The Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training. *(Education Code 44691)*

A person who has completed the mandated reporter training provided by CDSS and received a certificate of completion within the previous 12 months shall be deemed to satisfy the mandated reporter training requirements specified in Education Code 44691.

The Superintendent or designee shall periodically provide continuing education that enables district personnel to learn about new developments in the understanding of abuse, including sexual abuse and assault, and human trafficking, and current prevention efforts and methods. Such education may include early identification of abuse, including sexual abuse, and human trafficking of students and minors. *(Education Code 51950)*

Victim Interviews by Social Services

Whenever CDSS or another government agency is investigating suspected child abuse or neglect that occurred within the child's home or out-of-home care facility, the student may be interviewed by an agency representative during school hours, on school premises. The Superintendent or designee shall give the student the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the student. *(Penal Code 11174.3)*

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform the person of the following requirements prior to the interview: *(Penal Code 11174.3)*

1. The purpose of the selected person’s presence at the interview is to lend support to the child and enable the child to be as comfortable as possible
2. The selected person shall not participate in the interview
3. The selected person shall not discuss the facts or circumstances of the case with the child
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Report Act, a violation of which is punishable as specified in Penal Code 11167.5

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. *(Penal Code 11174.3)*

Release of Child to Peace Officer

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Superintendent or designee and/or principal shall not notify the parent/guardian, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. *(Education Code 48906)*

Parent/Guardian Complaints

Upon request, the Superintendent or designee shall provide parents/guardians with procedures for reporting suspected child abuse occurring on district property to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those guidelines and/or procedures, an interpreter shall be provided.

To file a complaint against a district employee or other person suspected of child abuse or neglect on district property, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. Additionally, the employee shall file a report when obligated to do so pursuant to Penal Code 11166 using the procedures described above for mandated reporters.

Additionally, if the child is enrolled in special education, a separate complaint may be filed with the

California Department of Education pursuant to 5 CCR 3200-3205.

Notifications

The Superintendent or designee shall provide to all new employees and volunteers who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations under Penal Code 11166, and their confidentiality rights under Penal Code 11167. Additionally, the district shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. *(Penal Code 11165.7, 11166.5)*

Before beginning employment or volunteering, any person who will be a mandated reporter by virtue of the person's position shall sign a statement indicating knowledge of the reporting obligations under Penal Code 11166 and compliance with such provisions. The signed statement shall be retained by the Superintendent or designee. *(Penal Code 11166.5)*

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.

Additionally, the Superintendent or designee shall notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of the mandated reporter's professional capacity or outside the scope of employment. *(Penal Code 11172)*

   Any other person making a report shall not incur civil or criminal liability unless it can be proven that the person knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report *(Penal Code 11172)*

2. If a mandated reporter fails to timely report an incident of known or reasonable suspected child abuse or neglect, the mandated reporter may be guilty of a crime punishable by a fine and/or imprisonment *(Penal Code 11166)*

No employee shall be subject to any sanction by the district for making a report unless it can be shown that the employee knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. *(Penal Code 11166, 11172)*

Reciprocity of Academic Credit

Administrative Regulation 6146.3

Students in grades K-8 who transfer into the district without proof of having met the grade level proficiency standards in reading, mathematics, and writing may be required to take the appropriate standardized tests of these basic skills to facilitate proper placement.

In determining equivalency, the principal and/or designated certificated staff representative may consider one or more of the following:

1. A review of the description of academic content and time requirements of the coursework completed by the student compared to academic content and time requirements at the enrolling school
2. An examination of the student's portfolio of work, papers, completed projects, graded tests or other documents demonstrating the student's level of skill and knowledge
3. An opportunity for the student to demonstrate skill via performance on appropriate course-challenging examinations, comprehensive final examinations and/or other culminating exercises used at the enrolling school
4. Verification by teacher observation, once the student has been placed in a course, that the student has reached a level of preparation consistent with the student's placement in that course

Appeals / Due Process

If a student's parent/guardian disagrees with the school site staff's judgment on grade-level placement, course placement and/or equivalency of academic credit, the parent/guardian may appeal to the Superintendent or designee.

Within 10 working days of notification of placement or credit determination, the parent/guardian may request, in writing, a conference with the Superintendent or designee to review the school site staff's decision.

The Superintendent or designee shall schedule a conference within 10 working days of the parent/guardian's request. This meeting may include the principal or designee, representatives of the school's certificated staff, and the student's parents/guardian. It shall be the parent/guardian's responsibility to present evidence that the facts do not support the school staff's decision on the student's placement and/or transferability of prior credits.

The Superintendent or designee's decision shall be final.

Transfer of Coursework and Credits for Highly Mobile Students

Highly mobile student means a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, student who is migratory, or a student participating in a newcomer program as specified in Education Code 51225.1.

When a highly mobile student transfers into a district school, the district will receive an official transcript from the transferring school or district which reflects full and partial credits and grades earned by the highly mobile student and includes: *(Education Code 51225.2)*

1. A determination of the days of enrollment and/or seat time, if applicable for all full and partial credits earned based on any measure of full or partial coursework being satisfactorily completed

   Partial coursework satisfactorily completed includes any portion of an individual course, even if the student did not complete the entire course.
2. Separate listings for credits and grades earned at each school and local educational agency so it is clear where credits and grades were earned
3. A complete record of the student's seat time, including both period attendance and days of enrollment

The district shall transfer the credits and grades from the transferring school's transcript onto an official district transcript in the same manner as described in Item #2, above. *(Education Code 51225.2)*

If the Principal or designee has knowledge that the transcript from the transferring school may not include certain credits or grades, the Principal or designee shall contact the prior school within two business days to request that the full or partial credits be issued, which shall then be issued and provided by the prior school within two business days of the request. *(Education Code 51225.2)*

The district shall accept and issue full or partial credit for any coursework that the highly mobile student has satisfactorily completed while attending another public school, a juvenile court school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school or agency, as applicable. *(Education Code 51225.2)*

If the entire course was completed, the district shall not require the highly mobile student to retake the course. *(Education Code 51225.2)*

If the entire course was not completed at the previous school, the highly mobile student shall be issued partial credit for the coursework completed and shall be required to take the uncompleted portion of the course. However, the district may require the highly mobile student to retake the portion of the course completed if, in consultation with the holder of educational rights for the highly mobile student, the district finds that the highly mobile student is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a highly mobile student in any particular course, the highly mobile student shall be enrolled in the same or equivalent course, if applicable, to enable the completion of the entire course. *(Education Code 51225.2)*

Partial credits shall be awarded on the basis of 0.5 credits for every seven class periods attended per subject. If the school is on a block schedule, each block schedule class period attended shall be equal to two regular class periods per subject.

In no event shall the district prevent a highly mobile student from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. *(Education Code 51225.2)*

Notification and Complaints

Information regarding the educational rights of highly mobile students, as specified in Education Code 51225.2, shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. *(Education Code 51225.2)*

Any complaint alleging that the district has not complied with requirements regarding the education of highly mobile students, as specified in Education Code 51225.2, may be filed in accordance with the district's procedures in Administrative Regulation 1312.3 - Uniform Complaint Procedures.

Notification of Rights Under FERPA for Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day the school receives a request for access.

   Parents or eligible students who wish to inspect their child's or their education records should submit to the school principal [or appropriate school official] a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

   Parents or eligible students who wish to ask the school to amend their child's or their education record should write the school principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

   One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest must be set forth in the school's or school district's annual notification for FERPA rights. A school official typically includes a person employed by the school or school district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

   Upon request, the school discloses education records without consent to officials of another school or school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. [NOTE: FERPA requires a school or school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request or the disclosure is initiated by the parent or eligible student.]

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

   Student Privacy Policy Office
   U.S. Department of Education
   400 Maryland Avenue, SW
   Washington, DC 20202

See the list below of the disclosures that elementary and secondary schools may make without consent.

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, § 99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student:

1. To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))
2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))
3. To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency (SEA) in the parent or eligible student's State. Disclosures under this provision may be made, subject to the requirements of § 99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met. (§§ 99.31(a)(3) and 99.35)
4. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
5. To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to § 99.38. (§ 99.31(a)(5))
6. To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction, if applicable requirements are met. (§ 99.31(a)(6))
7. To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))

8. To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
9. To comply with a judicial order or lawfully issued subpoena if applicable requirements are met. (§ 99.31(a)(9))
10. To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
11. Information the school has designated as “directory information” if applicable requirements under § 99.37 are met. (§ 99.31(a)(11))
12. To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student’s case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement. (20 U.S.C. § 1232g(b)(1)(L))
13. To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C. § 1232g(b)(1)(K))

Acceptable Use of Technology Agreement

Board Policy 4040
Exhibit 4040

Board Policy 4040:

The Governing Board recognizes that technological resources enhance employee performance by offering effective tools to assist in providing a quality instructional program; facilitating communications with parents/guardians, students, and the community; supporting district and school operations; and improving access to and exchange of information. The Board expects all employees to learn to use the available technological resources that will assist them in the performance of their job responsibilities. When possible , employees shall receive professional development in the appropriate use of these resources.

Employees shall be responsible for the appropriate use of technology and shall use district technology primarily for purposes related to their employment.

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

The Superintendent or designee shall establish an Acceptable Use Agreement(AUA/"AUP") which outlines employee obligations and responsibilities related to the use of district technology. Upon employment and whenever significant changes are made to the district's Acceptable Use Agreement, employees shall be required to acknowledge in writing that they have read and agreed to the Acceptable Use Agreement. Employees may also agree to comply with the terms of the AUA by completing the annual notices process.

Employees shall not use district technology to access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, sexually explicit, or unethical or that promotes any activity prohibited by law, Board policy, or administrative regulations.

Harmful matter includes matter as defined by Penal Code 313.

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. *(20 USC 7131; 47 USC 254)*

The Superintendent or designee shall annually notify employees in writing that they have no reasonable expectation of privacy in the use of any equipment or other technological resources provided by or maintained by the district, including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, even when provided their own password. To ensure proper use, the Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent and for any reason allowed by law.

In addition, employees shall be notified that records maintained on any personal device or messages sent or received on a personal device that is being used to conduct district business may be subject to disclosure, pursuant to a subpoena or other lawful request.

Employees shall report any security problem or misuse of district technology to the Superintendent or designee.

Inappropriate use of district technology may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative regulation.

Exhibit 4040:

It is the policy of the Tustin Unified School District (TustinUSD) to maintain an environment that promotes ethical and responsible conduct it all on my network activities by staff and students. It shall be a violation of board policy 4040 and 6163.4 for any employee, student, or other individual to engage in any activity that does not conform to the established purpose and general rules and policies of the network. Within this general policy, TustinUSD recognizes its legal and ethical obligation to protect the well-being of students and its charge.

To this end, TustinUSD retains the following rights and recognizes the following obligations:

1. To log network used to monitor file server space utilization by users and so no responsibility or liability for files deleted due to violation of file server space allotments.
2. To remove a user account of the network
3. To monitor the use of online activities. This may include real time monitoring of network activity and/or maintaining a log of internet activity for later review.
4. To provide internal and external controls as appropriate. Such controls shall include the right to determine who will have access to TustinUSD-owened equipment and, specifically, to exclude those who do not abide by TustinUSD’s acceptable use policy or other policies governing the use of school facilities, equipment, and materials.

TustinUSD reserves the right to restrict online destinations through software or other means.

5. To provide guidelines and make reasonable efforts to train staff and students in acceptable use and policies governing online communications.

Definitions

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

Staff Acknowledgement

Pertaining to the use of district owned mobile devices, there is no guarantee that non-district provided software and applications will be able to be installed on the device. Additionally, all network access whether on or off-site is filtered through compliance protocols as required by law. While we understand that district-owned devices may be used off-site for non-district purposes, some traffic deemed inappropriate may be denied and thus not accessible.

Advisement

It is possible for all users of the Internet to access information that is intended for adults. Although the District has taken all reasonable steps to ensure the Internet connection is used only for purposes consistent with the curriculum or processes involved with the education of TustinUSD students, the District of school cannot prevent the availability of material elsewhere on the Internet that may be deemed harmful. The District reserves the ability to employ data decryption on district provided internet connections to comply with the Child Internet Protection Act (CIPA).

Computer security cannot be made perfect, and it is likely that a determined user can make use of computer resources for inappropriate purposes. The District believes that the benefits to staff and pupils from access to the Internet, in the form of information resources and opportunities for collaboration, far exceed any disadvantages of access.

Staff Responsibilities

1. Staff members who supervise students, control electronic equipment, or otherwise have occasion to observe student use of said equipment online shall make reasonable efforts to monitor the use of this equipment to assure that it conforms to the mission and goals of TustinUSD.
2. Staff should make reasonable efforts to become familiar with the internet and its use so that effective monitoring, instruction, and assistance may be achieved.

User Responsibilities

Use of electronic media provided by TustinUSD is a privilege that offers a wealth of information and resources from research. Where it is available, this resource is offered to staff, students, and others at no cost. To maintain the privilege, users agree to learn and comply with all of the provisions of this policy.

Personally Identifiable Information

PII refers to any data that can be used to identify a specific individual. This includes, but is not limited to, information such as names, social security numbers, addresses, phone numbers, email addresses, and any other data that can be linked to a person's identity.

Staff shall be mindful that the presence of student personally identifiable information on any laptop or mobile device is strictly prohibited. This includes file copies, report downloads, or the direct creation of a document containing said information.

Acceptable Use

1. All use of the Internet, while onsite, must be in support of educational and research objectives consistent with the mission and objectives of TustinUSD.
2. TustinUSD-owned devices may be used offsite by TustinUSD Staff for personal reasons.
3. TustinUSD-owned devices are not to be shared, loaned or otherwise accessed by anyone other than the assigned user of the device. Keep in mind that all internet traffic is filtered through District Compliance protocols. All guidelines regarding acceptable usage of the device should still be followed. All logged activity is linked to the assigned user of the device.
4. Proper codes of conduct in electronic communication must be used. In newsgroups, giving out personal information is inappropriate. When using e-mail, extreme caution must always be taken in revealing any information of a personal nature.
5. Network accounts are to be used only by the authorized owner of the account for the authorized purpose.
6. MFA (Multi-Factor Authentication) is mandatory on all district provided accounts to access district resources.
7. All communications and information accessible via the network should be assumed to be private property.
8. Mailing list subscriptions will be monitored and maintained, and files will be deleted from the personal mail directories to avoid excessive use of file server hard disk space.
9. Exhibit exemplary behavior on the network as a representative of your school and community.
10. From time to time, TustinUSD will make determinations on whether specific uses of the network are consistent with the acceptable use practice.

Unacceptable Use

1. Staff shall not share their issued device(s) with students. Staff and student devices are configured differently, and access is granted accordingly.
2. Giving out personal information about another person, including home address and phone number, is strictly prohibited.
3. Staff shall be mindful that any use of the network for commercial or for-profit purposes is prohibited.
4. Excessive use of the network for personal business shall be cause for disciplinary action.
5. Any use of the network for product advertisement or political lobbying is prohibited.
6. Users shall not intentionally seek information on, obtain copies of, or modify files, other data, or passwords belonging to other users, or misrepresent other users on the network.
7. No use of the network shall serve to disrupt the use of the network by others. Hardware and/or software shall not be destroyed, modified, or abused in any way.
8. Malicious use of the network to develop programs that harass other users or infiltrate a computer or computing system and/or damage the software components of a computer or computing system is prohibited.

9. Hate mail, chain letters, harassment, discriminatory remarks, and other anti-social behaviors are prohibited on the network.
10. Use of the network to access or process pornographic material, inappropriate text files (as determined by the system administrator or school site administrator), or files dangerous to the integrity of the local area network is prohibited.
11. The TustinUSD network may not be used for downloading entertainment software or other files not related to the mission and objectives of TustinUSD for transfer to a user's home computer, personal computer, or other media. This prohibition pertains to freeware, shareware, copyrighted commercial and non-commercial software, and all other forms of software and files not directly related to the instructional and administrative purposes of TustinUSD.
12. Downloading, copying, otherwise duplicating, and/or distributing copyrighted materials without the specific written permission of the copyright owner is prohibited, except that duplication and/or distribution of materials for education purposes is permitted when such duplication and and/or distribution would fall within the Fair Use Doctrine of the United States Copyright Law (Title 17, USC).
13. Using the network for any unlawful purpose is prohibited.
14. Use of profanity, obscenity, racist terms, or other language that may be offensive to another user is prohibited.

Disclaimer

1. TustinUSD cannot be held accountable for the information that is retrieved via the network.
2. Pursuant to the Electronic Communications Privacy Act of 1986 (18 USC 2510 et seq.), notice is hereby given that there are no facilities provided by this system for sending or receiving private or confidential electronic communications. System administrators have access to all mail and will monitor messages. Messages relating to or in support of illegal activities will be reported to the appropriate authorities.
3. Pursuant to the Family Educational Rights and Privacy Act (FERPA), TustinUSD protects the privacy of student education records and gives parents the rights to review student records. Under FERPA, TustinUSD may maintain educational records, which includes records, files, documents, and other materials that contain student information. School officials will only provide access to such information with the written permission of the parent/legal guardian or eligible student.
4. TustinUSD will not be responsible for any damages you may suffer, including loss of data resulting from delays, non-deliveries, or service interruptions caused by our own negligence or your errors or omissions. Use of any information obtained is at your own risk.
5. TustinUSD makes no warranties (expressed or implied) with respect to: a. The content of any advice or information received by a user, or any costs or charges incurred as a result of seeing or accepting any information; and any costs, liability, or damages caused by the way the user chooses to use his or her access to the network.
6. TustinUSD reserves the right to change its policies and rules at any time.

Electronic Mail Policy

User Responsibilities

These guidelines are intended to help you make the best use of the electronic mail facilities at your disposal. You should understand the following:

1. TustinUSD provides electronic mail to staff members to enable them to communicate effectively and efficiently with other members of staff, other companies, and partner organizations.

2. When using TustinUSD's electronic mail you should comply with the following guidelines.
3. If you in any doubt about an issue affecting the use of electronic mail, you should consult the Chief Technology Officer.
4. Any breach of the agency's Electronic Mail Policy may lead to disciplinary action.

Do:

1. Do check your electronic mail daily to see if you have any messages
2. Do include a meaningful subject line in your message
3. Do check the address line before sending a message and confirm you are sending it to the right person
4. Do delete electronic mail messages when they are no longer required
5. Do respect the legal protections to data and software provided by copyrights and licenses
6. Do take care not to express views that could be regarded as defamatory or libelous
7. Do check your junk mail folder periodically for any messages that have been mislabeled as junk or spam
8. Do use an "out of the office assistant" to automatically reply to messages when you are not available

Do not:

1. Do not print electronic mail messages unless absolutely necessary
2. Do not expect an immediate reply; recipients might not be at their computer or could be too busy to reply straight away.
3. Do not forward electronic messages sent to you personally to others, particularly newsgroups or mailing lists, without the permission of the originator
4. Do not use electronic mail for personal reasons
5. Do not send excessively large electronic mail messages or attachments
6. Do not participate in chain or pyramid messages or similar schemes
7. Do not represent yourself as another person
8. Do not send or forward electronic mail that could be construed as confidential, political, obscene, threatening, offensive, or libelous

Please note the following:

1. All electronic mail activity is monitored and logged
2. All electronic mail coming inro or leaving the organization is scanned for viruses
3. All the content of electronic mail is scanned for offensive material

Employee User Agreement

I acknowledge reviewing the Acceptable Use of Technology within the Annual Notifications and agree: *I have read, understand, and will abide by the above Acceptable Use Policy when using computer and other electronic resources owned, leased, or operated by TustinUSD. I further understand that any violation of the regulations above is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges may be revoked, school disciplinary action may be taken, and/or appropriate legal action may be initiated.*

Public Employee Disaster Service Worker Status

It is hereby declared that the protection of the health and safety and preservation of the lives and property of the people of the state from the effects of natural, manmade, or war-caused emergencies which result in conditions of disaster or extreme peril to life, property, and resources is of paramount state importance...in protection of its citizens and resources, all public employees are hereby declared to be disaster service workers…. All disaster service workers shall, before they enter upon the duties of their employment, take and subscribe to the oath or affirmation…

What does disaster service mean? Disaster service means all activities authorized by and carried out pursuant to the California Emergency Services Act.

Who is included in the disaster service worker status? All public employees are included in the disaster service worker status which are all persons employed by any county, city, state agency or public district.

What are the scope of duties of employee disaster service workers? Any public employees performing duties as a disaster service worker shall be considered to be acting within the scope of disaster service duties while assisting any unit of the organization or performing any act contributing to the protection of life or property or mitigating the effects of an emergency.

How are public employees assigned disaster service activities? Public employees are assigned disaster service activities by their superiors or by law to assist the agency in carrying out its responsibilities during times of disaster.

Do public employees acting as disaster service workers get paid? Public employees acting as disaster service workers get paid only if they have taken and subscribed to the oath or affirmation. Most public employees sign the oath or affirmation during the hiring process, and it is kept with the employer.

What is the oath or affirmation referred to in the government code? Before entering upon the duties of employment, all public employees take and subscribe to the oath or affirmation set forth in the California Constitution that declares them to be disaster service workers in time of need.

When do public employees take the oath or affirmation? Most public employees sign the oath or affirmation during the hiring process, and it is kept with the employer.

Do public employees acting as disaster service workers get paid? Public employees acting as disaster service workers get paid only if they have taken and subscribed to the oath or affirmation.

Can disaster service workers be sued for actions taken while performing duties? Public employee disaster service workers for nonprofit organizations and government cannot be held liable for their actions during a disaster while acting within the scope of their responsibilities.

What if public employees are injured while acting as disaster service workers? Claims sustained by public employees while performing disaster services shall be fi led as worker compensation claims under the same authorities and guidelines as with all employees within their agency.

For further information, please visit the following websites:

California Emergency Services Act:

https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=GOV&division=1.&title=2.&part=&chapter=7.&article

California Government Code 3100-3109:
https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=4.&title=1.&part=&chapter=8.&article=

California Office of Emergency Services:
https://www.caloes.ca.gov/

Workers' Compensation MPN Information

YOU ARE IMPORTANT TO US

Keeping you well and fully employed is important to us. It is Tustin Unified' s goal to provide you employment in a safe working environment. However, should you become injured or ill, as a result of your job, we want to ensure you receive prompt, quality medical treatment. Our goal is to assist you in making a full recovery and returning to your job as soon as possible.
California law requires employers to provide and pay for medical treatment if you are injured at work. Athens Administrators Risk Services Group (Athens Administrators) is your employer's claims administrator. Your employer or Athens Administrators can answer any questions you might have about coverage.

Tustin Unified has chosen to provide medical care by using a Workers' Compensation physician network called a Medical Provider Network (MPN). The TUSD-Athens MPN is administered by Medex Advantage.

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.

What if I am being treated by a TUSD-ATHENS MPN doctor and they leave the MPN?

Your employer or insurer has a written Continuity of Care Policy that provides for a system that may allow you to complete your medical treatment when your treating doctor is no longer actively participating in TUSD-ATHENS MPN.

If you are being treated for a work-related injury in TUSD-ATHENS MPN and your doctor no longer has a contract with the MPN, your doctor may be allowed to continue to treat you if your injury or illness meets one of the following conditions:

Acute – The treatment for your injury or illness will be completed within 90 days.

Serious – Your injury or illness is one that is serious and persists over at least 90 days without full cure or worsens and requires ongoing treatment. You may be allowed to be treated by your current treating doctor for up to one year from the contract termination date, until a safe transfer of care can be made.

Terminal – You have an incurable illness or irreversible condition that is likely to cause death within one year or less.

Pending Surgery – You already have a surgery or other procedure that has been authorized by your employer or insurer that will occur within 180 days of the contract's termination date.

If any of the above conditions exist, TUSD-ATHENS MPN may require your doctor to agree in writing to the same terms they agreed to when they were a provider inTUSD-ATHENS MPN network. If they do not, they may not be able to continue to treat you. If the contract with your doctor was terminated or not renewed by TUSD-ATHENS MPN for reasons relating to medical disciplinary cause or reason, fraud or criminal activity, you will not be allowed to complete treatment with that doctor.

If you wish to receive a complete copy of your employer's Transfer of Care Policy, you may call the designated MPN Contact Person.

What if I need help?

You may always contact the persons previously listed for more help or explanation about your medical treatment if you have a work-related injury or illness. Also, if you have concerns, complaints or questions regarding a specific MPN or the notification process or your medical treatment after a work-related injury or illness, you can contact:

Information and Assistant Officer at the Division of Workers' Compensation
1-800-736-7401

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 form gives you information about the MPN program and describes your rights in choosing medical care for work related injuries and illnesses.

What is an MPN?

A Medical Provider Network (MPN) is an entity or group of providers that has been approved by the State of California Division of Workers' Compensation (DWC) to provide health care to workers who are injured on the job.

MPNs must meet the quality and service standards set by the Division of Workers' Compensation. They must have health care providers who understand the workers' compensation system and occupational health care. TUSD-ATHENS MPN will make sure that you have medical treatment available at reasonable times if you have a work-related injury or illness. All medical treatment will be in accordance with the medical standards approved by the DWC.

How do I find out which doctors are in my MPN?

You may access the doctors in the network by visiting:

Website: www.medexadvantage.com/athens
MPN #: 2437
Effective Date: 7/1/2021

The insurance company has designated the following person to be the MPN contact for all employees. They will tell you how to review, receive, or access the names of the doctors in your network.

Contact Title: Medical Access Assistant
Telephone: 888-509-1474
Email: MAA@medexhco.com

Your employer's workers' compensation representative has access to this listing in hard copy and online formats. In addition, you may contact TUSD-ATHENS MPN if you have any questions or cannot locate a copy of your MON list of doctors.

Athens Workers' Compensation
Telephone: 866-482-3535

What if I get injured at work?

When you notify your employer or insurer that you have had a work-related injury, your employer or insurer will arrange an appointment with a doctor in TUSD-ATHENS MPN network. After this first visit, you may continue to be treated by this doctor, or you may choose another doctor from the MPN network that treats your type of injury, and you may continue to choose doctors within TUSD-ATHENS MPN for all of your medical care for this injury. If appropriate, you may also ask for a referral to a specialist. If you need help in choosing a doctor or seeing a specialist, or if you are having trouble getting an appointment with a MPN provider, you may contact one of the people previously listed.

TUSD-ATHENS MPN has at least three (3) physicians of each specialty expected to treat common injuries based on the type of occupation or industry in which you are engaged.

TUSD-ATHENS MPN has a primary treating physician and a hospital for emergency health services, or if separate from such hospital, a provider for all emergency health care services, within thirty (30) minutes or fifteen (15) miles of your residence or workplace.

TUSD-ATHENS MPN has providers of occupational health services and specialties within sixty (60) minutes or thirty (30) miles from your residence or workplace. For workers traveling within California but outside the MON network, if non-emergency medical care is needed, call the MPN contact for a list of accessible providers or for authorization to go to a non-MPN provider if a MPN provider is not accessible.

If you require treatment in a rural area, alternative access standards shall apply. Under these standards, the MPN shall arrange or approve non-emergency medical care from physicians within or outside of the MPN. The MPN shall ensure the availability of three (3) such physicians, who shall be available to you for treatment, or for obtaining a second or third opinion if requested. The MPN shall ensure that all services shall be available and accessible at reasonable times to all covered employees.

The MPN shall arrange or approve non-emergency medical care from physicians outside of the MPN for:

1. Covered employees authorized by the employer to temporarily work or travel for work outside the MPN geographic service area when the need for medical care arises.
2. Former employees whose employer has ongoing workers' compensation obligations and who permanently reside outside of the MPN geographic service area
3. Injured employees who decide to temporarily reside outside of the MPN geographic service area during recovery.

The MPN shall ensure the availability of at least three (3) such physicians who have either been referred by the employee's primary care physician within the MPN or have been selected by the MPN, and who shall be available for treatment, or for obtaining a second or third opinion if requested by the injured worker. These referred physicians shall be located within the MPN access standards as found in this application.

For non-emergency services, the MPN shall ensure that an appointment for initial treatment is available within three (3) business days of the MPN's receipt of a request for treatment within the MPN. For non-emergency specialist services, the MPN shall ensure that an appointment is available within twenty (20) business days of the MPN's receipt of a referral to a specialist within the MPN.

If your primary care physician refers you to a type of specialist not included in the MPN, you may select a specialist from outside the MPN. Injured employees shall be able to receive emergency health care services from a medical service or hospital provider who is not a member of the MPN.

What if I do not agree with my doctor?

If you do not agree with either the diagnosis or treatment prescribed by your doctor, you may ask for a second and third opinion from doctors within TUSD-ATHENS MPN.

If you wish to get a second opinion, you must contact the person from your employer or insurer listed above and tell them you wish to get a second opinion. The contact person will make sure you have a list of MPN doctors to choose from. Then you may choose a doctor from TUSD-ATHENS MPN network and make an appointment within 60 days. You must tell the employer or contact person of your appointment date.

If you do not make an appointment within 60 days, you may no longer get a third opinion. If the third opinion doctor feels that your injury is outside of the scope of their practice, they will notify your employer or insurer and you will get a new list of TUSD-ATHENS MPN doctors or specialists so you can make another selection.

A copy of the written report from a second or third treating physician shall be provided to you, your treating doctor, and the contact person, within 20 days of the date of the appointment or receipt of the results of the diagnostic tests, whichever is later. If you get a third opinion, and still disagree with your doctor, you may ask for an Independent Medical Review (IMR). Your employer or insurer contact person will give you information about requesting an Independent Medical Review and a form at the time you request a third opinion.

As long as your second opinion, third opinion or Independent Medical Reviewer agrees with the treating doctor, you will continue to receive your medical treatment with doctors in TUSD-ATHENS MPN. If the Independent Medical Reviewer does not agree with your treating doctor, you may seek that medical treatment from either inside or outside TUSD-ATHENS MPN. If you receive treatment outside the MON, it can only be for the treatment or diagnostic services recommended by the Independent Medical Reviewer.

Once this treatment is completed, you will receive all other treatment with a doctor of your choice within the MPN.

WORKERS' COMPENSATION FRAUD IS A FELONY

Anyone who makes or causes to be made any knowingly false or fraudulent material statement for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony. Fines can be up to $150,000 and imprisonment up to five years.

Predesignation of Personal Physician for Work Related Injury

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: Tustin Unified School District.

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's name) (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.

DWC FORM 9783 (7/2014)

Guidelines for School Site Employees' Children in the Workplace

The Tustin Unified School District is committed to ensuring each student optimizes their individual achievement through dynamic and personalized instruction. In order to achieve that mission, our employees must be fully available for their crucial roles in the workplace.

1. The Tustin Unified School District cannot accommodate employees' children during working hours because of contractual, job responsibility, safety, and liability issues.
2. Children in grades four and higher may assist in a classroom during regular working hours IF they participate in an organized activity (i.e., tutoring, library, maker lab, etc.) in a classroom other than their parent's. Prior written approval of the principal/supervisor and the approval of the cooperating teacher are required.
3. Children in grades three and under may not be brought with the employee to work during regular working hours.
4. A child of an employee may not be in an employee lounge or on a playground during regular working hours.
5. A school/district workplace may not be used for babysitting/child care purposes.