

# **Board Policy**

## **Drug And Alcohol-Free Workplace**

BP 4020  
**Personnel**

The Governing Board believes that the maintenance of drug- and alcohol-free workplaces is essential to school and district operations.

No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in 21 USC 81 at any school district workplace. These prohibitions apply before, during and after school hours. A school district workplace is any place where school district work is performed, any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function where students are under district jurisdiction; or during any period of time when an employee is supervising students on behalf of the district or otherwise engaged in district business.

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)  
(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

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

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

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

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

(cf. 4112 - Appointment and Conditions of Employment)  
(cf. 4212 - Appointment and Conditions of Employment)

A classified employee may be reemployed after conviction of such an offense if the Board determines, from the evidence presented, that the person has been rehabilitated for

at least five years. (Education Code 45123)

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

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

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

1. The dangers of drug and alcohol abuse in the workplace
2. The district policy of maintaining drug- and alcohol-free workplaces
3. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs

(cf. 4159/4259/4359 - Employee Assistance Programs)

4. The penalties that may be imposed on employees for drug and alcohol abuse violations

Legal Reference:

EDUCATION CODE

44011 Controlled substance offense

44425 Conviction of controlled substance offenses as grounds for revocation of credential

44836 Employment of certificated persons convicted of controlled substance offenses

44940 Compulsory leave of absence for certificated persons

44940.5 Procedures when employees are placed on compulsory leave of absence

45123 Employment after conviction of controlled substance offense

45304 Compulsory leave of absence for classified persons

GOVERNMENT CODE

8350-8357 Drug-free workplace

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug Free Schools and Communities Act

UNITED STATES CODE, TITLE 21

812 Schedule of controlled substances

UNITED STATES CODE, TITLE 41

701-707 Drug-Free Workplace Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1308.01-1308.49 Schedule of controlled substances

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Nondiscrimination In Employment**

BP 4030  
**Personnel**

The Governing Board prohibits unlawful discrimination against and/or harassment of district employees and job applicants on the basis of actual or perceived race, color, national origin, ancestry, religion, age, marital status, pregnancy, physical or mental disability, medical condition, veteran status, gender or sexual orientation at any district site and/or activity. The Board also prohibits retaliation against any district employee or job applicant who complains, testifies or in any way participates in the district's complaint procedures instituted pursuant to this policy.

(cf. 4031 - Complaints Concerning Discrimination in Employment)  
(cf. 4032 - Reasonable Accommodation)  
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)  
(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

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

(cf. 4117.4 - Dismissal)  
(cf. 4118 - Suspension/Disciplinary Action)  
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Any district employee who observes or has knowledge of an incident of unlawful discrimination or harassment shall report the incident to the principal, district administrator or Superintendent as soon as practical after the incident. Failure of a district employee to report discrimination or harassment may result in disciplinary action.

The Superintendent or designee shall regularly publicize, within the district and in the community, the district's nondiscrimination policy and the availability of complaint procedures. (34 CFR 100.6)

The district's policy and administrative regulation shall be posted in all schools and offices including staff lounges and student government meeting rooms. (5 CCR 4960)

The Board designates the following position as Coordinator for Nondiscrimination in Employment:

Superintendent  
97 School Street, Cloverdale, CA 95425

(707) 894-1920, ext. 17

## Other Remedies

An employee may, in addition to filing a discrimination complaint with the district, file a complaint with either the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. To file a valid complaint with DFEH, the employee must file his/her complaint within one year of the alleged discriminatory act(s). (Government Code 12960)
2. To file a valid complaint directly with EEOC, the employee must file his/her complaint within 180 days of the alleged discriminatory act(s). To file a valid complaint with EEOC after filing a complaint with DFEH, the employee must file the complaint within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier. (42 USC 2000e-5)

Employees wishing to file complaints with the DFEH and EEOC should contact the nondiscrimination coordinator for more information.

## Legal Reference:

### GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

### CODE OF REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment

### CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

### UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX

### UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

### UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

12101-12213 Americans With Disabilities Act

### CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 American with Disabilities Act

### CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

## 106.9 Dissemination of policy

### Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, March, 1999

OFFICE OF CIVIL RIGHTS

Notice of Non-Discrimination, January, 1999

### WEB SITES

EEOC: <http://www.eeoc.gov>

OCR: <http://www.ed.gov/offices/OCR>

DFEH: <http://www.dfeh.ca.gov>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Nondiscrimination In Employment**

AR 4030  
**Personnel**

Unlawful discrimination or harassment of an individual includes:

1. Slurs, epithets, threats or verbal abuse
2. Derogatory or degrading comments, descriptions, drawings, pictures or gestures
3. Unwelcome jokes, stories, teasing or taunting
4. Any other verbal, written, visual or physical conduct against the individual which:
  - a. Adversely affects his/her employment opportunities, or
  - b. Has the purpose or effect of unreasonably interfering with his/her work performance or creating an intimidating, hostile or offensive work environment

Any employee or job applicant who feels that he/she has been or is being unlawfully discriminated against or harassed should immediately contact his/her supervisor, the nondiscrimination coordinator or the Superintendent in order to obtain procedures for reporting a complaint. Such complaints shall be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment. An employee may bypass his/her supervisor when the supervisor is the alleged offender.

(cf. 4031 - Complaints Concerning Discrimination in Employment)  
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Any supervisor who receives a discrimination/harassment complaint shall immediately notify the nondiscrimination coordinator or the Superintendent, who shall ensure that the complaint is appropriately investigated in accordance with district policy and regulations.

The Superintendent or designee shall ensure that annual training is provided to all employees regarding the issues of discrimination.

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Complaints Concerning Discrimination In Employment**

AR 4031  
**Personnel**

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

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 4030 - Nondiscrimination in Employment)  
(cf. 4032 - Reasonable Accommodation)  
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

1. The complaint should be initiated promptly after a complainant knew, or should have known, of the alleged discrimination.
2. All parties involved in allegations of discrimination shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made. The parties also shall be notified of their right to appeal the decision to the next level.
3. When a complaint is brought against the individual responsible for the complaint process at any level, the complainant may address the complaint directly to the next appropriate level.
4. Meetings related to a complaint shall be held at times the district determines appropriate to the circumstances.
5. For the protection of all the parties involved, complaint proceedings shall be kept confidential insofar as appropriate.
6. All documents, communications and records dealing with the investigation of the complaint shall be placed in a confidential district personnel complaint file and not in the employee's individual personnel file.

(cf. 1340 - Access to District Records)  
(cf. 3580 - District Records)  
(cf. 4112.6/4212.6/4312.6 - Personnel Files)  
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

7. Time limits specified in these procedures may be revised only by written



agreement of all parties involved. If the district fails to respond within a specified or adjusted time limit, a complainant may proceed to the next level. If a complainant fails to take the complaint to the next step within the prescribed time, the complaint shall be considered settled at the preceding step.

#### Level I

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

#### Level II

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

1. The complainant's name, address and telephone number
2. The name and work location of the district staff member who committed the alleged violation
3. A description of the alleged discriminatory act(s) or omission(s)
4. The discriminatory basis alleged
5. A specific description of the time, place, nature, participants in and witnesses to the alleged violation
6. Other pertinent information which may assist in investigating and resolving the complaint
7. The complainant's signature or that of his/her representative

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

The coordinator shall conduct any investigation necessary to respond to the complaint, including discussion with the complainant, person(s) involved, appropriate staff members

and students, and review of the Level I report and all other relevant documents. If a response from third parties is necessary, the coordinator may designate up to 10 additional working days for investigation of the complaint.

### Level III

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

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

### Level IV

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

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

(cf. 1312.1 - Complaints Concerning District Employees)  
(cf. 9321 - Closed Session Purposes and Agendas)

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

### Other Remedies

Complainants may appeal the Board's action to the California Department of Education. The Superintendent or designee shall ensure that complainants are informed that injunctions, restraining orders and other civil law remedies may also be available to them. This information shall be published with the district's nondiscrimination complaint procedures and included in any related notices. (Education Code 262.3)

Legal Reference:  
EDUCATION CODE

200-262.4 Prohibition of discrimination

GOVERNMENT CODE

12920-12921 Nondiscrimination

12940-12948 Discrimination prohibited; unlawful practices, generally

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2001d-2001d-7 Title VI, Civil Rights Act of 1964

2001e-2001e-17 Title VII, Civil Rights Act of 1964 as amended

2001h-2-2001h-6 Title IX, 1972 Education Act Amendments

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the  
Americans with Disabilities Act, March, 1999

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS  
GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

EEOC: <http://www.eeoc.gov>

OCR: <http://www.ed.gov/offices/OCR>

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Reasonable Accommodation**

AR 4032  
**Personnel**

### Definitions

Disability, with respect to an individual, is defined as any of the following: (Government Code 12926; 29 CFR 1630.2)

1. A physical or mental impairment that limits one or more of the major life activities
2. A record of such an impairment
3. Being regarded as having such an impairment

Limits shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics or reasonable accommodations, unless the mitigating measure itself limits a major life activity. (Government Code 12926)

Essential functions are the fundamental job duties of the position the individual with a disability holds or desires. The term does not include the marginal functions of the position. (29 CFR 1630.2)

(cf. 4119.3/4219.3/4319.3 - Duties of Personnel)

Reasonable accommodations that an employer may need to provide in connection with modifications to the work environment or adjustments in how and when a job is performed that enable an individual with a disability to enjoy equal employment opportunities include, but are not limited to: (29 CFR 1630.2)

1. Making existing facilities accessible and usable
2. Restructuring the job duties
3. Offering part-time or modified work schedules
4. Acquiring or modifying equipment or devices
5. Changing tests, training materials or policies
6. Providing qualified readers or interpreters

7. Reassigning the employee to a vacant position

Qualified individual with a disability means an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position and who, with or without reasonable accommodation, can perform the essential functions of such position. (29 CFR 1630.2)

Undue hardship is a determination based on an individualized assessment of current circumstances that shows that a specific reasonable accommodation would cause significant difficulty or expense. A determination of undue hardship should be based on several factors, including: (29 CFR 1630.2)

1. The nature and net cost of the accommodation needed, taking into consideration the availability of tax credits and deductions and/or outside funding
2. The overall financial resources of the facility making the reasonable accommodation, the number of persons employed at this facility, the effect on expenses and resources of the facility, or the impact on the operations of the facility
3. The overall financial resources, size, number of employees, and the number, type and location of facilities of the district
4. The type of operation of the district, including the structure and functions of the workforce, the geographic separateness, and the administrative or fiscal relationship of the facility involved in making the accommodation
5. The impact of the accommodation on the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business.

Requests for Reasonable Accommodation

The district designates the position specified in BP 4030 - Nondiscrimination in Employment as the coordinator of its efforts to comply with the Americans with Disabilities Act (ADA) and to investigate any and all related complaints.

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

When requesting reasonable accommodation, the employee or employee's representative shall inform the employee's supervisor that he/she needs a change at work for a reason related to a medical condition.

When requesting reasonable accommodation during the hiring process, a job applicant shall inform the coordinator that he/she will need a reasonable accommodation for the

process.

Employees' requests for reasonable accommodation may first be considered informally by the site administrator. The site administrator shall consult with the coordinator before any decision as to accommodation is made.

When the disability and/or the need for accommodation is not obvious, the coordinator may ask the employee to supply reasonable documentation about his/her disability. In requesting this documentation, the coordinator shall specify the types of information that are being sought about the employee's condition, the employee's functional limitations and the need for reasonable accommodation. The employee may be asked to sign a limited release allowing the district to submit a list of specific questions to the health care or vocational professional.

If the documentation submitted by the employee does not specify the existence of a qualifying disability and explain the need for reasonable accommodation, the district may require the employee to submit to an examination by a health care professional selected and paid for by the district.

Upon receiving a request to reasonably accommodate a qualified employee with a disability, the coordinator shall:

1. Determine the essential functions of the job
2. Engage in an informal, interactive process with the employee to review the request for accommodation, identify the precise limitations resulting from the disability, identify potential means for providing accommodation, and assess their effectiveness
3. Develop a plan for reasonable accommodation which is effective and allows the employee to perform the essential functions of the job or to gain equal access to a benefit or privilege of employment and does not impose undue hardship on the district

To qualify for a job, an individual shall not pose a significant risk of substantial harm to himself/herself or others in the workplace which cannot be eliminated or reduced by reasonable accommodation. (29 CFR 1630.2)

The determination of whether an individual poses a significant risk of substantial harm to himself/herself or others shall be made on a case-by-case basis and shall be based on objective, factual evidence, taking into consideration the duration of the risks, the nature and severity of the potential harm, the likelihood that the potential harm will occur and the imminence of potential harm. (29 CFR 1630.2)

The coordinator may confer with the site administrator, the district medical advisor and/or other district staff before making a final decision as to the accommodation.

Reasonable Accommodation Committee

The coordinator may appoint a Reasonable Accommodation Committee to review or assist in the development of appropriate plans to reasonably accommodate an employee or qualified job applicant who has requested an adjustment in work duties or environment because of known physical or mental disabilities. The membership of this committee may change on a case-by-case basis. The committee may include:

1. A district administrator
2. A site administrator
3. A medical advisor or rehabilitation specialist
4. A certificated employee
5. A classified employee

Committee members shall be selected on the basis of their knowledge of the relevant issues, including:

1. The specific functions and duties required in the position
2. The physical work environment
3. Available accommodations

At the coordinator's discretion, the employee or applicant requesting accommodation may participate in or be excluded from committee meetings. If the employee or applicant is excluded from committee meetings, the coordinator shall communicate with him/her so that he/she has the opportunity to interact and contribute to planning the reasonable accommodation.

The coordinator shall take steps to ensure the confidentiality of information related to medical conditions.

#### Appeal Process

If the employee or applicant is not satisfied with the decision of the coordinator, he/she may appeal in writing to the Superintendent or designee. This appeal shall be made within 10 working days of receiving the decision and shall include:

1. A clear, concise statement of the reasons for the appeal
2. A statement of the specific remedy sought

The Superintendent or designee shall consult with the coordinator and review the appeal,

together with any available supporting documents. The Superintendent or designee shall give the employee or applicant his/her decision within 15 working days of receiving the appeal.

Any further appeal for reasonable accommodation shall be considered a complaint concerning discrimination in employment and may be taken to the Governing Board in accordance with the district's procedure for such complaints.

Legal Reference:

CIVIL CODE

51 Unruh Civil Rights Act

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

UNITED STATES CODE, TITLE 29

701-794e Vocational Rehabilitation Act

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act, especially:

35.107 Designation of employee

36.101-36.608 Nondiscrimination on the basis of disability by public facilities

CODE OF FEDERAL REGULATIONS, TITLE 29

1630.2 Direct threat

COURT DECISIONS

Colmenares v. Braemar Country Club, Inc., 2003 Cal.LEXIS 1131

Chevron USA v. Echazabal, (2002) 536 U.S. 73, 122 S.Ct. 2045

US Airways, Inc. v. Barnett, (2002) 535 U.S., 122 S.Ct. 1516

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002

WEB SITES

EEOC: <http://www.eeoc.gov>

Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California



# **Board Policy**

## **Employee Use Of Technology**

BP 4040

### **Personnel**

The Governing Board recognizes that technological resources can enhance employee performance by improving access to and exchange of information, offering effective tools to assist in providing a quality instructional program, and facilitating district and school operations. The Board expects all employees to learn to use the available technological resources that will assist them in the performance of their job responsibilities. As needed, employees shall receive training in the appropriate use of these resources.

(cf. 0440 - District Technology Plan)  
(cf. 1113 - District and School Web Sites)  
(cf. 4032 - Reasonable Accommodation)  
(cf. 4131 - Staff Development)  
(cf. 4231 - Staff Development)  
(cf. 4331 - Staff Development)  
(cf. 6162.7 - Use of Technology in Instruction)  
(cf. 6163.4 - Student Use of Technology)

Employees shall be responsible for the appropriate use of technology and shall use the district's technological resources only for purposes related to their employment. Such use is a privilege which may be revoked at any time.

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

Employees should be aware that computer files and communications over electronic networks, including e-mail and voice mail, are not private. These technologies shall not be used to transmit confidential information about students, employees or district operations without authority.

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that prevents access to visual depictions that are obscene or child pornography, and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. (20 USC 6777; 47 USC 254)

To ensure proper use of the system, the Superintendent or designee may monitor the district's technological resources, including e-mail and voice mail systems, at any time without advance notice or consent. If passwords are used, they must be known to the Superintendent or designee so that he/she may have system access.

The Superintendent or designee shall establish administrative regulations which outline employee obligations and responsibilities related to the use of district technology. He/she also may establish guidelines and limits on the use of technological resources. Inappropriate use shall result in a cancellation of the employee's user privileges, disciplinary action and/or legal action in accordance with law, Board policy and administrative regulations.

(cf. 4118 - Suspension/Disciplinary Action)  
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

The Superintendent or designee shall provide copies of related policies, regulations and guidelines to all employees who use the district's technological resources. Employees shall be asked to acknowledge in writing that they have read and understood these policies, regulations and guidelines.

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

In the event that the use of an electronic resource affects the working conditions of one or more employees, the Superintendent or designee shall notify the employees' exclusive representative.

(cf. 4143/4243 - Negotiations/Consultation)

Legal Reference:

EDUCATION CODE

51870-51874 Education technology

GOVERNMENT CODE

3543.1 Rights of employee organizations

PENAL CODE

502 Computer crimes, remedies

632 Eavesdropping on or recording confidential communications

VEHICLE CODE

23123.5 Mobile communication devices; text messaging while driving

UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 Internet safety policy and technology protection measures, E-rate discounts

UNITED STATES CODE, TITLE 20

6751-6777 Education Through Technology Act, No Child Left Behind Act, Title II, Part D

6777 Internet Safety

Management Resources:

CDE PUBLICATIONS

K-12 Network Technology Planning Guide: Building the Future, 1994  
CDE PROGRAM ADVISORIES

1223.94 Acceptable Use of Electronic Information Resources

WEB SITES

CDE: <http://www.cde.ca.gov>

CSBA: <http://www.csba.org>

Federal Communications Commission: <http://www.fcc.gov>

U.S. Department of Education: <http://www.ed.gov>

American Library Association: <http://www.ala.org>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Employee Use Of Technology**

AR 4040

### **Personnel**

#### On-Line/Internet Services: User Obligations and Responsibilities

Employees are authorized to use district equipment to access the Internet or on-line services in accordance with Governing Board policy and the user obligations and responsibilities specified below.

1. The employee in whose name an on-line services account is issued is responsible for its proper use at all times. Employees shall keep account information, home addresses and telephone numbers private. They shall use the system only under their own account number.

2. Employees shall use the system responsibly and primarily for work-related purposes.

(cf. 6162.7 - Use of Technology in Instruction)

3. Employees shall not access, post, submit, publish or display harmful or inappropriate matter that is threatening, obscene, disruptive or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, gender, sexual orientation, age, disability, religion or political beliefs.

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

4. Employees shall not use the system to promote unethical practices or any activity prohibited by law, Board policy or administrative regulations.

5. Copyrighted material shall not be placed on the system without the author's permission. Employees may download copyrighted material only in accordance with applicable copyright laws.

(cf. 6162.6 - Use of Copyrighted Materials)

6. Employees shall not intentionally upload, download or create computer viruses and/or maliciously attempt to harm or destroy district equipment or materials or the data of any other user, including so-called "hacking."

7. Employees shall not read other users' electronic mail or files. They shall not attempt to interfere with other users' ability to send or receive electronic mail, nor shall they attempt to read, delete, copy, modify or forge other users' mail.

8. Users shall report any security problem or misuse of the services to the Superintendent or designee.

(cf. 6163.4 - Student Use of Technology)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Certificated Personnel**

BP 4100  
**Personnel**

The Governing Board recognizes that teachers and other certificated personnel work closely with students in carrying out the district's educational goals. The Superintendent or designee shall ensure that the duties, responsibilities, and district's expectations for certificated positions are clearly defined and made known to each member of the certificated staff.

(cf. 4119.3/4219.3/4319.3 - Duties of Personnel)

Each certificated staff member shall be held accountable for duties assigned to him/her and shall undergo regular performance evaluations in accordance with law and negotiated agreements.

(cf. 4115 - Evaluation/Supervision)  
(cf. 4141/4241 - Collective Bargaining Agreement)

The Board strongly encourages certificated staff to continually improve their skills and pursue excellence within their profession.

(cf. 4131 - Staff Development)

Policies, rules and regulations related to certificated personnel shall be available to all concerned and shall be administered in a fair and equitable manner.

Legal Reference:  
EDUCATION CODE  
90 Definition, certificated and certified  
44006 Certificated person  
GOVERNMENT CODE  
3543.2 Scope of representation

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Recruitment And Selection**

BP 4111  
**Personnel**

Because an important factor in student achievement is the quality of the teaching staff, the Governing Board desires to employ the most highly qualified and appropriate person available for each open position.

The Superintendent or designee shall recruit candidates for open positions based on an assessment of the district's needs for specific skills, knowledge and abilities. He/she shall develop job descriptions that accurately describe all essential and marginal functions and duties of each position, and shall disseminate job announcements to ensure a wide range of candidates.

(cf. 4119.3/4219.3/4319.3 - Duties of Personnel)

The Superintendent or designee shall develop selection procedures that identify the best possible candidate for each position based on screening processes, interviews, observations, and recommendations from previous employers.

No inquiry shall be made with regard to the age, gender, race, ethnicity, religion, national origin, medical condition, disability or sexual orientation of a person seeking employment. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job.

(cf. 4030 - Nondiscrimination in Employment)  
(cf. 4032 - Reasonable Accommodation)

District employment practices shall not discriminate against legal noncitizen residents. Inquiries to assure employment eligibility shall be made in accordance with law, Board policy and administrative regulation.

(cf. 4111.2/4211.2/4311.2 - Legal Status Requirement)

For each position, the Superintendent or designee shall present to the Board one candidate who meets all qualifications established by law and the Board for the position. No person shall be employed by the Board without the recommendation or endorsement of the Superintendent or designee.

Legal Reference:  
EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex  
44066 Limitations on certification requirement  
44259 Teaching credential; exception; designated subjects; minimum requirements  
44735 Incentive grants for recruiting teachers for low-performing schools  
44740-44741 Personnel Management Assistance Teams  
44750-44754.5 Regional teacher recruitment centers  
44830-44831 Employment of certificated persons  
44858 Age or marital status in certificated positions  
44859 Prohibition against certain rules and regulations re residency  
52051 Academic Performance Index  
GOVERNMENT CODE  
12900 Unlawful employment practices  
12940-12956 Discrimination prohibited; unlawful practices  
UNITED STATES CODE, TITLE 8  
1324(a)(b) Immigration and Nationality Act  
UNITED STATES CODE, TITLE 42  
2000d-2000d-7 Title VI, Civil Rights Act of 1964  
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended  
2000h-2-2000h-6 Title IX, 1972 Education Act Amendments  
12101-12213 Americans With Disabilities

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California



# **Board Policy**

## **Legal Status Requirement**

BP 4111.2

### **Personnel**

The district shall hire only citizens and aliens who are lawfully authorized to work in the United States. The Superintendent or designee shall ensure that district employment practices do not unlawfully discriminate on the basis of citizenship status or national origin, including but not limited to, discrimination against any refugees, grantees of asylum, or persons qualified for permanent or temporary residency.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4111 - Recruitment and Selection)

(cf. 4211 - Recruitment and Selection)

(cf. 4311 - Recruitment and Selection)

All new employees shall show appropriate documents which certify that they are legally eligible to work in the United States, as required by law and in accordance with administrative regulation.

#### Legal Reference:

UNITED STATES CODE, TITLE 8

1324a Unlawful employment of aliens

1324b Unfair immigrant-related employment practices

CODE OF FEDERAL REGULATIONS, TITLE 8

274a.1-a.14 Control of Employment of Aliens

#### Management Resources:

WEB SITES

U.S. Citizenship and Immigration Service: <http://www.uscis.gov>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Legal Status Requirement**

AR 4111.2

### **Personnel**

Within three business days of hire, the Superintendent or designee shall physically examine the documentation presented by the employee establishing his/her identity and employment eligibility as set forth in INS Form I-9. The Superintendent or designee shall (1) ensure that the documents presented appear to be genuine and relate to the individual and (2) complete the "Employer Review and Verification" section of the Form I-9. (8 CFR 274a.2)

Persons employed for three days or less must provide such documentation on their first day. (8 CFR 274a.2)

If unable to provide satisfactory documentation because the document was lost, stolen, or damaged, the employee shall furnish a receipt indicating that a replacement document has been requested. This receipt must be presented within three days of the hire, and the replacement document must be provided within 90 days of the hire. (8 CFR 274a.2)

If an individual's employment authorization expires, the Superintendent or designee must reverify the I-9 form, by noting the document's identification number and expiration date on the form, no later than the date the work authorization expires. The employee shall present a document that either shows continuing employment eligibility or a new grant of work authorization. (8 CFR 274a.2)

After examining the documents presented, the Superintendent or designee shall copy them. Such copies shall be retained with the individual's I-9 form. The documents shall be kept confidential and used only as needed to help justify the district's past decision to accept the documents as valid.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

The district shall retain the I-9 forms for three years after the date of the hire or for one year after the date the individual's employment is terminated, whichever is later. (8 CFR 274a.2)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Appointment And Conditions Of Employment**

AR 4112  
**Personnel**

Upon recommendation from the Superintendent or designee, the Governing Board shall approve the appointment of all certificated employees. The position and the salary classification shall be reported to the Board at a regular meeting.

(cf. 4111 - Recruitment and Selection)  
(cf. 4121 - Temporary/Substitute Personnel)

Individuals appointed to the certificated staff shall, at a minimum:

1. Possess the appropriate certification qualifications and register the certification document in accordance with law and Board policy (Education Code 44250-44279, 44330)

(cf. 4112.2 - Certification)  
(cf. 4112.21. - District Interns)

2. Demonstrate proficiency in basic skills as required by law (Education Code 44252.5, 44830)

3. Submit to fingerprinting as required by law (Education Code 44830.1)

4. Not have been convicted of a violent or serious felony as defined in Penal Code 667.5 and 1192.7, unless the individual has received a certificate of rehabilitation and pardon (Education Code 44830.1)

(cf. 4112.5/4312.5 - Criminal Record Check)  
(cf. 4118 - Suspension/Disciplinary Action)

5. Not have been convicted of any sex offense as defined in Education Code 44010 (Education Code 44836)

6. Not be required to register as a sex offender pursuant to Penal Code 290 because of a conviction for a crime where the victim was a minor under the age of 16 (Penal Code 290.95)

(cf. 3515.5 - Sex Offender Notification)

7. Not have been determined to be a sexual psychopath pursuant to Welfare and

Institutions Code 6300-6332 (Education Code 44837)

8. Not have been convicted of any controlled substance offense as defined in Education Code 44011 (Education Code 44836)

9. Submit to a physical examination, tuberculosis testing and/or provide a medical certificate as required by law and Board policy (Education Code 44839, 49406)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

10. File the oath or affirmation of allegiance required by Government Code 3100-3109

(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)

11. Fulfill any other requirements as specified by law, collective bargaining agreement, Board policy or administrative regulation

(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)

Legal Reference:

EDUCATION CODE

35161 Powers and duties

44008 Effect of termination of probation

44009 Conviction of specified crimes; definitions

44010 Sex offense

44011 Controlled substance offense

44066 Limitation on certification requirements

44250-44277 Credential types

44330 Effect of registration of certification document

44836 Employment of person convicted of sex offenses or controlled substance offenses

44837 Employment of sexual sociopath

44838 Statement of military service

44839 Medical certificate

44839.5 Medical certificate for retirant

49406 Examination for tuberculosis

GOVERNMENT CODE

3100-3109 Oaths or affirmations of allegiance for disaster service workers and public employees

12940-12950 Unlawful employment practices

PENAL CODE

290 Registration of sex offenders

290.95 Disclosure by persons required to register as sex offenders

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

WELFARE AND INSTITUTIONS CODE

6300-6332 Sexual psychopaths

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Contracts**

AR 4112.1

## **Personnel**

When initially employed, certificated employees shall receive a written statement of their employment status and salary. In the case of temporary employees, this statement shall clearly indicate the temporary nature of the employment and the length of time for which the person is being employed. (Education Code 44916)

(cf. 4121 - Temporary/Substitute Personnel)

## Reemployment Notices

By May 30 of each year, the clerk or secretary of the Board may give, or mail by certified mail with return receipt requested, written notices to probationary and permanent certificated employees requesting that they notify the district of their intent to remain in district service for the next school year. This notice shall include a copy of Education Code 44842. If an employee, without good cause, fails to notify the district before July 1 that he/she will remain in district service, the employee may be deemed to have declined reemployment and the employee's services may be terminated on June 30 of that year. (Education Code 44842)

(cf. 4113 - Assignment)

(cf. 4117.2/4217.2/4317.2 - Resignation)

(cf. 4117.4 - Dismissal)

(cf. 9122 - Secretary)

## Employee Notification

By May 15 of each year, each classroom teacher shall notify the Superintendent or designee of his/her intent to return to a teaching position for the next school year. (Education Code 44832)

An employee on leave of absence shall notify the district of his/her intent to remain in service the following year in accordance with law, Board policy and administrative regulation.

(cf. 4161/4261 - Leaves)

Legal Reference:

EDUCATION CODE

44832 Teachers; notice of intent to return  
44842 Failure to provide notice or to report to work  
44843 Notice of employment (to county superintendent)  
44916 Time of classification; statement of employment status  
44929.20 Continuing contract-districts w/less than 250 ADA  
44955 Reduction in number of employees

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Certification**

BP 4112.2

### **Personnel**

The Superintendent or designee shall ensure that persons employed in positions requiring certification qualifications have the appropriate credential or permit authorizing their employment in such positions.

(cf. 4111 - Recruitment and Selection)

(cf. 4112.21 - District Interns)

(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)

(cf. 4113 - Assignment)

(cf. 4116 - Probationary/Permanent Status)

(cf. 4121 - Temporary/Substitute Personnel)

(cf. 5148 - Child Care and Development)

When fully credentialed individuals are not available, the district may employ persons with intern permits, or under the conditions and limitations provided in state and federal law.

The Superintendent or designee shall provide the Governing Board with regular reports on the progress of the district's teachers toward becoming fully qualified. Such reports shall include, but not be limited to, the percentage of teachers in core academic subjects, districtwide and at each school, who meet the definition of a "highly qualified" teacher in accordance with federal law and the percentage of teachers who are receiving professional development to enable them to satisfy this definition.

#### National Board for Professional Teaching Standards Certification Incentive Program

The Governing Board encourages district teachers to voluntarily seek additional certification from the National Board for Professional Teaching Standards which demonstrates advanced knowledge and teaching skills.

The Superintendent or designee may provide adequate release time and support to teachers participating in the program.

#### Legal Reference:

EDUCATION CODE

8360-8370 Qualifications of child care personnel

32340-32341 Unlawful issuance of a credential

41520-41522 Teacher Credentialing Block Grant



44066 Limitations on certification requirements  
44200-44405 Teacher credentialing, especially:  
44225.6 CTC annual report on credentials, internships and emergency permits  
44225.7 Priorities for recruitment when fully prepared teacher not available  
44251 Period of credentials  
44252 Standards and procedures for issuance; proficiency testing of basic skills  
44252.5 State basic skills assessment required for certificated personnel  
44259 Minimum requirements for teaching credential  
44259.5 Standards for teachers of all students, including English language learners  
44259.8 Alternative means of entering teaching profession  
44270.3-44270.4 Out-of-state credentials, administrative services  
44274.2-44275.4 Out-of-state credentials  
44277 Requirements for maintaining valid credentials  
44279.1-44279.7 Beginning Teacher Support and Assessment Program (BTSA)  
44300-44301 Emergency permits  
44302 CTC notification re district options when fully qualified teacher not available  
44320.2 Teachers performance assessment  
44325-44329 District interns  
44330-44355 Certificates and credentials  
44395-44399 National Board for Professional Teaching Standards  
44735 Teaching as a priority block grant  
44751 Recruitment centers  
44830-44929 Employment of certificated persons; requirement of proficiency in basic skills  
56060-56063 Substitute teachers in special education  
CODE OF REGULATIONS, TITLE 5  
80001-80690.1 Commission on Teacher Credentialing  
UNITED STATES CODE, TITLE 20  
6311 Parental notifications  
6312 District Title I plan  
6314 Schoolwide programs  
6315 Targeted assistance schools  
6319 Highly qualified teachers  
7801 Definitions, highly qualified teacher  
CODE OF FEDERAL REGULATIONS, TITLE 34  
200.55-200.57 Highly qualified teachers  
200.61 Parent notification regarding teacher qualifications  
COURT DECISIONS  
Association of Mexican-American Educators et. al. v. State of California and the  
Commission on Teacher Credentialing, (1993) 836 F.Supp. 1534

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Leadership: Human Resources, 1996

CSBA ADVISORIES

No Child Left Behind: Update on Federal Regulations and State Board of Education

Actions, January 2003

**CTC PUBLICATIONS**

Standards of Quality and Effectiveness for Professional Teacher Induction Programs,  
March 2002

Standards of Quality and Effectiveness for Professional Teacher Preparation Programs,  
September 2001

California Standards for the Teaching Profession, July 1997

**U.S. DEPARTMENT OF EDUCATION GUIDANCE**

Improving Teacher Quality State Grants, December 19, 2002

**WEB SITES**

CDE: <http://www.cde.ca.gov>

CTC: <http://www.ctc.ca.gov>

USDOE: <http://www.ed.gov>

CSBA: <http://www.csba.org>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Certification**

AR 4112.2

### **Personnel**

#### Registration

Each person employed by the district for a position requiring certification qualifications shall, within 60 days after beginning employment, register with the county office of education a valid credential authorizing the person to work in that position. Certificated employees also shall register renewed credentials within 60 days after the renewal. (Education Code 44330, 44857)

#### Basic Skills Proficiency Test

Prior to being hired by the Governing Board, all certificated persons, whether hired on a permanent, temporary or substitute basis, shall demonstrate basic skills proficiency in reading, writing and mathematics, unless specifically exempted from this requirement by Education Code 44830. (Education Code 44830)

Certificated persons who have not held a position requiring certification within 39 months of employment and who have not taken the state basic skills proficiency test may be hired as temporary employees, provided they pass a basic skills proficiency test developed and administered by the district. Such employees shall subsequently take the state test within one year of employment. (Education Code 44830)

(cf. 4121 - Temporary/Substitute Personnel)

Persons holding a designated subjects/special subjects credential or vocational designated subject credential shall not be required to take the state basic skills proficiency test unless their specific credential requires the possession of a baccalaureate degree. Instead, these persons shall be assessed with district proficiency criteria established by the Board for these credentials, which shall be at least equivalent to the district test required for graduation from high school. (Education Code 44252, 44830)

#### Out-of-State Credentials

The district may employ an out-of-state applicant who has met the requirements of Education Code 44274.2, 44275.3 or 44275.4 and obtained a preliminary or professional clear credential from the Commission on Teacher Credentialing (CTC).

(cf. 4112.5/4312.5 - Criminal Record Check)

A teacher prepared out of the state or country who has been issued a five-year California preliminary credential shall pass the state basic skills proficiency test described above within one year of the issuance date of the credential in order to be eligible to continue teaching. To be eligible for a professional clear credential, he/she must also meet legal requirements for subject matter competence, course completion, and either a fifth-year postsecondary program or an induction program for beginning teachers. (Education Code 44274.2, 44275.3, 44275.4)

#### Emergency Substitute Teaching Permits

The district may employ persons with an emergency 30-day substitute permit for 30 days or less for any one teacher during the school year. Persons with an emergency substitute permit may be employed for 20 days or less in special education positions requiring certification, unless an extension has been approved by the Superintendent of Public Instruction. (Education Code 56061; 5 CCR 80025, 80025.4)

Before employing such persons, the Superintendent or designee shall prepare and keep on file a signed statement of need. The statement of need shall describe the situation or circumstances that necessitate the use of a 30-day substitute permit holder and state either that a credentialed person is not available or that the available credentialed person(s) do not meet the district's specified employment criteria. (5 CCR 80025)

#### Emergency Teaching or Specialist Permits

Before employing persons with emergency teaching or specialist permits for more than 20 days in special education positions or for more than 30 days in other positions, the Board shall document that it has made a diligent search for, but has been unable to recruit, a sufficient number of certificated teachers, including teacher candidates pursuing full certification through internships or other alternative programs. (Education Code 44300; 5 CCR 80026)

The district's diligent search shall include, but is not limited to, distributing job announcements, contacting college and university placement centers, advertising in local newspapers, exploring the incentives included in the Teaching as a Priority block grant pursuant to Education Code 44735, participating in the state and regional recruitment centers established pursuant to Education Code 44751 and 90530, and participating in job fairs in the state. (Education Code 44300)

(cf. 4111 - Recruitment and Selection)

The Board shall certify by an annual resolution that it has made reasonable efforts to recruit a fully prepared teacher for the assignment. (Education Code 44225.7)

For any assignment for which a suitable fully prepared teacher is not available, the district shall make reasonable efforts to recruit an individual in the following priority order: (Education Code 44225.7)

1. A candidate who is scheduled to complete initial preparation requirements within six months
2. A candidate who is qualified to participate in an approved internship program in the region of the district

If a suitable person who meets these priorities is not available, the district may, as a last resort, request that the Commission on Teacher Credentialing approve the assignment of a person who does not meet the above criteria. (Education Code 44225.7)

The district shall submit to the Commission on Teacher Credentialing, on a form provided by the commission, a declaration of need for fully qualified educators. The declaration of need shall be made in the form of a motion adopted by the Board during a regularly scheduled public Board meeting. The motion shall not be part of the consent agenda. (Education Code 44300; 5 CCR 80026)

(cf. 0510 - School Accountability Report Card)  
(cf. 4112.21 - District Interns)

The Superintendent or designee shall provide an orientation for employees who are obtaining emergency teaching or specialist permits for the first time. This orientation shall include at least an overview of the curriculum that the teacher is expected to teach and effective techniques of classroom instruction and management at the teacher's assigned level. (Education Code 44300; 5 CCR 80026.5)

Whenever possible, the orientation shall occur before the teacher begins his/her teaching assignment. The Superintendent or designee shall also assign an experienced educator to guide and assist the teacher. This person shall be a certificated district employee or a certificated retiree of a California school district or county office of education and must have completed at least three full years of full-time classroom teaching experience or the equivalent. (Education Code 44300; 5 CCR 80026.5)

The Superintendent or designee shall inform applicants for emergency teaching or specialist permits that the district will provide the above orientation, guidance and assistance. Applicants shall be given the name or position of the person responsible for providing this guidance and assistance. They shall also be informed that in order for their permits to be renewed, they must complete a minimum of six semester or nine quarter units of course work for the related credential. (5 CCR 80026.1)

### Highly Qualified Teachers

All teachers newly hired to teach in a program supported by Title I funds shall be "highly qualified" as defined by federal law and the State Board of Education. (20 USC 6319; 34 CFR 200.55)

(cf. 6171 - Title I Programs)

All teachers teaching in core academic subjects shall be "highly qualified" not later than the end of the 2005-06 school year. Core academic subjects include English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history and geography. (20 USC 6319, 9101; 34 CFR 200.55)

To be considered "highly qualified," the teacher shall: (20 USC 7801; 34 CFR 200.56)

1. Hold at least a bachelor's degree
2. Have obtained full certification as a teacher or passed the state teacher licensing examination, and hold a license to teach in California

A teacher shall be considered to have met this requirement if he/she has fulfilled the certification and licensure requirements applicable to the years of experience the teacher possesses, or is participating in an alternative route to certification under which the teacher:

- a. Receives high-quality professional development, before and while teaching, that is sustained, intensive and classroom focused in order to have a positive and lasting impact on classroom instruction
  - b. Participates in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher mentoring program
  - c. Assumes functions as a teacher only for a specified period of time not to exceed three years
  - d. Demonstrates satisfactory progress toward full certification as prescribed by the state
3. Have not currently had certification or licensure requirements waived on an emergency, temporary or provisional basis

In addition, an elementary school teacher who is new to the profession shall pass a rigorous state test to demonstrate subject knowledge and teaching skills in reading/language arts, writing, mathematics and other areas of the basic elementary school curriculum. (20 USC 7801; 34 CFR 200.56)

A middle or high school teacher who is new to the profession shall demonstrate a high level of competency in each of the academic subjects in which the teacher teaches, by either passing a rigorous state academic subject test in each subject or successfully completing an undergraduate major, graduate degree, coursework equivalent to an undergraduate major, or advanced certification or credentialing in each subject. (20 USC 7801; 34 CFR 200.56)

Any elementary, middle or secondary teacher who is not new to the profession shall demonstrate subject matter competency either by fulfilling the applicable criteria listed above for new teachers or meeting a high, objective, uniform state standard of evaluation. (20 USC 7801)

Within the district's Title I plan, the Superintendent or designee shall develop a plan for ensuring that all teachers in core academic subjects will meet federal and state criteria for "highly qualified" teachers no later than the end of the 2005-06 school year. (20 USC 6312 and 6319)

As part of this plan, the Superintendent or designee shall provide high-quality professional development designed to enable teachers to meet the criteria of a "highly qualified" teacher. (20 USC 6319)

The principal of each school receiving Title I funds shall annually attest in writing as to whether the school is in compliance with federal requirements related to teacher qualifications. Copies of the attestation shall be maintained at the school and at the district office and shall be available to any member of the public upon request. (20 USC 6319)

At the beginning of each school year, the Superintendent or designee shall notify the parents/guardians of each student attending a Title I school that they may request information regarding the professional qualifications of their child's classroom teachers, including but not limited to: (20 USC 6311)

1. Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction
2. Whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived
3. The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree
4. Whether the student is provided services by paraprofessionals and, if so, their qualifications

(cf. 4222 - Teacher Aides/Paraprofessionals)  
(cf. 5145.6 - Parental Notifications)

In addition, the Superintendent or designee shall provide timely notice to individual parents/guardians of students attending a Title I school whenever their child has been assigned, or has been taught for four or more consecutive weeks by, a teacher of a core academic subject who does not meet the criteria of a "highly qualified" teacher. (20 USC 6311; 34 CFR 200.61)

The notice and information provided to parents/guardians shall be in an understandable and uniform format, and to the extent practicable, be provided in a language that the parents/guardians can understand. (20 USC 6311)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California



# Exhibit

## Certification

E 4112.2

### Personnel

#### Attestation Regarding Title I Teachers

The following certification must be annually completed and signed by each principal in a school that operates a Title I program pursuant to 20 USC 6314 (schoolwide programs) and 20 USC 6315 (targeted assistance schools).

School: \_\_\_\_\_ Principal:  
\_\_\_\_\_

I certify that this school has met all the requirements of 20 USC 6319, including the requirement that all teachers hired after the first day of the 2002-03 school year meet the following qualifications:

1. Hold at least a bachelor's degree
2. Have obtained full certification as a teacher or passed the state teacher licensing examination, and hold a license to teach in California

OR

Have fulfilled the certification and licensure requirements applicable to the years of experience the teacher possesses, or are participating in an alternative route to certification under the conditions described in 20 USC 6319

3. Have not currently had certification or licensure requirements waived on an emergency, temporary or provisional basis
4. At the elementary school level, if new to the profession, have demonstrated subject knowledge and teaching skills in reading/language arts, writing, mathematics and other areas of the basic elementary school curriculum
5. At the middle or high school level, if new to the profession, have demonstrated competency in each of the academic subjects in which the teacher teaches, by either passing a rigorous state academic subject test in each subject or successfully completing an undergraduate major, graduate degree, coursework equivalent to an undergraduate major, or advanced certification or credentialing in each subject

6. At any grade level, if not new to the profession, demonstrate subject matter competency either by fulfilling the applicable criteria listed above for new teachers or meeting a high, objective, uniform state standard of evaluation

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Signature of Principal

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## CERTIFICATION

### PARENTAL NOTIFICATION: TEACHER QUALIFICATIONS

To Parents/Guardians:

The \_\_\_\_\_ School is a Title I school receiving funds through the federal No Child Left Behind (NCLB) Act of 2001. The NCLB Act grants you the right to know that your child's teacher [include teacher's name when child is instructed by more than one teacher] is authorized to teach in the State of California and satisfies state licensure requirements, but meets one of the following conditions and therefore may not yet satisfy NCLB requirements:

1. Holds a pre-internship certificate
2. Holds an emergency credential
3. Does not have a major or equivalent coursework in the subject matter being taught

If you have any questions, please contact the principal at [ phone number ].

Exhibit CLOVERDALE UNIFIED SCHOOL DISTRICT  
version: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Special Education Staff**

BP 4112.23

### **Personnel**

#### Resource Specialists

The Governing Board shall employ certificated resource specialists to provide services, where required by law, for students who have exceptional needs, their parents/guardians, and school staff.

The resource specialist program shall be directed by a resource specialist fully qualified in accordance with law.

- (cf. 0430 - Comprehensive Local Plan for Special Education)
- (cf. 1312.3 - Uniform Complaint Procedures)
- (cf. 3541.2 - Transportation for Students with Disabilities)
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
- (cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)
- (cf. 6159 - Individualized Education Program (IEP))
- (cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
- (cf. 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education)
- (cf. 6159.3 - Appointment of Surrogate Parent for Special Education)
- (cf. 6164.4 - Identification of Individuals for Special Education)

#### Legal Reference:

##### EDUCATION CODE

56195.8 Adoption of policies

56361 Program options

56362 Resource specialist program, contents, direction; resource specialists, case-loads, assignments, instructional aide; pupil enrollment

56362.1 Caseload

56362.5 Resource specialist certificate of competence

56362.7 Bilingual-crosscultural certificate of assessment competence

56363.3 Average caseload limits

56441.7 Maximum caseload (programs for individuals with exceptional needs between the ages of three and five inclusive)

56728.6 Instructional personnel funding

56728.8 Instructional personnel funding; services to infants

##### CODE OF REGULATIONS, TITLE 5

3051.1 Language, speech and hearing development and remediation; appropriate

credential  
CODE OF FEDERAL REGULATIONS, TITLE 34  
300.18 Highly qualified special education teachers

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Health Examinations**

BP 4112.4  
**Personnel**

### New Employees

The Superintendent or designee shall ensure that new district employees comply with all the health examination requirements of California law.

In addition, the Superintendent or designee may require applicants for employment in classified positions to undergo a preemployment physical examination to show that they are physically able to perform the duties of specific jobs. (Education Code 45122)

### Continuing Employees

Continuing employees shall undergo periodic tuberculosis tests once every four years in accordance with law. (Education Code 49406)

The Governing Board is concerned about the prevalence of tuberculosis in our community and may require continuing employees to undergo tuberculosis tests when warranted upon the recommendation of the local health officer.

Employees may be required to pass a physical and/or psychological examination any time such an examination appears necessary to preserve the health and welfare of district students and employees or to furnish medical proof of physical or mental ability to perform satisfactorily the assigned duties of an individual's position. (Education Code 44839, 45122)

(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

Legal Reference:

EDUCATION CODE

44839 Medical certificate; periodic medical examination

44839.5 Requirements for employment of retirant

44932 Grounds for dismissal of permanent employee

44942 Suspension or transfer of certificated employee on ground of mental illness, psychiatric examination; mandatory sick leave

45122 Physical examinations

49406 Examination for tuberculosis

CODE OF REGULATIONS, TITLE 5

5502-5503 Physical examination for retirants employed as substitute teacher, etc.

5504 Medical certification procedures

Policy  
adopted: November 19, 2003

CLOVERDALE UNIFIED SCHOOL DISTRICT  
Cloverdale, California

# **Administrative Regulation**

## **Health Examinations**

AR 4112.4  
**Personnel**

### New Employees

1. No person shall be initially employed unless he/she has placed on file with the district a certificate from a physician licensed under the Business and Professions Code indicating that a tuberculosis examination within the past 60 days shows that he/she is free from active tuberculosis. The tuberculosis examination shall consist of an approved intradermal tuberculin test. An x-ray of the lungs shall be required only if the intradermal test is positive. (Education Code 49406)

Persons transferring from another district may fulfill tuberculosis examination requirements in either of the following ways: (Education Code 49406)

- a. By producing a certificate showing that the employee was examined within the last four years and found free of active tuberculosis, or
- b. By having the last employing school verify that it has on file a current certificate which contains that showing.

2. When a new employee in a position requiring certification has not previously been employed in such a position in California, he/she must have a medical certificate on file with the district. The certificate will state that the employee is free from any disabling disease which would render him/her unfit to instruct or associate with children. The certificate form may be obtained from the personnel services office. It must be filled out by a licensed physician and returned to the personnel services office by the physician. The medical examination referred to in the certificate must have been conducted within six months of the time when the certificate is filed. (Education Code 44839)

The cost of pre-employment examinations shall be borne by the applicant. (Education Code 44839, 45122, 49406)

When an employee's religious belief prevents him/her from undergoing a physical examination, the district shall follow provisions of Education Code 49406.

### Continuing Employees

Continuing employees who test negative on tuberculin skin tests shall undergo a tuberculosis examination at least once every four years. (Education Code 49406)

Tuberculosis tests and other medical examinations required by the Superintendent or

designee shall be administered by a physician licensed under the Business and Professions Code. The district requests employees obtain their continuing tuberculosis test by their physician. If the physician charges for the test the district will reimburse the employee, with receipt. (Education Code 44839, 45122, 49406

#### Food Service Workers

All food service workers who cook, serve or handle food are required to obtain a health certificate before being assigned to work in any district cafeteria or kitchen. If a disease is suspected, a blood test or periodic health examinations may be required.

Regulation  
approved: November 19, 2003  
revised: June 26, 2013

CLOVERDALE UNIFIED SCHOOL DISTRICT

Cloverdale, California

# **Board Policy**

## **Drug And Alcohol Testing For School Bus Drivers**

BP 4112.42

### **Personnel**

The Governing Board desires to take all possible steps to ensure transportation safety for district students and staff. The Superintendent or designee shall establish a drug and alcohol testing program for all school bus drivers and any other employees who hold a commercial driver's license which is necessary to perform duties related to their employment with the district. This program shall be designed to fulfill the requirements of federal law and regulations.

(cf. 3542 - School Bus Drivers)

(cf. 4020 - Drug and Alcohol-Free Workplace)

Drivers who test positive for alcohol or drugs shall be removed from safety-sensitive functions and subject to disciplinary action up to and including dismissal in accordance with administrative regulations.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

#### Legal Reference:

##### EDUCATION CODE

35160 Authority of governing boards

##### VEHICLE CODE

34500 Applicable vehicles

34501.12 Motor carrier definition

34520 Motor carrier and driver compliance with federal testing requirements

##### UNITED STATES CODE, TITLE 49

2717 Alcohol and controlled substances testing (Omnibus Transportation Employee Testing Act of 1991)

##### CODE OF FEDERAL REGULATIONS, TITLE 49

40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs

382 Controlled Substance and Alcohol Use and Testing

395 Hours of Service of Drivers

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California



# **Administrative Regulation**

## **Drug And Alcohol Testing For School Bus Drivers**

AR 4112.42

### **Personnel**

The district's drug and alcohol testing program shall apply to all employees who operate a commercial motor vehicle, including any vehicle designed to transport 16 or more passengers. This includes casual, intermittent or occasional drivers as well as full-time, regularly employed drivers. (49 CFR 382.107)

The Superintendent or designee shall contract for collection and testing services and shall ensure that testing procedures and facilities used for the tests conform with the requirements of the Code of Federal Regulations, Title 49, Part 40.

Drivers shall inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Drivers using such a substance may continue to perform safety-sensitive functions only if the physician has advised the driver that the substance will not adversely affect his/her ability to safely operate a commercial motor vehicle. (49 CFR 382.213)

### **Pre-Employment Tests**

A pre-employment drug test shall be required of an applicant only after he/she has been offered the position.

Drug tests shall be conducted before the first time a driver performs any safety-sensitive function for the district. (49 CFR 382.301)

Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work until he/she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the district or paid work for any other entity. (49 CFR 382.107, 395.2)

Exceptions may be made for drivers who have participated in the drug testing program required by law within the previous 30 days, provided that the district has been able to make all verifications required by law. (49 CFR 382.301)

Pre-employment testing shall also be required of employees returning to work after a layoff period if the employee was removed from the random testing pool. If the employee remains in the random testing pool, additional testing shall not be necessary. (49 CFR 382.301)

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

#### Post-Accident Tests

Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver:

1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life (49 CFR 382.303)
2. Who receives a citation under state or local law for a moving traffic violation arising from the accident (49 CFR 382.303)
3. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved a serious medical injury
4. Whose performance cannot be excluded as a contributing factor based on information available at the time of the accident

Drivers shall make themselves readily available for testing, absent the need for immediate medical attention. (49 CFR 382.303)

No such driver shall use alcohol for eight hours after the accident, or until after he/she undergoes a post-accident alcohol test, whichever occurs first. (49 CFR 382.209)

If an alcohol test is not administered within two hours of the accident or if a drug test is not administered within 32 hours, the district shall prepare and maintain records explaining why the test was not conducted. Tests shall not be given if not administered within eight hours after the accident for alcohol or within 32 hours for drugs. (49 CFR 382.303)

Tests conducted by authorized federal, state or local officials shall fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the district. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations. (49 CFR 382.303)

#### Random Tests

Alcohol and drug tests shall be conducted on a random basis at unannounced times throughout the year. The number of random alcohol and drug tests shall be at least equal to those required by federal regulations. Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made. Tests for alcohol shall be conducted just before, during or just after the performance of safety-sensitive functions. (49 CFR 382.305)

## Reasonable Suspicion Tests

An alcohol or drug test shall be conducted if a supervisor or district official trained in accordance with law has reasonable suspicion that a driver has violated the district's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech or body odors. The observations may include indications of the chronic and withdrawal effects of controlled substances. (49 CFR 382.307)

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the district shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight hours. (49 CFR 382.307)

A supervisor or district official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his/her observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier. (49 CFR 382.307)

The Superintendent or designee shall ensure that an employee under reasonable suspicion is transported to the designated collection or testing site.

## Enforcement

Any driver who refuses to submit to a post-accident, random or reasonable suspicion test, or to a follow-up test as described below, shall not perform or continue to perform safety-sensitive functions. (49 CFR 382.211) Therefore, any driver who so refuses shall be immediately suspended and subject to disciplinary action, up to and including dismissal.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

A driver who is tested and found to have an alcohol concentration of .02 or greater but less than .04 may not perform or continue to perform safety-sensitive functions including driving a commercial motor vehicle until the start of the driver's next regularly scheduled duty period, but not less than 24 hours after the test was administered. (49 CFR 382.505)

A driver who tests positive for drugs or is found to have an alcohol concentration of .04 or greater shall be subject to disciplinary action up to and including dismissal.

A driver who violates district prohibitions related to drugs and alcohol shall receive from the district the names, addresses and telephone numbers of substance abuse professionals

and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help, if any, the driver needs in resolving such a problem. Any substance abuse professional who determines that a driver needs assistance shall not refer the driver to a private practice, person or organization in which he/she has a financial interest, except under circumstances allowed by law. (49 CFR 382.605)

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program. (49 CFR 382.605)

#### Return-to-Duty Tests

If a driver who has violated the district's drug or alcohol prohibition is returned to performing safety-sensitive duties, a drug or alcohol test shall be conducted. (49 CFR 382.309)

Employees whose conduct involved drugs shall not return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result. Employees whose conduct involved alcohol shall not return to duty in a safety-sensitive function until the return-to-duty alcohol test indicates an alcohol concentration of less than .02. (49 CFR 382.605)

#### Follow-up Tests

A driver who violates the district's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing shall be conducted just before, during or just after the time when the driver is performing safety-sensitive functions. (49 CFR 382.311)

Follow-up testing shall consist of at least six tests in the first 12 months following the driver's return to duty. The substance abuse professional may terminate the follow-up testing at any time after the first six tests if he/she determines that testing is no longer needed. Testing shall not occur beyond 60 months from the date of the driver's return to duty. (49 CFR 382.605)

#### Maintenance of Records

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing

by the driver. (49 CFR 382.405)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

#### Notifications

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the district's policy and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify all of the following: (49 CFR 382.601)

1. The person designated by the district to answer drivers' questions about the materials
2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382
4. Specific information concerning driver conduct that is prohibited by Part 382
5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results and ensure that test results are attributed to the correct driver
7. The requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences
9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation and treatment
10. The consequences for drivers found to have an alcohol concentration of .02 or greater but less than .04
11. The effects of drugs and alcohol on an individual's health, work and personal life;

signs and symptoms of a drug or alcohol problem (the driver's or a coworker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program and/or referral to management

(cf. 4159/4259/4359 - Employee Assistance Programs)

12. Other legal requirements, district policies and disciplinary consequences related to the use of alcohol and drugs.

(cf. 4020 - Drug and Alcohol-Free Workplace)

Each driver shall sign a statement certifying that he/she has received a copy of the above materials. (49 CFR 382.601)

(cf. 4112.9 - Employee Notifications)

Before any driver operates a commercial motor vehicle, the district shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements. (49 CFR 382.303)

Before drug and alcohol tests are performed pursuant 49 CFR 382, the district shall inform drivers that the tests are required by these regulations. (49 CFR 382.113)

The district shall notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of his/her employment application. (49 CFR 382.411)

The district shall notify a driver of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive. The district shall also tell the driver which controlled substance(s) were verified as positive. (49 CFR 382.411)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Criminal Record Check**

AR 4112.5

### **Personnel**

#### Applicants for Employment

The Superintendent or designee shall ensure that each person to be employed submits fingerprints, either electronically through the Live Scan system or on fingerprint identification cards, for processing by the Department of Justice. If the district is using the Live Scan system, the Superintendent or designee shall also provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

The Superintendent or designee shall ensure that no person is hired in a position requiring certification qualifications or supervising positions requiring certification qualifications who has been convicted of a violent or serious felony as listed in Penal Code 667.5(c) or 1192.7(c), unless that person has obtained a certificate of rehabilitation and a pardon. (Education Code 44830.1)

(cf. 4112 - Appointment and Conditions of Employment)

(cf. 4112.2 - Certification)

#### Subsequent Arrest Notification

The Superintendent or designee shall request subsequent arrest notification from the Department of Justice as provided under Penal Code 11105.2. (Education Code 44830.1)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

#### Current Employees

The Superintendent or designee shall not retain in employment any current certificated employee who is a temporary employee, substitute employee or probationary employee serving before March 15 of the employee's second probationary year if he/she has been convicted of a violent or serious felony. (Education Code 44830.1)

Upon notification by the Department of Justice of such conviction, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 44830.1)

When the district receives written electronic notification of the fact of conviction from the Department of Justice, the Superintendent or designee shall terminate that employee

without regard to any other procedure for termination specified in the Education Code or district procedures, unless that employee has received a certificate of rehabilitation and a pardon. (Education Code 44830.1)

If the employee challenges the Department of Justice record and the Department of Justice withdraws in writing its notification, the Superintendent or designee shall immediately reinstate that employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement. (Education Code 44830.1)

Legal Reference:

EDUCATION CODE

44010 Sex offense

44332 Temporary certificate

44332.5 Registering certificates by certain districts

44332.6 Criminal record check, county board of education

44346.1 Applicants for credential, conviction of a violent or serious felony

44830.1 Certificated employees, conviction of a violent or serious felony

44830.2 Certificated employees; interagency agreement

44836 Conviction of a sex offense

45122.1 Classified employees, conviction of a violent or serious felony

45125 Use of personal identification cards to ascertain conviction of crime

45125.01 Classified employees; interagency agreements

45125.5 Automated records check

45126 Duty of Department of Justice to furnish information

PENAL CODE

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

11105.2 Subsequent arrest notification

CODE OF REGULATIONS, TITLE 11

703 Release of criminal offender record information

708 Destruction of criminal offender record information

Management Resources:

WEB SITES

Department of Justice/Attorney General's Office: <http://www.caag.state.ca.us/app>

CSBA: <http://www.csba.org>

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California



# **Administrative Regulation**

## **Personnel Files**

AR 4112.6

### **Personnel**

The Superintendent or designee shall maintain personnel files for all current employees. All personnel files are confidential and shall be available only to the employee, persons authorized by the employee and those authorized by the Superintendent or designee. Official employee files shall be maintained at the district's central office. The Superintendent or designee shall determine the types of information to be included and shall process all material to be placed in a personnel file.

(cf. 4141/4241 - Collective Bargaining Agreement)

The contents of all personnel files shall be kept in strict confidence by any authorized reviewer.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

Personnel files shall be reviewed and replaced within the shortest time possible. In no case shall a personnel file be left unattended or left unfiled overnight.

### **Placement of Material in Personnel Files**

Any person who places written material or drafts written material for placement in an employee's file shall sign the material and signify the date of placement.

When an employee is asked to sign any material that is to be placed in his/her file, it is with the understanding that his/her signature signifies only that he/she has read the material and does not necessarily indicate agreement with its contents.

Any request by an employee to include materials in his/her personnel file must be approved by the Superintendent or designee.

A certificated employee may initiate a written reaction or response to his/her performance evaluation and that response shall become a permanent attachment to the employee's personnel file. (Education Code 44663)

(cf. 4115 - Evaluation/Supervision)

## Derogatory Information

Information of a derogatory nature shall not be entered into an employee's personnel file unless and until the employee is given notice and an opportunity to review and comment on that information. Such a review shall take place during normal business hours. The employee shall be released from duty for this purpose without a salary reduction. The employee may enter his/her own comments and have them attached to the derogatory statement. (Education Code 44031)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5141.4 - Child Abuse Reporting Procedures)

## File Review by Employee

The contents of personnel records relating to the employee's performance or to any grievance concerning the employee shall be made available to the employee at reasonable intervals and at reasonable times. The Superintendent or designee shall not be required to make such records available at a time when the employee is required to render services to the district, unless the employee is required to view the file where it is stored. (Labor Code 1198.5; Education Code 44031)

The Superintendent or designee shall do one of the following: (Labor Code 1198.5)

1. Keep a copy of each employee's personnel records at the place where the employee reports to work
2. Make the employee's personnel records available at the place where the employee reports to work within a reasonable period of time following an employee's request
3. Permit the employee to inspect the personnel records at the location where the district stores the personnel records, with no loss of compensation to the employee

Any employee wishing to inspect his/her personnel record shall contact the Superintendent or designee.

With the exceptions noted below, all personnel records related to the employee's performance or to any grievance concerning the employee shall be made available for inspection by the employee. Noncredentialed employees shall have access to any numerical scores obtained as result of written examinations. (Education Code 44031)

The Superintendent or designee shall not be required to make available to the employee: (Labor Code 1198.5, Education Code 44031)

1. Records relating to the investigation of a possible criminal offense
2. Letters of reference
3. Ratings, reports or records that were obtained prior to the employee's employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

The employee may be accompanied by a representative of the employee's choice while reviewing the record.

Inspection shall take place in the presence of the Superintendent or designee. All reviews of personnel records shall be recorded, including the date and time the file was reviewed and the name and title of the person(s) present during the review.

In no instance shall any material be removed from the records. Requests for copies of material in a personnel record must be made in writing.

#### File Review by Management and Board

Management personnel or district legal counsel with a valid "right to know" or "need to know" may, with the Superintendent or designee's authorization, review an employee's personnel file.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

Board members are not individually allowed to request and access personnel files but the Board may request pertinent information from an employee's file in cases of personnel action.

#### Legal Reference:

##### EDUCATION CODE

35253 Regulations to destroy records

44031 Personnel file contents and inspection

44663 Performance appraisals and related materials

##### GOVERNMENT CODE

3305-3306 District police officers; personnel files

6254.3 Disclosure of home address and phone number

##### LABOR CODE

1198.5 Inspection of personnel files

PENAL CODE

11165.14 Report of investigation of child abuse complaint

CODE OF REGULATIONS, TITLE 5

16020-16022 Records, general provisions

16023-16027 Retention of records

ATTORNEY GENERAL OPINIONS

Cal. Atty. Gen., Indexed Letter, no. IL 75-73 (June 6, 1975)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Employment References**

BP 4112.61

### **Personnel**

\*\*\*Note: Pursuant to Civil Code 47, an employer cannot be sued for providing information about the job performance or qualifications of a current or former employee when such information is given to a prospective employer without malice and at the prospective employer's request. This protection does not apply, however, to information about any speech or activities that are constitutionally protected or otherwise protected by law, including those found in the Code of Civil Procedure 527.3 which upholds the right of employees to discuss labor disputes and to picket or assemble peacefully.\*\*\*

The Superintendent or designee should seek legal counsel in determining whether or not it is advisable to reveal negative information concerning an employee. In *Randi W. v. Muroc Unified School District et al.*, the California Supreme Court held that school authorities who recommend a former employee for hiring at another school could be held liable for physical harm to a student molested by the employee when their recommendations failed to disclose known or reasonably suspected acts of sexual misconduct previously committed by the employee.

The Superintendent or designee shall process all requests for references, letters of recommendation, or information about the reasons for separation regarding all district employees other than himself/herself. All letters of recommendation to be issued on behalf of the district for current or former employees must be approved by the Superintendent or designee.

At his/her discretion, the Superintendent or designee may refuse to give a recommendation. Any recommendation he/she gives shall provide a careful, truthful and complete account of the employee's job performance and qualifications.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)  
(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

Legal Reference:

LABOR CODE

1050-1054 Reemployment privileges

CIVIL CODE

47 Privileged communication

CODE OF CIVIL PROCEDURE

527.3 Labor disputes

CODE OF REGULATIONS, TITLE 5

80332 Professional candor and honesty in letters or memoranda of employment  
recommendation

COURT DECISIONS

Randi W. v. Muroc Joint Unified School District et al., (1997) 14 Cal. 4th 1066

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Employment References**

AR 4112.61

### **Personnel**

No certificated employee shall write or sign any letter or memorandum which intentionally omits significant facts, or which states as facts matters which the writer does not know of his/her own knowledge to be true, relating to the professional qualifications or personal fitness to perform certificated services of any person who the writer knows will use the letter or memorandum to obtain professional employment. (Code of Regulations, Title 5, Section 80332)

No certificated employee shall agree to provide a positive letter of recommendation which misrepresents facts as a condition of another employee's resigning or withdrawing action against the district. (Title 5, Section 80332)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Maintenance Of Criminal Offender Records**

AR 4112.62

### **Personnel**

#### Maintenance of Criminal Offender Records

All information received from the Department of Justice is confidential. (Education Code 44830.1, 45125)

The Superintendent shall designate an employee as record custodian of all confidential fingerprint and criminal record history who shall be responsible for the administration of the information. Any questions regarding Criminal Offender Record Information shall be resolved by the record custodian.

(cf. 1240 - Volunteer Assistance)  
(cf. 3515.6 - Criminal Background Checks for Contractors)  
(cf. 4112.5/4312.5 - Criminal Record Check)  
(cf. 4112.6/4212.6/4312.6 - Personnel Files)  
(cf. 4212.5 - Criminal Record Check)

Criminal Offender Record Information shall be accessible only to the record custodian and shall be kept in a locked file separate from other files. The contents of these records shall not be disclosed and shall not be reproduced. (Education Code 44830.1, 45125)

The record custodian shall be fingerprinted and processed through the California Department of Justice. He/she shall sign an Employee Statement Form, acknowledging an understanding of the laws regarding Criminal Offender Record Information.

These records shall be used only for the purpose for which they were requested.

Upon a hiring determination, the records shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained. (Education Code 44830.1, 45125; 11 CCR 708)

Violation of this administrative regulation may result in suspension, dismissal and/or criminal or civil prosecution.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)  
(cf. 9011 - Disclosure of Confidential/Privileged Information)

The record custodian shall ensure that the district complies with destruction, storage,



dissemination, auditing, backgrounding and training requirements as set forth in 11 CCR 701-708 and the rules regarding use and security of these records as set forth in Penal Code 11077. (Education Code 44830.1, 45125)

### Interagency Agreements

Upon receipt from the Department of Justice of a criminal history record or report of subsequent arrest for any person on a common list of persons eligible for employment, the designated district shall give notice to the Superintendent or any participating district, or the person designated in writing by that Superintendent, that the report is available for inspection on a confidential basis by the Superintendent or the written designee. The report shall be made available at the office of the designated district for 30 days following the receipt of the notice. (Education Code 44830.2, 45125.01)

The designated district shall not release a copy of that information to any participating district or any other person. In addition, the designated district shall retain or dispose of the information in the manner specified in law and in this administrative regulation after all participating districts have had an opportunity to inspect it in accordance with law. (Education Code 44830.2, 45125.01)

The designated district shall maintain a record of all persons to whom the information has been shown. This record shall be available to the Department of Justice. (Education Code 44830.2, 45125.01)

The designated district shall submit an interagency agreement to the Department of Justice to establish authorization to submit and receive this information. (Education Code 44830.2, 45125.01)

### Legal Reference:

#### EDUCATION CODE

44332 Temporary certificate

44332.6 Criminal record check, county board of education

44346.1 Applicants for credential, conviction of a violent or serious felony

44830.1 Certificated employees, conviction of a violent or serious felony

44830.2 Interagency agreements

45122.1 Classified employees, conviction of a violent or serious felony

45125 Use of personal identification cards to ascertain conviction of crime

45125.01 Interagency agreements

45125.5 Automated records check

45126 Duty of Department of Justice to furnish information

#### PENAL CODE

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

11075-11081 Criminal record dissemination

11105 State criminal history information; furnishing to authorized persons

11105.3 Record of conviction involving sex crimes, drug crimes or crimes of violence;  
availability to employer for applicants for positions with supervisory or disciplinary  
power over minors

11140-11144 Furnishing of state criminal history information

13300-13305 Local summary criminal history information

CODE OF REGULATIONS, TITLE 11

701-708 Criminal offender record information

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Exhibit**

## **Maintenance Of Criminal Offender Records**

E 4112.62

### **Personnel**

#### Sample Employee Statement Form Use Of Criminal Justice Information

As an employee of \_\_\_\_\_ - School District, you may have access to confidential criminal record information which is controlled by statute. Misuse of such information may adversely affect the individual's civil rights and violates the law. Penal Code 502 prescribes the penalties related to computer crimes. Penal Code 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be released. Penal Code 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information. Government Code 6200 prescribes the felony penalties for misuse of public record and CLETS (California Law Enforcement Telecommunication System) information. Penal Code 11142 and 13303 state:

Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor.

Any employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may also result in criminal and/or civil action.

**I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION.**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Exhibit CLOVERDALE UNIFIED SCHOOL DISTRICT  
version: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Employment Of Relatives**

BP 4112.8

### **Personnel**

In order to preclude situations which could bring about a conflict of interest for members of the administrative staff, an employee shall not be appointed to a position where a member of his/her immediate family maintains supervisory or evaluation responsibilities for the position.

Immediate family members may be employed at the same department or work location with the approval of the Superintendent or designee.

(cf. 9270 - Conflict of Interest)

Legal Reference:

GOVERNMENT CODE

12940 Unlawful employment practices, exceptions

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Employee Notifications**

AR 4112.9

### **Personnel**

The district shall provide employees with the following notifications and shall obtain signed acknowledgments that the notifications were received when so required by law or by district policy or regulations.

#### Acknowledgments Required by Law

1. Legal obligation to report known or suspected instances of child abuse  
(cf. 5141.4 - Child Abuse Reporting Procedures)
2. Oath or affirmation of allegiance required of public employees  
(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)
3. Hepatitis B vaccine declination  
(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
4. The district's school bus driver drug and alcohol testing policy, regulations and related information  
(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)
5. Notice of release from position requiring an administrative or supervisory credential  
(cf. 4313.2 - Promotion/Demotion/Reassignment)
6. The classified employee's class specification, salary data, assignment or work location, duty hours and prescribed workweek  
(cf. 4212 - Appointment and Conditions of Employment)
7. Information about certificated employee membership in the State Teachers' Retirement System

#### Acknowledgments Not Required by Law

1. The district's drug- and alcohol-free workplace  
(cf. 4020 - Drug and Alcohol-Free Workplace)
2. The district's nonsmoking policy  
(cf. 3513.3 - Tobacco-Free Schools)
3. Prohibition of sexual harassment  
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
4. The certificated employee's employment status and salary  
(cf. 4112.1 - Contracts)
5. State disability insurance rights and benefits  
(cf. 4154/4254/4354 - Health and Welfare Benefits)
6. Certificated employee evaluations  
(cf. 4115 - Evaluation/Supervision)  
(cf. 4315 - Evaluation/Supervision)
7. Requirements and information pertinent to emergency teaching or specialist permit applicants  
(cf. 4112.2 - Certification)
8. Notice of layoff  
(cf. 4117.3 - Personnel Reduction)  
(cf. 4217.3 - Layoff/Rehire)  
(cf. 4317.3 - Personnel Reduction)
9. Derogatory information to be placed in personnel file  
(cf. 4112.6/4212.6/4312.6 - Personnel Files)
10. Exhaustion of classified employee's paid leave  
(cf. 4261.1 - Personal Illness/Injury Leave)  
(cf. 4261.11 - Industrial Accident/Illness Leave)
11. Notice of charges related to disciplinary action

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

12. Notice of intention to dismiss

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

13. Students whose actions could constitute grounds for suspension or expulsion, except for possession or use of tobacco

(cf. 4158/4258/4358 - Employee Security)

Legal Reference:

EDUCATION CODE

231.5 Sexual harassment policy

22455.5 STRS information to potential members

22515 Irrevocable election to join STRS

44031 Personnel file contents, inspection

44663 Evaluation and assessment; copy to certificated employee

44916 Written statement of employment status

44940.5-44941 Notification of suspension and intent to dismiss

44949 Cause, notice and right to hearing

44951 Continuation in position unless notified

44955 Reduction in number of employees

45113 Notification of charges

45117 Notice of layoff

45169 Employee salary data

45192 Industrial and accident leave

45195 Additional leave

49079 Notification to teacher

GOVERNMENT CODE

3100-3109 Oath or affirmation of allegiance

8355 Certification of drug-free workplace, including notification

PENAL CODE

11166.5 Employment; statement of knowledge of duty to report

UNEMPLOYMENT INSURANCE CODE

2613 Notice of rights and benefits

CODE OF REGULATIONS, TITLE 5

80026.1 Information to applicants

CODE OF REGULATIONS, TITLE 8

5193 California bloodborne pathogens standard

CODE OF FEDERAL REGULATIONS, TITLE 49

382.601 Controlled substance and alcohol use and testing notifications

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California



# **Board Policy**

## **Assignment**

BP 4113

### **Personnel**

In order to serve the best interests of students and the educational program, the Superintendent or designee shall assign certificated personnel to positions for which their preparation, certification, experience and aptitude qualify them.

(cf. 4112.2 - Certification)

(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)

Teachers may be assigned to any school within the district in accordance with the collective bargaining agreement.

(cf. 4114 - Transfers)

(cf. 4141/4241- Collective Bargaining Agreement)

The Governing Board encourages the assignment of experienced and fully credentialed teachers, including those who have attained National Board for Professional Teaching Standards certification, to schools with the greatest need to improve student achievement.

Teachers may be assigned outside the scope of their certificates or fields of study only as allowed by law and when so required in order to meet the needs of the educational program.

The Superintendent or designee may assign holders of a credential other than an emergency permit, with their consent, to teach subjects outside their credential authorization in departmentalized classes, pursuant to Education Code 44258.3. The Superintendent or designee shall develop procedures to verify the subject matter knowledge of the teacher before any such assignment is made. These procedures shall be developed with the assistance of subject matter specialists and shall be submitted to the Board for approval.

(cf. 4117.3 - Personnel Reduction)

The Superintendent or designee shall periodically report to the Board on any teacher misassignments.

Legal Reference:

EDUCATION CODE

35035 Additional powers and duties of superintendent

37616 Assignment of teachers to year-round schools  
44250-44277 Credentials and assignments of teachers  
44395-44398 Incentives for assigning NBPTS-certified teachers to low-performing schools  
44824 Assignment of teachers to weekend classes  
44955 Reduction in number of employees  
GOVERNMENT CODE  
3543.2 Scope of representation

Management Resources:

WEB SITES

Commission on Teacher Credentialing: [www.ctc.ca.gov](http://www.ctc.ca.gov)

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Assignment**

AR 4113

### **Personnel**

#### Procedures for Verifying Subject Matter Knowledge

With the involvement of appropriate subject matter specialists, the Superintendent or designee shall develop and employ procedures for verifying the subject matter knowledge of teachers assigned to teach in departmentalized classes outside their credential authorization pursuant to Education Code 44258.3. For the purposes of these procedures, subject matter specialists are mentor teachers, curriculum specialists, resource teachers, classroom teachers certified to teach a subject, staff to regional subject matter projects or curriculum institutes, or college faculty. (Education Code 44258.3)

Procedures to be used for this purpose shall specify: (Education Code 44258.3)

1. One or more of the following ways in which subject matter competence shall be assessed:
  - a. Observation by subject matter specialists
  - b. Oral interviews
  - c. Demonstration lessons
  - d. Presentation of curricular portfolios
  - e. Written examinations
2. Specific criteria and standards for verifying subject matter knowledge by any of the above methods. These criteria shall include, but need not be limited to, evidence of the individual's knowledge of the subject matter to be taught, including demonstrated knowledge of the appropriate curriculum framework and the specific content of the district's course of study for the subject at the grade level to be taught.

Whenever a teacher is assigned to teach departmentalized classes pursuant to Education Code 44258.3, the Superintendent or designee shall notify the exclusive representative of the district's certificated employees. (Education Code 44258.3)

(cf. 4140/4240 - Bargaining Units)

Committee on Assignments

When establishing a committee to consider possible assignments of teachers to elective courses outside their credential authorizations, the Superintendent or designee shall submit to the County Superintendent of Schools a plan which shall include at least all of the following: (Education Code 44258.7)

1. Statements signed by the Superintendent or designee and the Governing Board president, approving the establishment of the committee on assignments
2. Procedures for selection of committee membership
3. Terms of office for committee members
4. Criteria for determining teachers' qualifications for assignments

The committee on assignments shall include an equal number of teachers, selected by teachers, and school administrators, selected by school administrators. (Education Code 44258.7)

The committee on assignments may approve the assignment of any teacher to an elective course outside his/her credential authorization for a maximum of one school year and may subsequently extend the assignment when the teacher and principal apply for extension. Elective courses are courses other than English, mathematics, science or social studies. All assignments and extensions require approval before the beginning of the semester in which they occur. (Education Code 44258.7)

#### Assignment to Special Schedules

The Superintendent or designee shall make every reasonable effort to accommodate the preferences of certificated staff when assigning staff to schools with year-round or regular schedules. (Education Code 37616)

(cf. 6117 - Year-Round Schedules)

Full-time probationary or permanent classroom teachers employed by the district prior to implementation of weekend classes shall not, without their written consent, be required to teach under such a program for more than 180 full days during a school year or for more than the number of full days during the preceding school year, whichever is greater. No teacher shall be assigned to work on a Saturday or Sunday if he/she objects in writing that such assignment would conflict with his/her religious beliefs or practices. (Education Code 44824)

(cf. 6176 - Weekend/Saturday Classes)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Temporary Modified/Light-Duty Assignment**

BP 4113.4

### **Personnel**

The Governing Board recognizes that when employees suffer work-related injuries, modified or light-duty assignments minimize lost time and may serve to facilitate the transition back to the employee's regular duties or full-time work. Whenever possible, the Superintendent or designee shall offer such employees this kind of temporary assignment.

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

Modified or light-duty assignments shall be designed to accommodate medical restrictions specified by the employee's physician. They may include work in the same job classification or a different job classification at the employee's regular salary rate.

Modified or light-duty assignments are intended to address short-term medical restrictions and will normally extend for less than eight weeks' duration. These assignments shall not be used as a means to establish new assignments or displace other employees.

Legal Reference:

EDUCATION CODE

44984 Required rules for industrial accident and illness leave

45192 Industrial accident and illness leave for classified employees

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Temporary Modified/Light Duty Assignment**

AR 4113.4

### **Personnel**

Any employee who suffers a work-related injury shall provide the district with medical verification of his/her physical condition. Unless the treating physician provides a full release from work, the employee may be considered eligible for a temporary modified or light-duty assignment. If the treating physician does not specify work restrictions, the Superintendent or designee may contact the physician to see if modified or light-duty work might be appropriate.

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

The Superintendent or designee shall meet with the employee and his/her supervisor to determine whether the employee can return to his/her regular job with the medical restrictions specified by the physician.

If the employee is not able to return to his/her regular job with restrictions, the Superintendent or designee shall seek a temporary modified or light-duty assignment for the employee. Employees who are given such assignments shall receive written notification of the assignment.

If no temporary modified or light-duty assignment can be found, the employee will be placed on temporary disability, sick leave, or other available leave to the extent available until an appropriate position within the medical restrictions is found, or until the medical restrictions are lifted. The Superintendent or designee shall also monitor the status of any employee for whom the physician provided a full release from work to see if the employee could return to a temporary modified or light-duty assignment at a later date.

(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)

(cf. 4261.11 - Industrial Accident/Illness Leave)

If an employee rejects a temporary modified or light-duty assignment, this refusal may provide a basis for terminating temporary disability benefits.

The Superintendent or designee shall monitor all modified and light-duty assignments and may contact the physician for assistance in determining when the employee is ready to resume his/her regular duties.

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Transfers**

BP 4114

## **Personnel**

Transfers of certificated personnel shall be made in accordance with transfer provisions of the collective bargaining agreement and shall serve the best interests of the overall educational program.

Legal Reference:

EDUCATION CODE

35035 Powers and duties of superintendent

44955 Reduction in number of permanent employees

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California



# **Administrative Regulation**

## **Evaluation/Supervision**

AR 4115  
**Personnel**

The Superintendent or designee shall print and make available to certificated employees written regulations related to the evaluation of their performance in their assigned duties. (Education Code 35171)

(cf. 4100 - Certificated Personnel)  
(cf. 4119.3/4219.3/4319.3 - Duties of Personnel)

Certificated staff shall receive information regarding the district's evaluation criteria and procedures upon employment with the district and whenever the negotiated contract is revised.

(cf. 4141/4241 - Collective Bargaining Agreement)

Certificated employee performance shall be evaluated and assessed on a continuing basis, at least once a year for probationary staff and at least every other year for permanent staff. Permanent employees who receive an unsatisfactory evaluation shall be assessed annually until they receive a satisfactory evaluation or are separated from the district. (Education Code 44664)

(cf. 4116 - Probationary/Permanent Status)  
(cf. 4117.4 - Dismissal)  
(cf. 4315.1 - Staff Evaluating Teachers)

The Superintendent or designee shall assess the performance of certificated instructional staff as it reasonably relates to the following criteria: (Education Code 44662)

1. Students' progress toward district standards of expected achievement for their grade level in each area of study and, if applicable, towards the state-adopted content standards as measured by state-adopted criterion-referenced assessments

(cf. 6011 - Academic Standards)

2. The instructional techniques and strategies used by the employee

3. The employee's adherence to curricular objectives

(cf. 6010 - Goals and Objectives)

4. The establishment and maintenance of a suitable learning environment within the

scope of the employee's responsibilities

The evaluation of certificated employee performance shall not include the use of publishers' norms established by standardized tests. (Education Code 44662)

Noninstructional certificated employees shall be evaluated on their performance in fulfilling their defined job responsibilities. (Education Code 44662)

Evaluations shall include recommendations, if necessary, as to areas in need of improvement in the employee's performance. If an employee is not performing satisfactorily according to teacher standards approved by the Board pursuant to Education Code 44662, the Superintendent or designee shall so notify the employee in writing and describe the unsatisfactory performance. The Superintendent or designee shall confer with the employee, make specific recommendations as to areas needing improvement and endeavor to provide assistance to the employee in his/her performance. (Education Code 44664)

The Superintendent or designee may require any instructional employee who receives an unsatisfactory rating in the area of teaching methods or instruction to participate in a program designed to improve appropriate areas of performance and to further student achievement and the district's instructional objectives. (Education Code 44664)

(cf. 4131 - Staff Development)

Any employee who receives an unsatisfactory rating in the area of teaching methods or instruction shall participate in the district's peer assistance and review program. (Education Code 44664)

(cf. 4139 - Peer Assistance and Review)

Results of an employee's participation in the peer assistance and review program shall be made available as part of the employee's evaluation. (Education Code 44662)

Certificated instructional employees shall receive a written copy of their evaluation no later than 30 days before the last day of the school year in which the evaluation takes place. Before the last day of the school year, the employee and the evaluator shall meet to discuss the evaluation. (Education Code 44663)

Noninstructional certificated staff members employed on a 12-month basis shall receive a copy of their evaluation no later than June 30 of the year in which the evaluation takes place. Before July 30, the employee and the evaluator shall meet to discuss the evaluation. (Education Code 44663)

Instructional and noninstructional certificated employees shall have the right to respond in writing to their evaluation. This response shall become a permanent attachment to the employee's personnel file. (Education Code 44663)

(cf. 4112.6 /4212.6/4312.6 - Personnel Files)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Probationary/Permanent Status**

BP 4116

### **Personnel**

#### Probationary Status

Probationary employees shall receive training, assistance and evaluations consistent with their needs as new teachers. Such training and assistance may consist of inservice training and/or meetings with the employee's evaluator to discuss areas of strength and areas requiring improvement. Inservice training may be provided during school hours as part of a comprehensive staff development program.

The performance of each probationary employee shall be evaluated and assessed at least once every school year.

(cf. 4115 - Evaluation/Supervision)

(cf. 4131 - Staff Development)

#### Permanent Status

Granting of permanent status shall be based on completion of the probationary period in accordance with applicable law. Employees granted permanent status acquire specific rights under the Education Code, including those relating to discipline and dismissal. (Education Code 44932-44988)

(cf. 4117.4 - Dismissal)

(cf. 4117.6 - Decision Not to Rehire)

#### Legal Reference:

##### **EDUCATION CODE**

44466 Status of university interns

44850.1 No tenure in administrative or supervisory position

44885.5 Status of district interns

44908 Complete year for probationary employees

44911-44913 Service not computed in eligibility for permanent status

44915 Classification of probationary employees

44917-44921 Status of substitute or temporary employees

44929.20 Continuing contracts (not to exceed four years - ADA under 250)

44929.21 Districts of 250 ADA or more

44929.23 Districts with less than 250 ADA

44929.28 Employment by another district

44930-44988 Resignations, dismissals and leaves of absence, especially:  
44948.2 Election to use provisions of Section 44948.3  
44948.3 Dismissal of probationary employees

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Probationary/Permanent Status**

AR 4116

### **Personnel**

A probationary teacher who has been employed by the district in a position or positions requiring certification for two complete consecutive school years and is then rehired for the next succeeding school year shall become a permanent employee at the beginning of the third year. (Education Code 44929.21)

#### **Interns**

A person employed as a district or university intern shall be classified as a probationary employee. Following completion of the internship, if he/she is reelected by the district to serve in a position requiring certification qualifications for the next succeeding school year, he/she shall continue to be classified as a probationary employee during that year. (Education Code 44466, 44885.5)

(cf. 4112.21 - District Interns)

A person who has completed an internship and at least one complete school year in a position requiring certification qualifications within the district shall be granted permanent status when he/she is reelected for the next succeeding school year to a position requiring certification qualifications. (Education Code 44466, 44885.5)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Preretirement Part-Time Employment**

BP 4117.11

### **Personnel**

The Governing Board may allow certificated employees the opportunity to work on a part-time basis before retirement without jeopardizing full retirement credit.

The Superintendent or designee may establish regulations which allow certificated employees who are members of the State Teachers Retirement System (STRS) or Public Employee Retirement System (PERS) to reduce their workload from full to part time, receive service credit and maintain the retirement benefits the employee would have received if the employee had been employed on a full-time basis.

Legal Reference:

#### **EDUCATION CODE**

22713 Part-time employment; reduction of workload from full-time; credit

44922 Regulations; reduction to part-time employment

#### **GOVERNMENT CODE**

20815 Part-time employee; retirement with benefits based upon salary on full-time basis

53201 Health and welfare benefits: election by officers and employees; deduction of premiums or charges from salaries

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Preretirement Part-Time Employment**

AR 4117.11

### **Personnel**

A certificated employee may be allowed to work on a part-time basis without losing retirement benefits under the following conditions: (Education Code 22713, 44922)

1. The employee shall have his or her retirement allowance, as well as other benefits to which the employee is entitled, based upon the compensation that the employee would have received if he or she had been employed on a full-time basis.

(cf. 4154/4254/4354 - Health and Welfare Benefits)

2. The option to reduce the employee's workload shall be exercised at the request of the employee and can be revoked only with the mutual consent of the Superintendent or designee and the employee.

3. The employee shall have been employed full time to perform creditable service for at least 10 years including five years immediately preceding the reduction in workload.

4. The employee shall not have had a break in service during the five years immediately preceding the reduction in workload. Sabbaticals and other approved leaves of absence shall not constitute a break in service. However, time on a sabbatical or other approved leave of absence shall not be used in computing the five-year full-time requirement.

5. The employee shall have reached the age of 55 years prior to the reduction in workload.

6. The period of the reduced workload shall not exceed 10 years.

7. The reduced workload shall be equal to one-half of the full-time equivalent required by the employee's contract of employment during his or her final year of full-time employment.

8. The employee shall be paid a compensation that is the pro rata share of the compensation the employee would have earned had the employee not opted to reduce his or her workload.

The Superintendent or designee shall verify the employee's eligibility prior to the reduction of an employee's workload. This shall be done in conjunction with the



administrative staff of STRS and PERS, in accordance with law. (Education Code 22713)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Retirement Consultancy Contracts**

BP 4117.12

### **Personnel**

The Governing Board recognizes that because of their experience and knowledge of district programs and procedures, retired certificated employees may be uniquely suited to performing specialized work of limited duration.

The Board may offer retirement consultancy contracts to certificated individuals who meet the qualifications required by law and administrative regulation.

#### Legal Reference:

##### EDUCATION CODE

- 22119.5 Creditable service
- 22461 Notice of earnings limitation
- 22714 Encouragement of retirement
- 22715 Additional service credit
- 22716 Unpaid services
- 24214 Reemployment of retirant
- 24216 Payments to retirants in excess of limitation
- 35046 Consultancy contracts
- 41320.1 Appointment of trustee
- 42120-42128 Budget completion

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Retirement Consultancy Contracts**

AR 4117.12

### **Personnel**

Retired certificated employees serving as consultants shall be retained as employees, and their services shall be limited in accordance with retirement system rules and regulations. (Education Code 35046)

To be eligible for consideration for a retirement consultancy contract, the certificated employee must have served the district or the county superintendent of schools for at least 10 years and be at least 55 years of age. (Education Code 35046)

Retirement consultancy contracts are renewable annually for up to five years or until the employee reaches age 65, whichever comes first. (Education Code 35046)

Retirees employed under this program shall not make contributions to the retirement fund or accrue service credit based on compensation earned from program service. (Education Code 24214)

Retirees employed under this program shall be paid at a rate commensurate with that of other employees performing comparable duties. The employee may earn compensation for creditable service up to the limitation specified by law and adjusted annually in accordance with the All Urban California Consumer Price Index. This limit applies only to earnings for service that would be creditable for State Teachers' Retirement System purposes if performed by a current employee. (Education Code 22119.5, 24214, 35046)

#### **Emergency Exemptions from Postretirement Compensation Limitation**

A retiree shall be exempt from the above limitation for a maximum period of two years if appointed by the Superintendent of Public Instruction as a trustee or administrator pursuant to Education Code 41320.1 or if assigned to a position by the County Superintendent of Schools pursuant to Education Code 42120-42129. (Education Code 24216)

A retiree shall also be exempt from the above limitation when employed in an emergency situation to fill a vacant administrative position requiring highly specialized skills, provided that all of the following conditions are met: (Education Code 24216)

1. The vacancy occurred due to circumstances beyond the district's control.
2. The retiree is employed for up to one-half of the full-time equivalent for the position.

3. The recruitment process to fill the vacancy on a permanent basis is expected to extend over several months.

4. The employment is reported in a public meeting of the Governing Board.

A retiree employed in an emergency situation to fill an administrative position as described above may be exempt from the earnings limitation up to an additional one-half of the full-time equivalent for the same position provided that neither the retiree nor any other retiree has received an exemption pursuant to Education Code 24216 for the same position. The district shall submit documentation to substantiate that the district has unsuccessfully attempted to permanently fill the position while the position was occupied by the retiree and that the vacancy continues to exist due to circumstances beyond the control of the district. (Education Code 24216)

The above exemptions shall not apply to any retiree who has received additional retirement service credit pursuant to Education Code 22714, 22715 or 22716. (Education Code 24216)

(cf. 4117.13 - Early Retirement Option)

When employing a retiree eligible for the above exemption, the Superintendent or designee shall submit documentation required by the State Teachers' Retirement System to substantiate this eligibility. (Education Code 24216)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Early Retirement Option**

AR 4117.13

### **Personnel**

As an incentive to early retirement, the Governing Board may offer the addition of two years' service credit to a certificated employee under the State Teachers' Retirement System. (Education Code 22714, 44929)

Before taking formal action to implement this option, the Board shall determine that encouraging early retirement would be in the best interest of the district due to the curtailment of services or changes in the manner in which services are performed. The Board shall also consider the availability of teachers or academic employees to fill the positions that would be vacated. (Education Code 22714, 44929)

The Board shall certify to the County Superintendent that at least one of the following results is expected: (Education Code 22714, 44929)

1. A net savings to the district
2. A reduction of the number of certificated employees as a result of declining enrollment
3. The retention of certificated employees who are credentialed to teach in disciplines where a teacher shortage exists

To be eligible for this option, the employee must have five or more years of service credit and must retire during a period of 60 to 120 days after the Board takes formal action to implement the option. (Education Code 22714, 44929)

In providing the early retirement option, the district shall meet all additional conditions as found in Education Code 22714 and 44929.

Participation in the early retirement option shall be in accordance with law and the provisions of negotiated agreements.

#### Legal Reference:

##### **EDUCATION CODE**

22714 Service credit under STRS; additional two years

44929 Service credit under STRS; additional two years

##### **COURT DECISIONS**

United Teachers-Los Angeles. v. Los Angeles Unified School District (1994) 94 Daily

Journal D.A.R. 6337

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Employment Of Retired Teachers**

AR 4117.14

### **Personnel**

Under any of the following conditions, retired teachers employed by the district shall be exempt from the limitation on earnings specified in Education Code 24214(d), (f) and (g) for members of the State Teachers Retirement System (STRS):

1. The teacher retired from service with an effective date on or before January 1, 2001, and is employed to provide any of the following services: (Education Code 24216.5)

a. Direct classroom instruction to students in grades kindergarten through 12

b. Support and assessment for new teachers through the Beginning Teacher Support and Assessment System (Education Code 44279.1-44279.7)

(cf. 4131 - Staff Development)

c. Support to individuals completing student teaching assignments

d. Support to individuals participating in a pre-internship teaching program (Education Code 44305-44308), an alternative certification program (Education Code 44380-44386), or a school paraprofessional teacher training program (Education Code 44390-44393)

(cf. 4112.2 - Certification)

(cf. 4112.21 - District Interns)

(cf. 4222 - Teacher Aides/Paraprofessionals)

2. The teacher retired from service with an effective date on or before July 1, 2001, and is employed to provide direct remedial instruction to students in grades 2 through 12 for the programs specified in Education Code 37252 and 37252.2 (Education Code 24216.6)

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6179 - Supplemental Instruction)

3. The teacher returned to work after the date of retirement and, for a period of at least 12 months, has not performed creditable service as defined in Education Code 22119.5 as an employee or independent contractor within the California public school

system. (Education Code 24214)

Such retired teachers shall be treated as part of a distinct class of temporary employees within the existing bargaining unit whose service shall not be included in computing the service required as a prerequisite to attainment of or eligibility for classification as a permanent employee of the district. The compensation shall be agreed to in the collective bargaining agreement between the district and the exclusive representative for the bargaining unit and shall not be less than the minimum nor exceed that paid by the district to other employees performing comparable duties. (Education Code 24214, 24216.5, 24216.6)

(cf. 4121 - Temporary/Substitute Personnel)  
(cf. 4141/4241 - Collective Bargaining Agreement)

The Superintendent or designee shall submit documentation required by STRS to substantiate the eligibility of the temporary employment of a retired member for the exemption from the limitation on earnings. (Education Code 24216.5)

The Superintendent or designee shall maintain accurate records of the retired member's compensation earned and shall report that compensation monthly to STRS regardless of the method of payment or the source of funds from which the compensation is paid. (Education Code 24216.5)

(cf. 4117.11/4317.11 - Preretirement/Part-Time Employment)  
(cf. 4117.12/4317.12 - Retirement Consultancy Contracts)

Legal Reference:

EDUCATION CODE

22119.5 Creditable service, definition

24214 Creditable service by retiree

24216.5-24216.6 Exemption from earnings limitation

37252-37254.1 Supplemental Instruction

44279.1-44279.7 Beginning Teacher Support and Assessment System

44380-44386 Alternative certification program

44390-44393 School paraprofessional teacher training program

44830 Employment of certificated employees

44830.3 Employment of district interns

Management Resources:

WEB SITES

STRS: <http://www.strs.ca.gov>

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California



# **Board Policy**

## **Resignation**

BP 4117.2

### **Personnel**

Any district employee who desires to resign his/her position shall submit, in writing, a letter of resignation which indicates the date which the employee intends as his/her last day at work. The Governing Board encourages employees to provide advance notice that is appropriate for the position they hold.

The Board authorizes the Superintendent or designee to accept an employee's written resignation and to set its effective date. Once the Superintendent or designee has accepted and set an effective date for this resignation, the resignation may not thereafter be withdrawn by the employee.

The effective date of the resignation shall be a date not later than the close of the school year during which the resignation is received. However, an employee and the Board may agree that a resignation will be accepted at a mutually agreed upon date not later than two years beyond the close of the school year during which the resignation is received by the Board. (Education Code 44930, 45201)

(cf. 4117.7 - Employment Status Reports)

#### Legal Reference:

##### EDUCATION CODE

35161 Board delegation of any powers or duties

44242.5 Reports of change in employment status, alleged misconduct

44420 Failure to fulfill contract as ground for suspension of diplomas and certificates

44433 Unauthorized departure from service as unprofessional conduct

44930 Acceptance and date of resignation

45201 Power to accept resignation

##### CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status

80304 Notice of sexual misconduct

##### COURT DECISIONS

American Federation of Teachers, Local #1050 v. Board of Education of Pasadena Unified School District, (1980) 107 Cal.App.3d 829

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Personnel Reduction**

BP 4117.3

### **Personnel**

The Governing Board may reduce the number of certificated personnel, or their hours and wages, due to any of the following conditions: (Education Code 44955)

1. Declining enrollment, provided that the percentage of reduction in probationary and permanent certificated personnel shall not exceed the corresponding percentage of student attendance lost
2. Reduction or discontinuance of programs or services
3. State-mandated modification of the curriculum
4. The fiscal crisis that may occur after enactment of the Budget Act when the total revenue limit per ADA has not increased by at least two percent (Education Code 44955.5)

The Board recognizes that its authority in the reduction of personnel is subject to legal requirements. Except as otherwise provided by statute, a permanent employee who is certificated and competent to render a service shall not be terminated or given a reduction in hours and wages while a probationary employee or other employee with less seniority is retained to render the service. (Education Code 44955)

To be considered competent, an employee must have academic training and one year of full-time experience in the specialized area to which the district would be able to assign him/her. The district will also consider the recency of the employee's experience.

(cf. 4113 - Assignment)

(cf. 4115 - Evaluation/Supervision)

(cf. 4117.4 - Dismissal)

Legal Reference:

EDUCATION CODE

44830 Employment of certificated persons

44949 Dismissal of probationary employees

44955 Reduction in number of permanent employees

44955.5 Termination of certificated employees

44956-44959.5 Rights of employees

GOVERNMENT CODE

3543.2 Scope of representation

COURT DECISIONS

Menagh v. Montebello Unified School District (1993) 20 Cal.App.4th 1846

Forker v. Board of Trustees (1984) 160 Cal.App.3d 13

Moreland Teachers Assoc. v. Kurze (1980) 109 Cal.App.3d 648

King v. Berkeley Unified School District (1979) 89 Cal.App. 3d 1016

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Personnel Reduction**

AR 4117.3

### **Personnel**

For purposes of reduction of certificated personnel, terminations shall generally be in order of least seniority. The district may deviate from terminating or reappointing a certificated employee in order of seniority for either of the following reasons: (Education Code 44955, 44956)

1. To fill a demonstrated specific need for personnel to teach a specific course or courses of study, or to provide services authorized by a services credential with a specialization in either student personnel services or health for a school nurse, when the certificated employee has the necessary special training and experience which others with more seniority do not possess
2. To maintain or achieve compliance with constitutional requirements related to equal protection of the law

Before assigning or reassigning any certificated employee to teach a subject which he/she has not previously taught, and for which he/she does not have a teaching credential or which is not within the employee's major area of postsecondary study, the Board shall require the employee to pass a subject matter competency test in the appropriate subject. (Education Code 44955, 44956)

(cf. 4112.2 - Certification)

Terminated certificated employees shall not be subject to any requirements that were not imposed on employees who continued in service; their period of absence shall be treated as a leave of absence and not considered a break in the continuity of their service. (Education Code 44956, 44957)

### **Notice and Right to Hearing**

When the district needs to reduce the number of certificated staff, the district shall adhere to the notice, hearing and layoff procedures in Education Code 44949 and 44955.

When the Board, during the time period between five days after enactment of the Budget Act and August 15, determines that the total revenue limit per ADA has not increased by at least two percent and that the district therefore needs to reduce the number of certificated staff pursuant to Education Code 44955.5, the Board shall adopt a schedule of notice and hearings, and the district shall otherwise proceed pursuant to Education Code 44949 and 44955. (Education Code 44955.5)

## Reappointment

If the number of employees is increased or the discontinued service reestablished, permanent certificated employees under 65 years of age shall have the right to reappointment in order of seniority for 39 months after being terminated. Probationary certificated employees under 65 years of age shall have the same right for 24 months after being terminated, subject to the prior reappointment rights of permanent employees. (Education Code 44956, 44957)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# Administrative Regulation

## Personnel Reduction

AR 4117.3.1

### Personnel

#### Certificated Personnel

#### **CRITERIA TO DETERMINE THE ORDER OF TERMINATION AMONG CERTIFICATED EMPLOYEES WITH THE SAME DATE OF PAID SERVICE**

##### **Purpose of Establishing Criteria**

The purpose of adopting criteria for establishing an order to termination of employees who first rendered paid probationary service to the District on the same date is to comply with the requirements of Education Code Section 44955.

##### **Criteria**

The Board of Trustees finds that to make effective release of employment decisions objective criteria must be established. This will ensure that District employees are treated fairly and equitably. To this end, the needs of the District and its students will be best served by using the following criteria in establishing the order of termination described above.

- A. Credentials and District experience teaching or serving in a particular program or providing a particular service of need to the District (e.g., bilingual, special education, math/science).
- B. Years of experience previous to current employment as a full-time credentialed teacher in a probationary/permanent K-12 teaching situation in a public school.
- C. Number of teaching and/or specialist service credentials.
- D. Credentials that permit supplementary authorization
- E. Multiple language skills relevant to District need (e.g., Spanish).
- F. Earned degrees beyond the B.A. or B.S. level (e.g., master, doctorate).
- G. Preliminary vs. Clear/Life Credentials.
- H. National board Certification
- I. BCLAD (or equivalent) Certification.
- J. CLAD Certification.

**Administrative Regulation 4117.3.1(b)**

**Application of Criteria**

- A. Credentials and District experience teaching or serving in a particular program or providing a particular service of need to the District.  
**Rating: +1 per credential, +1 per year of experience**
  
- B. Years of experience previous to current employment as a full-time credentialed teacher in a probationary/permanent K-12 teaching situation in a public school.  
**Rating: +1 per year**
  
- C. Number of teaching and/or specialist service credentials.  
**Rating: +1 per credential**
  
- D. Credentials that permit supplementary authorization  
**Rating: +1 per supplementary authorization**
  
- E. Earned degrees beyond the B.A. or B.S. level  
**Rating: +1 per degree**
  
- F. Multiple language skills relevant to District need  
**Rating: +1 for Spanish**
  
- G. Preliminary vs. Clear/Life Credentials  
**Rating: +1 per Preliminary credential, +2 per Clear/Life credential**
  
- H. National board Certification  
**Rating: +1 per certificate**
  
- I. BCLAD (or equivalent) Certification  
**Rating: +1 per certification**
  
- J. CLAD Certification  
**Rating: +1 per certification**

**Tie Breaking Procedure**

In the event that common hire date employees have equal qualifications based on application of the above criteria, the District will then break ties by utilizing a lottery.

Approved: November 13, 2013

**CLOVERDALE UNIFIED SCHOOL DISTRICT**  
Cloverdale, California

# **Administrative Regulation**

## **Dismissal**

AR 4117.4

### **Personnel**

#### Permanent Employees

Permanent employees shall not be dismissed from their position except when cause for dismissal can be shown. Cause and procedures for dismissal are defined by provisions of Education Code 44932 et seq.

(cf. 4116 - Probationary/Permanent Status)

#### Probationary Employees

During the school year, certificated probationary employees may be dismissed for causes specified in Education Code 44932 or for unsatisfactory performance determined pursuant to Education Code 44660-44665. Procedures and time limits for such action shall be those set forth in Education Code 44948.3.

(cf. 4115 - Evaluation/Supervision)

At the end of the school year, the Governing Board may decide not to rehire probationary employees without a statement of reasons, giving notice in accordance with Education Code 44929.21.

(cf. 4117.6 - Decision Not to Rehire)

#### Legal References:

##### EDUCATION CODE

44660-44665 Evaluation and assessment of performance

44842 Automatic declining of employment

44918 Substitute or temporary employee; reemployment rights

44929.21 Districts with 250 ADA or more; notice of reelection decision.

44929.23 Districts with daily attendance less than 250

44932-44947 Suspension and/or dismissal of permanent employees

44948 Dismissal or suspension of probationary employees during school year

44948.2 Election to use provisions of Education Code 44948.3

44948.3 Dismissal of probationary employees (over 250 ADA)

44948.5 Dismissal of probationary employees (under 250 ADA)

44949 Cause, notice and right to hearing for dismissal of probationary employee

44953 Dismissal of substitute employees

44955 Reduction in number of permanent employees



GOVERNMENT CODE

3543.2 Scope of representation (re duty of district to meet and negotiate regarding causes and procedures for discipline less than dismissal)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Termination Agreements**

AR 4117.5

### **Personnel**

If a termination settlement agreement has been made with an employee, the Superintendent or designee shall inform prospective employers, upon request for an employment reference, that an agreement exists and that he/she may only provide information as provided for in the agreement.

(cf. 1340 - Access to District Records)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4112.61/4212.61/4312.61 - Employment References)

Cash settlements made upon the termination of a contract shall never exceed an amount equal to the employee's monthly salary multiplied by the number of months, up to 18, in the unexpired term of the contract. This amount is a maximum ceiling, not to be construed as a target amount for settlement agreements. (Government Code 53260)

Settlement agreements shall not include noncash items other than health benefits, which the district may offer to continue for the unexpired term up to 18 months or until the employee finds other employment, whichever comes first. (Government Code 53261)

Copies of settlement agreements with a superintendent, deputy superintendent, assistant superintendent, associate superintendent or other similar chief administrative officer or chief executive officer shall be made available to the public upon request. (Government Code 53262)

(cf. 2121 - Superintendent's Contract)

(cf. 4312.1 - Contracts)

#### Legal Reference:

CIVIL CODE

47 Privileged communication

GOVERNMENT CODE

53260-53264 Employment contracts

LABOR CODE

1198.5 Inspection of personnel files by employees

CODE OF REGULATIONS, TITLE 5

80303 Reports of dismissal, resignation and other terminations for cause

80332 Professional honesty in letters of employment recommendation

COURT DECISIONS

Randi W. v. Muroc Joint Unified School District, (1997) 14 Cal.4th 1066  
Board of Trustees of Leland Stanford Junior University v. Superior Court, (1981) 119  
Cal. App. 3d 516

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Decision Not To Rehire**

AR 4117.6

### **Personnel**

The Superintendent or designee shall provide the Governing Board with his/her recommendations regarding the rehiring of probationary employees.

The Board may decide not to rehire a probationary employee for a second year and give written notice of its decision to the employee at any time during his/her first year. If the Board does not give written notice, the employee shall be rehired for the following year. (Education Code 44929.21)

The Board may decide not to rehire a probationary employee for a third year and give written notice to the employee on or before March 15 of his/her second year. If the Board does not give written notice on or before March 15, the employee shall be rehired for the following year. (Education Code 44929.21)

The Board may also decide not to rehire a district intern at the end of his/her first, second or third consecutive year. Written notice to the employee may be given at any time during the year except during the employee's last year as an intern, when notice must be given on or before March 15. If the Board does not give written notice, the employee shall be rehired as a probationary employee for the following year. (Education Code 44929.21, 44885.5)

(cf. 4112.21 - District Interns)

(cf. 4116 - Probationary/Permanent Status)

(cf. 4117.3 - Personnel Reduction)

#### **Legal Reference:**

##### **EDUCATION CODE**

44885.5 District interns

44929.21 Districts with 250 ADA or more; notice of reelection decision

44929.23 Districts with daily attendance less than 250

44948.2 Election to use provisions of Education Code 44948.3

44948.3 Dismissal of probationary employees (over 250 ADA)

44949 Cause, notice and right to hearing required for dismissal of probationary employee

44955 Reduction in number of permanent employees

##### **COURT DECISIONS**

Hoschler v. Sacramento City Unified School District, (2007) 149 Cal. App. 4th 258

Bellflower Education Assn. v. Bellflower Unified School District, 228 Cal. App. 3d 805,

279 Cal. Rptr. 179 (1991)

Fontana Teachers Assn. v. Fontana Unified School District, 201 Cal. App. 3d 1517, 247 Cal. Rptr. 761 (1988)

Grimsley v. Board of Trustees, 189 Cal. App. 3d 1440, 235 Cal. Rptr. 85 (1987)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Employment Status Reports**

AR 4117.7

### **Personnel**

Within 30 days of any change in the employment status of a credential holder working in a position requiring a credential made as a result of an allegation of misconduct, the Superintendent shall report the change to the Commission on Teacher Credentialing. The report shall be made whenever one of the following actions is taken as a result of alleged misconduct: (Education Code 44242.5; 5 CCR 80303)

1. Dismissal

(cf. 4117.4 - Dismissal)

2. Nonreelection/nonreemployment

(cf. 4117.6 - Decision Not to Rehire)

3. Suspension for more than 10 days

(cf. 4118 - Suspension/Disciplinary Action)

4. Placement on unpaid administrative leave for more than 10 days pursuant to a final adverse employment action

5. Resignation or other departure from employment

(cf. 4117.2 - Resignation)

The report shall contain all known information about each alleged act of misconduct by the employee. (5 CCR 80303)

The report shall be made regardless of any proposed or actual agreement, settlement or stipulation between the district and the employee not to make such a report. The report shall also be made if the allegations are withdrawn in consideration of the employee's resignation, retirement or other failure to contest the truth of the allegations. (5 CCR 80303)

The Superintendent shall inform the employee in writing of the contents of 5 CCR 80303 upon a change in employment status as a result of alleged misconduct. (5 CCR 80303)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

## Notice of Other Violations

The Superintendent or designee may notify the Commission on Teacher Credentialing of any of the following: (Education Code 44242.5)

1. A complaint received by the district regarding a credential holder's alleged sexual misconduct

The notice shall contain all of the following information: (5 CCR 80304)

- a. Name of the employee alleged to have engaged in the sexual misconduct
- b. Name, age and address of each victim of the alleged sexual misconduct
- c. A summary of all information known to the district regarding the alleged sexual misconduct
- d. A summary of the action, if any, taken at the district level in response to the complaint of sexual misconduct

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 5145.7 - Sexual Harassment)

2. Refusal, without good cause, to fulfill a valid employment contract, or departure from district service without the consent of the Superintendent or Board (Education Code 44420)

3. Knowing and willful use of student records in connection with, or in implicit or explicit attempts to recruit a student to be a customer for, any business owned by the credential holder or in which the credential holder is an employee (Education Code 44421.1)

4. Knowing and willful reporting of false fiscal expenditure data relative to the conduct of any educational program (Education Code 44421.5)

### Legal Reference:

#### EDUCATION CODE

44225 Powers and duties of the Commission on Teacher Credentialing

44242.5 Reports and review of alleged misconduct

44420-44440 Adverse actions by CTC against credential holder

#### CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status, alleged misconduct

80304 Notice of sexual misconduct

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

CTC: <http://www.ctc.ca.gov>

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California



# **Board Policy**

## **Suspension/Disciplinary Action**

BP 4118  
**Personnel**

The Governing Board desires that all employees exhibit professional and appropriate conduct and serve as positive role models at school and in the community. Unacceptable conduct shall be subject to disciplinary action in accordance with law, collective bargaining agreement, Board policy and administrative regulations.

(cf. 4141/4241 - Collective Bargaining Agreement)

The Superintendent or designee shall develop administrative regulations that identify types of misconduct and possible consequences. Disciplinary actions may include, but not be limited to, verbal warnings, written warnings, reassignment, suspension, freezing or reduction of wages, compulsory leave and dismissal.

The Superintendent or designee may take disciplinary action as he/she deems appropriate in light of the particular facts and circumstances involved. He/she shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

(cf. 1312.1 - Complaints Concerning District Employees)  
(cf. 4030 - Nondiscrimination in Employment)  
(cf. 4032 - Complaints Concerning Discrimination in Employment)  
(cf. 4117.4 - Dismissal)  
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Legal Reference:

**EDUCATION CODE**

44009 Conviction of specified crimes

44010 Sex offense - definitions

44011 Controlled substance offense - definitions

44660-44665 Evaluation and assessment of performance of certificated employees

44830.1 Criminal record summary certificated employees

44932 Grounds for dismissal of permanent employee

44933 Other grounds for dismissal

44938 Unprofessional conduct or unsatisfactory performance; notice of charges

44940 Sex offenses and narcotic offenses; compulsory leave of absence

44940.5 Compulsory leave of absence; procedures; extension; compensation; bond or security; reports

44942 Suspension or transfer of certificated employee on grounds of mental illness

44944 Conduct of hearing  
44948.3 Dismissal of employees on probation  
45055 Drawing of warrants for teachers  
51530 Advocacy or teaching of communism  
GOVERNMENT CODE  
3543.2 Scope of representation  
HEALTH AND SAFETY CODE  
11054 Schedule I; substances included  
11055 Schedule II, substances included  
11056 Schedule III, substances included  
11357-11361 Marijuana  
11363 Peyote  
11364 Opium  
11370.1 Possession of controlled substances with a firearm  
PENAL CODE  
667.5 Prior prison terms, enhancement of prison terms  
1192.7 Plea bargaining limitation  
COURT DECISIONS  
Crowl v. Commission on Professional Competence (1990) 225 Cal. App. 3d 334 (275  
Cal.Rptr. 86)

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Suspension/Disciplinary Action**

AR 4118  
**Personnel**

### Suspension Without Pay

A probationary certificated employee may be suspended without pay for a specified period during the school year as an alternative to dismissal following procedures designated in Education Code 44948.3.

Prior to any action on charges leading to suspension without pay on the grounds of unprofessional conduct, the Superintendent or designee shall give the employee written notice. This written notice shall: (Education Code 44938)

1. Indicate the nature of the employee's unprofessional conduct
2. Cite specific instances of unprofessional behavior
3. Give the employee a 45-day opportunity to correct the misconduct and overcome the grounds for the charge
4. Include the evaluation made pursuant to Education Code 44660-44665, if applicable

(cf. 4115 - Evaluation/Supervision)

### Compulsory Leave

The Superintendent or designee shall immediately place on compulsory leave of absence any certificated employee who is charged with committing: (Education Code 44830.1, 44940)

1. Any sex offense as defined in Education Code 44010
2. Any offense involving the unlawful sale, use or exchange to minors of controlled substances as listed in Health and Safety Code 11054, 11055 and 11056, with the exception of marijuana, mescaline, peyote, or tetrahydrocannabinols

Upon receipt of notification from the Department of Justice by telephone that a current temporary employee, substitute employee, or probationary employee serving before March 15 of the employee's second probationary year has been convicted of a violent or serious felony, that employee shall be immediately placed on leave without pay.

(Education Code 44830.1)

(cf. 4112.5/4312.5 - Criminal Record Check)

Upon receipt of written electronic notification of the conviction from the Department of Justice the employee, as specified above, shall be terminated automatically, and without regard to any other termination procedure. (Education Code 44830.1)

The Board also may require an immediate compulsory leave of absence when a certificated employee is charged with "an optional leave of absence offense" as specified in law. (Education Code 44940)

The compulsory leave may extend for not more than 10 days after the entry of judgment in the proceedings. However, the Board may extend a certificated employee's compulsory leave by giving notice, within 10 days after the entry of judgment in the proceedings, that the employee will be dismissed in 30 days unless he/she demands a hearing. (Education Code 44940, 44940.5)

(cf. 4117.4 - Dismissal)

The Board shall report to the Commission on Teacher Credentialing (formerly the Commission for Teacher Preparation and Licensing) any action it takes in connection with extending a compulsory leave beyond 10 days. (Education Code 44940.5)

Employee compensation during the period of compulsory leave shall be made in accordance with Education Code 44940.5.

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Civil And Legal Rights**

BP 4119.1

### **Personnel**

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

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

Teachers shall have the right to refuse to submit to any evaluation or survey conducted by the district concerning personal values, attitudes and beliefs; sexual orientation; political affiliations or opinions; critical appraisals of other individuals with whom the teacher has a family relationship; or religious affiliations or beliefs. (Education Code 49091.24)

### **Whistleblower Protection**

All employees shall have the right to disclose improper governmental activities to a Board member, a school administrator, a member of the County Board of Education, County Superintendent of Schools, or the Superintendent of Public Instruction. An improper governmental activity is an activity by the district or a district employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetency or inefficiency. (Education Code 44111, 44112)

No employee shall use or attempt to use his/her official authority or influence to intimidate, threaten, coerce or command another employee for the purpose of interfering with that employee's right to disclose improper governmental activity. (Education Code 44113)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

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

in accordance with Education Code 44114.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4144/4244/4344 - Complaints)

### Rights in Legal Proceedings

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

1. Speak to the attorney or the representative without fear of punishment in retaliation for such communication
2. Contact his/her supervisor before answering questions or responding in any way
3. Refuse to speak to the attorney or representative
4. Notify the district that the attorney or representative has requested an interview
5. Consult with his/her own attorney or an attorney employed by the district or bargaining unit
6. Be represented at any interview either by his/her own attorney or an attorney employed by the district

### Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

7050-7057 Political activities of school officers and employees

44040 Unlawful to discriminate solely because of employee's appearance before certain boards or committees

44110-44114 Reporting by school employees of improper governmental activity

44801 Leave of absence for employees elected to the Legislature

49091.24 Teacher rights to refuse evaluation/survey of personal life

#### CIVIL CODE

51 Unruh Civil Rights Act

#### GOVERNMENT CODE

3540.1 Public employment definitions

3543.5 Interference with employee's rights prohibited

12940-12950 Discrimination prohibited; unlawful practices

#### UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX, 1972 Education Act Amendments  
12101-12213 Americans with Disabilities Act

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Sexual Harassment**

BP 4119.11

### **Personnel**

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

(cf. 4030 - Nondiscrimination in Employment)

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

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

2. Publicizing and disseminating the district's sexual harassment policy to staff.

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

3. Ensuring prompt, thorough and fair investigation of complaints.

4. Taking timely and appropriate corrective/remedial actions after completion of investigation. This may require interim separation of the complainant and the alleged harasser, and subsequent monitoring of developments.

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

(cf. 4031 - Complaints Concerning Discrimination in Employment)

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



the subject of the complaint.

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

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

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

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncala v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Juarez v. Ameritech Mobile Systems, (N.D. Ill.) 746 F.Supp. 798

Dornhecker v. Malibu Grand Prix Corp., (5th Cir. 1987) 828 F.2d. 307

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS  
GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

EEOC: <http://www.eeoc.gov>

OCR: <http://www.ed.gov/offices/OCR>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Sexual Harassment**

AR 4119.11

### **Personnel**

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors or other unwanted verbal, visual or physical conduct of a sexual nature made against another person of the same or opposite gender, in the work or educational setting, when: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is made expressly or implicitly a term or condition of the individual's employment
2. Submission to or rejection of such conduct by the individual is used as the basis for an employment decision affecting him/her
3. The conduct has the purpose or effect of unreasonably interfering with the other individual's work performance; creating an intimidating, hostile or offensive work environment; or adversely affecting the other individual's evaluation, advancement, assigned duties, or any other condition of employment or career development
4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs or activities available at or through the district

Other examples of actions that might constitute sexual harassment, whether committed by a supervisor or any other employee, include but are not limited to:

1. Unwelcome leering, sexual flirtations or propositions
2. Unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments or sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversations or pressure for sexual activity
4. Sexual jokes, stories, drawings, pictures, graffiti, gestures or sexually explicit e-mails
5. Spreading sexual rumors
6. Massaging, grabbing, fondling, stroking or brushing the body

7. Touching an individual's body or clothes in a sexual way
8. Cornering, blocking, leaning over or impeding normal movements
9. Displaying sexually suggestive objects or using sexual computer screen savers
10. Any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint

#### Notifications

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

1. Be displayed in a prominent location in the main administrative building or other area of the school where notices of district rules, regulations, procedures and standards of conduct are posted
2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct

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

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through the Fair Employment and Housing Department and Equal Employment Opportunity Commission
6. Directions on how to contact the Fair Employment and Housing Department and Equal Employment Opportunity Commission

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Sexual Harassment Complaint Procedures: A Guide To Response, Investigation And Resolution**

BP 4119.12

### **Personnel**

Within the educational environment/the school, sexual harassment is prohibited between students, and between staff and students.

#### Definition

For the purpose of clarification, sexual harassment includes but is not limited to:

1. Making unsolicited written, verbal, physical and/or visual contact with sexual overtones.
  - a. Written examples include suggestive or obscene letters, notes, invitations.
  - b. Verbal examples include derogatory comments, slurs, jokes.
  - c. Physical examples include assault, touching, impeding or blocking movement.
  - d. Visual examples include leering, gestures, display of sexually suggestive objects or pictures, cartoons or posters.
2. Continuing to express sexual interest after being informed that the interest is unwelcome.
3. Offering favors or education benefits, such as grades, in exchange for sexual favors.

#### Confidentiality and Retaliation

A complaint and the results of the investigation shall be confidential to the extent reasonably possible. Witnesses and those interviewed shall be informed of the confidential nature of the issues and the investigation and shall be informed that it will be a violation of this policy to disclose the complaint or the nature of the investigation to others.

Any retaliation is a violation of the policy.

#### Disciplinary Action

Corrective action may include counseling, warning, or the initiation of disciplinary procedures against the student.

## Investigation

### 1. Begin investigation and written log

The need to begin the investigation begins when an administrator first becomes aware of an alleged sexual harassment complaint. That awareness may start with an oral or a written complaint. Students or employees who feel aggrieved because of conduct that may constitute sexual harassment are encouraged, but not required, to inform directly the person engaging in such conduct that such conduct is offensive and must stop. The administrator shall begin a written log at this point.

### 2. Initial interview of complaint

The administrator should ascertain the nature of the complaint, the date, time, place of the alleged incident(s), and names of any corroborating witnesses. The administrator's most important questions are: who, what, when, where, why, and how. The administrator informs the student or employee that he/she may file a written complaint with the Superintendent. If the Superintendent is the person whose conduct is offensive, the student or employee may file a complaint with the Board President.

### 3. Superintendent

The Title IX Officer provides students with a copy of this document as well as the District Board Policy 4119.11, spelling out this person's responsibility and availability for resolving the complaint. The Title IX Officer shall investigate the charges, identify the remedy sought, and describe/document the informal efforts made to correct the situation. The district Title IX Officer is to serve a facilitator and source of information, as well as to assist in resolving matters informally when requested to do so. Upon completion of the investigation, the Title IX Officer shall determine whether the harassment has occurred and whether any corrective action is appropriate. Corrective Action may include counseling, warning, or the initiation of disciplinary procedures against the student or employee.

### 4. Notifying the accused individual

The circumstances, as presented by the complaining student, determines when the accused should be notified. In most cases, the accused is notified immediately. Although initial notification may be oral, the notification should be properly documented. A letter may be sent to the parents and child, restating the complaint, the investigation, and the prohibition on retaliation, as well as a copy of the policy.

### 5. Right to appeal

All decisions made under this procedure may be appealed by the complaining student or employee to the Board.

6. Follow-up

Within the next six months, at least one information follow-up session will be held with the student or employee to ensure that harassment has ceased and that there is no retaliation.

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California



# Exhibit

## Sexual Harassment Complaint Procedures: A Guide To Response, Investigation And Resolution

E 4119.12

### Personnel

Sexual Harassment Complaint Form

Complaints shall be filed with:

\_\_\_\_\_  
Name: (Administrator)      Name: (Title IX Officer)

Address: \_\_\_\_\_ Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Phone: \_\_\_\_\_

Complainant: \_\_\_\_\_

School/Dept./Grade: \_\_\_\_\_

1. Identify the offending person(s). \_\_\_\_\_

2. Give specific examples of offensive conduct. (Attach additional pages if needed.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. What response or action are you seeking?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Describe any efforts that have been made to correct the situation described in (2) above.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Exhibit CLOVERDALE UNIFIED SCHOOL DISTRICT  
version: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Professional Standards**

BP 4119.21

### **Personnel**

The Governing Board expects district employees to maintain the highest ethical standards, follow district policies and regulations, and abide by state and federal laws. Employee conduct should enhance the integrity of the district and advance the goals of the educational programs. Each employee should make a commitment to acquire the knowledge and skills necessary to fulfill his/her responsibilities and should focus on his/her contribution to the learning and achievement of district students.

(cf. 0000 - Vision)

(cf. 4112.2 - Certification)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

(cf. 2111 - Superintendent Governance Standards)

(cf. 9005 - Governance Standards)

#### Legal Reference:

CODE OF REGULATIONS, TITLE 5

80331-80338 Rules of conduct for professional educators

#### Management Resources:

CDE PUBLICATIONS

California Professional Standards for Educational Leaders, 2001

COUNCIL OF CHIEF STATE SCHOOL OFFICERS PUBLICATIONS

Standards for School Leaders, 1996

NATIONAL EDUCATION ASSOCIATION PUBLICATIONS

Code of Ethics of the Education Profession, 1975

WEB SITES

CDE: <http://www.cde.ca.gov>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Association of California School Administrators: <http://www.acsa.org>

California School Leadership Academy: <http://www.csla.org>

Council of Chief State School Officers: <http://www.ccsso.org>

California Teachers Association: <http://www.cta.org>  
California Federation of Teachers: <http://www.cft.org>  
California School Employees Association: <http://www.csea.com>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California

# **Exhibit**

## **Professional Standards**

E 4119.21

### **Personnel**

#### Code Of Ethics Of The Education Profession

##### Preamble

The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurturing of democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.

##### Principle I. Commitment to the Student

The educator strives to help each student realize his/her potential as a worthy and effective member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator:

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning
2. Shall not unreasonably deny the student access to varying points of view
3. Shall not deliberately suppress or distort subject matter relevant to the student's progress
4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety
5. Shall not intentionally expose the student to embarrassment or disparagement

6. Shall not on the basis of race, color, creed, gender, national origin, marital status, political or religious beliefs, family, social, or cultural background, or sexual orientation, unfairly:

- a. Exclude any student from participation in any program
- b. Deny benefits to any student
- c. Grant any advantage to any student

7. Shall not use professional relationships with students for private advantage

8. Shall not disclose information in the course of professional service unless disclosure serves a compelling professional purpose or is required by law

## Principle II. Commitment to the Profession

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgment, to achieve conditions that attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation of the profession, the educator:

1. Shall not in any application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications
2. Shall not misrepresent his/her professional qualifications
3. Shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute
4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position
5. Shall not assist a noneducator in the unauthorized practice of teaching
6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law

7. Shall not knowingly make false or malicious statements about a colleague
8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or action

Source: National Education Association, 1975

Exhibit CLOVERDALE UNIFIED SCHOOL DISTRICT  
version: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Dress And Grooming**

BP 4119.22

### **Personnel**

The Governing Board believes that since teachers serve as role models, they should maintain professional standards of dress and grooming. Just as overall attitude and instructional competency contribute to a productive learning environment, so do appropriate dress and grooming.

The Board encourages staff during school hours to wear clothing that demonstrates their high regard for education and presents an image consistent with their job responsibilities. Clothes that may be appropriate for shop instructors or gym teachers may not be appropriate for classroom teachers.

#### Legal Reference:

##### EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

##### GOVERNMENT CODE

3543.2 Scope of Representation

##### COURT DECISIONS

San Mateo City School District v. PERB (1983) 33 Cal. 3d 850

Domino v. Rapids Parish School Board (5th Cr. 1982) 675 F.2d 100

East Hartford Education Assn. v. Board of Education (2d Cir. 1977) 562 F. 2d 856

Miller v. School District # 167 (7th Cir. 1974) 495 F.2d 658

##### PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

Inglewood Unified School District (1985) PERB 1700

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California



# **Board Policy**

## **Unauthorized Release Of Confidential/Privileged Information**

BP 4119.23

### **Personnel**

The Governing Board, administration and staff shall maintain the confidentiality of all confidential records until such time as laws, state regulations and/or bylaws of this district permit disclosure. Information and records pertaining to closed sessions, negotiations and student records are not subject to public disclosure under Government Code 6252-6260.

Any employee who willfully releases confidential/privileged information about students, staff or any topic properly confined to a closed session shall be subject to disciplinary action up to and including dismissal from district service. Confidential information includes any information relating to the Board's employer-employee strategies on matters in negotiation or matters to be placed in negotiation.

Any employee who willingly and for monetary gain uses or discloses confidential/privileged information as defined in Government Code 1098 is guilty of a misdemeanor. (Government Code 1098)

Any action by an employee which inadvertently or carelessly results in release of confidential/privileged information shall be recorded, and the record shall be placed in the employee's personnel file. Depending on the circumstances, the Superintendent or designee may deny the employee further access to any privileged information and shall take any steps necessary to prevent any further unauthorized release of such information.

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 9321 - Closed Session Purposes and Agendas)

#### Legal Reference:

##### **EDUCATION CODE**

35010 Control of district; prescription and enforcement of rules

35146 Closed sessions (re student suspension)

44031 Personnel file contents and inspection

44932 Grounds for dismissal of permanent employees

44933 Other grounds for dismissal

45113 Rules and regulations for classified service

49060-49078 Pupil records

##### **GOVERNMENT CODE**

1098 Public officials and employees: confidential information

3540 et seq. Meeting and negotiating in public employment

6252 et seq. Inspection of public records

54957 Closed session; purposes for holding; definition of "employee" exclusion of witnesses

54957.2 Taking of minutes at closed sessions; clerk; minute book

54957.6 Closed session, representatives to employee organization(s); state conciliator

LABOR CODE

1102.5 Employees: disclosure of information

UNITED STATES CODE, TITLE 20

1232g Family Education Rights and Privacy Act

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Political Activities Of Employees**

BP 4119.25

### **Personnel**

The Governing Board respects the right of school employees to engage in political discussions and activities on their own time and at their own expense. On such occasions, employees shall make it clear that they are acting as individuals and not as representatives of the district.

(cf. 1160 - Political Processes)

Like other community members, employees may use school facilities for meetings under the Civic Center Act.

(cf. 1330 - Use of School Facilities)

Employees shall refrain from prohibited activities identified in law and administrative regulations. Employees who engage in these activities shall be subject to disciplinary action and/or criminal penalties.

(cf. 1325 - Advertising and Promotion)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

#### Legal Reference:

##### **EDUCATION CODE**

7050-7057 Political activities of school officers and employees

38130-38139 Civic Center Act

51520 Prohibited solicitations on school premises

##### **GOVERNMENT CODE**

3543.1 Rights of employee organizations

##### **COURT DECISIONS**

Downs v. Los Angeles Unified School District, (9th Cir. 2000) 228 F.3d 1003

California Teachers Association v. Governing Board of San Diego Unified School District, (1996) 45 Cal.App. 4th 1333

L.A. Teachers Union v. L.A. City Board of Education, (1969) 71 Cal.2d 551

##### **ATTORNEY GENERAL OPINIONS**

84 Ops.Cal.Atty.Gen. 106 (2001)

84 Ops.Cal.Atty.Gen. 52 (2001)

77 Ops.Cal.Atty.Gen. 56 (1994)

##### **PERB RULINGS**

California Federation of Teachers, Local 1931 v. San Diego Community College District  
(2001) PERB Order #1467 (26 PERC 33014)

Management Resources:

CSBA PUBLICATIONS

Political Activities of School Districts: Legal Issues, 1998, revised 2001

WEB SITES

CSBA: <http://www.csba.org>

Office of the Attorney General, Dept. of Justice: <http://caag.state.ca.us/>

Public Employment Relations Board: <http://www.perb.ca.gov>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Political Activities Of Employees**

AR 4119.25

### **Personnel**

District employees shall not:

1. Use district funds, services, supplies or equipment to urge the passage or defeat of any ballot measure or candidate, including any candidate for election to the Governing Board (Education Code 7054)

(cf. 1160 - Political Processes)

2. During working hours and on district property, solicit or receive any political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service or other working conditions (Education Code 7056)

3. During working hours and on district property, solicit or receive any political funds or contributions to promote the passage or defeat of other types of ballot measures

4. Use district time to urge the passage or defeat of any ballot measure or candidate

5. Use district equipment for the preparation or reproduction of political campaign materials, even if the district is reimbursed

(cf. 3512 - Equipment)

6. Post or distribute political campaign materials on district property

7. Disseminate political campaign materials through the district's mail service, e-mail or staff mailboxes

(cf. 4040 - Employee Use of Technology)

8. Use students to write, address or distribute political campaign materials

9. Present viewpoints on particular candidates or ballot measures in the classroom without giving equal time to the presentation of opposing views

(cf. 6144 - Controversial Issues)

10. Wear buttons or articles of clothing that express political opinions on ballot

measures or candidates during instructional time

However, teachers shall not be prohibited from wearing political buttons during noninstructional time, such as Back-to-School Night.

Nothing in Board policy or administrative regulation shall be construed to prevent employees from soliciting or receiving funds or contributions for political purposes during nonworking time, including before and after school, the lunch period or other scheduled work intermittency during the school day. (Education Code 7056)

#### Employee Organizations

Employee organizations may use district mailboxes and other means to communicate with employees, subject to reasonable regulation. Employee organizations may have access at reasonable times to areas in which employees work; may use institutional bulletin boards, mailboxes, and other means of communication and may use district facilities at reasonable times for the purpose of meetings. (Government Code 3543.1)

However, employee organizations shall not use district funds, services, supplies or equipment, such as the district mail system, to urge the passage or defeat of any ballot measure or candidate, including any candidate for election to the Board (Education Code 7054)

(cf. 4140/4240 - Bargaining Units)

Access to district communication channels shall be limited in cases where such access would be disruptive to district operations.

In the event of a concerted action or work stoppage, political activities by employee organizations and individual employees shall be restricted to peaceful informational picketing and other activities allowed by law.

(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Duties Of Personnel**

BP 4119.3

### **Personnel**

The Governing Board recognizes the importance of having adequate job descriptions for every district employee. Student safety, the district's fiscal stability, and the success of the educational program all depend on employees' fully understanding their responsibilities and duties.

The Superintendent or designee shall prepare and regularly update job descriptions for all positions. Job descriptions shall clearly specify all essential and peripheral/marginal functions and duties of the position, the degree of responsibility the position entails, the type and extent of training required, and the position of the person to whom the employee reports.

All employees shall fulfill the duties and responsibilities set forth in their job descriptions and shall comply with Board policies, administrative regulations, applicable employee agreements, and local, state and federal laws.

- (cf. 4030 - Nondiscrimination in Employment)
- (cf. 4115 - Evaluation/Supervision)
- (cf. 4118 - Suspension/Disciplinary Action)
- (cf. 4215 - Evaluation/Supervision)
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
- (cf. 4315 - Evaluation/Supervision)

#### Legal Reference:

##### EDUCATION CODE

- 233.5 Duty concerning instruction in morals, manners, citizenship
- 35020 Duties of employees fixed by governing board
- 35035 Further powers and duties of superintendent
- 44014 Report of assault
- 44662 Job responsibilities for certificated nonmanagement personnel
- 44805 Enforcement of course of studies, use of textbooks, rules and regulations
- 44807 Duty concerning conduct of pupils
- 44809 School register
- 44816 Annual report of elementary teacher
- 45100.5-45108.7 Senior management of the classified service
- 45109 Fixing of duties
- 45110 Inconsistent duties, compensation
- 45256.5 Senior management of classified service

GOVERNMENT CODE

7293 Local public agencies; bilingual employees

CODE OF REGULATIONS, TITLE 5

5530-5531 Duties of all certificated personnel

5550-5552 Duties of principals

5570 Duties of teachers

5590 Duties of temporary athletic team coaches

11256 Duties and responsibilities of mentor teachers

12067 Teacher aide duties under supervision of classroom teacher

12068 Teacher aide duties not under direct supervision of classroom teacher

13003 Duties of team leader

16043 Duties of library personnel

UNITED STATES CODE, TITLE 42

12101-12213 Americans With Disabilities Act

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California



# **Board Policy**

## **Employees With Infectious Disease**

BP 4119.41

### **Personnel**

The Governing Board encourages each employee to inform the district as soon as possible if he/she contracts an infectious disease which creates a physical or mental disability. The Board will reasonably accommodate the needs of such individuals.

The Board may reassign or grant disability leave to an employee who is unable to perform his/her job responsibilities because of illness or because the employee's illness significantly endangers his/her health or safety or the health or safety of others.

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

No employee will be discriminated against because of his/her disability. Legal protections established for disabled persons extend to individuals significantly impaired by infectious diseases.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

When informed that an employee has a disabling infectious disease, the Superintendent or designee may request that the employee sign a release form to provide confidential medical information and records.

In determining a reasonable accommodation of the employee's condition, the Superintendent or designee may consult with public health officials or physicians with expertise in the diagnosis and treatment of infectious disease. The Superintendent or designee may also communicate with the employee's physician regarding the employee's ability to perform the essential requirements of the job with reasonable accommodation and without posing significant health or safety risks to the employee or others.

The Superintendent or designee shall prepare a confidential report which includes his/her recommendation and the medical information upon which it is based. These recommendations shall take into consideration:

1. The nature of the disease and the probability of its being transmitted, including the duration and severity of the risk
2. The physical condition of the employee, including diagnosis, treatment, and

prognosis of the condition

3. The actual requirements of the employee's job and the expected type of interaction with others in the school setting

This report shall be forwarded to the Board for confidential review and action.

The job assignment of an employee with a disabling infectious disease shall be reevaluated whenever there is a change in medical knowledge or in the employee's medical regimen or health which might affect his/her assignment.

#### Confidentiality

The Board and the Superintendent or designee shall ensure that employee rights to confidentiality are strictly observed. The district shall disclose medical record information only to the extent required or permitted by law. The medical records of any employee with a disabling infectious disease shall be held in strict confidence.

#### Legal Reference:

##### CIVIL CODE

56-56.37 Confidentiality of medical information

##### GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

##### HEALTH AND SAFETY CODE

120975-121020 Mandated blood testing and confidentiality to protect public health

##### CODE OF REGULATIONS, TITLE 2

7293.5 et seq.

##### UNITED STATES CODE, TITLE 29

701 et seq. Rehabilitation Act

##### UNITED STATES CODE, TITLE 42

12101-12213 Americans With Disabilities Act

##### COURT DECISIONS

School Board of Nassau County, Fla. v. Arline, 408 U.S. 273 (1987)

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Exposure Control Plan For Bloodborne Pathogens**

BP 4119.42

### **Personnel**

As part of its commitment to provide a safe and healthful work environment, the Governing Board recognizes the importance of developing an exposure control plan. The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace to protect employees from possible infection due to contact with bloodborne pathogens, including but not limited to hepatitis B virus, hepatitis C virus and human immunodeficiency virus (HIV).

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 4157/4257/4357 - Employee Safety)

The Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the district's exposure control plan, employees having occupational exposure shall be offered the hepatitis B vaccination.

The Superintendent or designee may exempt designated first aid providers from pre-exposure hepatitis B vaccination under the conditions specified by state regulations. (8 CCR 5193(f))

Any employee not identified by the Superintendent or designee as having occupational exposure may submit a request to the Superintendent or designee to be included in the training and hepatitis B vaccination program. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with any infectious material.

#### Legal Reference:

##### LABOR CODE

142.3 Authority of Cal/OSHA to adopt standards

144.7 Requirement to amend standards

##### CODE OF REGULATIONS, TITLE 8

3204 Access to employee exposure and medical records

5193 California bloodborne pathogens standards

##### CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 OSHA bloodborne pathogens standards

#### Management Resources:

##### CDE ADVISORIES

1016.89 Guidelines for Informing School Employees about Preventing the Spread of Infectious Diseases, including Hepatitis B and AIDS/HIV Infections and Policies for Dealing with HIV-Infected Persons in School Settings

WEB SITES

OSHA: <http://www.osha.gov>

Cal/OSHA: [http://www.dir.ca.gov/occupational\\_safety.html](http://www.dir.ca.gov/occupational_safety.html)

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Exhibit**

## **Exposure Control Plan For Bloodborne Pathogens**

E 4119.42

### **Personnel**

#### Hepatitis B Vaccine Declination

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to myself.

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Signature

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Employee Name (Please print)

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Date

Exhibit CLOVERDALE UNIFIED SCHOOL DISTRICT  
version: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Universal Precautions**

AR 4119.43

### **Personnel**

#### 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(b))

Personal protective equipment includes specialized clothing or equipment worn or used for protection against a hazard. General work clothes such as uniforms, pants, shirts or blouses not intended to function as protection against a hazard are not considered to be personal protective equipment. (8 CCR 5193(b))

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(b))

Engineered sharps injury protection is a physical attribute built into a needle device or into a non-needle sharp which effectively reduces the risk of an exposure incident. (8 CCR 5193(b))

#### Employee Information

The Superintendent or designee shall distribute to employees information provided by the California Department of Education 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 benefits of the employees. Information shall be distributed at least annually, or more frequently if there is new information supplied by the California Department of Education. (Health and Safety Code 120875, 120880)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

#### Infection Control Practices

The Superintendent or designee shall ensure that the worksite is effectively maintained in

a clean and sanitary condition, and shall implement an appropriate written schedule for cleaning and decontamination of the worksite. (8 CCR 5193(d))

Where occupational exposure remains after the institution of engineering and work practice controls, the Superintendent or designee shall provide appropriate personal protective equipment at no cost to the employee. Such equipment may include gloves, gowns, masks, eye protection, and other devices that do not permit blood or other potentially infectious materials to pass through or reach the employee's clothes, skin, eyes, mouth or other mucous membranes under normal conditions of use. The Superintendent or designee shall maintain, repair, make accessible and require employees to use and properly handle protective equipment. (8 CCR 5193(d))

The Superintendent or designee shall provide handwashing facilities which are readily accessible to employees. When provision of handwashing facilities is not feasible, the Superintendent or designee shall provide an appropriate antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes. (8 CCR 5193(d))

For the prevention of infectious disease, employees shall routinely: (8 CCR 5193(d))

1. Perform all procedures involving blood or other potentially infectious materials in such a manner as to minimize splashing, spraying, spattering, and generating droplets of these substances.
2. Use personal protective equipment as appropriate.
  - a. Appropriate clothing, including but not limited to, gowns, aprons, lab coats, clinic jackets or similar outer garments, shall be worn in occupational exposure situations.

If a garment becomes penetrated by blood or other potentially infectious materials, the employee shall remove the garment immediately or as soon as feasible. All personal protective equipment shall be removed prior to leaving the work area. When removed, it shall be placed in an appropriately designated area or container for storage, washing, decontamination or disposal.

- b. Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes and nonintact skin, and when handling or touching contaminated items or surfaces.

Disposable gloves shall be replaced as soon as practical when contaminated, or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised. They shall not be washed or decontaminated for reuse. Utility gloves may be decontaminated for reuse if the integrity of the gloves is not compromised, but must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

c. Masks in combination with eye protection devices or face shields shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably anticipated.

3. Wash hands and other skin surfaces thoroughly with soap and running water:

a. Immediately or as soon as feasible following contact of hands or any other skin or mucous membranes with blood or other potentially infectious materials

b. Immediately after removing gloves or other personal protective equipment

When handwashing facilities are not available, the employee shall 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.

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 patient-handling techniques and other methods designed to minimize the risk of a sharps injury in all procedures involving the use of sharps in patient care.

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.24 - Specialized Health Care Services)

a. Needleless systems shall be used to administer medication or fluids, withdraw body fluids after initial venous or arterial access is established, and conduct any other procedure involving the potential for an exposure incident for which a needleless system is available as an alternative to the use of needle devices. If needleless systems are not used, needles or non-needle sharps with engineered sharps injury protection shall be used.

b. Contaminated needles or other sharps shall not be broken, bent, recapped, removed from devices, or stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.

c. Disposable sharps shall not be reused.



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(d)(3)(D). Containers shall be easily accessible, maintained upright throughout use where feasible, and replaced as necessary to avoid overfilling.

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.

(cf. 4157/4257/4357 - Employee Safety)

(cf. 5141.1 - Accidents)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.23 - Infectious Disease Prevention)

(cf. 5141.6 - Student Health and Social Services)

(cf. 6145.2 - Athletic Competition)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Temporary/Substitute Personnel**

AR 4121  
**Personnel**

### Hiring

The Governing Board may employ substitute certificated personnel to fill positions of regularly employed persons absent from service. (Education Code 44917)

Substitute personnel may be employed on an on-call, day-to-day basis.

In addition, after September 1 of any school year, the Board may employ substitute personnel for the remainder of the school year for positions for which no regular employee is available. The district shall first demonstrate to the Commission on Teacher Credentialing the inability to acquire the services of a qualified regular employee. (Education Code 44917)

During the period of their preferred right to reappointment, permanent and probationary certificated employees who have been laid off due to a reduction in force shall be offered prior opportunity for substitute service. (Education Code 44955, 44956, 44957)

(cf. 4117.3 - Personnel Reduction)

### Classification

The Board may classify as a temporary employee a teacher who is employed at least one semester and up to one school year. Persons whose service begins in the second semester and before March 15 may be classified as temporary employees even if employed for less than a semester. The Board shall determine the number of persons who shall be so employed based on the absence of regular employees due to leaves or long-term illness. (Education Code 44920)

The Board also shall classify as temporary employees those certificated persons, other than substitute employees, who are employed to:

1. Serve from day to day during the first three months of any semester to teach temporary classes which shall not exist after that time, or perform any other duties which do not last longer than the first three months of any semester (Education Code 44919)
2. Teach in special day and evening classes for adults or in schools of migratory population for not more than four months of any semester (Education Code 44919)

3. Serve in a limited assignment supervising student athletic activities provided such assignments have first been made available to teachers presently employed in the district (Education Code 44919)

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

4. Serve in a position for a period not to exceed 20 working days in order to prevent the stoppage of district business during an emergency when persons are not immediately available for probationary classification (Education Code 44919)

5. Are employed only for the first semester because the district expects a reduction in student enrollment during the second semester due to midyear graduations (Education Code 44921)

At the time of employment and each July thereafter, the Board shall classify substitute and temporary employees as such. (Education Code 44915, 44916)

Each new substitute and temporary employee shall receive a written statement at the time of initial employment during each school year indicating his/her employment status and salary. This statement shall clearly indicate the temporary nature of employment and the length of time for which the person is being employed. (Education Code 44916)

The Superintendent or designee shall ensure that substitute and temporary employees are appropriately trained, assigned, oriented and evaluated.

(cf. 4113 - Assignment)

(cf. 4115 - Evaluation/Supervision)

(cf. 4131 - Staff Development)

### Qualifications

Any person employed on a substitute or temporary basis in a position requiring certification qualifications shall possess the appropriate credential or permit authorizing his/her employment in such positions and shall meet all other requirements of law for certificated positions.

(cf. 4111.2/4211.2/4311.2 - Legal Status Requirement)

(cf. 4112.2 - Certification)

(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

All persons employed on a substitute or temporary basis in a capacity designated in his/her credential shall be required to demonstrate basic skills proficiency in reading, writing and mathematics pursuant to Education Code 44252.5, unless exempted by law. (Education Code 44830)

## Qualifications for Special Education

A noncredentialed person shall not substitute for any special education certificated position. (Education Code 56060)

A person holding a valid credential authorizing substitute teaching may serve as a substitute for a special education teacher for a period not to exceed 20 school days unless, upon application by the district, a 20-day extension is approved by the Superintendent of Public Instruction. In extraordinary circumstances the district may seek an extension longer than 20 days. (Education Code 56061)

In placing substitute teachers in special education classrooms, the district shall give first priority to substitute teachers with the appropriate special education credential and second priority to substitute teachers with any other special education credential. If no substitute with a special education credential is available, the district shall use a substitute teacher with a regular teaching credential. (Education Code 56062)

The Superintendent or designee shall recruit and maintain lists of appropriately credentialed substitute teachers. He/she shall contact institutes of higher education with approved special education programs for possible recommendations of appropriately credentialed special education personnel. (Education Code 56063)

## Salary/Benefits

The Board shall adopt and make public a salary schedule setting the daily or pay period rate(s) for substitute employees for all categories or classes of certificated employees of the district. (Education Code 44977, 45030)

If an employee who was previously laid off due to a reduction in force serves as a substitute employee for 21 days or more within a period of 60 school days, he/she shall receive compensation at a rate equal to or greater than the amount he/she would have received upon reappointment. (Education Code 44956)

Substitute and temporary employees shall not participate in the health and welfare plans or other fringe benefits of the district.

## Granting Probationary Status

With the exception of on-call, day-to-day substitutes, any substitute or temporary employee who performs the duties normally required of certificated employees for at least 75 percent of the school year shall be deemed to have served a complete school year as a probationary employee if employed as a probationary employee for the following school year. (Education Code 44918)

(cf. 4116 - Probationary/Permanent Status)

Temporary employees hired pursuant to #1 or #2 above to teach temporary classes or perform other certificated duties not expected to last more than the first three months of any semester, or to teach special day and evening classes for adults or in schools for migratory populations for the first four months of a semester, shall be classified as probationary employees if the duties continue beyond the time limits. (Education Code 44919)

Temporary employees hired pursuant to #5 above to teach only the first semester due to anticipated midyear graduations shall be classified as probationary employees for the entire school year if the employment continues beyond the first semester. (Education Code 44921)

#### Release from Employment/Dismissal

The Board may dismiss substitute employees at any time at its discretion. (Education Code 44953)

The Board may release temporary employees at its discretion if such employees have served less than 75 percent of the school year. Temporary employees who have served 75 percent or more of the school year may be released as long as such employees are notified before the end of the school year of the district's decision not to reelect them for the following school year. (Education Code 44954)

#### Reemployment Rights

With the exception of on-call, day-to-day substitutes, a temporary or substitute employee who served at least 75 percent of the previous school year and who was not released pursuant to Education Code 44954 prior to the end of the school year shall be reemployed for the following school year to fill any vacant positions in the district. (Education Code 44918)

With the exception of on-call, day-to-day substitutes, temporary or substitute employees who were released pursuant to Education Code 44954 but who have nevertheless served for two consecutive years, for at least 75 percent of each year, shall receive first priority if the district fills a vacant position for the subsequent school year at the grade level at which the employee served during either year. In the case of a departmentalized program, the employee shall have taught the subject matter in which the vacant position occurs. (Education Code 44918)

Persons employed for only the first semester because of anticipated midyear graduations shall be reemployed to fill any vacant positions in the district for which the employee is certified. Preference for available positions shall be determined by the Board as prescribed by Education Code 44845 and 44846. (Education Code 44921)

Legal Reference:

EDUCATION CODE

- 44252.5 State basic skills assessment required for certificated personnel
- 44300 Emergency teaching or specialist permits
- 44830 Employment of certificated persons; requirements of proficiency in basic skills
- 44839.5 Employment of retirant
- 44845-44846 Criteria for reemployment preferences
- 44914 Substitute and probationary employment in computation for classification as permanent employee
- 44915 Classification of probationary employees
- 44916 Time of classification; statement of employment status
- 44917 Classification of substitute employees
- 44918 Substitute or temporary employee deemed probationary employee; reemployment rights
- 44919 Classification of temporary employees
- 44920 Employment of certain temporary employees; classifications
- 44921 Employment of temporary employees; reemployment rights (unified and high school districts)
- 44953 Dismissal of substitute employees
- 44954 Release of temporary employees
- 44956 Rights of laid-off permanent employees to substitute positions
- 44957 Rights of laid-off probationary employees to substitute positions
- 44977 Salary schedule for substitute employees
- 45030 Substitutes
- 45041 Computation of salary
- 45042 Alternative method of computation for less than one school year
- 45043 Compensation for employment beginning in the second semester
- 56060-56063 Substitute teachers in special education

CODE OF REGULATIONS, TITLE 5

- 5502 Filing of notice of physical examination for employment of retired person
- 5503 Physical examination for employment of retired persons

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Temporary Athletic Team Coaches**

AR 4127

### **Personnel**

At the first regular Governing Board meeting or within 30 days after selection of a temporary athletic team coach, whichever is sooner, the Superintendent or designee shall certify to the Board that all temporary athletic team coaches meet the qualifications and competencies required by law. (5 CCR 5594)

Upon the recommendation of the Superintendent or designee, the Board shall certify to the State Board of Education, by April 1 of each year, that the district conforms with state requirements governing the employment of temporary athletic team coaches. (5 CCR 5594)

### Competencies

The Superintendent or designee shall determine whether a temporary athletic team coach is knowledgeable and competent in the areas of: (5 CCR 5593)

1. Care and prevention of athletic injuries, basic sports injury first aid, and emergency procedures

The Superintendent or designee shall establish qualifications in this competency area as evidenced by one or more of the following:

- a. Completion of a college-level course in the care and prevention of athletic injuries and possession of a valid cardiopulmonary resuscitation (CPR) card
  - b. A valid sports injury certificate or first aid card, and a valid cardiopulmonary resuscitation (CPR) card
  - c. A valid Emergency Medical Technician (EMT) I or II card
  - d. A valid trainer's certification issued by the National or California Athletic Trainers' Association (NATA/CATA)
  - e. Practical experience under the supervision of an athletic coach or trainer or experience assisting in team athletic training and conditioning and both valid CPR and first aid cards
2. Coaching techniques

The Superintendent or designee shall establish qualifications in coaching theory and techniques in the sport or game being coached as evidenced by one or more of the following:

- a. Completion of a college course in coaching theory and techniques
  - b. Completion of inservice programs arranged by a school district or county office of education
  - c. Prior service as a student coach or assistant athletic coach in the sport or game being coached
  - d. Prior coaching in community youth athletic programs in the sport being coached
  - e. Prior participation in organized competitive athletics at high school level or above in the sport being coached
3. Rules and regulations in the athletic activity being coached

The Superintendent or designee shall establish knowledge of the rules and regulations pertaining to the sport or game being coached, the league rules and, at the high school level, regulations of the California Interscholastic Federation.

4. Child or adolescent psychology, whichever is appropriate to the grade level of the involved activity

The Superintendent or designee shall establish competency in knowledge of child or adolescent psychology as it relates to sport participation as evidenced by one or more of the following:

- a. Completion of a college-level course in child psychology for elementary school positions and adolescent or sports psychology for secondary school positions
- b. Completion of a seminar or workshop on human growth and development of youth
- c. Prior active involvement with youth in school or community sports program

#### Additional Competencies for Noncertificated Personnel

In addition to the competencies listed above, the Superintendent or designee shall determine that a noncertificated person employed as a temporary athletic team coach: (5 CCR 5592)

1. Has not been convicted of any offense referred to in Education Code 44010, 44011 or 44424, or any offense involving moral turpitude or evidencing unfitness to



associate with children.

(cf. 4212.5 - Criminal Record Check)

2. Is free from tuberculosis and any other contagious disease that would prohibit certificated teachers from teaching, as verified by a written statement, renewable every four years, from a licensed physician or other person approved by the district.

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

Noncertificated coaches have no authority to give grades to students. (5 CCR 5591)

#### Code of Ethical Conduct

Employees providing supervisory or instructional services in interscholastic athletic programs and activities shall: (5 CCR 5596)

1. Show respect for players, officials and other coaches
2. Respect the integrity and judgment of game officials
3. Establish and model fair play, sportsmanship and proper conduct
4. Establish player safety and welfare as the highest priority
5. Provide proper supervision of students at all times
6. Use discretion when providing constructive criticism and when reprimanding players
7. Maintain consistency in requiring all players to adhere to the established rules and standards of the game
8. Properly instruct players in the safe use of equipment
9. Avoid exerting undue influence on a student's decision to enroll in an athletic program at any public or private postsecondary educational institution
10. Avoid exerting undue influence on students to take lighter academic course(s) in order to be eligible to participate in athletics
11. Avoid suggesting, providing or encouraging any athlete to use nonprescriptive drugs, anabolic steroids or any substance to increase physical development or performance that is not approved by the U.S. Food and Drug Administration, U.S. Surgeon General or the American Medical Association

12. Avoid recruitment of athletes from other schools
13. Follow the rules of behavior and the procedures for crowd control as established by the Board and the league in which the district participates

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Shared Teaching Assignments**

BP 4128

### **Personnel**

The Governing Board realizes that for personal reasons, a certificated teacher sometimes may prefer to share the responsibility, salary and benefits of a full-time teaching position with one of his/her fellow teachers. When those sharing a position have compatible work patterns and similar goals, this situation can benefit teachers and students alike. By accommodating requests for shared teaching assignments, the district is more likely to retain teachers of outstanding capabilities.

The Superintendent or designee may authorize two teachers to share one full teaching assignment under terms and conditions specified in the certificated contract.

Legal Reference:

GOVERNMENT CODE

3543.2 Scope of representation

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Staff Development**

BP 4131

### **Personnel**

The Governing Board believes that in order to maximize student learning certificated staff members must be continuously learning and improving their skills. The Superintendent or designee shall develop a program of ongoing professional development which includes opportunities for teachers and certificated teaching assistants to enhance their instructional and classroom management skills and increase their knowledge of academic content in the core curriculum. The program may include but is not limited to:

1. Mastery of discipline-based knowledge, including the state-adopted standards, and effective subject-specific pedagogical skills

(cf. 6011 - Academic Standards)  
(cf. 6142.1 - Family Life/Sex Education)  
(cf. 6142.2 - AIDS Prevention Instruction)  
(cf. 6142.5 - Environmental Education)  
(cf. 6142.6 - Visual and Performing Arts Education)  
(cf. 6142.7 - Physical Education)  
(cf. 6142.8 - Comprehensive Health Education)  
(cf. 6142.91 - Reading/Language Arts Instruction)  
(cf. 6142.92 - Mathematics Instruction)  
(cf. 6142.93 - Science Instruction)

2. Teaching methods and strategies, including the use of technologies to enhance instruction

(cf. 0440 - District Technology Plan)  
(cf. 6162.7 - Use of Technology in Instruction)

3. Sensitivity to the needs of diverse student populations, including minorities, students with disabilities, English language learners and economically disadvantaged students, and ability to meet those needs

(cf. 4112.22/4212.22 - Staff Teaching Students of Limited English Proficiency)  
(cf. 4112.23 - Special Education Staff)

4. Understanding of how academic and vocational instruction can be integrated and implemented to increase student learning; skill in evaluating and combining available instructional resources; opportunities to collaborate with other staff members in the alignment of academic and vocational curricula

(cf. 6030 - Integrated Academic and Vocational Instruction)

5. Knowledge of strategies that enable parents/guardians to participate fully and effectively in their children's education

(cf. 6020 - Parent Involvement)

6. Effective classroom management skills, ability to relate to students, understand their various stages of growth and development, and motivate them to learn

7. Training related to student health, safety and welfare

(cf. 3515.5 - Sex Offender Notification)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5141.4 - Child Abuse Reporting Procedures)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5149 - At-Risk Students)

The district's staff development program shall provide maximum opportunities for staff participation without impacting the number of instructional days offered to students as required by law.

(cf. 6111 - School Calendar)

The Superintendent or designee shall develop a district staff development plan that is coordinated with school improvement objectives and school plans established by individuals who are closest to the classroom and most knowledgeable about the needs of the school and its students.

(cf. 0420.1 - School-Based Program Coordination)

(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)

(cf. 4131.6 - Professional Development Program)

The Superintendent or designee shall ensure that the district meets its obligations related to the professional growth of individual probationary and permanent teachers.

(cf. 4112.21 - District Interns)

(cf. 4116 - Probationary/Permanent Status)

(cf. 4131.5 - Professional Growth)

Because the Board believes that intensive professional development is especially critical during the beginning years of a teacher's career, the Superintendent or designee shall develop a voluntary program of individualized support and assistance for first-year and second-year teachers.

(cf. 4112.2 - Certification)

The Board may budget funds for actual and reasonable expenses incurred by staff who participate in staff development activities.

(cf. 3350 - Travel Expenses)

The Superintendent or designee shall provide a means for continual evaluation of the benefit of these activities to staff and students.

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

44032 Travel expense payment  
44259.5 Standards for preparation for all students  
44277 Professional growth requirements for maintaining valid credentials  
44279.1-44279.7 Beginning Teacher Support and Assessment Program (BTSA)  
44560-44562 Certificated Staff Mentoring Program  
44570-44578 Inservice training - personnel, secondary education  
44579-44579.5 Instructional Time and Staff Development Reform Program  
44580-44591 Inservice training - personnel, elementary teachers  
44630-44643 Professional Development and Program Improvement Act of 1968  
44670.1-44680.8 School personnel staff development and resource centers  
44681-44689 Administrator training and evaluation  
44700-44705 Classroom teacher instructional improvement program  
44755-44759.7 Inservice training in reading instruction, grades K-3 and 4-8  
48980 Notification of parents/guardians: schedule of minimum days  
51210 Courses of study for grades 1-6  
51220 Courses of study for grades 7-12  
51226.3 Legislative intent for staff development on the Great Irish Famine  
52800-52870 School-Based Program Coordination Act  
54720-54734 School-Based Pupil Motivation and Maintenance Program  
56240-56245 Staff development; service to persons with disabilities

GOVERNMENT CODE

3543.2 Scope of representation of employee organization

CODE OF REGULATIONS, TITLE 5

6000-6002 Instructional time and staff development reform program  
13025-13044 Professional development and program improvement programs

UNITED STATES CODE, TITLE 20

6101-6251 School-to-Work Opportunities Act of 1994  
6601-6702 Dwight D. Eisenhower Professional Development Program

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

San Mateo City School District, (1984) PERB Dec. No. 375, 8 PERC 15021

Jefferson School Districts, (1980) PERB Dec. No. 133, 4 PERC 11117

Management Resources:

CTC PUBLICATIONS

California Standards for the Teaching Profession: A Description of Professional Practice for California Teachers, 1997

LABOR LAW REPORTER

Public Sector Labor Relations, Matthew Bender & Co., Inc. Rel. 2-5/91, Pub. 176, Section 11.05[14]

WEB SITES

CDE: <http://www.cde.ca.gov>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Staff Development**

AR 4131  
**Personnel**

The Superintendent or designee shall ensure that certificated staff members have opportunities to learn both from outside sources and from each other. These opportunities may include release time, leaves of absence or use of noninstructional time for:

1. Visits to other classrooms and other schools
2. Attendance at professional education conferences or committee meetings
3. Participation in professional development networks that promote inquiry and allow staff to analyze and evaluate each other's work
4. Peer conferences and/or joint staff preparation time
5. Discussions with representatives of business and community agencies for the purpose of identifying the skills, knowledge and aptitudes necessary for specific career paths and developing meaningful career-related, work-based learning experiences
6. Internships in industry and community agencies where teachers can learn how academic skills are used in the workplace

(cf. 1700 - Relations Between Private Industry and the Schools)

7. Travel, study and research in subject matter content and effective educational practices

(cf. 4161.3 - Professional Leaves)

8. Training classes and workshops offered by the district, county office of education or state projects
9. Training in institutions of higher education, including credit courses conducted in or near the district whenever possible
10. Follow-up activities that help staff to implement newly acquired skills

The Superintendent or designee shall provide an up-to-date professional library for use by staff.



## Instructional Time and Staff Development Reform Program

The Superintendent or designee shall design a program which provides staff development opportunities for certificated classroom teachers and certificated teaching assistants on days that are not counted as instructional time. This staff development program shall meet the following conditions:

1. The program shall meet the district's educational priorities as defined by the Governing Board and be consistent with regulations adopted by the State Board of Education. (Education Code 44579.1)

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 6010 - Goals and Objectives)

2. The program shall provide staff development in the academic content of the core curriculum; in instructional methods, including teaching strategies and classroom management; and in any other training designed to improve student performance. (Education Code 44579.1)

"Core curriculum areas" means those areas of study specified in Education Code 51210(a)-(g) and 51220(a)-(j). (5 CCR 6000)

3. For each staff development day provided under this program, records of attendance shall be maintained and participants shall be present for the full day. (Education Code 44579.1)

The district shall maintain a certification of the contemporaneous record of attendance of the eligible participants who attended each full staff development day for which the district requests funding. If a single staff development day is conducted over several calendar days, the contemporaneous records must evidence that each employee who participated in the staff development day was present for the equivalent of a full-time instructional work day. (5 CCR 6001)

4. Each staff development day shall be at least as long as the full-time instructional day for certificated employees of the district. However, a single staff development day may be conducted over several calendar days. (Education Code 44579.1)

5. If the staff development day is conducted after completion of an instructional day, it may not be held on a minimum day for which parents/guardians were notified pursuant to Education Code 48980. (Education Code 44579.1)

(cf. 5145.6 - Parental Notifications)

(cf. 6111 - School Calendar)

Beginning Teacher Support

To support teachers who are serving in their first or second year of service and enhance their effectiveness in teaching district students, the Superintendent or designee shall:  
(Education Code 44279.2)

1. Develop, implement and evaluate a teacher induction program which meets the Quality and Effectiveness for Beginning Teacher Induction Program Standards adopted by the Commission on Teacher Credentialing
2. Support beginning teachers in meeting the competencies described in the California Standards for the Teaching Profession adopted by the Commission on Teacher Credentialing
3. Meet criteria for the cost-effective delivery of program services

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Professional Growth**

BP 4131.5

### **Personnel**

The Governing Board recognizes its obligation to help teachers meet their responsibility for fulfilling the professional growth requirements of their credentials. The Board expects that the increased competence attained by these teachers during their professional growth activities will contribute significantly to the district's educational program.

The Superintendent or designee shall maintain procedures for the selection of professional growth advisors. These procedures shall be designed to provide for the best possible match between teachers and advisors.

The Board may appoint one or more professional growth panels to participate in selecting, orienting and assisting professional growth advisors. (5 CCR 80556)

The Board may appoint one or more professional growth panels to resolve disputes between teachers and professional growth advisors. (5 CCR 80556)

The Superintendent or designee shall provide the Board with recommendations for panel membership. Panels may include administrators, teachers, parents and other members of the community.

Professional growth activities shall remain in accordance with provisions of negotiated employee contracts.

#### Legal Reference:

##### EDUCATION CODE

44277-44279 Requirements for professional growth

##### CALIFORNIA CODE OF REGULATIONS, TITLE 5

80550-80565 Generally, especially:

80550 Professional growth requirements definitions

80552-80553 Specific renewal requirements

80554-80555 Elements of professional growth plan and professional growth record

80556 Professional growth advisors, and employing agencies; roles and responsibilities

80558 Definition of professional growth activities

80565 Professional service requirements

#### Management Resources:

##### CTC PUBLICATIONS

California Professional Growth Manual, second revision (1990)

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Soliciting And Selling**

BP 4135

### **Personnel**

Employees shall not solicit district staff, students or their families with the intent to sell general merchandise, books, equipment or services.

(cf. 1321 - Solicitation of Funds from and by Students)

(cf. 4137 - Tutoring)

Staff shall not distribute promotional, political, controversial or other noninstructional materials unless approved by the Superintendent or designee.

(cf. 1325 - Advertising and Promotion)

Staff members shall not use their status as district employees to secure information such as names, addresses and telephone numbers for use in profit-making ventures.

Educational tours may be promoted on school premises only if they are sponsored by the district. Employees engaged in planning, organizing or leading tours as a private business shall make it clear that they do not represent the school or district. All activities related to such tours must be carried on outside of school hours and off school premises.

Any classroom activity requiring students to bring money to school for any purpose must have the principal's approval.

Staff participation in "flower funds," "sickness and bereavement funds," "anniversary funds" and the like shall be a matter of individual discretion.

(cf. 5145.2 - Freedom of Speech/Expression)

Legal Reference:

EDUCATION CODE

51520 Prohibited solicitations on school premises

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Bargaining Units**

BP 4140

### **Personnel**

The Governing Board recognizes the right of public school employees to form bargaining units, select an employee organization as the exclusive representative of their unit, and be represented by that organization in their employment relationship with the district.

The Board is committed to negotiating in good faith and respecting the rights of employees and employee organizations. As required by law, the Board shall negotiate only with the exclusive representative of each bargaining unit.

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4143/4243 - Negotiations/Consultation)

Employees shall not be intimidated, restrained, coerced or discriminated against, either by the district or by employee organizations, because of their membership or nonmembership in an employee organization.

Legal Reference:

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Collective Bargaining Agreement**

BP 4141

### **Personnel**

The Governing Board recognizes that collective bargaining agreements are legally binding, bilateral agreements. The Board is committed to carrying out the provisions of each agreement and expects the agreements to be consistently and uniformly administered.

In order to help prepare for future negotiations, the Superintendent or designee shall identify any portions of the agreement that hinder the district's efforts to meet district goals.

(cf. 4140/4240 - Bargaining Units)

(cf. 4143/4243 - Negotiations/Consultation)

#### Legal Reference:

##### EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

##### GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

##### CODE OF REGULATIONS, TITLE 8

31001-32997 Regulations of employee relations boards

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Public Notice - Personnel Negotiations**

BP 4143.1

### **Personnel**

Because the Governing Board has a responsibility to represent the public's interest in negotiations with employee organizations, the Board is committed to keeping the public informed about issues being negotiated, providing members of the public an opportunity to express their views, and disclosing the positions of Board members.

- (cf. 1100 - Communication with the Public)
- (cf. 1112 - Media Relations)
- (cf. 4141/4241 - Collective Bargaining Agreement)
- (cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)
- (cf. 4143/4243 - Negotiations/Consultation)
- (cf. 9000 - Role of the Board)
- (cf. 9010 - Public Statements)
- (cf. 9011 - Disclosure of Confidential/Privileged Information)

### **Public Notice**

All initial contract proposals of the Board and an employee organization which relate to matters within the scope of representation shall be presented at a public meeting and shall thereafter be public records. (Government Code 3547)

- (cf. 1340 - Access to District Records)
- (cf. 9321 - Closed Session Purposes and Agendas)
- (cf. 9321.1 - Closed Session Actions and Reports)

Meeting and negotiating between district and employee organization representatives shall not take place on these initial proposals until a reasonable time has elapsed after the submission of these proposals to enable the public to become informed and to express itself regarding the proposals at a public meeting. (Government Code 3547)

After the public has had an opportunity to provide input, the Board shall adopt its initial proposal at a public meeting. (Government Code 3547)

New subjects of meeting and negotiating arising after the presentation of initial proposals shall be made public within 24 hours. If a vote is taken on any such subject by the Board, each member's vote also shall be made public within 24 hours. (Government Code 3547)

### **Public Disclosure**



Before entering into a written agreement covering matters within the scope of representation, the Board shall disclose, at a public meeting, the major provisions of the agreement, including but not limited to the costs that would be incurred by the district under the agreement for the current and subsequent fiscal years. (Government Code 3547.5)

Legal Reference:

GOVERNMENT CODE

3547 Proposals relating to representation; informing public, adoption of proposals; new subjects; regulations

3547.5 Major provisions of agreement with exclusive representative

CODE OF REGULATIONS, TITLE 8

32075 PERB regional office defined

32900 EERA and HEERA public notice: requirements for governing boards to adopt policy

32910 Filing of EERA or HEERA complaint

Management Resources:

CDE MANAGEMENT ADVISORIES

0515.92 Public Disclosure of Collective Bargaining Agreements, 92-01

CSBA PUBLICATIONS

Public Notice and Disclosure, Resource Guide for Employment Relations, December 1996

Maximizing School Board Leadership: Collective Bargaining, 1996

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Public Notice - Personnel Negotiations**

AR 4143.1  
**Personnel**

### Public Disclosure

The Superintendent or designee shall prepare a summary of the proposed agreement which shall be available to the public prior to the Board entering into the agreement. The summary shall include, but may not necessarily be limited to:

1. Major provisions of the agreement that affect compensation, such as:
  - a. Percentage change in salaries
  - b. Changes in health and welfare benefits
  - c. Changes in health and welfare benefit dollar contributions by the district
  - d. Changes in step and column or longevity provisions
  - e. Changes in overtime, differential, callback and standby pay provisions
  - f. Changes in staffing ratios
  - g. One-time bonuses or off-the-schedule increases
  - h. Percentage change of total compensation for the average represented employee
2. Other provisions that will result in increased costs to the district even if they do not involve an increase in employee compensation, such as class-size reduction or increased number of staff development days
3. Costs of the proposed agreement, for the current and subsequent fiscal years, categorized for salaries, benefits, other compensation and other noncompensation costs
4. Proposed source(s) of funding for the current and subsequent fiscal years including the assumptions used to determine available resources to meet the obligations of the proposed agreement
5. Other major provisions that do not directly affect the district's costs, such as grievance procedures

A copy of the summary shall be provided to the county office of education.

A copy of the Governing Board's policy implementing the public notice requirements shall be available in the district office. (8 CCR 32900)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Complaints**

AR 4144

### **Personnel**

The following guidelines shall prescribe the manner in which complaints are handled:

1. A "complaint" shall be defined as an alleged misapplication of the district's policies, regulations, rules or procedures. Procedures for the resolution of employee complaints provide a route of appeal through administrative channels and to the Governing Board, if necessary. If the complaint is related to discrimination, the district's procedure for complaints concerning discrimination should be used.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

2. If a complaint involves sexual harassment, the initial complaint should be made directly to the offending employee's immediate supervisor. An employee is not required to resolve sexual harassment complaints with the offending person.

3. So as not to interfere with school schedules, meetings related to a complaint shall be held before or after the complainant's regular working hours.

4. All matters related to a complaint shall be kept confidential. Only those individuals directly involved in resolving the complaint shall be informed of the complaint.

5. All documents, communications and records dealing with the complaint shall be placed in a district complaint file. No such material shall be placed in an employee's personnel file.

6. No reprisals shall be taken against any participant in a complaint procedure by reason of such participation.

7. Time limits specified in these procedures may be reduced or extended in any specific instance by written mutual agreement of the parties involved. If specified or adjusted time limits expire, the complaint may proceed to the next step.

8. Any complaint not taken to the next step within prescribed time limits shall be considered settled on the basis of the answer given at the preceding step.

### **Informal Complaints**

Employees are encouraged to resolve complaints informally. Formal complaint

procedures shall not be initiated unless informal efforts to resolve the complaint have been exhausted and the complainant has provided a written description of such efforts.

#### Formal Complaint Procedure - Step 1

If a complaint has not been satisfactorily resolved by informal procedures, the complainant may file a written complaint with the immediate supervisor or principal within 60 days of the act or event which is the subject of the complaint.

Within five working days of receiving the complaint, the immediate supervisor or principal shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The immediate supervisor or principal shall present all concerned parties with a written answer to the complaint within 10 working days after the meeting.

#### Formal Complaint Procedure - Step 2

If a complaint has not been satisfactorily resolved at Step 1, the complainant may file the written complaint with the Superintendent or designee within five working days of receiving the answer at Step 1. All information presented at Step 1 shall be included with the complaint, and the immediate supervisor or principal shall submit to the Superintendent or designee a report describing attempts to resolve the complaint at Step 1.

Within five working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The Superintendent or designee shall present all concerned parties with a written answer to the complaint within 10 working days after the meeting.

#### Formal Complaint Procedure - Step 3

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file a written appeal to the Board within five working days of receiving the answer at Step 2. All information presented at Steps 1 and 2 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a report describing attempts to resolve the complaint at Step 2.

An appeal hearing shall be held at the next regularly scheduled Board meeting which falls at least 12 days after the appeal is filed. This hearing shall be held in closed session if the complaint relates to matters properly addressed in closed session.

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall make its decision within 30 days of the hearing and shall mail its decision to all concerned parties. The Board's decision shall be final.

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# Board Policy

## Awards and Recognition

BP 4156.2  
**Personnel**

The Governing Board values its instructional and noninstructional staff and desires to recognize their outstanding service in order to increase employee morale and encourage creative and innovative performance.

The Board encourages recognition of all staff during days of significance designated by the Board, state law, or state resolution.

The Board authorizes awards to individual employees who: (Education Code 44015)

1. Propose procedures or ideas that result in eliminating or reducing district expenditures or improving district operations
2. Perform special acts or services in the public interest
3. By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in district operations

As the district budget permits, the Superintendent or designee may recognize such employees by issuing service pins, certificates, plaques, and/or other mementos. In addition, he/she may recommend employees to the Board for recognition at a public Board meeting.

The Superintendent or designee shall establish procedures for the selection of individual employees to receive awards.

The Superintendent or designee may appoint one or more merit award committees consisting of Board members, district employees, and/or private citizens to review employee contributions and recommend awards.

Awards to employees shall not exceed \$200 unless expressly approved by the Board. (Education Code 44015)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

35161 Powers and duties generally

37222.10 Days of significance, including Day of the Teacher

44015 Awards to employees

45460 Classified School Employee Week

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: The Board's Relationship to District Staff, 2008

WEB SITES

CSBA: <http://www.csba.org>

Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: October 19, 2011

Cloverdale, California



# **Board Policy**

## **Employee Property Reimbursement**

BP 4156.3  
**Personnel**

The Governing Board does not authorize payment for the reimbursement of employee personal property which may be stolen or intentionally destroyed or damaged while being used for work-related purposes.

Legal Reference:

EDUCATION CODE

35213 Reimbursement for loss, destruction or damage of personal property

48904 Liability of parent/guardian for willful misconduct; withholding of grades, diplomas

and transcripts

CIVIL CODE

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Employee Safety**

AR 4157

### **Personnel**

The Superintendent or designee shall provide safety devices, safeguards, methods and processes for staff that are reasonably adequate to render the employment and place of employment safe.

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

(cf. 4157.2/4257.2/4357.2 - Ergonomics)

### **Injury and Illness Prevention Program**

The district's injury and illness prevention program shall cover all district employees and all other workers whom the district controls or directs and directly supervises on the job to the extent that workers are exposed to hazards specific to their worksite and job assignment. The obligation of contractors or other employers who control or direct and supervise their own employees on the job shall not be affected by the district's injury prevention program. (Labor Code 6401.7)

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

1. The name/position of the person(s) with authority and responsibility for implementing the program.
2. A system for ensuring that employees comply with safe and healthful work practices, which may include but not be limited to:
  - a. Recognition of employees who follow safe and healthful work practices

(cf. 4156.2/4256.2/4356.2 - Awards and Recognition)

- b. Training and retraining programs
- c. Disciplinary actions

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

3. A system for communicating with employees in a form readily understandable by

all employees on matters related to occupational health and safety, including provisions designed to encourage employees to report hazards at the worksite without fear of reprisal. This system may include but not be limited to:

- a. Meetings
  - b. Training programs
  - c. Posting
  - d. Written communications
  - e. A system of anonymous notification by employees about hazards
4. Procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. Such inspections shall be made:
- a. Whenever introducing into the workplace new substances, processes, procedures or equipment that represent a new occupational safety or health hazard
  - b. Whenever the district is made aware of a new or previously unrecognized hazard
- (cf. 3514 - Environmental Safety)  
(cf. 3514.1 - Hazardous Substances)
5. A procedure for investigating occupational injury or illness.
6. Methods and/or procedures for correcting unsafe or unhealthful conditions, work practices and work procedures in a timely manner based on the severity of the hazard when observed or discovered.

When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, these procedures shall call for the removal of all exposed staff from the area except those necessary to correct the hazardous condition. Employees needed to correct the condition shall be provided necessary safeguards.

7. Training and instruction:
  - a. To all new employees
  - b. To all employees given new job assignments for which training has not previously been received
  - c. Whenever new substances, processes, procedures or equipment are introduced into the workplace and represent a new hazard

d. Whenever the district is made aware of a new or previously unrecognized hazard

e. To familiarize supervisors with the safety and health hazards to which employees under their immediate direction and control may be exposed

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Records of the steps taken to implement and maintain the injury and illness prevention program shall be kept in accordance with 8 CCR 3203.

#### Hearing Protection

When information indicates that any employee's exposure to noise may equal or exceed an eight-hour average sound level of 85 decibels, the Superintendent or designee shall implement a hearing conservation program in accordance with state and federal regulations. (8 CCR 5097, 29 CFR 1910.95)

#### Eye Safety Devices

Eye safety devices shall be worn by employees whenever they are engaged in or observing an activity involving hazards or hazardous substances likely to cause injury to the eyes. (Education Code 32030)

Such activities include, but are not limited to, the following: (Education Code 32031)

1. Working with hot molten metal
2. Milling, sawing, turning, shaping, cutting, grinding and stamping of any solid materials
3. Heat treating, tempering, or kiln firing of any metal or other materials
4. Gas or electric arc welding
5. Repair or servicing of any vehicles, machinery or equipment
6. Working with hot liquids or solids or with chemicals which are flammable, toxic, corrosive to living tissues, irritating, strongly sensitizing, radioactive, or which generate pressure through heat, decomposition, or other means

(cf. 5142 - Safety)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Employee Security**

AR 4158

### **Personnel**

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

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

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

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

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

(cf. 3515.2 - Disruptions)

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

An employee whose person or property is injured or damaged by willful misconduct of a student may ask the district to pursue legal action against the student or the student's parent/guardian. (Education Code 48905)

(cf. 3515.4 - Recovery for Property Loss or Damage)

### **Notice Regarding Student Offenses Committed While Under School Jurisdiction**

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

(cf. 5125 - Student Records)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)

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

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

#### Notice Regarding Student Offenses Committed While Outside School Jurisdiction

When a minor student has been found by a court of competent jurisdiction to have illegally used, sold or possessed a controlled substance or committed specified crimes involving serious acts of violence, the district police or security department may provide written notification to the Superintendent. (Welfare and Institutions Code 828.1)

(cf. 3515.3 - District Police/Security Department)

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

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

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

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

Institutions Code 827)

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

#### Procedures to Maintain Confidentiality of Student Offenses

In order to maintain confidentiality when providing information about student offenses to counselors and teachers of classes/programs to which a student is assigned, the principal or designee shall send the staff member a written notification requesting him/her to review a student's file in the school office as soon as practicable. This notification shall not name or otherwise identify the student. The staff member shall be asked to initial the notification and return it to the principal or designee.

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

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California



# **Board Policy**

## **Employee Assistance Programs**

BP 4159

### **Personnel**

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.

#### Legal Reference:

##### EDUCATION CODE

35160 Authority of governing board

35160.1 Broad authority of school districts

44962 Leaves of absence for certificated employees

44964 Power to grant leaves of absence for accident, illness or quarantine

45190-45209 Resignations and leaves of absence for classified employees

##### GOVERNMENT CODE

8355 Certification to contracting or granting agency; requisites

##### HEALTH AND SAFETY CODE

104420 Providing information re: smoking cessation program

##### UNITED STATES CODE, TITLE 41

701-707 Drug-Free Workplace Act

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Personal Illness/Injury Leave**

AR 4161.1

### **Personnel**

Full-time certificated employees are entitled to 10 days leave of absence for personal illness or injury (sick leave) per school year, with full pay. Employees working less than five days per week shall be granted comparable sick leave in proportion to the time they work. (Education Code 44978)

(cf. 4161/4261 - Leaves)

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

(cf. 4361 - Leaves)

An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (Education Code 44978)

Any certificated employee who leaves the district after at least one year of employment and accepts a certificated position in another district, county office of education or community college district within one year shall have transferred with him/her the total amount of accumulated sick leave. The district shall not require new employees to waive their leave accumulated in a previous district. (Education Code 44979, 44980)

### **Continued Absence After Available Sick Leave Is Exhausted/Differential Pay**

When a certificated employee is absent for more than 5 consecutive days and continues to be absent due to illness or injury, has exhausted all available sick leave, including all accumulated sick leave, and continues to be absent from his/her duties due to the continued illness or accident for an additional period up to five school months, the employee shall receive his/her regular salary minus the actual cost of a substitute to fill the position. If the district has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that might have been paid to a substitute shall be deducted from the employee's salary. (Education Code 44977)

The sick leave, including accumulated sick leave, and the five-month period shall run consecutively. (Education Code 44977)

An employee shall not be provided more than one five-month period per illness or accident. However, if the school year ends before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year. (Education Code 44977)

After five months, if a certificated employee has exhausted all available sick leave and is not medically able to resume his/her duties, the employee shall be placed either in

another position or on a reemployment list. If the employee is on probationary status, he/she shall be placed on the reemployment list for 24 months beginning at the expiration of the five-month period provided pursuant to Education Code 44977; if on permanent status, the employee shall be placed on the reemployment list for 39 months. If during this time the employee becomes medically able, he/she shall be returned to employment in a position for which he/she is credentialed and qualified. (Education Code 44978.1)

(cf. 4116 - Probationary/Permanent Status)

Before returning to work, an employee who has been absent for surgery, hospitalization or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return and stipulating any recommended restrictions or limitations.

(cf. 4032 - Reasonable Accommodation)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

Legal Reference:

**EDUCATION CODE**

44964 Power to grant leave of absence in case of illness, accident or quarantine

44965 Granting of leaves of absence for pregnancy and childbirth

44976 Transfer of leave rights when school is transferred to another district

44977 Salary deduction during absence from duties

44978 Provisions for sick leave of certificated employees

44979 Transfer of accumulated sick leave to another district

44980 Transfer of accumulated sick leave to a county office of education

44981 Leave of absence for personal necessity

44983 Exception to sick leave when district adopts specific rule

44986 Leave of absence for disability allowance applicant

**LABOR CODE**

233 Illness of child, parent, spouse or domestic partner

234 Absence control policy

**CODE OF REGULATIONS, TITLE 5**

5601 Transfer of accumulated sick leave

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

revised: April 16, 2015

# **Administrative Regulation**

## **Industrial Accident/Illness Leave**

AR 4161.11

### **Personnel**

In each fiscal year, allowable leave for certificated employees for any single industrial accident or illness shall be for 60 days during which the schools of the district are in session or when the employee would otherwise have been performing work for the district.

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

(cf. 4157.2/4257.2/4357.2 - Ergonomics)

(cf. 4161/4261 - Leaves)

(cf. 4361 - Leaves)

Allowable industrial accident/illness leave shall not accumulate from year to year.  
(Education Code 44984)

When a certificated employee is absent from his/her duties because of an industrial accident or illness: (Education Code 44984)

1. Industrial accident or illness leave shall start on the first day of absence.
2. The employee shall be paid such portion of the salary due for any month in which the absence occurs as, when added to the temporary disability indemnity under Division 4 or 4.5 of the Labor Code, will result in a payment to the employee of not more than his/her full salary.
3. Industrial accident or illness leave shall be reduced by one day for each day of authorized absence, regardless of a temporary disability indemnity award.
4. When an industrial accident or illness leave overlaps into the next fiscal year, the employee is entitled to only the amount of unused leave due the employee for the same illness or injury.

Upon expiration of allowable leave for an industrial accident or illness, the employee may use personal illness and injury leave. If the employee continues to receive temporary disability indemnity, he/she may elect to take as much of the accumulated sick leave which, when added to his/her temporary disability indemnity, will result in a payment to the employee of not more than the employee's full salary. (Education Code 44984)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

During any paid leave of absence, the employee may endorse to the district the temporary disability indemnity checks received on account of his/her industrial accident or illness. In those cases, the district shall issue appropriate salary warrants for payment of the employee's salary, and shall deduct normal retirement, other authorized contributions, and the temporary disability indemnity, if any, actually paid to and retained by the employee for periods covered by such salary warrants. (Education Code 44984)

Any employee receiving benefits under this leave shall, during periods of injury or illness, remain within the State of California unless the Governing Board authorizes travel outside the state. (Education Code 44984)

Legal Reference:

EDUCATION CODE

44977 Salary deductions during absence from duties

44978 Provisions for certificated employee sick leave

44983 Exception to sick leave

44984 Required rules for industrial accident and illness leave of absence

Management Resources:

WEB SITES

Department of Industrial Relations: <http://www.dir.ca.gov/DIR/OS&H/DOSH/dosh1.html>

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Personal Leaves**

AR 4161.2

### **Personnel**

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

#### **Bereavement**

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. 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)

(cf. 4161/4261 - Leaves)

(cf. 4361 - Leaves)

Members of the immediate family include the mother, father, grandmother, grandfather or grandchild of the employee or of the employee's spouse; the employee's spouse, son, son-in-law, daughter, daughter-in-law, brother or sister; or any relative living in the employee's immediate household. (Education Code 44985, 45194)

At the employee's request, bereavement leave may be extended under personal necessity leave provisions. (Education Code 44981, 45207)

#### **Personal Necessity**

Employees may use up to seven days of their accrued sick leave during each contract year for reasons of personal necessity. (Education Code 44981, 45207)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207)
2. An accident involving the employee's person or property or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)
3. A serious illness of a member of the certificated employee's immediate family

(Education Code 44981)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party or witness under subpoena or other order (Education Code 45207)
5. Fire, flood or other immediate danger to the home of the employee
6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, no such leave shall 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 true personal necessity.

Advance permission shall not be required for certificated employees in cases involving the death or serious illness of a member of the employee's immediate family or an accident involving the employee's person or property or the person or property of a member of his/her immediate family. (Education Code 44981)

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

#### Legal Duties

Classified employees called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury or witness fees. (Education Code 44037)

Certificated employees also shall be granted leave for jury duty with pay up to the amount of the difference between the employee's regular earnings and any amount received as juror's fees.

Employees shall be granted leaves to appear in court as witnesses other than litigants or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such employees shall receive pay up to the amount of the difference between the employee's regular earnings and any amount received for witness fees.

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, including but not limited to cases in which the employee is a victim of a crime

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

#### Leaves for Victims of Domestic Violence or Sexual Assault

An employee who is a victim of domestic violence or sexual assault as defined by law may take time off work to 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 his/her child. (Labor Code 230)

In addition, an employee who is a victim of domestic violence or sexual assault may take time off work to attend to the following activities: (Labor Code 230.1)

1. Seek medical attention for injuries caused by domestic violence or sexual assault
2. Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault
3. Obtain psychological counseling related to an experience of domestic violence or sexual assault
4. Participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation

An employee who is a victim of domestic violence or sexual assault may use vacation, personal leave or compensatory time off that is otherwise available to the employee under the applicable terms of employment, unless otherwise provided by a collective bargaining agreement. (Labor Code 230, 230.1)

Prior to taking time off, an employee shall give reasonable notice to his/her supervisor, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide to his/her supervisor certification of the absence in the form of any of the following documents: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim of domestic violence or sexual assault
2. A court order protecting or separating the employee from the perpetrator of an act of domestic violence or sexual assault, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider or counselor that the



employee was undergoing treatment for physical or mental injuries or abuse resulting from an act of domestic violence or sexual assault

The supervisor and Superintendent or designee shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

#### Personal Leave for a Child's School Activities

Any employee who is a parent/guardian or grandparent having custody of one or more children who are enrolled in grades kindergarten through 12, or who attend a licensed day care facility, may use up to 40 hours of personal leave, vacation or compensatory time off each school year in order to participate in school or day care activities. Such leave shall not exceed eight hours in any month of the school year, and the employee shall give reasonable advance notice of the absence. (Labor Code 230.8)

(cf. 1240 - Volunteer Assistance)

In lieu of using vacation, personal leave or compensatory time off, eligible employees giving reasonable advance notice may take up to 40 hours without pay each school year for this purpose, not to exceed eight hours in any month.

If both parents of a child are employed at the same work site, this leave shall be allowed for the first parent who applies; simultaneous absence by the second parent 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 day care facility that he/she participated in school or licensed day care facility activities on a specific date and at a particular time. (Labor Code 230.8)

#### Service in State or Employee Organizations

Employees shall be granted up to 20 days of paid leave per year for service performed within the state on any boards, commissions, committees or groups authorized by Education Code 44987.3, provided that the service is in the state of California, the organization informs the district in writing of the service and the organization reimburses the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs. (Education Code 44987.3)

Employees may take a leave of absence without loss of compensation to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the local organization is affiliated. The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special or regular meetings of the body of the organization. (Education Code 44987, 45210)

#### Religious Leave

Employees may take up to three days of leave per year for religious purposes, as long as such leaves do not cause additional district expenditures, the neglect of assigned duties or any other unreasonable hardship on the district. The Superintendent or designee may grant such leave provided that it is requested in advance.

The Superintendent or designee shall deduct the cost of a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

#### 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)

An employee who is a volunteer firefighter 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 or law enforcement training. (Labor Code 230.4)

#### Personal Leaves of Absence

Pursuant to Education Code sections 44963 and 45190 the Governing Board, at its discretion, may grant or deny a request for leave of absence. All requests shall be in writing and specify the proposed departure and return dates and the specific reason(s) for the leave. As a general rule, requests for leave to accept employment elsewhere will be denied except when the employee demonstrates to the Governing Board's satisfaction that extraordinary circumstances exist and the Governing Board determines that granting the request will not be detrimental to the District.

#### Legal Reference:

##### EDUCATION CODE

44036-44037 Leaves of absence for judicial and official appearances

44963 Power to grant leaves of absence (certificated)

44981 Leaves of absence for personal necessity (certificated)

44985 Leave of absence due to death in immediate family (certificated)

44987 Service as officer of employee organization (certificated)

44987.3 Leave of absence to serve on certain boards, commissions, etc.

45190 Leaves of absence and vacations (classified)

45194 Bereavement leave of absence (classified)

45198 Effect of provisions authorizing leaves of absence

45207 Personal necessity (classified)

45210 Service as officer of employee organization (classified)

GOVERNMENT CODE

3543.1 Release time for representatives of employee organizations

LABOR CODE

230-230.1 Leave for victims of domestic violence or sexual assault

230.3 Leave for emergency personnel

230.4 Leave for volunteer firefighters

230.8 Leave to visit child's school

233 Illness of child, parent, spouse, domestic partner or domestic partner's child

234 Absence control policy

CALIFORNIA CONSTITUTION

Article 1, Section 8 Religious discrimination

UNITED STATES CODE, TITLE 29

2612 Leave requirements

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VII, Civil Rights Act of 1964

COURT DECISIONS

Rankin v. Commission on Professional Competence, (1988) 24 Cal.3d 167

Management Resources:

WEB SITES

California Teachers Association: <http://www.cta.org>

California Federation of Teachers: <http://www.cft.org>

California School Employees Association: <http://www.csea.com>

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003

revised: December 15, 2010

Cloverdale, California

# **Administrative Regulation**

## **Family Care And Medical Leave**

AR 4161.8

### **Personnel**

#### Eligibility

The district shall grant family care and medical leave of a minimum of 12 work weeks during any 12-month period, to eligible employees, for the following reasons:  
(Government Code 12945.2; 29 USC 2601)

1. Because of the birth of a child of the employee or placement of a child with the employee in connection with the adoption or foster care of the child by the employee.
2. To care for the employee's child, parent or spouse with a serious health condition.
3. Because of the employee's own serious health condition that makes him/her unable to perform the functions of his/her position. However, this does not include leave taken for disability on account of pregnancy, childbirth or related medical conditions.

The district shall not interfere with, restrain or deny the exercise of any right provided to an eligible employee under the law. Also, the district shall not discharge or discriminate against any employee for opposing any practice made unlawful by, or because of his/her involvement in any proceedings related to the family care and medical leave.  
(Government Code 12945.2; 29 USC 2615)

(cf. 4030 - Nondiscrimination in Employment)

#### Definitions

Child means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis as long as the child is under 18 years of age or an adult dependent child. (29 USC 2611; Government Code 12945.2)

Eligible employee means an employee who has at least 12 months of service with the employer, and who has at least 1,250 hours of service with the employer during the previous 12-month period. (29 USC 2611; Government Code 12945.2)

Full-time teachers are deemed to meet the 1,250 hours of service requirement. (29 CFR 825.110)

Instructional employee means an employee whose principal function is to teach; instructional employees include athletic coaches, driving instructors, special education

assistants and signers for the hearing impaired. The term does not include teacher assistants or aides, counselors, psychologists, curriculum specialists or other primarily noninstructional employees. (29 CFR 825.600)

Parent means a biological, foster or adoptive parent, a stepparent, a legal guardian, or another person who stood in loco parentis to the employee when the employee was a child. (29 USC 2611; Government Code 12945.2)

Serious health condition means an illness, injury, impairment, physical or mental condition that involves either of the following: (29 USC 2611; Government Code 12945.2)

1. Inpatient care in a hospital, hospice or residential health care facility
2. Continuing treatment or continuing supervision by a health care provider

#### Rights to Reinstatement and Maintenance of Benefits

Upon granting an employee's request for family care and medical leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (29 USC 2614; Government Code 12945.2)

The district may refuse to reinstate an employee returning from leave to the same or a comparable position if all of the following apply: (29 USC 2614, Government Code 12945.2)

1. The employee is a salaried "key employee" who is among the highest paid 10 percent of those district employees who are employed within 75 miles of the employee's worksite
2. The refusal is necessary to prevent substantial and grievous economic injury to district operations
3. The district informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service

An employee who takes leave has no greater right to reinstatement than if he/she had been continuously employed during the leave period. If the district reduces its work force during the leave period and the employee is laid off for legitimate reasons at that time, he/she is not entitled to reinstatement, provided the district has no continuing obligations under a collective bargaining agreement or otherwise. (29 CFR 825.216)

(cf. 4117.3 - Personnel Reduction)

(cf. 4217.3 - Layoff/Rehire)

(cf. 4317.3 - Personnel Reduction)

During the period when an employee is on family care and medical leave, he/she shall maintain his/her status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority or any employee benefit plan.

The district shall continue to provide an eligible employee on family care and medical leave, the group health plan coverage that was in place before he/she took the leave. If the employee fails to return to district employment after the expiration of the leave, for any reason other than the continuation, recurrence or onset of a serious health condition, or other circumstances beyond his/her control, he/she shall reimburse the district for premiums paid during the family care and medical leave.

(cf. 4154/4254/4354 - Health and Welfare Benefits)

#### Terms of Leave

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

Leave taken pursuant to the California Family Rights Act shall run concurrently with leave taken pursuant to the federal Family and Medical Leave Act (FMLA), except for any leave taken under the FMLA for disability on account of pregnancy, childbirth, or related medical conditions. In addition to family care and medical leave, an employee may be entitled to take pregnancy disability leave of up to four months. During the otherwise unpaid portion of pregnancy disability leave, the employee may use any accrued vacation, sick time or other paid leave. (Government Code 12945, 12945.2)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

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 have to be taken in one continuous period of time. The basic minimum duration of the leave shall be two weeks. However, the district shall grant a request for leave of less than two weeks' duration on any two occasions. (29 USC 2612; 2 CCR 7297.3)

If both parents of a child work for the district, their family care and medical leave related to the birth or placement of the child shall be limited to a total of 12 weeks. (Government Code 12945.2; 29 USC 2612)

During the period of family care and medical leave, the employee may elect to use his/her accrued vacation leave, other accrued time off, or any other paid or unpaid time off negotiated with the district. Accrued sick leave may be used when the purpose of the family care and medical leave is one for which sick leave may be taken pursuant to collective bargaining agreements and/or Board policy. (Government Code 12945.2)

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4161/4261 - Leaves)

#### Intermittent Leave/Reduced Leave Schedule

Leave related to the serious health condition of the employee or his/her child, parent or spouse may be taken intermittently or on a reduced leave schedule when medically necessary. In such a case, the district may require the employee to transfer temporarily to a different position for which he/she is qualified, with equivalent pay and benefits, and that could better accommodate recurring periods of leave. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced leave schedule. (2 CCR 7297.3)

Where the employee involved is an instructional employee and would be on leave for greater than 20 percent of the total number of working days in the leave period, the employee shall have the option of temporarily transferring to an available alternative position or taking leave for periods of a particular duration, not to exceed duration of the planned medical treatment. (29 USC 2618)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

#### Instructional Employees: Leaves Near the End of the Term

The district may require an instructional employee to continue taking a requested leave until the end of the term in any of the following situations: (29 USC 2618)

1. If the instructional employee begins a leave of three or more weeks duration more than five weeks before the end of a term and would subsequently return to work during the last three weeks of the term
2. If the instructional employee, for reasons other than his/her own serious health condition, begins a leave of more than two weeks duration during the period that begins five weeks before the end of the term and would subsequently return to work during the last two weeks of the term
3. If the instructional employee, for reasons other than his/her own serious health condition, begins a leave of more than five days duration during the period that begins three weeks before the end of the term

#### Request for Family Care and Medical Leave

An employee shall request family care and medical leave in writing, at least 30 days before the commencement date of the leave. If the leave becomes necessary less than 30 days before its commencement, the employee shall provide such notice as soon as practicable. (29 USC 2612; Government Code 12945.2)

In every case in which the necessity for the leave is foreseeable based on planned medical

treatment or supervision, the employee shall make a reasonable effort to schedule the treatment or supervision to avoid disruption of district operations. This scheduling shall be subject to the health care provider's approval. (29 USC 2612; Government Code 12945.2)

#### Certification of Health Condition

A request by an employee for family care and medical leave for his/her serious health condition, or to care for a child, parent or spouse with a serious health condition, shall be supported by a certification from the health care provider of the employee or such other person as applicable. The certification shall include the following: (29 USC 2613; Government Code 12945.2; 2 CCR 7297.0)

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 a child, parent or spouse with a serious health condition, the health care provider's certification of both of the following:
  - a. Estimated amount of time the health care provider believes the employee needs to care for the child, parent or spouse
  - b. Statement that the serious health condition warrants the participation of a family member to provide care during a period of the treatment or supervision of the child, parent or spouse
4. If the employee is requesting leave because of his/her own serious health condition, the health care provider's certification that due to the serious health condition, the employee is unable to perform the functions of his/her job
5. If the employee is requesting leave for intermittent treatment or is requesting leave on a reduced leave schedule for planned medical treatment, the certification must also state 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

If the district doubts the validity of a certification that accompanies a request for leave, the district 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 district 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. (29 USC 2613; Government Code 12945.2)

If additional 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 in the preceding paragraph. (29 USC 2613; Government Code 12945.2)



Employees who take family care and medical leave for their own serious health conditions shall present certification from their health care provider to the effect that they are able to resume work.

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

#### Notifications

The Superintendent or designee shall post separate notices about federal and state law related to family care and medical leave in a conspicuous place. Information about employee rights and obligations related to such leaves shall also be included in employee handbooks. (29 USC 2619; 2 CCR 7297.9)

At least the first time in each six-month period that an employee requests family care and medical leave, the Superintendent or designee shall provide written notice detailing specific expectations and obligations, and explaining any consequences of a failure to meet these obligations. The notice shall include: (29 CFR 825.301)

1. A statement that the leave will be counted against the employee's annual family care and medical leave entitlement
2. Requirements for the employee to furnish medical certification of a serious health condition
3. The employee's right to substitute paid leave, conditions related to any substitution, and whether the district requires this substitution
4. Health benefit arrangements
5. If applicable, the employee's status as a "key employee" and information related to restoration of that status
6. The employee's right to restoration to the same or an equivalent job
7. The employee's potential liability for health benefits should the employee not return to service
8. The district's requirement that the employee, upon return, present medical certification to the effect that he/she is able to resume work

#### Records

The Superintendent or designee shall maintain records pertaining to individual employees' use of family care and medical leave.

Legal Reference:

GOVERNMENT CODE

12940 Unlawful employment practices

12945 Pregnancy; childbirth or related medical condition; unlawful practice

12945.1-12945.2 California Family Rights Act

19702.3 Family care leave; exercise of rights

CODE OF REGULATIONS, TITLE 2

7291.2-7291.16 Sex discrimination: pregnancy and related medical conditions

7297.0-7297.11 Family care leave

UNITED STATES CODE, TITLE 29

2601-2654 Family and Medical Leave Act of 1993

CODE OF FEDERAL REGULATIONS, TITLE 29

825.100-825.800 Family and Medical Leave Act of 1993

Management Resources:

WEB SITES

U.S. Department of Labor, Employment Standards Administration, Wage and Hour  
Division:

<http://www.dol.gov>

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Exhibit**

## **Family Care And Medical Leave**

E 4161.8

### **Personnel**

#### Your Rights Under The Family And Medical Leave Act Of 1993

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

#### REASONS FOR TAKING LEAVE

Unpaid leave must be granted for any of the following reasons:

- \* to care for the employee's child after birth, or placement for adoption or foster care;
- \* to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- \* for a serious health condition that makes the employee unable to perform the employee's job.

At the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave.

#### ADVANCE NOTICE AND MEDICAL CERTIFICATION

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- \* The employee ordinarily must provide 30 days' advance notice when the leave is "foreseeable."
- \* An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.
- \* For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."

\* Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms.

\* The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

#### UNLAWFUL ACTS BY EMPLOYERS

FMLA makes it unlawful for any employer to:

\* interfere with, restrain, or deny the exercise of any right provided under FMLA;

\* discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

#### ENFORCEMENT

\* The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.

\* An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

#### FOR ADDITIONAL INFORMATION

Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.

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#### FAMILY CARE AND MEDICAL LEAVE (CFRA LEAVE) AND PREGNANCY DISABILITY LEAVE

Under the California Family Rights Act of 1993 (CFRA), if you have more than 12 months of service with us and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave, you may have a right to an unpaid family care or medical leave (CFRA leave). This leave may be up to 12 work weeks in a 12-month period for the birth, adoption or foster care placement of your child or for your own serious health condition or that of your child, parent or spouse.

Even if you are not eligible for CFRA leave, if you are disabled by pregnancy, childbirth

or related medical conditions, you are entitled to take a pregnancy disability leave of up to four months, depending on your period(s) of actual disability. If you are CFRA-eligible, you have certain rights to take BOTH a pregnancy disability leave and a CFRA leave for reason of the birth of your child. Both leaves contain a guarantee of reinstatement to the same or to a comparable position at the end of the leave, subject to any defense allowed under law.

If possible, you must provide at least 30 days' advance notice for foreseeable events (such as the expected birth of a child or planned medical treatment for yourself or of a family member). For events which are unforeseeable, we need you to notify us, at least verbally, as soon as you learn of the need for the leave.

Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until you comply with this notice policy.

We may require certification from your health care provider before allowing you a leave for pregnancy or your own serious health condition or certification from the health care provider of your child, parent or spouse who has a serious health condition before allowing you a leave to take care of that family member. When medically necessary, leave may be taken on an intermittent or reduced work schedule.

If you are taking a leave for the birth, adoption or foster care placement of a child, the basic minimum duration of the leave is two weeks and you must conclude the leave within one year of the birth or placement for adoption or foster care.

Taking a family care or pregnancy disability leave may impact certain of your benefits and your seniority date. If you want more information regarding your eligibility for a leave and/or the impact of the leave on your seniority and benefits, please contact

\_\_\_\_\_.

Authority Cited:        Sections 12935, subd. (a) and 12945.2,        Government Code

Exhibit CLOVERDALE UNIFIED SCHOOL DISTRICT  
version: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Catastrophic Leave Program**

AR 4161.9

### **Personnel**

When an employee or a member of his/her family experiences a catastrophic illness or injury which requires the employee to take time off from work for an extended period of time, and the employee has exhausted all available sick leave and other paid time off, he/she may request donations of accrued vacation or sick leave credits. (Education Code 44043.5)

In making such a request, the employee shall provide verification of the catastrophic injury or illness. (Education Code 44043.5)

Verification shall be made by means of a letter, dated and signed by the sick or injured person's physician, indicating the incapacitating nature and probable duration of the illness or injury.

Upon determination that the employee is unable to work due to his/her own or a family member's catastrophic illness or injury, any other employee, upon written notice to the Governing Board, may donate accrued vacation and/or sick leave credits to the requesting employee. Donations shall be at a minimum of eight hours, and in hour increments thereafter. (Education Code 44043.5)

To ensure that employees retain sufficient accrued sick leave to meet their own needs, donors shall not reduce their accumulated sick leave to fewer than \_\_\_ hours.

All transfers of eligible leave credit shall be irrevocable. (Education Code 44043.5)

The Superintendent or designee shall ensure that all donations are confidential.

The employee who is the recipient of the donated leave credits shall use those credits within 12 consecutive months.

If donated credits are not used by the employee within 12 consecutive months, the credits shall be placed in a pool that will be available to the next eligible employee who requests catastrophic leave.

An employee who receives paid catastrophic leave shall use any leave credits that he/she continues to accrue on a monthly basis before receiving paid leave pursuant to this program. (Education Code 44043.5)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Classified Personnel**

AR 4200  
**Personnel**

### Exemption from Classified Service

Individuals hired solely for the following purposes are exempt from the classified service:  
(Education Code 45103)

1. Substitute or short-term employees, as defined, who are employed and paid for less than 75 percent of the school year

Substitute employee means any person employed to replace any classified employee who is temporarily absent from duty. In addition, if the district is then engaged in a procedure to hire a permanent employee to fill a vacancy in any classified position, the Governing Board may fill the vacancy through the employment, for not more than 60 calendar days, of one or more substitute employees, except to the extent that a collective bargaining agreement then in effect provides for a different period of time.

Short term employee means any person who is employed to perform a service for the district, upon the completion of which the service required or similar services will not be extended or needed on a continuing basis.

Seventy-five percent of the school year means 195 working days, including holidays, sick leave, vacation and other leaves of absences, irrespective of the number of hours worked per day.

2. Part-time playground positions (noon duty aides), when the employees are not otherwise employed in classified positions in the district
3. Apprentices and professional experts employed on a temporary basis for a specific project regardless of length of employment
4. Full-time students employed part time
5. Part-time students employed part time in any college work study program, or in a work experience education program conducted by a community college district. and which is financed by state or federal funds



approved: November 19, 2003

Cloverdale, California

# **Board Policy**

## **Recruitment And Selection**

BP 4211  
**Personnel**

In order to secure quality personnel, the district shall maintain an effective recruitment program based upon alertness to good candidates, initiative that results in prompt action, and good personnel practices in dealing with applicants.

The Superintendent or designee shall determine the personnel needs of the district. He/she shall locate suitable candidates and make recommendations to the Governing Board for employment.

No inquiry shall be made with regard to the age, race, color, religion, sex or national origin of persons proposed for or seeking employment. Questions regarding handicap shall be asked only when directly related to the job.

District employment practices shall not discriminate against authorized aliens. Legally-required inquiries to assure employment eligibility status shall be made in accordance with Board policy and administrative regulation.

(cf. 4111.2/4211.2/4311.2 - Legal Status Requirement)

The Superintendent shall ensure that persons nominated for employment meet all qualifications established by law and by the Board.

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

Legal Reference:

EDUCATION CODE

200-261 Prohibition of discrimination on the basis of sex

44066 Limitations on certification requirements

45103-45138 Employment (classified employees)

49406 Examination for tuberculosis

CODE OF REGULATIONS, TITLE 5

30-31 Affirmative Action Employment Programs

TITLE VII, Civil Rights Act as amended by Title IX, Equal Employment Opportunity Act

IMMIGRATION REFORM AND CONTROL ACT OF 1986

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Legal Status Requirement**

BP 4211.2

### **Personnel**

The district shall hire only citizens and aliens who are lawfully authorized to work in the United States. The Superintendent or designee shall ensure that district employment practices do not unlawfully discriminate on the basis of citizenship status or national origin, including but not limited to, discrimination against any refugees, grantees of asylum, or persons qualified for permanent or temporary residency.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4111 - Recruitment and Selection)

(cf. 4211 - Recruitment and Selection)

(cf. 4311 - Recruitment and Selection)

All new employees shall show appropriate documents which certify that they are legally eligible to work in the United States, as required by law and in accordance with administrative regulation.

#### Legal Reference:

UNITED STATES CODE, TITLE 8

1324a Unlawful employment of aliens

1324b Unfair immigrant-related employment practices

CODE OF FEDERAL REGULATIONS, TITLE 8

274a.1-a.14 Control of Employment of Aliens

#### Management Resources:

WEB SITES

U.S. Citizenship and Immigration Service: <http://www.uscis.gov>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Legal Status Requirement**

AR 4211.2

### **Personnel**

Within three business days of hire, the Superintendent or designee shall physically examine the documentation presented by the employee establishing his/her identity and employment eligibility as set forth in INS Form I-9. The Superintendent or designee shall (1) ensure that the documents presented appear to be genuine and relate to the individual and (2) complete the "Employer Review and Verification" section of the Form I-9. (8 CFR 274a.2)

Persons employed for three days or less must provide such documentation on their first day. (8 CFR 274a.2)

If unable to provide satisfactory documentation because the document was lost, stolen, or damaged, the employee shall furnish a receipt indicating that a replacement document has been requested. This receipt must be presented within three days of the hire, and the replacement document must be provided within 90 days of the hire. (8 CFR 274a.2)

If an individual's employment authorization expires, the Superintendent or designee must reverify the I-9 form, by noting the document's identification number and expiration date on the form, no later than the date the work authorization expires. The employee shall present a document that either shows continuing employment eligibility or a new grant of work authorization. (8 CFR 274a.2)

After examining the documents presented, the Superintendent or designee shall copy them. Such copies shall be retained with the individual's I-9 form. The documents shall be kept confidential and used only as needed to help justify the district's past decision to accept the documents as valid.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

The district shall retain the I-9 forms for three years after the date of the hire or for one year after the date the individual's employment is terminated, whichever is later. (8 CFR 274a.2)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Appointment And Conditions Of Employment**

AR 4212  
**Personnel**

Upon recommendation of the Superintendent, the Governing Board shall approve the appointment of all classified employees. The position and the pay rate shall be reported to the Board at a regular meeting.

Individuals appointed to the classified staff shall, at a minimum:

1. Submit to fingerprinting as required by law (Education Code 45125)
2. Not have been convicted of a violent or serious felony (Education Code 45122.1)  
(cf. 4212.5 - Criminal Record Check)
3. Not have been convicted of any sex offense as defined in Education Code 44010 (Education Code 45123)  
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
4. Not have been determined to be a sexual psychopath pursuant to Welfare and Institutions Code 6300-6332 (Education Code 45124)
5. If the individual will be working directly and in an unaccompanied setting with minor children on a more than incidental and occasional basis or will have supervision or disciplinary power over minor children, not be required to register as a sex offender pursuant to Penal Code 290 because of a conviction for a crime where the victim was a minor under the age of 16 (Penal Code 290.95)  
(cf. 3515.5 - Sex Offender Notification)
6. Not have been convicted of any controlled substance offense as defined in Education Code 44011 (Education Code 45123)
7. Submit to a physical examination or provide proof thereof as required by law and Board policy (Education Code 45122, 49406)  
(cf. 4112.4/4212.4/4312.4 - Health Examinations)
8. File the oath or affirmation of allegiance required by Government Code 3100-3109

(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)

9. Submit to drug and alcohol testing as required by Board policy

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

10. Fulfill any other requirements as specified by law, collective bargaining agreement, Board policy or administrative regulation

(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)

#### Notification of Classification and Compensation

When first employed and upon each subsequent change in classification, classified employees other than short-term, limited-term or provisional employees shall be given two copies of their class specification, salary data, assignment or work location, duty hours and prescribed work week. Salary data shall specify pay period (monthly, semimonthly or other) and applicable rates of compensation (daily, hourly, overtime and differential rates). Employees shall keep one copy of this information and shall sign and date the other copy and return it to their supervisor. (Education Code 45169)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 4151/4251/4351 - Employee Compensation)

#### Legal Reference:

##### EDUCATION CODE

35161 Powers and duties

44010 Sex offense - definitions

44011 Controlled substance offense - definitions

44066 Limitation on certification requirements

45103 Classified service in districts not incorporating the merit system

45104 Positions not requiring certification qualifications

45105 Positions under various acts not requiring certification qualifications

45108 Restricted positions

45113 Rules and regulations for classified service in districts not incorporating the merit system

45122 Physical examinations

45122.1 Classified employees, conviction of a violent or serious felony

45123 Employment after conviction of sex offense or controlled substance offense

45125 Use of personal identification cards to ascertain conviction of crime

45169 Employee salary data

49406 Examination for tuberculosis

60850-60856 High school exit exam

##### GOVERNMENT CODE

3100-3109 Oaths or affirmations

12940-12950 Unlawful employment practices

PENAL CODE

290 Registration of sex offenders

290.95 Disclosure by person required to register as sex offenders

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

1203.4 Discharged petitioner, change of plea

WELFARE AND INSTITUTIONS CODE

6300-6332 Sexual psychopaths

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California



# **Board Policy**

## **Health Examinations**

BP 4212.4

### **Personnel**

#### New Employees

The Superintendent or designee shall ensure that new district employees comply with all the health examination requirements of California law.

In addition, the Superintendent or designee may require applicants for employment in classified positions to undergo a preemployment physical examination to show that they are physically able to perform the duties of specific jobs. (Education Code 45122)

#### Continuing Employees

Continuing employees shall undergo periodic tuberculosis tests once every four years in accordance with law. (Education Code 49406)

The Governing Board is concerned about the prevalence of tuberculosis in our community and may require continuing employees to undergo tuberculosis tests when warranted upon the recommendation of the local health officer.

Employees may be required to pass a physical and/or psychological examination any time such an examination appears necessary to preserve the health and welfare of district students and employees or to furnish medical proof of physical or mental ability to perform satisfactorily the assigned duties of an individual's position. (Education Code 44839, 45122)

(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

#### Legal Reference:

##### **EDUCATION CODE**

44839 Medical certificate; periodic medical examination

44839.5 Requirements for employment of retirant

44932 Grounds for dismissal of permanent employee

44942 Suspension or transfer of certificated employee on ground of mental illness, psychiatric examination; mandatory sick leave

45122 Physical examinations

49406 Examination for tuberculosis

##### **CODE OF REGULATIONS, TITLE 5**

5502-5503 Physical examination for retirants employed as substitute teacher, etc.

5504 Medical certification procedures

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Health Examinations**

AR 4212.4

### **Personnel**

#### New Employees

1. No person shall be initially employed unless he/she has placed on file with the district a certificate from a physician licensed under the Business and Professions Code indicating that a tuberculosis examination within the past 60 days shows that he/she is free from active tuberculosis. The tuberculosis examination shall consist of an approved intradermal tuberculin test. An x-ray of the lungs shall be required only if the intradermal test is positive. (Education Code 49406)

Persons transferring from another district may fulfill tuberculosis examination requirements in either of the following ways: (Education Code 49406)

- a. By producing a certificate showing that the employee was examined within the last four years and found free of active tuberculosis, or
- b. By having the last employing school verify that it has on file a current certificate which contains that showing.

2. When a new employee in a position requiring certification has not previously been employed in such a position in California, he/she must have a medical certificate on file with the district. The certificate will state that the employee is free from any disabling disease which would render him/her unfit to instruct or associate with children. The certificate form may be obtained from the personnel services office. It must be filled out by a licensed physician and returned to the personnel services office by the physician. The medical examination referred to in the certificate must have been conducted within six months of the time when the certificate is filed. (Education Code 44839)

The cost of preemployment examinations shall be borne by the applicant. (Education Code 44839, 45122, 49406)

When an employee's religious belief prevents him/her from undergoing a physical examination, the district shall follow provisions of Education Code 49406.

#### Continuing Employees

Continuing employees who test negative on tuberculin skin tests shall undergo a tuberculosis examination at least once every four years. (Education Code 49406)

Tuberculosis tests and other medical examinations required by the Superintendent or designee shall be administered by a physician licensed under the Business and Professions Code and shall be provided by the district or at district expense. (Education Code 44839, 45122, 49406)

#### Food Service Workers

All food service workers who cook, serve or handle food are required to obtain a health certificate before being assigned to work in any district cafeteria or kitchen. If a disease is suspected, a blood test or periodic health examinations may be required.

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Drug And Alcohol Testing For School Bus Drivers**

BP 4212.42

### **Personnel**

The Governing Board desires to take all possible steps to ensure transportation safety for district students and staff. The Superintendent or designee shall establish a drug and alcohol testing program for all school bus drivers and any other employees who hold a commercial driver's license which is necessary to perform duties related to their employment with the district. This program shall be designed to fulfill the requirements of federal law and regulations.

(cf. 3542 - School Bus Drivers)

(cf. 4020 - Drug and Alcohol-Free Workplace)

Drivers who test positive for alcohol or drugs shall be removed from safety-sensitive functions and subject to disciplinary action up to and including dismissal in accordance with administrative regulations.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

#### Legal Reference:

##### EDUCATION CODE

35160 Authority of governing boards

##### VEHICLE CODE

34500 Applicable vehicles

34501.12 Motor carrier definition

34520 Motor carrier and driver compliance with federal testing requirements

##### UNITED STATES CODE, TITLE 49

2717 Alcohol and controlled substances testing (Omnibus Transportation Employee Testing Act of 1991)

##### CODE OF FEDERAL REGULATIONS, TITLE 49

40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs

382 Controlled Substance and Alcohol Use and Testing

395 Hours of Service of Drivers

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Drug And Alcohol Testing For School Bus Drivers**

AR 4212.42

### **Personnel**

The district's drug and alcohol testing program shall apply to all employees who operate a commercial motor vehicle, including any vehicle designed to transport 16 or more passengers. This includes casual, intermittent or occasional drivers as well as full-time, regularly employed drivers. (49 CFR 382.107)

The Superintendent or designee shall contract for collection and testing services and shall ensure that testing procedures and facilities used for the tests conform with the requirements of the Code of Federal Regulations, Title 49, Part 40.

Drivers shall inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Drivers using such a substance may continue to perform safety-sensitive functions only if the physician has advised the driver that the substance will not adversely affect his/her ability to safely operate a commercial motor vehicle. (49 CFR 382.213)

### **Pre-Employment Tests**

A pre-employment drug test shall be required of an applicant only after he/she has been offered the position.

Drug tests shall be conducted before the first time a driver performs any safety-sensitive function for the district. (49 CFR 382.301)

Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work until he/she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the district or paid work for any other entity. (49 CFR 382.107, 395.2)

Exceptions may be made for drivers who have participated in the drug testing program required by law within the previous 30 days, provided that the district has been able to make all verifications required by law. (49 CFR 382.301)

Pre-employment testing shall also be required of employees returning to work after a layoff period if the employee was removed from the random testing pool. If the employee remains in the random testing pool, additional testing shall not be necessary. (49 CFR 382.301)

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

#### Post-Accident Tests

Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver:

1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life (49 CFR 382.303)
2. Who receives a citation under state or local law for a moving traffic violation arising from the accident (49 CFR 382.303)
3. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved a serious medical injury
4. Whose performance cannot be excluded as a contributing factor based on information available at the time of the accident

Drivers shall make themselves readily available for testing, absent the need for immediate medical attention. (49 CFR 382.303)

No such driver shall use alcohol for eight hours after the accident, or until after he/she undergoes a post-accident alcohol test, whichever occurs first. (49 CFR 382.209)

If an alcohol test is not administered within two hours of the accident or if a drug test is not administered within 32 hours, the district shall prepare and maintain records explaining why the test was not conducted. Tests shall not be given if not administered within eight hours after the accident for alcohol or within 32 hours for drugs. (49 CFR 382.303)

Tests conducted by authorized federal, state or local officials shall fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the district. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations. (49 CFR 382.303)

#### Random Tests

Alcohol and drug tests shall be conducted on a random basis at unannounced times throughout the year. The number of random alcohol and drug tests shall be at least equal to those required by federal regulations. Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made. Tests for alcohol shall be conducted just before, during or just after the performance of safety-sensitive functions. (49 CFR 382.305)

## Reasonable Suspicion Tests

An alcohol or drug test shall be conducted if a supervisor or district official trained in accordance with law has reasonable suspicion that a driver has violated the district's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech or body odors. The observations may include indications of the chronic and withdrawal effects of controlled substances. (49 CFR 382.307)

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the district shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight hours. (49 CFR 382.307)

A supervisor or district official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his/her observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier. (49 CFR 382.307)

The Superintendent or designee shall ensure that an employee under reasonable suspicion is transported to the designated collection or testing site.

## Enforcement

Any driver who refuses to submit to a post-accident, random or reasonable suspicion test, or to a follow-up test as described below, shall not perform or continue to perform safety-sensitive functions. (49 CFR 382.211) Therefore, any driver who so refuses shall be immediately suspended and subject to disciplinary action, up to and including dismissal.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

A driver who is tested and found to have an alcohol concentration of .02 or greater but less than .04 may not perform or continue to perform safety-sensitive functions including driving a commercial motor vehicle until the start of the driver's next regularly scheduled duty period, but not less than 24 hours after the test was administered. (49 CFR 382.505)

A driver who tests positive for drugs or is found to have an alcohol concentration of .04 or greater shall be subject to disciplinary action up to and including dismissal.

A driver who violates district prohibitions related to drugs and alcohol shall receive from the district the names, addresses and telephone numbers of substance abuse professionals



and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help, if any, the driver needs in resolving such a problem. Any substance abuse professional who determines that a driver needs assistance shall not refer the driver to a private practice, person or organization in which he/she has a financial interest, except under circumstances allowed by law. (49 CFR 382.605)

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program. (49 CFR 382.605)

#### Return-to-Duty Tests

If a driver who has violated the district's drug or alcohol prohibition is returned to performing safety-sensitive duties, a drug or alcohol test shall be conducted. (49 CFR 382.309)

Employees whose conduct involved drugs shall not return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result. Employees whose conduct involved alcohol shall not return to duty in a safety-sensitive function until the return-to-duty alcohol test indicates an alcohol concentration of less than .02. (49 CFR 382.605)

#### Follow-up Tests

A driver who violates the district's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing shall be conducted just before, during or just after the time when the driver is performing safety-sensitive functions. (49 CFR 382.311)

Follow-up testing shall consist of at least six tests in the first 12 months following the driver's return to duty. The substance abuse professional may terminate the follow-up testing at any time after the first six tests if he/she determines that testing is no longer needed. Testing shall not occur beyond 60 months from the date of the driver's return to duty. (49 CFR 382.605)

#### Maintenance of Records

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing

by the driver. (49 CFR 382.405)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

#### Notifications

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the district's policy and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify all of the following: (49 CFR 382.601)

1. The person designated by the district to answer drivers' questions about the materials
2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382
4. Specific information concerning driver conduct that is prohibited by Part 382
5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results and ensure that test results are attributed to the correct driver
7. The requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences
9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation and treatment
10. The consequences for drivers found to have an alcohol concentration of .02 or greater but less than .04
11. The effects of drugs and alcohol on an individual's health, work and personal life;

signs and symptoms of a drug or alcohol problem (the driver's or a coworker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program and/or referral to management

(cf. 4159/4259/4359 - Employee Assistance Programs)

12. Other legal requirements, district policies and disciplinary consequences related to the use of alcohol and drugs.

(cf. 4020 - Drug and Alcohol-Free Workplace)

Each driver shall sign a statement certifying that he/she has received a copy of the above materials. (49 CFR 382.601)

(cf. 4112.9 - Employee Notifications)

Before any driver operates a commercial motor vehicle, the district shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements. (49 CFR 382.303)

Before drug and alcohol tests are performed pursuant 49 CFR 382, the district shall inform drivers that the tests are required by these regulations. (49 CFR 382.113)

The district shall notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of his/her employment application. (49 CFR 382.411)

The district shall notify a driver of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive. The district shall also tell the driver which controlled substance(s) were verified as positive. (49 CFR 382.411)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Criminal Record Check**

AR 4212.5

### **Personnel**

#### Applicants for Employment

Each person to be employed in a classified position, including temporary, substitute and part-time positions, shall be required to submit fingerprint identification data. However, secondary school students attending a district school who are to be employed in a temporary or part-time position shall not be required to submit fingerprint identification data. (Education Code 45125)

The Superintendent or designee shall ensure that each person to be employed submits fingerprints, either electronically through the Live Scan system or on fingerprint identification card, for processing by the Department of Justice. If the district is using the Live Scan system, the Superintendent or designee shall also provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

The Superintendent or designee shall request the Department of Justice to forward one copy of the applicant's fingerprint identification data to the Federal Bureau of Investigation for the purpose of obtaining any record of previous convictions if the applicant: (Education Code 45125)

1. Has not resided in the State of California for at least one year immediately preceding the application for employment
2. Has resided for more than one year, but less than seven years, in the State of California and the Department of Justice has ascertained that the person was convicted of a sex offense where the victim was a minor or a drug offense where an element of the offense is either the distribution to or the use of a controlled substance by a minor

The Governing Board shall not employ an applicant until the Department of Justice completes its check of the state criminal history files. (Education Code 45125)

(cf. 4212 - Appointment and Conditions of Employment)

The Superintendent or designee shall ensure that no person is hired who has been convicted of a violent or serious felony as listed in Penal Code 667.5(c) or 1192.7(c), unless that person has obtained a certificate of rehabilitation and a pardon. (Education Code 45122.1)

The Superintendent or designee may hire a classified employee without waiting for the

disposition of the employee's criminal history files upon a determination that an emergency or exceptional situation exists and that a delay in filling the position would endanger student health or safety. (Education Code 45125)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

#### Subsequent Arrest Notification

The Superintendent or designee shall request subsequent arrest notification from the Department of Justice as provided under Penal Code 11105.2. (Education Code 45125)

#### Current Employees

Upon notification by telephone from the Department of Justice that a current temporary, substitute or probationary classified employee has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay, unless the employee has received a certificate of rehabilitation and a pardon. (Education Code 45122.1)

Upon receipt of written notification of the fact of conviction from the Department of Justice, the Superintendent or designee shall terminate the temporary, substitute or probationary employee without regard to any other procedure for termination specified in the Education Code or district procedures, unless that employee has received a certificate of rehabilitation and a pardon. (Education Code 45122.1)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

If the employee challenges the Department of Justice record and the Department of Justice withdraws in writing its notification, the Superintendent or designee shall immediately reinstate the employee with full restoration of salary and benefits. (Education Code 45122.1)

#### Legal Reference:

##### EDUCATION CODE

44332.6 Criminal record check, county board of education

44346.1 Applicants for credential, conviction of a violent or serious felony

44830.1 Certificated employees, conviction of a violent or serious felony

44830.2 Certificated employees; Interagency agreements

45122.1 Classified employees, conviction of a violent or serious felony

45125 Use of personal identification cards to ascertain conviction of crime

45125.01 Classified employees; interagency agreements

45125.1 Fingerprint for contractors

45125.5 Automated records check

45126 Duty of Department of Justice to furnish information

GOVERNMENT CODE

6200-6203 Crimes related to public records

PENAL CODE

502 Unauthorized access to computers

667.5 Violent felonies

1192.7 Serious felonies

11075-11081 Criminal record dissemination

11105-11105.75 Criminal identification

11140-11144 Furnishing of state criminal history information

13300-13305 Local summary criminal history information

CODE OF REGULATIONS, TITLE 11

703 Release of criminal offender record information

708 Destruction of criminal offender record information

Management Resources:

WEB SITES

Department of Justice/Attorney General's Office: <http://www.caag.state.ca.us/app>

CSBA: <http://www.csba.org>

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Personnel Files**

AR 4212.6

### **Personnel**

The Superintendent or designee shall maintain personnel files for all current employees. All personnel files are confidential and shall be available only to the employee, persons authorized by the employee and those authorized by the Superintendent or designee. Official employee files shall be maintained at the district's central office. The Superintendent or designee shall determine the types of information to be included and shall process all material to be placed in a personnel file.

(cf. 4141/4241 - Collective Bargaining Agreement)

The contents of all personnel files shall be kept in strict confidence by any authorized reviewer.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

Personnel files shall be reviewed and replaced within the shortest time possible. In no case shall a personnel file be left unattended or left unfiled overnight.

### **Placement of Material in Personnel Files**

Any person who places written material or drafts written material for placement in an employee's file shall sign the material and signify the date of placement.

When an employee is asked to sign any material that is to be placed in his/her file, it is with the understanding that his/her signature signifies only that he/she has read the material and does not necessarily indicate agreement with its contents.

Any request by an employee to include materials in his/her personnel file must be approved by the Superintendent or designee.

A certificated employee may initiate a written reaction or response to his/her performance evaluation and that response shall become a permanent attachment to the employee's personnel file. (Education Code 44663)

(cf. 4115 - Evaluation/Supervision)

## Derogatory Information

Information of a derogatory nature shall not be entered into an employee's personnel file unless and until the employee is given notice and an opportunity to review and comment on that information. Such a review shall take place during normal business hours. The employee shall be released from duty for this purpose without a salary reduction. The employee may enter his/her own comments and have them attached to the derogatory statement. (Education Code 44031)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5141.4 - Child Abuse Reporting Procedures)

## File Review by Employee

The contents of personnel records relating to the employee's performance or to any grievance concerning the employee shall be made available to the employee at reasonable intervals and at reasonable times. The Superintendent or designee shall not be required to make such records available at a time when the employee is required to render services to the district, unless the employee is required to view the file where it is stored. (Labor Code 1198.5; Education Code 44031)

The Superintendent or designee shall do one of the following: (Labor Code 1198.5)

1. Keep a copy of each employee's personnel records at the place where the employee reports to work
2. Make the employee's personnel records available at the place where the employee reports to work within a reasonable period of time following an employee's request
3. Permit the employee to inspect the personnel records at the location where the district stores the personnel records, with no loss of compensation to the employee

Any employee wishing to inspect his/her personnel record shall contact the Superintendent or designee.

With the exceptions noted below, all personnel records related to the employee's performance or to any grievance concerning the employee shall be made available for inspection by the employee. Noncredentialed employees shall have access to any numerical scores obtained as result of written examinations. (Education Code 44031)

The Superintendent or designee shall not be required to make available to the employee: (Labor Code 1198.5, Education Code 44031)



1. Records relating to the investigation of a possible criminal offense
2. Letters of reference
3. Ratings, reports or records that were obtained prior to the employee's employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

The employee may be accompanied by a representative of the employee's choice while reviewing the record.

Inspection shall take place in the presence of the Superintendent or designee. All reviews of personnel records shall be recorded, including the date and time the file was reviewed and the name and title of the person(s) present during the review.

In no instance shall any material be removed from the records. Requests for copies of material in a personnel record must be made in writing.

#### File Review by Management and Board

Management personnel or district legal counsel with a valid "right to know" or "need to know" may, with the Superintendent or designee's authorization, review an employee's personnel file.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

Board members are not individually allowed to request and access personnel files but the Board may request pertinent information from an employee's file in cases of personnel action.

#### Legal Reference:

##### EDUCATION CODE

35253 Regulations to destroy records

44031 Personnel file contents and inspection

44663 Performance appraisals and related materials

##### GOVERNMENT CODE

3305-3306 District police officers; personnel files

6254.3 Disclosure of home address and phone number

##### LABOR CODE

1198.5 Inspection of personnel files

PENAL CODE

11165.14 Report of investigation of child abuse complaint

CODE OF REGULATIONS, TITLE 5

16020-16022 Records, general provisions

16023-16027 Retention of records

ATTORNEY GENERAL OPINIONS

Cal. Atty. Gen., Indexed Letter, no. IL 75-73 (June 6, 1975)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Employment References**

BP 4212.61

### **Personnel**

\*\*\*Note: Pursuant to Civil Code 47, an employer cannot be sued for providing information about the job performance or qualifications of a current or former employee when such information is given to a prospective employer without malice and at the prospective employer's request. This protection does not apply, however, to information about any speech or activities that are constitutionally protected or otherwise protected by law, including those found in the Code of Civil Procedure 527.3 which upholds the right of employees to discuss labor disputes and to picket or assemble peacefully.\*\*\*

The Superintendent or designee should seek legal counsel in determining whether or not it is advisable to reveal negative information concerning an employee. In *Randi W. v. Muroc Unified School District et al.*, the California Supreme Court held that school authorities who recommend a former employee for hiring at another school could be held liable for physical harm to a student molested by the employee when their recommendations failed to disclose known or reasonably suspected acts of sexual misconduct previously committed by the employee.

The Superintendent or designee shall process all requests for references, letters of recommendation, or information about the reasons for separation regarding all district employees other than himself/herself. All letters of recommendation to be issued on behalf of the district for current or former employees must be approved by the Superintendent or designee.

At his/her discretion, the Superintendent or designee may refuse to give a recommendation. Any recommendation he/she gives shall provide a careful, truthful and complete account of the employee's job performance and qualifications.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)  
(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

Legal Reference:

LABOR CODE

1050-1054 Reemployment privileges

CIVIL CODE

47 Privileged communication

CODE OF CIVIL PROCEDURE

527.3 Labor disputes

CODE OF REGULATIONS, TITLE 5

80332 Professional candor and honesty in letters or memoranda of employment  
recommendation

COURT DECISIONS

Randi W. v. Muroc Joint Unified School District et al., (1997) 14 Cal. 4th 1066

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Employment References**

AR 4212.61

### **Personnel**

No certificated employee shall write or sign any letter or memorandum which intentionally omits significant facts, or which states as facts matters which the writer does not know of his/her own knowledge to be true, relating to the professional qualifications or personal fitness to perform certificated services of any person who the writer knows will use the letter or memorandum to obtain professional employment. (Code of Regulations, Title 5, Section 80332)

No certificated employee shall agree to provide a positive letter of recommendation which misrepresents facts as a condition of another employee's resigning or withdrawing action against the district. (Title 5, Section 80332)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Maintenance Of Criminal Offender Records**

AR 4212.62

### **Personnel**

#### Maintenance of Criminal Offender Records

All information received from the Department of Justice is confidential. (Education Code 44830.1, 45125)

The Superintendent shall designate an employee as record custodian of all confidential fingerprint and criminal record history who shall be responsible for the administration of the information. Any questions regarding Criminal Offender Record Information shall be resolved by the record custodian.

(cf. 1240 - Volunteer Assistance)  
(cf. 3515.6 - Criminal Background Checks for Contractors)  
(cf. 4112.5/4312.5 - Criminal Record Check)  
(cf. 4112.6/4212.6/4312.6 - Personnel Files)  
(cf. 4212.5 - Criminal Record Check)

Criminal Offender Record Information shall be accessible only to the record custodian and shall be kept in a locked file separate from other files. The contents of these records shall not be disclosed and shall not be reproduced. (Education Code 44830.1, 45125)

The record custodian shall be fingerprinted and processed through the California Department of Justice. He/she shall sign an Employee Statement Form, acknowledging an understanding of the laws regarding Criminal Offender Record Information.

These records shall be used only for the purpose for which they were requested.

Upon a hiring determination, the records shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained. (Education Code 44830.1, 45125; 11 CCR 708)

Violation of this administrative regulation may result in suspension, dismissal and/or criminal or civil prosecution.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)  
(cf. 9011 - Disclosure of Confidential/Privileged Information)

The record custodian shall ensure that the district complies with destruction, storage,

dissemination, auditing, backgrounding and training requirements as set forth in 11 CCR 701-708 and the rules regarding use and security of these records as set forth in Penal Code 11077. (Education Code 44830.1, 45125)

### Interagency Agreements

Upon receipt from the Department of Justice of a criminal history record or report of subsequent arrest for any person on a common list of persons eligible for employment, the designated district shall give notice to the Superintendent or any participating district, or the person designated in writing by that Superintendent, that the report is available for inspection on a confidential basis by the Superintendent or the written designee. The report shall be made available at the office of the designated district for 30 days following the receipt of the notice. (Education Code 44830.2, 45125.01)

The designated district shall not release a copy of that information to any participating district or any other person. In addition, the designated district shall retain or dispose of the information in the manner specified in law and in this administrative regulation after all participating districts have had an opportunity to inspect it in accordance with law. (Education Code 44830.2, 45125.01)

The designated district shall maintain a record of all persons to whom the information has been shown. This record shall be available to the Department of Justice. (Education Code 44830.2, 45125.01)

The designated district shall submit an interagency agreement to the Department of Justice to establish authorization to submit and receive this information. (Education Code 44830.2, 45125.01)

### Legal Reference:

#### EDUCATION CODE

44332 Temporary certificate

44332.6 Criminal record check, county board of education

44346.1 Applicants for credential, conviction of a violent or serious felony

44830.1 Certificated employees, conviction of a violent or serious felony

44830.2 Interagency agreements

45122.1 Classified employees, conviction of a violent or serious felony

45125 Use of personal identification cards to ascertain conviction of crime

45125.01 Interagency agreements

45125.5 Automated records check

45126 Duty of Department of Justice to furnish information

#### PENAL CODE

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

11075-11081 Criminal record dissemination

11105 State criminal history information; furnishing to authorized persons

11105.3 Record of conviction involving sex crimes, drug crimes or crimes of violence;  
availability to employer for applicants for positions with supervisory or disciplinary  
power over minors

11140-11144 Furnishing of state criminal history information

13300-13305 Local summary criminal history information

CODE OF REGULATIONS, TITLE 11

701-708 Criminal offender record information

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California



# **Exhibit**

## **Maintenance Of Criminal Offender Records**

E 4212.62

### **Personnel**

#### Sample Employee Statement Form Use Of Criminal Justice Information

As an employee of \_\_\_\_\_ - School District, you may have access to confidential criminal record information which is controlled by statute. Misuse of such information may adversely affect the individual's civil rights and violates the law. Penal Code 502 prescribes the penalties related to computer crimes. Penal Code 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be released. Penal Code 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information. Government Code 6200 prescribes the felony penalties for misuse of public record and CLETS (California Law Enforcement Telecommunication System) information. Penal Code 11142 and 13303 state:

Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor.

Any employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may also result in criminal and/or civil action.

**I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION.**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Exhibit CLOVERDALE UNIFIED SCHOOL DISTRICT  
version: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Employment Of Relatives**

BP 4212.8

### **Personnel**

In order to preclude situations which could bring about a conflict of interest for members of the administrative staff, an employee shall not be appointed to a position where a member of his/her immediate family maintains supervisory or evaluation responsibilities for the position.

Immediate family members may be employed at the same department or work location with the approval of the Superintendent or designee.

(cf. 9270 - Conflict of Interest)

Legal Reference:

GOVERNMENT CODE

12940 Unlawful employment practices, exceptions

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Employee Notifications**

AR 4212.9

### **Personnel**

The district shall provide employees with the following notifications and shall obtain signed acknowledgments that the notifications were received when so required by law or by district policy or regulations.

#### Acknowledgments Required by Law

1. Legal obligation to report known or suspected instances of child abuse  
(cf. 5141.4 - Child Abuse Reporting Procedures)
2. Oath or affirmation of allegiance required of public employees  
(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)
3. Hepatitis B vaccine declination  
(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
4. The district's school bus driver drug and alcohol testing policy, regulations and related information  
(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)
5. Notice of release from position requiring an administrative or supervisory credential  
(cf. 4313.2 - Promotion/Demotion/Reassignment)
6. The classified employee's class specification, salary data, assignment or work location, duty hours and prescribed workweek  
(cf. 4212 - Appointment and Conditions of Employment)
7. Information about certificated employee membership in the State Teachers' Retirement System

#### Acknowledgments Not Required by Law

1. The district's drug- and alcohol-free workplace  
(cf. 4020 - Drug and Alcohol-Free Workplace)
2. The district's nonsmoking policy  
(cf. 3513.3 - Tobacco-Free Schools)
3. Prohibition of sexual harassment  
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
4. The certificated employee's employment status and salary  
(cf. 4112.1 - Contracts)
5. State disability insurance rights and benefits  
(cf. 4154/4254/4354 - Health and Welfare Benefits)
6. Certificated employee evaluations  
(cf. 4115 - Evaluation/Supervision)  
(cf. 4315 - Evaluation/Supervision)
7. Requirements and information pertinent to emergency teaching or specialist permit applicants  
(cf. 4112.2 - Certification)
8. Notice of layoff  
(cf. 4117.3 - Personnel Reduction)  
(cf. 4217.3 - Layoff/Rehire)  
(cf. 4317.3 - Personnel Reduction)
9. Derogatory information to be placed in personnel file  
(cf. 4112.6/4212.6/4312.6 - Personnel Files)
10. Exhaustion of classified employee's paid leave  
(cf. 4261.1 - Personal Illness/Injury Leave)  
(cf. 4261.11 - Industrial Accident/Illness Leave)
11. Notice of charges related to disciplinary action

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

12. Notice of intention to dismiss

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

13. Students whose actions could constitute grounds for suspension or expulsion, except for possession or use of tobacco

(cf. 4158/4258/4358 - Employee Security)

Legal Reference:

EDUCATION CODE

231.5 Sexual harassment policy

22455.5 STRS information to potential members

22515 Irrevocable election to join STRS

44031 Personnel file contents, inspection

44663 Evaluation and assessment; copy to certificated employee

44916 Written statement of employment status

44940.5-44941 Notification of suspension and intent to dismiss

44949 Cause, notice and right to hearing

44951 Continuation in position unless notified

44955 Reduction in number of employees

45113 Notification of charges

45117 Notice of layoff

45169 Employee salary data

45192 Industrial and accident leave

45195 Additional leave

49079 Notification to teacher

GOVERNMENT CODE

3100-3109 Oath or affirmation of allegiance

8355 Certification of drug-free workplace, including notification

PENAL CODE

11166.5 Employment; statement of knowledge of duty to report

UNEMPLOYMENT INSURANCE CODE

2613 Notice of rights and benefits

CODE OF REGULATIONS, TITLE 5

80026.1 Information to applicants

CODE OF REGULATIONS, TITLE 8

5193 California bloodborne pathogens standard

CODE OF FEDERAL REGULATIONS, TITLE 49

382.601 Controlled substance and alcohol use and testing notifications

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Temporary Modified/Light-Duty Assignment**

BP 4213.4

### **Personnel**

The Governing Board recognizes that when employees suffer work-related injuries, modified or light-duty assignments minimize lost time and may serve to facilitate the transition back to the employee's regular duties or full-time work. Whenever possible, the Superintendent or designee shall offer such employees this kind of temporary assignment.

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

Modified or light-duty assignments shall be designed to accommodate medical restrictions specified by the employee's physician. They may include work in the same job classification or a different job classification at the employee's regular salary rate.

Modified or light-duty assignments are intended to address short-term medical restrictions and will normally extend for less than eight weeks' duration. These assignments shall not be used as a means to establish new assignments or displace other employees.

Legal Reference:

EDUCATION CODE

44984 Required rules for industrial accident and illness leave

45192 Industrial accident and illness leave for classified employees

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Temporary Modified/Light Duty Assignment**

AR 4213.4

### **Personnel**

Any employee who suffers a work-related injury shall provide the district with medical verification of his/her physical condition. Unless the treating physician provides a full release from work, the employee may be considered eligible for a temporary modified or light-duty assignment. If the treating physician does not specify work restrictions, the Superintendent or designee may contact the physician to see if modified or light-duty work might be appropriate.

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

The Superintendent or designee shall meet with the employee and his/her supervisor to determine whether the employee can return to his/her regular job with the medical restrictions specified by the physician.

If the employee is not able to return to his/her regular job with restrictions, the Superintendent or designee shall seek a temporary modified or light-duty assignment for the employee. Employees who are given such assignments shall receive written notification of the assignment.

If no temporary modified or light-duty assignment can be found, the employee will be placed on temporary disability, sick leave, or other available leave to the extent available until an appropriate position within the medical restrictions is found, or until the medical restrictions are lifted. The Superintendent or designee shall also monitor the status of any employee for whom the physician provided a full release from work to see if the employee could return to a temporary modified or light-duty assignment at a later date.

(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)

(cf. 4261.11 - Industrial Accident/Illness Leave)

If an employee rejects a temporary modified or light-duty assignment, this refusal may provide a basis for terminating temporary disability benefits.

The Superintendent or designee shall monitor all modified and light-duty assignments and may contact the physician for assistance in determining when the employee is ready to resume his/her regular duties.



approved: November 19, 2003

Cloverdale, California

# **Board Policy**

## **Resignation**

BP 4217.2

### **Personnel**

Any district employee who desires to resign his/her position shall submit, in writing, a letter of resignation which indicates the date which the employee intends as his/her last day at work. The Governing Board encourages employees to provide advance notice that is appropriate for the position they hold.

The Board authorizes the Superintendent or designee to accept an employee's written resignation and to set its effective date. Once the Superintendent or designee has accepted and set an effective date for this resignation, the resignation may not thereafter be withdrawn by the employee.

The effective date of the resignation shall be a date not later than the close of the school year during which the resignation is received. However, an employee and the Board may agree that a resignation will be accepted at a mutually agreed upon date not later than two years beyond the close of the school year during which the resignation is received by the Board. (Education Code 44930, 45201)

(cf. 4117.7 - Employment Status Reports)

#### Legal Reference:

##### EDUCATION CODE

35161 Board delegation of any powers or duties

44242.5 Reports of change in employment status, alleged misconduct

44420 Failure to fulfill contract as ground for suspension of diplomas and certificates

44433 Unauthorized departure from service as unprofessional conduct

44930 Acceptance and date of resignation

45201 Power to accept resignation

##### CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status

80304 Notice of sexual misconduct

##### COURT DECISIONS

American Federation of Teachers, Local #1050 v. Board of Education of Pasadena Unified School District, (1980) 107 Cal.App.3d 829

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Termination Agreements**

AR 4217.5

### **Personnel**

If a termination settlement agreement has been made with an employee, the Superintendent or designee shall inform prospective employers, upon request for an employment reference, that an agreement exists and that he/she may only provide information as provided for in the agreement.

(cf. 1340 - Access to District Records)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4112.61/4212.61/4312.61 - Employment References)

Cash settlements made upon the termination of a contract shall never exceed an amount equal to the employee's monthly salary multiplied by the number of months, up to 18, in the unexpired term of the contract. This amount is a maximum ceiling, not to be construed as a target amount for settlement agreements. (Government Code 53260)

Settlement agreements shall not include noncash items other than health benefits, which the district may offer to continue for the unexpired term up to 18 months or until the employee finds other employment, whichever comes first. (Government Code 53261)

Copies of settlement agreements with a superintendent, deputy superintendent, assistant superintendent, associate superintendent or other similar chief administrative officer or chief executive officer shall be made available to the public upon request. (Government Code 53262)

(cf. 2121 - Superintendent's Contract)

(cf. 4312.1 - Contracts)

#### Legal Reference:

CIVIL CODE

47 Privileged communication

GOVERNMENT CODE

53260-53264 Employment contracts

LABOR CODE

1198.5 Inspection of personnel files by employees

CODE OF REGULATIONS, TITLE 5

80303 Reports of dismissal, resignation and other terminations for cause

80332 Professional honesty in letters of employment recommendation

COURT DECISIONS

Randi W. v. Muroc Joint Unified School District, (1997) 14 Cal.4th 1066  
Board of Trustees of Leland Stanford Junior University v. Superior Court, (1981) 119  
Cal. App. 3d 516

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Dismissal/Suspension/Disciplinary Action**

AR 4218  
**Personnel**

### Termination of Probationary Employment

At any time prior to the expiration of the probationary period, the Superintendent or designee may, at his/her discretion, dismiss a probationary classified employee from district employment. A probationary employee shall not be entitled to a hearing.

### Involuntary Suspension Without Pay, Demotion, Reduction of Pay Step in Class, or Dismissal of Permanent Classified Employees

Permanent classified employees shall be subject to personnel action (suspension without pay, demotion, reduction of pay step in class, dismissal) only for cause. The Board's determination of the sufficiency of the cause for disciplinary action shall be conclusive.

#### 1. Causes

In addition to any disqualifying or actionable causes otherwise provided for by statute or by policy or regulation of this district, each of the following constitutes cause for personnel action against a permanent classified employee:

- a. Falsifying any information supplied to the school district, including, but not limited to, information supplied on application forms, employment records, or any other school district records.
- b. Incompetency.
- c. Inefficiency.
- d. Neglect of duty.
- e. Insubordination.
- f. Dishonesty.
- g. Drinking alcoholic beverages while on duty or in such close time proximity thereto as to cause any detrimental effect upon the employee or upon employees associated with him/her.

(cf. 4020 - Drug and Alcohol-Free Workplace)

- h. Possessing or being under the influence of a controlled substance at work or away from work, or furnishing a controlled substance to a minor.
- i. Conviction of a felony, conviction of any sex offense made relevant by provisions of law, or conviction of a misdemeanor which is of such a nature as to adversely affect the employee's ability to perform the duties and responsibilities of his/her position. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, is deemed to be a conviction for this purpose.
- j. Absence without leave.
- k. Immoral conduct.
- l. Discourteous treatment of the public, students, or other employees.
- m. Improper political activity.
- n. Willful disobedience.
- o. Misuse of district property.
- p. Violation of district, Board or departmental rule, policy, or procedure.
- q. Failure to possess or keep in effect any license, certificate, or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position.
- r. Refusal to take and subscribe any oath or affirmation which is required by law in connection with his/her employment.
- s. A physical or mental disability which precludes the employee from the proper performance of his/her duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law regulating the retirement of employees.
- t. Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, or age against the public or other employees while acting in the capacity of a district employee.
- u. Unlawful retaliation against any other district officer or employee or member of the public who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on the job or directly related thereto.
- v. Any other failure of good behavior either during or outside of duty hours which is

of such nature that it causes discredit to the district or his/her employment.

Except as defined in item "s" above, no personnel action shall be taken for any cause which arose before the employee became permanent, nor for any cause which arose more than two years before the date of the filing of the notice of cause unless this cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee would have disclosed the facts to the district.

## 2. Initiation and Notification of Charges

The Superintendent or designee may initiate a personnel action as defined herein against a permanent classified employee.

In all cases involving a personnel action, the person initiating the action shall file a written recommendation of personnel action with the Board. A copy of the recommendation shall be served upon the employee either personally or by registered or certified mail, return receipt requested, at the employee's last known address. The recommendation shall include:

- a. A statement of the nature of the personnel action (suspension without pay, demotion, reduction of pay step in class, or dismissal).
- b. A statement of the cause or causes for the personnel action, as set forth above.
- c. A statement of the specific acts or omissions upon which the causes are based. If a violation of rule, policy, or regulation of the district is alleged, the rule, policy, or regulation violated shall be stated in the recommendation.
- d. A statement of the employee's right to appeal the recommendation and the manner and time within which the appeal must be filed.
- e. A card or paper, the signing and filing of which shall constitute a demand for hearing and a denial of all charges.

## 3. Employment Status Pending Appeal or Waiver

Except as provided herein, any employee against whom a recommendation of personnel action has been issued shall remain on active duty status and responsible for fulfilling the duties of the position pending his/her appeal or waiver thereof.

If the Superintendent or designee determines that a permanent classified employee should be dismissed and that his/her continuing in active duty status would present an unreasonable risk of harm to students, staff, or property while proceedings are pending, the Superintendent or designee may order the employee immediately suspended from duty without pay in conjunction with the recommendation of personnel action. This suspension order shall be in writing and shall state the reasons that the suspension is

deemed necessary. The suspension order shall be served upon the employee either personally or by registered or certified mail, return receipt requested, immediately after issuance. Except in cases of emergency when the employee must be removed from the premises immediately, the Superintendent or designee shall give the employee written notice of the proposed recommendation of dismissal at least five calendar days before the effective date of any order of suspension issued in conjunction with a recommendation involving dismissal. This notice shall state that immediate suspension without pay is being considered, the reasons for the proposed dismissal and proposed immediate suspension without pay, materials upon which the proposed action is based, and the employee's right to respond to the Superintendent or designee orally or in writing before the final recommendation and order are issued.

#### 4. Time Limit of Suspension

Except for a suspension imposed under #3 above, any suspension invoked under these rules against any one person for one or more periods shall not aggregate more than 90 calendar days in any 12-month period; however, this time limitation shall not apply to cases in which a personnel action of dismissal is modified by the Board to a suspension.

#### 5. Right to Appeal

Within five calendar days after receiving the recommendation of personnel action described above, the employee may appeal by signing and filing the card or paper included with the recommendation. Any other written document signed and appropriately filed within the specified time limit by the employee shall constitute a sufficient notice of appeal. A notice of appeal is filed only by delivering the notice of appeal to the office of the Superintendent or designee during normal work hours of that office. A notice of appeal may be mailed to the office of the Superintendent or designee but must be received or postmarked no later than the time limit stated herein. In cases where an order of suspension without pay has been issued in conjunction with a recommendation of dismissal, any appeal of the recommendation of dismissal shall also constitute an appeal of the suspension order, and the necessity of the order shall be an issue in the appeal hearing.

If the employee fails to file a notice of appeal within the time specified in these rules, he/she shall be deemed to have waived his/her right to appeal, and the Board may order the recommended personnel action into effect immediately.

#### 6. Amended/Supplemental Charges

At any time before an employee's appeal is finally submitted to the Board or to a hearing officer for decision, the complainant may, with the consent of the Board or hearing officer, serve on the employee and file with the Board an amended or supplemental recommendation of personnel action.

If the amended or supplemental recommendation presents new causes or allegations, the



employee shall be afforded a reasonable opportunity to prepare his/her defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegation may be made orally at the hearing and shall be noted on the record.

## 7. Hearing Procedures

a. The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board or hearing officer and the availability of counsel and witnesses. The parties shall be notified of the time and place of the hearing. The employee shall be entitled to appear personally, produce evidence, and have counsel. The employee shall be entitled to a public hearing if he/she demands it when the Board is hearing the appeal. The complainant may also be represented by counsel. The procedure entitled "Administrative Adjudication" commencing with Government Code 11500 shall not apply to any such hearing before the Board or a hearing officer. Neither the Board nor a hearing officer shall be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made or approved by the hearing officer or the Board.

b. All hearings shall be heard by a hearing officer (who shall be an attorney licensed in the State of California) except in those cases where the Board determines to hear the appeal itself. In any case in which the Board hears the appeal, the Board may use the services of its counsel or a hearing officer in ruling upon procedural questions, objections to evidence, and issues of law. If the appeal is heard by the Board, the Board shall affirm, modify or revoke the recommended personnel action.

c. If the appeal is heard by a hearing officer, he/she shall prepare a proposed decision in a form that may be adopted by the Board as the decision in the case. A copy of the proposed decision shall be received and filed by the Board and furnished to each party within 10 days after the proposed decision is filed by the Board. The Board may:

- (1) Adopt the proposed decision in its entirety.
- (2) Reduce the personnel action set forth in the proposed decision and adopt the balance of the proposed decision.
- (3) Reject a proposed reduction in personnel action, approve the personnel action sought by the complainant or any lesser penalty, and adopt the balance of the proposed decision.
- (4) Reject the proposed decision in its entirety.

d. If the Board rejects the proposed decision in its entirety, each party shall be notified of such action and the Board may decide the case upon the record including the transcript, with or without the taking of additional evidence, or may refer the case to the same or another hearing officer to take additional evidence. If the case is so assigned to a

hearing officer, he/she shall prepare a proposed decision, as provided in item "c" above, upon the additional evidence and the transcript and other papers which are part of the record of the prior hearing. A copy of this proposed decision shall be furnished to each party within 10 days after the proposed decision is filed by the Board.

e. In arriving at a decision or a proposed decision on the propriety of the proposed personnel action, the Board or the hearing officer may consider the records of any prior personnel action proceedings against the employee in which a personnel action was ultimately sustained and any records that were contained in the employee's personnel files and introduced into evidence at the hearing.

#### 8. Hearing Decision

The decision of the Board shall be in writing and shall contain findings of fact and the personnel action approved, if any. The findings may reiterate the language of the pleadings or simply refer to them.

The decision of the Board shall be certified to the Superintendent or designee who recommended the personnel action, and he/she shall enforce and follow this decision. A copy of the decision shall be delivered to the appellant or his/her designated representative personally or by registered mail. The decision of the Board shall be final.

#### OPTION 1: Nonmerit System Districts

#### 9. Compulsory Dismissal

The district shall not employ or retain in employment any person who has been convicted of any sex offense as defined in Education Code 44010 or any controlled substance offense as defined in Education Code 44011. However, the district may employ a person convicted of a controlled substance offense if the Board determines from the evidence it requires that the person has been rehabilitated for at least five years. If any such conviction is reversed and the person acquitted or charges dismissed except as otherwise provided below, the employee may be reemployed by the district, although reemployment is not a guarantee. (Education Code 45123)

The district reserves the right to dismiss an employee for any acts upon which the original criminal charges were based, despite the disposition by the courts. If dismissal is recommended and upheld, an employee will not be reemployed or compensated for the time he/she was suspended unless otherwise required by law. An employee shall be given notice of the possibility of not being reimbursed during mandatory suspension if he/she is ultimately dismissed for the acts upon which the original charges were based.

#### OPTION 2: Merit System Districts

#### 9. Compulsory Leave of Absence

Employees charged with a mandatory leave of absence offense as defined in Education Code 44940 shall be placed immediately on compulsory leave of absence for not more than 10 days after entry of judgment in the criminal proceedings, unless the leave is extended as provided below. (Education Code 45304)

Employees charged with an optional leave of absence offense as defined in Education Code 44940 may be placed immediately on compulsory leave of absence under the terms and conditions stated below. (Education Code 45304)

Despite the disposition of criminal charges, the Board reserves the right to dismiss an employee for the facts upon which the criminal charges were based. An employee ultimately found guilty by the Personnel Commission to have committed the acts upon which the original charges were based may be dismissed. If so dismissed, the employee is not entitled to compensation during the time of his/her suspension, unless otherwise required by law.

An employee shall be given notice of the possibility of being dismissed without pay during the compulsory suspension if he/she is ultimately found guilty of the acts leading to the criminal charges, despite the disposition of the charges by the court.

#### 10. Extension of Compulsory Leave

The Board may extend an employee's compulsory leave of absence by giving him/her notice, within 10 days after the entry of judgment in the proceedings, that he/she will be dismissed in 30 days unless he/she demands a hearing. Employee compensation during the period of compulsory leave shall be made in accordance with law. (Education Code 44940.5)

#### Legal Reference:

##### EDUCATION CODE

35161 Delegation of powers and duties

44009 Conviction of specified crimes

44010 Sex offense

44011 "Controlled substance offense" defined

44940 Leave of absence; employee charged with mandatory or optional leave of absence offense

44940.5 Compulsory leave of absence; procedures; extension; compensation; bond or security; reports

45101 Definitions (including "disciplinary action," "cause")

45109 Fixing of duties

45113 Rules and regulations for classified service in districts not incorporating the merit system

45123 Employment after conviction of sex or narcotics offense

45302 Demotion and removal from permanent classified service

45303 Additional cause for suspension or dismissal of employees in classified service

45304 Suspension for reasonable cause; filing of charges; employee charged with mandatory or optional leave of absence offense

VEHICLE CODE

1808.8 School bus drivers; dismissal for safety-related cause

UNITED STATES CODE, TITLE 42

12101 -12213 Americans With Disabilities Act

COURT DECISIONS

California School Employees v. Livingston Union School District, (2007) 149 Cal. App. 4th 391

CSEA v. Foothill Community College District, 52 Cal. App. 3rd 150, 155-156, 124 Cal. Rptr 830 (1975)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Civil And Legal Rights**

BP 4219.1

### **Personnel**

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

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

Teachers shall have the right to refuse to submit to any evaluation or survey conducted by the district concerning personal values, attitudes and beliefs; sexual orientation; political affiliations or opinions; critical appraisals of other individuals with whom the teacher has a family relationship; or religious affiliations or beliefs. (Education Code 49091.24)

### **Whistleblower Protection**

All employees shall have the right to disclose improper governmental activities to a Board member, a school administrator, a member of the County Board of Education, County Superintendent of Schools, or the Superintendent of Public Instruction. An improper governmental activity is an activity by the district or a district employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetency or inefficiency. (Education Code 44111, 44112)

No employee shall use or attempt to use his/her official authority or influence to intimidate, threaten, coerce or command another employee for the purpose of interfering with that employee's right to disclose improper governmental activity. (Education Code 44113)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

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

in accordance with Education Code 44114.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4144/4244/4344 - Complaints)

### Rights in Legal Proceedings

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

1. Speak to the attorney or the representative without fear of punishment in retaliation for such communication
2. Contact his/her supervisor before answering questions or responding in any way
3. Refuse to speak to the attorney or representative
4. Notify the district that the attorney or representative has requested an interview
5. Consult with his/her own attorney or an attorney employed by the district or bargaining unit
6. Be represented at any interview either by his/her own attorney or an attorney employed by the district

### Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

7050-7057 Political activities of school officers and employees

44040 Unlawful to discriminate solely because of employee's appearance before certain boards or committees

44110-44114 Reporting by school employees of improper governmental activity

44801 Leave of absence for employees elected to the Legislature

49091.24 Teacher rights to refuse evaluation/survey of personal life

#### CIVIL CODE

51 Unruh Civil Rights Act

#### GOVERNMENT CODE

3540.1 Public employment definitions

3543.5 Interference with employee's rights prohibited

12940-12950 Discrimination prohibited; unlawful practices

#### UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX, 1972 Education Act Amendments  
12101-12213 Americans with Disabilities Act

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Sexual Harassment**

BP 4219.11

### **Personnel**

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

(cf. 4030 - Nondiscrimination in Employment)

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

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

2. Publicizing and disseminating the district's sexual harassment policy to staff.

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

3. Ensuring prompt, thorough and fair investigation of complaints.

4. Taking timely and appropriate corrective/remedial actions after completion of investigation. This may require interim separation of the complainant and the alleged harasser, and subsequent monitoring of developments.

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

(cf. 4031 - Complaints Concerning Discrimination in Employment)

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



the subject of the complaint.

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

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

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

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncala v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Juarez v. Ameritech Mobile Systems, (N.D. Ill.) 746 F.Supp. 798

Dornhecker v. Malibu Grand Prix Corp., (5th Cir. 1987) 828 F.2d. 307

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS  
GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

EEOC: <http://www.eeoc.gov>

OCR: <http://www.ed.gov/offices/OCR>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Sexual Harassment**

AR 4219.11

### **Personnel**

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors or other unwanted verbal, visual or physical conduct of a sexual nature made against another person of the same or opposite gender, in the work or educational setting, when: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is made expressly or implicitly a term or condition of the individual's employment
2. Submission to or rejection of such conduct by the individual is used as the basis for an employment decision affecting him/her
3. The conduct has the purpose or effect of unreasonably interfering with the other individual's work performance; creating an intimidating, hostile or offensive work environment; or adversely affecting the other individual's evaluation, advancement, assigned duties, or any other condition of employment or career development
4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs or activities available at or through the district

Other examples of actions that might constitute sexual harassment, whether committed by a supervisor or any other employee, include but are not limited to:

1. Unwelcome leering, sexual flirtations or propositions
2. Unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments or sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversations or pressure for sexual activity
4. Sexual jokes, stories, drawings, pictures, graffiti, gestures or sexually explicit e-mails
5. Spreading sexual rumors
6. Massaging, grabbing, fondling, stroking or brushing the body

7. Touching an individual's body or clothes in a sexual way
8. Cornering, blocking, leaning over or impeding normal movements
9. Displaying sexually suggestive objects or using sexual computer screen savers
10. Any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint

#### Notifications

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

1. Be displayed in a prominent location in the main administrative building or other area of the school where notices of district rules, regulations, procedures and standards of conduct are posted
2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct

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

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through the Fair Employment and Housing Department and Equal Employment Opportunity Commission
6. Directions on how to contact the Fair Employment and Housing Department and Equal Employment Opportunity Commission

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Sexual Harassment Complaint Procedures: A Guide To Response, Investigation And Resolution**

BP 4219.12

### **Personnel**

Within the educational environment/the school, sexual harassment is prohibited between students, and between staff and students.

#### Definition

For the purpose of clarification, sexual harassment includes but is not limited to:

1. Making unsolicited written, verbal, physical and/or visual contact with sexual overtones.
  - a. Written examples include suggestive or obscene letters, notes, invitations.
  - b. Verbal examples include derogatory comments, slurs, jokes.
  - c. Physical examples include assault, touching, impeding or blocking movement.
  - d. Visual examples include leering, gestures, display of sexually suggestive objects or pictures, cartoons or posters.
2. Continuing to express sexual interest after being informed that the interest is unwelcome.
3. Offering favors or education benefits, such as grades, in exchange for sexual favors.

#### Confidentiality and Retaliation

A complaint and the results of the investigation shall be confidential to the extent reasonably possible. Witnesses and those interviewed shall be informed of the confidential nature of the issues and the investigation and shall be informed that it will be a violation of this policy to disclose the complaint or the nature of the investigation to others.

Any retaliation is a violation of the policy.

#### Disciplinary Action

Corrective action may include counseling, warning, or the initiation of disciplinary procedures against the student.

## Investigation

### 1. Begin investigation and written log

The need to begin the investigation begins when an administrator first becomes aware of an alleged sexual harassment complaint. That awareness may start with an oral or a written complaint. Students or employees who feel aggrieved because of conduct that may constitute sexual harassment are encouraged, but not required, to inform directly the person engaging in such conduct that such conduct is offensive and must stop. The administrator shall begin a written log at this point.

### 2. Initial interview of complaint

The administrator should ascertain the nature of the complaint, the date, time, place of the alleged incident(s), and names of any corroborating witnesses. The administrator's most important questions are: who, what, when, where, why, and how. The administrator informs the student or employee that he/she may file a written complaint with the Superintendent. If the Superintendent is the person whose conduct is offensive, the student or employee may file a complaint with the Board President.

### 3. Superintendent

The Title IX Officer provides students with a copy of this document as well as the District Board Policy 4119.11, spelling out this person's responsibility and availability for resolving the complaint. The Title IX Officer shall investigate the charges, identify the remedy sought, and describe/document the informal efforts made to correct the situation. The district Title IX Officer is to serve a facilitator and source of information, as well as to assist in resolving matters informally when requested to do so. Upon completion of the investigation, the Title IX Officer shall determine whether the harassment has occurred and whether any corrective action is appropriate. Corrective Action may include counseling, warning, or the initiation of disciplinary procedures against the student or employee.

### 4. Notifying the accused individual

The circumstances, as presented by the complaining student, determines when the accused should be notified. In most cases, the accused is notified immediately. Although initial notification may be oral, the notification should be properly documented. A letter may be sent to the parents and child, restating the complaint, the investigation, and the prohibition on retaliation, as well as a copy of the policy.

### 5. Right to appeal

All decisions made under this procedure may be appealed by the complaining student or employee to the Board.

6. Follow-up

Within the next six months, at least one information follow-up session will be held with the student or employee to ensure that harassment has ceased and that there is no retaliation.

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California



# **Board Policy**

## **Professional Standards**

BP 4219.21

## **Personnel**

The Governing Board expects district employees to maintain the highest ethical standards, follow district policies and regulations, and abide by state and federal laws. Employee conduct should enhance the integrity of the district and advance the goals of the educational programs. Each employee should make a commitment to acquire the knowledge and skills necessary to fulfill his/her responsibilities and should focus on his/her contribution to the learning and achievement of district students.

(cf. 0000 - Vision)

(cf. 4112.2 - Certification)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

(cf. 2111 - Superintendent Governance Standards)

(cf. 9005 - Governance Standards)

### Legal Reference:

CODE OF REGULATIONS, TITLE 5

80331-80338 Rules of conduct for professional educators

### Management Resources:

CDE PUBLICATIONS

California Professional Standards for Educational Leaders, 2001

COUNCIL OF CHIEF STATE SCHOOL OFFICERS PUBLICATIONS

Standards for School Leaders, 1996

NATIONAL EDUCATION ASSOCIATION PUBLICATIONS

Code of Ethics of the Education Profession, 1975

### WEB SITES

CDE: <http://www.cde.ca.gov>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Association of California School Administrators: <http://www.acsa.org>

California School Leadership Academy: <http://www.csla.org>

Council of Chief State School Officers: <http://www.ccsso.org>

California Teachers Association: <http://www.cta.org>

California Federation of Teachers: <http://www.cft.org>

California School Employees Association: <http://www.csea.com>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Exhibit**

## **Dismissal/Suspension/Disciplinary Action**

E 4219.21

### **Personnel**

#### Code Of Ethics Classified Employees

School employees who are in daily contact with many phases of educational work should be persons whose conduct is beyond reproach and who sincerely believe in the advancement of education and the betterment of working conditions; therefore, the California School Employees' Association proposes this Code of Ethics as a standard for its members.

#### AS A SCHOOL EMPLOYEE I WILL:

1. Be proud of my vocation in order that I may use my best endeavors to elevate the standards of my position so that I may merit a reputation for high quality of service -- to the end that others may emulate my example.
2. Be a person of integrity, clean speech, desirable personal habits, and physical fitness.
3. Be just in my criticism and be generous in my praise; to improve and not destroy.
4. At all times be courteous in my relations with students, parents, teachers and others.
5. Be a resourceful person who readily adapts himself to different kinds of work and changed conditions and finds better ways to do things.
6. Conduct myself in a spirit of friendly helpfulness to my fellow employees to the end that I will consider no personal success legitimate or ethical which is secured by taking unfair advantage of another.
7. Associate myself with employees of other districts for the purpose of discussing school problems and cooperating in the improvement of public school conditions.
8. Always uphold my obligations as a citizen to my nation, my state, my school district and my community, and give them unswerving loyalty.
9. Always bear in mind that the purpose of CSEA is to promote the efficiency and raise the standards of all school employees and that I shall be equally obligated to assist all my fellow workers.

SOURCE: CALIFORNIA SCHOOL EMPLOYEES' ASSOCIATION

Exhibit CLOVERDALE UNIFIED SCHOOL DISTRICT

version: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Unauthorized Release Of Confidential/Privileged Information**

BP 4219.23

### **Personnel**

The Governing Board, administration and staff shall maintain the confidentiality of all confidential records until such time as laws, state regulations and/or bylaws of this district permit disclosure. Information and records pertaining to closed sessions, negotiations and student records are not subject to public disclosure under Government Code 6252-6260.

Any employee who willfully releases confidential/privileged information about students, staff or any topic properly confined to a closed session shall be subject to disciplinary action up to and including dismissal from district service. Confidential information includes any information relating to the Board's employer-employee strategies on matters in negotiation or matters to be placed in negotiation.

Any employee who willingly and for monetary gain uses or discloses confidential/privileged information as defined in Government Code 1098 is guilty of a misdemeanor. (Government Code 1098)

Any action by an employee which inadvertently or carelessly results in release of confidential/privileged information shall be recorded, and the record shall be placed in the employee's personnel file. Depending on the circumstances, the Superintendent or designee may deny the employee further access to any privileged information and shall take any steps necessary to prevent any further unauthorized release of such information.

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 9321 - Closed Session Purposes and Agendas)

#### **Legal Reference:**

##### **EDUCATION CODE**

35010 Control of district; prescription and enforcement of rules

35146 Closed sessions (re student suspension)

44031 Personnel file contents and inspection

44932 Grounds for dismissal of permanent employees

44933 Other grounds for dismissal

45113 Rules and regulations for classified service

49060-49078 Pupil records

##### **GOVERNMENT CODE**

1098 Public officials and employees: confidential information

3540 et seq. Meeting and negotiating in public employment

6252 et seq. Inspection of public records

54957 Closed session; purposes for holding; definition of "employee" exclusion of witnesses

54957.2 Taking of minutes at closed sessions; clerk; minute book

54957.6 Closed session, representatives to employee organization(s); state conciliator

LABOR CODE

1102.5 Employees: disclosure of information

UNITED STATES CODE, TITLE 20

1232g Family Education Rights and Privacy Act

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Political Activities Of Employees**

BP 4219.25

### **Personnel**

The Governing Board respects the right of school employees to engage in political discussions and activities on their own time and at their own expense. On such occasions, employees shall make it clear that they are acting as individuals and not as representatives of the district.

(cf. 1160 - Political Processes)

Like other community members, employees may use school facilities for meetings under the Civic Center Act.

(cf. 1330 - Use of School Facilities)

Employees shall refrain from prohibited activities identified in law and administrative regulations. Employees who engage in these activities shall be subject to disciplinary action and/or criminal penalties.

(cf. 1325 - Advertising and Promotion)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

#### Legal Reference:

##### **EDUCATION CODE**

7050-7057 Political activities of school officers and employees

38130-38139 Civic Center Act

51520 Prohibited solicitations on school premises

##### **GOVERNMENT CODE**

3543.1 Rights of employee organizations

##### **COURT DECISIONS**

Downs v. Los Angeles Unified School District, (9th Cir. 2000) 228 F.3d 1003

California Teachers Association v. Governing Board of San Diego Unified School District, (1996) 45 Cal.App. 4th 1333

L.A. Teachers Union v. L.A. City Board of Education, (1969) 71 Cal.2d 551

##### **ATTORNEY GENERAL OPINIONS**

84 Ops.Cal.Atty.Gen. 106 (2001)

84 Ops.Cal.Atty.Gen. 52 (2001)

77 Ops.Cal.Atty.Gen. 56 (1994)

##### **PERB RULINGS**

California Federation of Teachers, Local 1931 v. San Diego Community College District  
(2001) PERB Order #1467 (26 PERC 33014)

Management Resources:

CSBA PUBLICATIONS

Political Activities of School Districts: Legal Issues, 1998, revised 2001

WEB SITES

CSBA: <http://www.csba.org>

Office of the Attorney General, Dept. of Justice: <http://caag.state.ca.us/>

Public Employment Relations Board: <http://www.perb.ca.gov>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Political Activities Of Employees**

AR 4219.25

### **Personnel**

District employees shall not:

1. Use district funds, services, supplies or equipment to urge the passage or defeat of any ballot measure or candidate, including any candidate for election to the Governing Board (Education Code 7054)

(cf. 1160 - Political Processes)

2. During working hours and on district property, solicit or receive any political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service or other working conditions (Education Code 7056)

3. During working hours and on district property, solicit or receive any political funds or contributions to promote the passage or defeat of other types of ballot measures

4. Use district time to urge the passage or defeat of any ballot measure or candidate

5. Use district equipment for the preparation or reproduction of political campaign materials, even if the district is reimbursed

(cf. 3512 - Equipment)

6. Post or distribute political campaign materials on district property

7. Disseminate political campaign materials through the district's mail service, e-mail or staff mailboxes

(cf. 4040 - Employee Use of Technology)

8. Use students to write, address or distribute political campaign materials

9. Present viewpoints on particular candidates or ballot measures in the classroom without giving equal time to the presentation of opposing views

(cf. 6144 - Controversial Issues)

10. Wear buttons or articles of clothing that express political opinions on ballot

measures or candidates during instructional time

However, teachers shall not be prohibited from wearing political buttons during noninstructional time, such as Back-to-School Night.

Nothing in Board policy or administrative regulation shall be construed to prevent employees from soliciting or receiving funds or contributions for political purposes during nonworking time, including before and after school, the lunch period or other scheduled work intermittency during the school day. (Education Code 7056)

#### Employee Organizations

Employee organizations may use district mailboxes and other means to communicate with employees, subject to reasonable regulation. Employee organizations may have access at reasonable times to areas in which employees work; may use institutional bulletin boards, mailboxes, and other means of communication and may use district facilities at reasonable times for the purpose of meetings. (Government Code 3543.1)

However, employee organizations shall not use district funds, services, supplies or equipment, such as the district mail system, to urge the passage or defeat of any ballot measure or candidate, including any candidate for election to the Board (Education Code 7054)

(cf. 4140/4240 - Bargaining Units)

Access to district communication channels shall be limited in cases where such access would be disruptive to district operations.

In the event of a concerted action or work stoppage, political activities by employee organizations and individual employees shall be restricted to peaceful informational picketing and other activities allowed by law.

(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California



# **Board Policy**

## **Duties Of Personnel**

BP 4219.3

### **Personnel**

The Governing Board recognizes the importance of having adequate job descriptions for every district employee. Student safety, the district's fiscal stability, and the success of the educational program all depend on employees' fully understanding their responsibilities and duties.

The Superintendent or designee shall prepare and regularly update job descriptions for all positions. Job descriptions shall clearly specify all essential and peripheral/marginal functions and duties of the position, the degree of responsibility the position entails, the type and extent of training required, and the position of the person to whom the employee reports.

All employees shall fulfill the duties and responsibilities set forth in their job descriptions and shall comply with Board policies, administrative regulations, applicable employee agreements, and local, state and federal laws.

- (cf. 4030 - Nondiscrimination in Employment)
- (cf. 4115 - Evaluation/Supervision)
- (cf. 4118 - Suspension/Disciplinary Action)
- (cf. 4215 - Evaluation/Supervision)
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
- (cf. 4315 - Evaluation/Supervision)

#### Legal Reference:

##### EDUCATION CODE

- 233.5 Duty concerning instruction in morals, manners, citizenship
- 35020 Duties of employees fixed by governing board
- 35035 Further powers and duties of superintendent
- 44014 Report of assault
- 44662 Job responsibilities for certificated nonmanagement personnel
- 44805 Enforcement of course of studies, use of textbooks, rules and regulations
- 44807 Duty concerning conduct of pupils
- 44809 School register
- 44816 Annual report of elementary teacher
- 45100.5-45108.7 Senior management of the classified service
- 45109 Fixing of duties
- 45110 Inconsistent duties, compensation
- 45256.5 Senior management of classified service

GOVERNMENT CODE

7293 Local public agencies; bilingual employees

CODE OF REGULATIONS, TITLE 5

5530-5531 Duties of all certificated personnel

5550-5552 Duties of principals

5570 Duties of teachers

5590 Duties of temporary athletic team coaches

11256 Duties and responsibilities of mentor teachers

12067 Teacher aide duties under supervision of classroom teacher

12068 Teacher aide duties not under direct supervision of classroom teacher

13003 Duties of team leader

16043 Duties of library personnel

UNITED STATES CODE, TITLE 42

12101-12213 Americans With Disabilities Act

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Employees With Infectious Disease**

BP 4219.41

### **Personnel**

The Governing Board encourages each employee to inform the district as soon as possible if he/she contracts an infectious disease which creates a physical or mental disability. The Board will reasonably accommodate the needs of such individuals.

The Board may reassign or grant disability leave to an employee who is unable to perform his/her job responsibilities because of illness or because the employee's illness significantly endangers his/her health or safety or the health or safety of others.

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

No employee will be discriminated against because of his/her disability. Legal protections established for disabled persons extend to individuals significantly impaired by infectious diseases.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

When informed that an employee has a disabling infectious disease, the Superintendent or designee may request that the employee sign a release form to provide confidential medical information and records.

In determining a reasonable accommodation of the employee's condition, the Superintendent or designee may consult with public health officials or physicians with expertise in the diagnosis and treatment of infectious disease. The Superintendent or designee may also communicate with the employee's physician regarding the employee's ability to perform the essential requirements of the job with reasonable accommodation and without posing significant health or safety risks to the employee or others.

The Superintendent or designee shall prepare a confidential report which includes his/her recommendation and the medical information upon which it is based. These recommendations shall take into consideration:

1. The nature of the disease and the probability of its being transmitted, including the duration and severity of the risk
2. The physical condition of the employee, including diagnosis, treatment, and

prognosis of the condition

3. The actual requirements of the employee's job and the expected type of interaction with others in the school setting

This report shall be forwarded to the Board for confidential review and action.

The job assignment of an employee with a disabling infectious disease shall be reevaluated whenever there is a change in medical knowledge or in the employee's medical regimen or health which might affect his/her assignment.

#### Confidentiality

The Board and the Superintendent or designee shall ensure that employee rights to confidentiality are strictly observed. The district shall disclose medical record information only to the extent required or permitted by law. The medical records of any employee with a disabling infectious disease shall be held in strict confidence.

#### Legal Reference:

##### CIVIL CODE

56-56.37 Confidentiality of medical information

##### GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

##### HEALTH AND SAFETY CODE

120975-121020 Mandated blood testing and confidentiality to protect public health

##### CODE OF REGULATIONS, TITLE 2

7293.5 et seq.

##### UNITED STATES CODE, TITLE 29

701 et seq. Rehabilitation Act

##### UNITED STATES CODE, TITLE 42

12101-12213 Americans With Disabilities Act

##### COURT DECISIONS

School Board of Nassau County, Fla. v. Arline, 408 U.S. 273 (1987)

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Exposure Control Plan For Bloodborne Pathogens**

BP 4219.42

### **Personnel**

As part of its commitment to provide a safe and healthful work environment, the Governing Board recognizes the importance of developing an exposure control plan. The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace to protect employees from possible infection due to contact with bloodborne pathogens, including but not limited to hepatitis B virus, hepatitis C virus and human immunodeficiency virus (HIV).

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 4157/4257/4357 - Employee Safety)

The Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the district's exposure control plan, employees having occupational exposure shall be offered the hepatitis B vaccination.

The Superintendent or designee may exempt designated first aid providers from pre-exposure hepatitis B vaccination under the conditions specified by state regulations. (8 CCR 5193(f))

Any employee not identified by the Superintendent or designee as having occupational exposure may submit a request to the Superintendent or designee to be included in the training and hepatitis B vaccination program. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with any infectious material.

#### Legal Reference:

##### LABOR CODE

142.3 Authority of Cal/OSHA to adopt standards

144.7 Requirement to amend standards

##### CODE OF REGULATIONS, TITLE 8

3204 Access to employee exposure and medical records

5193 California bloodborne pathogens standards

##### CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 OSHA bloodborne pathogens standards

#### Management Resources:

##### CDE ADVISORIES

1016.89 Guidelines for Informing School Employees about Preventing the Spread of Infectious Diseases, including Hepatitis B and AIDS/HIV Infections and Policies for Dealing with HIV-Infected Persons in School Settings

WEB SITES

OSHA: <http://www.osha.gov>

Cal/OSHA: [http://www.dir.ca.gov/occupational\\_safety.html](http://www.dir.ca.gov/occupational_safety.html)

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Exhibit**

## **Exposure Control Plan For Bloodborne Pathogens**

E 4219.42

### **Personnel**

#### Hepatitis B Vaccine Declination

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to myself.

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Signature

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Employee Name (Please print)

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Date

Exhibit CLOVERDALE UNIFIED SCHOOL DISTRICT  
version: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Universal Precautions**

AR 4219.43

### **Personnel**

#### 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(b))

Personal protective equipment includes specialized clothing or equipment worn or used for protection against a hazard. General work clothes such as uniforms, pants, shirts or blouses not intended to function as protection against a hazard are not considered to be personal protective equipment. (8 CCR 5193(b))

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(b))

Engineered sharps injury protection is a physical attribute built into a needle device or into a non-needle sharp which effectively reduces the risk of an exposure incident. (8 CCR 5193(b))

#### Employee Information

The Superintendent or designee shall distribute to employees information provided by the California Department of Education 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 benefits of the employees. Information shall be distributed at least annually, or more frequently if there is new information supplied by the California Department of Education. (Health and Safety Code 120875, 120880)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

#### Infection Control Practices

The Superintendent or designee shall ensure that the worksite is effectively maintained in



a clean and sanitary condition, and shall implement an appropriate written schedule for cleaning and decontamination of the worksite. (8 CCR 5193(d))

Where occupational exposure remains after the institution of engineering and work practice controls, the Superintendent or designee shall provide appropriate personal protective equipment at no cost to the employee. Such equipment may include gloves, gowns, masks, eye protection, and other devices that do not permit blood or other potentially infectious materials to pass through or reach the employee's clothes, skin, eyes, mouth or other mucous membranes under normal conditions of use. The Superintendent or designee shall maintain, repair, make accessible and require employees to use and properly handle protective equipment. (8 CCR 5193(d))

The Superintendent or designee shall provide handwashing facilities which are readily accessible to employees. When provision of handwashing facilities is not feasible, the Superintendent or designee shall provide an appropriate antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes. (8 CCR 5193(d))

For the prevention of infectious disease, employees shall routinely: (8 CCR 5193(d))

1. Perform all procedures involving blood or other potentially infectious materials in such a manner as to minimize splashing, spraying, spattering, and generating droplets of these substances.
2. Use personal protective equipment as appropriate.
  - a. Appropriate clothing, including but not limited to, gowns, aprons, lab coats, clinic jackets or similar outer garments, shall be worn in occupational exposure situations.

If a garment becomes penetrated by blood or other potentially infectious materials, the employee shall remove the garment immediately or as soon as feasible. All personal protective equipment shall be removed prior to leaving the work area. When removed, it shall be placed in an appropriately designated area or container for storage, washing, decontamination or disposal.

- b. Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes and nonintact skin, and when handling or touching contaminated items or surfaces.

Disposable gloves shall be replaced as soon as practical when contaminated, or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised. They shall not be washed or decontaminated for reuse. Utility gloves may be decontaminated for reuse if the integrity of the gloves is not compromised, but must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

c. Masks in combination with eye protection devices or face shields shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably anticipated.

3. Wash hands and other skin surfaces thoroughly with soap and running water:

a. Immediately or as soon as feasible following contact of hands or any other skin or mucous membranes with blood or other potentially infectious materials

b. Immediately after removing gloves or other personal protective equipment

When handwashing facilities are not available, the employee shall 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.

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 patient-handling techniques and other methods designed to minimize the risk of a sharps injury in all procedures involving the use of sharps in patient care.

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.24 - Specialized Health Care Services)

a. Needleless systems shall be used to administer medication or fluids, withdraw body fluids after initial venous or arterial access is established, and conduct any other procedure involving the potential for an exposure incident for which a needleless system is available as an alternative to the use of needle devices. If needleless systems are not used, needles or non-needle sharps with engineered sharps injury protection shall be used.

b. Contaminated needles or other sharps shall not be broken, bent, recapped, removed from devices, or stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.

c. Disposable sharps shall not be reused.

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(d)(3)(D). Containers shall be easily accessible, maintained upright throughout use where feasible, and replaced as necessary to avoid overfilling.

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.

(cf. 4157/4257/4357 - Employee Safety)

(cf. 5141.1 - Accidents)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.23 - Infectious Disease Prevention)

(cf. 5141.6 - Student Health and Social Services)

(cf. 6145.2 - Athletic Competition)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Teacher Aides/Paraprofessionals**

AR 4222

### **Personnel**

#### Qualifications and Duties of Paraprofessionals

No person shall be initially assigned to assist in instruction as a paraprofessional unless he/she has demonstrated proficiency in reading, writing and mathematics skills up to or exceeding that required for the district's high school seniors pursuant to Education Code 51220(a) and (f). (Education Code 45330, 45344.5, 45361.5)

A paraprofessional who has passed a comparable proficiency test in another district shall be considered to have met the district's proficiency standards. (Education Code 45344.5, 45361.5)

Instructional aides shall perform only such duties as, in the judgment of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. (Education Code 45344)

Instructional aides need not perform their duties in the physical presence of the teacher, but the teacher shall retain responsibility for the instruction and supervision of the students in his/her charge. (Education Code 45344)

#### Qualifications and Duties of Paraprofessionals in Title I Programs

All paraprofessionals hired after January 8, 2002, to work in a program supported by federal Title I funds shall have received a high school diploma or its equivalent. (20 USC 6319; Education Code 45330)

(cf. 6171 - Title I Programs)

In addition, such paraprofessionals shall have met at least one of the following criteria: (20 USC 6319; Education Code 45330)

1. Completed at least two years of study at an institution of higher education
2. Obtained an associate's degree or higher
3. In a manner other than receipt of a high school diploma, met a rigorous standard of quality and demonstrated, through a formal state or local academic assessment, knowledge of and the ability to assist in instructing either:

- a. Reading, writing and mathematics
- b. Reading readiness, writing readiness and mathematics readiness

All paraprofessionals hired before January 8, 2002, and working in a program supported by Title I funds shall satisfy one of the above requirements by January 8, 2006. (20 USC 6319; Education Code 45330)

A paraprofessional hired on or before January 1, 2003, shall be deemed to have met the proficiency exam requirements of item #3 above if he/she has previously demonstrated, through a local assessment, knowledge of, and an ability to assist in, instructing reading, writing and mathematics. (Education Code 45330)

Items #1-3 above shall not apply to any paraprofessional who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in Title I programs by acting as a translator, or whose duties consist solely of conducting parental involvement activities consistent with 20 USC 6318. (20 USC 6319; Education Code 45330)

Paraprofessionals working in a program supported by Title I funds may be assigned to: (P.L. 107-110, Section 1119)

1. Provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher
2. Assist with classroom management, such as organizing instructional and other materials
3. Provide assistance in a computer laboratory
4. Conduct parental involvement activities
5. Provide support in a library or media center
6. Act as a translator
7. Provide instructional services to students, provided that the paraprofessional is working under the direct supervision of a teacher

Title I paraprofessionals may assume limited duties that are assigned to similar personnel in non-Title I programs, including duties beyond classroom instruction or that do not benefit Title I students, in the same proportion of total work time as non-Title I paraprofessionals. (20 USC 6319)

The principal of each school operating a Title I program shall annually attest in writing as

to whether the school is in compliance with federal legal requirements regarding the qualifications and duties of paraprofessionals listed above. Copies of attestations shall be maintained at the school and district office and shall be available to the public upon request. (20 USC 6319)

#### Parental Notification

At the beginning of each school year, parents/guardians shall be notified that they may request information regarding whether their children are provided services by paraprofessionals and, if so, their qualifications. (20 USC 6311)

(cf. 5145.6 - Parental Notifications)

#### Management Resources:

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS  
Title I Paraprofessionals, Non-Regulatory Guidance, March 1, 2004

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
Approved: November 19, 2003 Cloverdale, California

# Exhibit

## Teacher Aides/Paraprofessionals

E 4222

### Personnel

#### Attestation Regarding Title I Paraprofessionals

The following certification must be annually completed and signed by each principal in a school that operates a Title I program pursuant to 20 USC 6314 (schoolwide programs) and 20 USC 6315 (targeted assistance schools).

School:\_\_\_\_\_ Principal:\_\_\_\_\_

1. I certify that every paraprofessional hired after January 8, 2002, and working in a program supported by Title I funds, unless he/she is exempted by law, has received a high school diploma or its equivalent and has met at least one of the following criteria pursuant to 20 USC 6319:

- a. Completed at least two years of study at an institution of higher education
- b. Obtained an associate's or higher degree
- c. Met a rigorous standard of quality and demonstrated, through a formal state or local academic assessment, knowledge of and the ability to assist in instructing either reading, writing and mathematics or reading readiness, writing readiness and mathematics readiness.

2. All paraprofessionals working in a Title I program are performing duties consistent with 20 USC 6319.

\_\_\_\_\_  
Signature of Principal

Exhibit CLOVERDALE UNIFIED SCHOOL DISTRICT  
version: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Temporary Athletic Team Coaches**

AR 4227

### **Personnel**

At the first regular Governing Board meeting or within 30 days after selection of a temporary athletic team coach, whichever is sooner, the Superintendent or designee shall certify to the Board that all temporary athletic team coaches meet the qualifications and competencies required by law. (5 CCR 5594)

Upon the recommendation of the Superintendent or designee, the Board shall certify to the State Board of Education, by April 1 of each year, that the district conforms with state requirements governing the employment of temporary athletic team coaches. (5 CCR 5594)

### Competencies

The Superintendent or designee shall determine whether a temporary athletic team coach is knowledgeable and competent in the areas of: (5 CCR 5593)

1. Care and prevention of athletic injuries, basic sports injury first aid, and emergency procedures

The Superintendent or designee shall establish qualifications in this competency area as evidenced by one or more of the following:

- a. Completion of a college-level course in the care and prevention of athletic injuries and possession of a valid cardiopulmonary resuscitation (CPR) card
  - b. A valid sports injury certificate or first aid card, and a valid cardiopulmonary resuscitation (CPR) card
  - c. A valid Emergency Medical Technician (EMT) I or II card
  - d. A valid trainer's certification issued by the National or California Athletic Trainers' Association (NATA/CATA)
  - e. Practical experience under the supervision of an athletic coach or trainer or experience assisting in team athletic training and conditioning and both valid CPR and first aid cards
2. Coaching techniques



The Superintendent or designee shall establish qualifications in coaching theory and techniques in the sport or game being coached as evidenced by one or more of the following:

- a. Completion of a college course in coaching theory and techniques
  - b. Completion of inservice programs arranged by a school district or county office of education
  - c. Prior service as a student coach or assistant athletic coach in the sport or game being coached
  - d. Prior coaching in community youth athletic programs in the sport being coached
  - e. Prior participation in organized competitive athletics at high school level or above in the sport being coached
3. Rules and regulations in the athletic activity being coached

The Superintendent or designee shall establish knowledge of the rules and regulations pertaining to the sport or game being coached, the league rules and, at the high school level, regulations of the California Interscholastic Federation.

4. Child or adolescent psychology, whichever is appropriate to the grade level of the involved activity

The Superintendent or designee shall establish competency in knowledge of child or adolescent psychology as it relates to sport participation as evidenced by one or more of the following:

- a. Completion of a college-level course in child psychology for elementary school positions and adolescent or sports psychology for secondary school positions
- b. Completion of a seminar or workshop on human growth and development of youth
- c. Prior active involvement with youth in school or community sports program

#### Additional Competencies for Noncertificated Personnel

In addition to the competencies listed above, the Superintendent or designee shall determine that a noncertificated person employed as a temporary athletic team coach: (5 CCR 5592)

1. Has not been convicted of any offense referred to in Education Code 44010, 44011 or 44424, or any offense involving moral turpitude or evidencing unfitness to

associate with children.

(cf. 4212.5 - Criminal Record Check)

2. Is free from tuberculosis and any other contagious disease that would prohibit certificated teachers from teaching, as verified by a written statement, renewable every four years, from a licensed physician or other person approved by the district.

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

Noncertificated coaches have no authority to give grades to students. (5 CCR 5591)

#### Code of Ethical Conduct

Employees providing supervisory or instructional services in interscholastic athletic programs and activities shall: (5 CCR 5596)

1. Show respect for players, officials and other coaches
2. Respect the integrity and judgment of game officials
3. Establish and model fair play, sportsmanship and proper conduct
4. Establish player safety and welfare as the highest priority
5. Provide proper supervision of students at all times
6. Use discretion when providing constructive criticism and when reprimanding players
7. Maintain consistency in requiring all players to adhere to the established rules and standards of the game
8. Properly instruct players in the safe use of equipment
9. Avoid exerting undue influence on a student's decision to enroll in an athletic program at any public or private postsecondary educational institution
10. Avoid exerting undue influence on students to take lighter academic course(s) in order to be eligible to participate in athletics
11. Avoid suggesting, providing or encouraging any athlete to use nonprescriptive drugs, anabolic steroids or any substance to increase physical development or performance that is not approved by the U.S. Food and Drug Administration, U.S. Surgeon General or the American Medical Association

12. Avoid recruitment of athletes from other schools
13. Follow the rules of behavior and the procedures for crowd control as established by the Board and the league in which the district participates

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Staff Development**

BP 4231

### **Personnel**

Classified staff shall have opportunities to participate in staff development activities in order to improve job skills, retrain to meet changing conditions in the district and/or enhance personal growth.

(cf. 4261.3 - Professional Leaves)

The Superintendent or designee shall develop a program of ongoing staff development designed to improve general workplace skills and/or skills and knowledge specific to the duties of each classified position. Staff development activities may include, but not be limited to, training in:

1. The role of classified staff in achieving district goals

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 6010 - Goals and Objectives)

2. The use of technologies to improve job performance

(cf. 0440 - District Technology Plan)

3. Effective interaction with other staff, students, parents/guardians and community members

(cf. 6020 - Parent Involvement)

4. Issues related to student health, safety and welfare

(cf. 3515.5 - Sex Offender Notification)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5141.4 - Child Abuse Reporting Procedures)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5149 - At-Risk Students)

The district's staff development plan for classified staff shall be coordinated with school improvement objectives and school-site plans.

(cf. 0420.1 - School-Based Program Coordination)  
(cf. 0420.2 - School Improvement Program)  
(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)

The Governing Board may budget for actual and reasonable expenses incurred by classified staff who participate in staff development activities.

(cf. 3350 - Travel Expenses)

The Superintendent or designee shall provide a means for continual evaluation of the benefit of these activities to staff and the district.

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

44032 Travel expense payment

44579-44579.4 Instructional Time and Staff Development Reform Program

45380-45387 Retraining and study leave (classified)

56240-56245 Staff development; service to persons with disabilities

GOVERNMENT CODE

3543.2 Scope of representation of employee organization

CODE OF REGULATIONS, TITLE 5

6000-6002 Instructional Time and Staff Development Reform Program

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

San Mateo City School District, (1984) PERB Dec. No. 375, 8 PERC 15021

Jefferson School Districts, (1980) PERB Dec. No. 133, 4 PERC 11117

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Staff Development**

AR 4231  
**Personnel**

Staff development opportunities for classified staff may include, but are not limited to, the following:

1. Visits to other schools and school districts
2. Local and state conferences involving other classified personnel
3. Training classes and workshops offered by the district, county office of education, institution of higher education, private organization or other appropriate agency

(cf. 4261.3 - Professional Leaves)

4. Access to a professional library, which shall include books and reference materials related to job responsibilities

### **Classified Classroom Instructional Aides**

Classified classroom instructional aides may participate in staff development related to the academic content of the core curriculum and/or instructional methods, including teaching strategies, classroom management and other training designed to improve student performance. Such staff development shall be conducted on days that are not counted as instructional time and shall meet other requirements of Education Code 44579.1.

(cf. 4131 - Staff Development)  
(cf. 6111 - School Calendar)

Probationary and permanent classified employees shall not receive regular pay on such staff development days unless they are required to report for duty on those days.  
(Education Code 44579.1)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Soliciting And Selling**

BP 4235

### **Personnel**

Employees shall not solicit district staff, students or their families with the intent to sell general merchandise, books, equipment or services.

(cf. 1321 - Solicitation of Funds from and by Students)

(cf. 4137 - Tutoring)

Staff shall not distribute promotional, political, controversial or other noninstructional materials unless approved by the Superintendent or designee.

(cf. 1325 - Advertising and Promotion)

Staff members shall not use their status as district employees to secure information such as names, addresses and telephone numbers for use in profit-making ventures.

Educational tours may be promoted on school premises only if they are sponsored by the district. Employees engaged in planning, organizing or leading tours as a private business shall make it clear that they do not represent the school or district. All activities related to such tours must be carried on outside of school hours and off school premises.

Any classroom activity requiring students to bring money to school for any purpose must have the principal's approval.

Staff participation in "flower funds," "sickness and bereavement funds," "anniversary funds" and the like shall be a matter of individual discretion.

(cf. 5145.2 - Freedom of Speech/Expression)

Legal Reference:

EDUCATION CODE

51520 Prohibited solicitations on school premises

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Bargaining Units**

BP 4240

### **Personnel**

The Governing Board recognizes the right of public school employees to form bargaining units, select an employee organization as the exclusive representative of their unit, and be represented by that organization in their employment relationship with the district.

The Board is committed to negotiating in good faith and respecting the rights of employees and employee organizations. As required by law, the Board shall negotiate only with the exclusive representative of each bargaining unit.

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4143/4243 - Negotiations/Consultation)

Employees shall not be intimidated, restrained, coerced or discriminated against, either by the district or by employee organizations, because of their membership or nonmembership in an employee organization.

Legal Reference:

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California



# **Board Policy**

## **Collective Bargaining Agreement**

BP 4241

### **Personnel**

The Governing Board recognizes that collective bargaining agreements are legally binding, bilateral agreements. The Board is committed to carrying out the provisions of each agreement and expects the agreements to be consistently and uniformly administered.

In order to help prepare for future negotiations, the Superintendent or designee shall identify any portions of the agreement that hinder the district's efforts to meet district goals.

(cf. 4140/4240 - Bargaining Units)

(cf. 4143/4243 - Negotiations/Consultation)

#### Legal Reference:

##### EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

##### GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

##### CODE OF REGULATIONS, TITLE 8

31001-32997 Regulations of employee relations boards

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Public Notice - Personnel Negotiations**

BP 4243.1

### **Personnel**

Because the Governing Board has a responsibility to represent the public's interest in negotiations with employee organizations, the Board is committed to keeping the public informed about issues being negotiated, providing members of the public an opportunity to express their views, and disclosing the positions of Board members.

- (cf. 1100 - Communication with the Public)
- (cf. 1112 - Media Relations)
- (cf. 4141/4241 - Collective Bargaining Agreement)
- (cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)
- (cf. 4143/4243 - Negotiations/Consultation)
- (cf. 9000 - Role of the Board)
- (cf. 9010 - Public Statements)
- (cf. 9011 - Disclosure of Confidential/Privileged Information)

### **Public Notice**

All initial contract proposals of the Board and an employee organization which relate to matters within the scope of representation shall be presented at a public meeting and shall thereafter be public records. (Government Code 3547)

- (cf. 1340 - Access to District Records)
- (cf. 9321 - Closed Session Purposes and Agendas)
- (cf. 9321.1 - Closed Session Actions and Reports)

Meeting and negotiating between district and employee organization representatives shall not take place on these initial proposals until a reasonable time has elapsed after the submission of these proposals to enable the public to become informed and to express itself regarding the proposals at a public meeting. (Government Code 3547)

After the public has had an opportunity to provide input, the Board shall adopt its initial proposal at a public meeting. (Government Code 3547)

New subjects of meeting and negotiating arising after the presentation of initial proposals shall be made public within 24 hours. If a vote is taken on any such subject by the Board, each member's vote also shall be made public within 24 hours. (Government Code 3547)

### **Public Disclosure**

Before entering into a written agreement covering matters within the scope of representation, the Board shall disclose, at a public meeting, the major provisions of the agreement, including but not limited to the costs that would be incurred by the district under the agreement for the current and subsequent fiscal years. (Government Code 3547.5)

Legal Reference:

GOVERNMENT CODE

3547 Proposals relating to representation; informing public, adoption of proposals; new subjects; regulations

3547.5 Major provisions of agreement with exclusive representative

CODE OF REGULATIONS, TITLE 8

32075 PERB regional office defined

32900 EERA and HEERA public notice: requirements for governing boards to adopt policy

32910 Filing of EERA or HEERA complaint

Management Resources:

CDE MANAGEMENT ADVISORIES

0515.92 Public Disclosure of Collective Bargaining Agreements, 92-01

CSBA PUBLICATIONS

Public Notice and Disclosure, Resource Guide for Employment Relations, December 1996

Maximizing School Board Leadership: Collective Bargaining, 1996

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Public Notice - Personnel Negotiations**

AR 4243.1

### **Personnel**

#### Public Disclosure

The Superintendent or designee shall prepare a summary of the proposed agreement which shall be available to the public prior to the Board entering into the agreement. The summary shall include, but may not necessarily be limited to:

1. Major provisions of the agreement that affect compensation, such as:
  - a. Percentage change in salaries
  - b. Changes in health and welfare benefits
  - c. Changes in health and welfare benefit dollar contributions by the district
  - d. Changes in step and column or longevity provisions
  - e. Changes in overtime, differential, callback and standby pay provisions
  - f. Changes in staffing ratios
  - g. One-time bonuses or off-the-schedule increases
  - h. Percentage change of total compensation for the average represented employee
2. Other provisions that will result in increased costs to the district even if they do not involve an increase in employee compensation, such as class-size reduction or increased number of staff development days
3. Costs of the proposed agreement, for the current and subsequent fiscal years, categorized for salaries, benefits, other compensation and other noncompensation costs
4. Proposed source(s) of funding for the current and subsequent fiscal years including the assumptions used to determine available resources to meet the obligations of the proposed agreement
5. Other major provisions that do not directly affect the district's costs, such as grievance procedures

A copy of the summary shall be provided to the county office of education.

A copy of the Governing Board's policy implementing the public notice requirements shall be available in the district office. (8 CCR 32900)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Complaints**

AR 4244

### **Personnel**

The following guidelines shall prescribe the manner in which complaints are handled:

1. A "complaint" shall be defined as an alleged misapplication of the district's policies, regulations, rules or procedures. Procedures for the resolution of employee complaints provide a route of appeal through administrative channels and to the Governing Board, if necessary. If the complaint is related to discrimination, the district's procedure for complaints concerning discrimination should be used.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

2. If a complaint involves sexual harassment, the initial complaint should be made directly to the offending employee's immediate supervisor. An employee is not required to resolve sexual harassment complaints with the offending person.

3. So as not to interfere with school schedules, meetings related to a complaint shall be held before or after the complainant's regular working hours.

4. All matters related to a complaint shall be kept confidential. Only those individuals directly involved in resolving the complaint shall be informed of the complaint.

5. All documents, communications and records dealing with the complaint shall be placed in a district complaint file. No such material shall be placed in an employee's personnel file.

6. No reprisals shall be taken against any participant in a complaint procedure by reason of such participation.

7. Time limits specified in these procedures may be reduced or extended in any specific instance by written mutual agreement of the parties involved. If specified or adjusted time limits expire, the complaint may proceed to the next step.

8. Any complaint not taken to the next step within prescribed time limits shall be considered settled on the basis of the answer given at the preceding step.

### **Informal Complaints**

Employees are encouraged to resolve complaints informally. Formal complaint

procedures shall not be initiated unless informal efforts to resolve the complaint have been exhausted and the complainant has provided a written description of such efforts.

#### Formal Complaint Procedure - Step 1

If a complaint has not been satisfactorily resolved by informal procedures, the complainant may file a written complaint with the immediate supervisor or principal within 60 days of the act or event which is the subject of the complaint.

Within five working days of receiving the complaint, the immediate supervisor or principal shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The immediate supervisor or principal shall present all concerned parties with a written answer to the complaint within 10 working days after the meeting.

#### Formal Complaint Procedure - Step 2

If a complaint has not been satisfactorily resolved at Step 1, the complainant may file the written complaint with the Superintendent or designee within five working days of receiving the answer at Step 1. All information presented at Step 1 shall be included with the complaint, and the immediate supervisor or principal shall submit to the Superintendent or designee a report describing attempts to resolve the complaint at Step 1.

Within five working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The Superintendent or designee shall present all concerned parties with a written answer to the complaint within 10 working days after the meeting.

#### Formal Complaint Procedure - Step 3

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file a written appeal to the Board within five working days of receiving the answer at Step 2. All information presented at Steps 1 and 2 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a report describing attempts to resolve the complaint at Step 2.

An appeal hearing shall be held at the next regularly scheduled Board meeting which falls at least 12 days after the appeal is filed. This hearing shall be held in closed session if the complaint relates to matters properly addressed in closed session.

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall make its decision within 30 days of the hearing and shall mail its decision to all concerned parties. The Board's decision shall be final.

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California



# **Administrative Regulation**

## **Overtime Pay/Compensatory Time Off**

AR 4253  
**Personnel**

The district shall provide compensatory time off or cash payment for overtime work in accordance with law and any applicable negotiated employee agreement. Overtime is not paid to salaried employees who serve in exempt positions.

Overtime shall be considered any time worked over an 8-hour day or a 40-hour week and shall be compensated at time-and-one-half. If for all or certain classes of classified positions the established workday is less than eight hours but seven hours or more and the established work week is less than 40 hours but 35 hours or more, all time worked in excess of the established workday and work week shall be considered overtime. (Education Code 45128)

The district shall carefully keep records related to the accrual of overtime. Employees subject to overtime payment shall complete a daily record of time worked. Falsification of time records will result in disciplinary action against the employee and may subject him/her to civil and criminal penalties.

Employees have the option of receiving overtime compensation in the form of monetary wages or compensatory time off (CTO). CTO may be accrued up to a maximum of 240 hours (160 hours of overtime work). An employee who wishes to receive CTO must elect to do so pursuant to a written agreement entered into between the district and the employee before the work is performed. (Education Code 45128-45129; Labor Code 204.3)

Employees may use CTO within a reasonable period of the employee's request to do so, provided that this does not unduly disrupt district operations. The district shall make cash payments for CTO which has not been taken within 12 months of its accrual.

No overtime shall be allowed except as authorized by an employee's immediate supervisor and Superintendent.

(cf. 1240 - Volunteer Assistance)  
(cf. 4313.1 - Load/Scheduling/Hours of Employment)

Legal Reference:  
EDUCATION CODE  
45127 Workweek  
45128 Overtime

45129 Compensatory time off

45130 Exclusion from overtime provisions

45131 Workweek; five consecutive days; overtime

45132 Four-consecutive-day workweek

LABOR CODE

204.3 Compensating time off in lieu of overtime compensation

PENAL CODE

424 Embezzlement and falsification of accounts by public officers

UNITED STATES CODE, TITLE 29

201-216 Fair Labor Standards Act

CODE OF FEDERAL REGULATIONS, TITLE 29

511-800 Department of Labor Relations especially:

785.12 Overtime suffered or permitted

COURT DECISIONS

People v. Theresa Groat (1993) 19 Cal.App.4th 1228

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# Board Policy

## Awards and Recognition

BP 4256.2  
**Personnel**

The Governing Board values its instructional and noninstructional staff and desires to recognize their outstanding service in order to increase employee morale and encourage creative and innovative performance.

The Board encourages recognition of all staff during days of significance designated by the Board, state law, or state resolution.

The Board authorizes awards to individual employees who: (Education Code 44015)

1. Propose procedures or ideas that result in eliminating or reducing district expenditures or improving district operations
2. Perform special acts or services in the public interest
3. By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in district operations

As the district budget permits, the Superintendent or designee may recognize such employees by issuing service pins, certificates, plaques, and/or other mementos. In addition, he/she may recommend employees to the Board for recognition at a public Board meeting.

The Superintendent or designee shall establish procedures for the selection of individual employees to receive awards.

The Superintendent or designee may appoint one or more merit award committees consisting of Board members, district employees, and/or private citizens to review employee contributions and recommend awards.

Awards to employees shall not exceed \$200 unless expressly approved by the Board. (Education Code 44015)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

35161 Powers and duties generally

37222.10 Days of significance, including Day of the Teacher

44015 Awards to employees

45460 Classified School Employee Week

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: The Board's Relationship to District Staff, 2008

WEB SITES

CSBA: <http://www.csba.org>

Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: October 19, 2011

California

Cloverdale,

# **Board Policy**

## **Employee Property Reimbursement**

BP 4256.3

### **Personnel**

The Governing Board does not authorize payment for the reimbursement of employee personal property which may be stolen or intentionally destroyed or damaged while being used for work-related purposes.

Legal Reference:

EDUCATION CODE

35213 Reimbursement for loss, destruction or damage of personal property

48904 Liability of parent/guardian for willful misconduct; withholding of grades, diplomas

and transcripts

CIVIL CODE

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Employee Safety**

AR 4257

### **Personnel**

The Superintendent or designee shall provide safety devices, safeguards, methods and processes for staff that are reasonably adequate to render the employment and place of employment safe.

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

(cf. 4157.2/4257.2/4357.2 - Ergonomics)

### **Injury and Illness Prevention Program**

The district's injury and illness prevention program shall cover all district employees and all other workers whom the district controls or directs and directly supervises on the job to the extent that workers are exposed to hazards specific to their worksite and job assignment. The obligation of contractors or other employers who control or direct and supervise their own employees on the job shall not be affected by the district's injury prevention program. (Labor Code 6401.7)

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

1. The name/position of the person(s) with authority and responsibility for implementing the program.
2. A system for ensuring that employees comply with safe and healthful work practices, which may include but not be limited to:
  - a. Recognition of employees who follow safe and healthful work practices

(cf. 4156.2/4256.2/4356.2 - Awards and Recognition)

- b. Training and retraining programs
- c. Disciplinary actions

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

3. A system for communicating with employees in a form readily understandable by

all employees on matters related to occupational health and safety, including provisions designed to encourage employees to report hazards at the worksite without fear of reprisal. This system may include but not be limited to:

- a. Meetings
  - b. Training programs
  - c. Posting
  - d. Written communications
  - e. A system of anonymous notification by employees about hazards
4. Procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. Such inspections shall be made:
- a. Whenever introducing into the workplace new substances, processes, procedures or equipment that represent a new occupational safety or health hazard
  - b. Whenever the district is made aware of a new or previously unrecognized hazard
- (cf. 3514 - Environmental Safety)  
(cf. 3514.1 - Hazardous Substances)
5. A procedure for investigating occupational injury or illness.
6. Methods and/or procedures for correcting unsafe or unhealthful conditions, work practices and work procedures in a timely manner based on the severity of the hazard when observed or discovered.

When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, these procedures shall call for the removal of all exposed staff from the area except those necessary to correct the hazardous condition. Employees needed to correct the condition shall be provided necessary safeguards.

7. Training and instruction:
  - a. To all new employees
  - b. To all employees given new job assignments for which training has not previously been received
  - c. Whenever new substances, processes, procedures or equipment are introduced into the workplace and represent a new hazard

d. Whenever the district is made aware of a new or previously unrecognized hazard

e. To familiarize supervisors with the safety and health hazards to which employees under their immediate direction and control may be exposed

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Records of the steps taken to implement and maintain the injury and illness prevention program shall be kept in accordance with 8 CCR 3203.

#### Hearing Protection

When information indicates that any employee's exposure to noise may equal or exceed an eight-hour average sound level of 85 decibels, the Superintendent or designee shall implement a hearing conservation program in accordance with state and federal regulations. (8 CCR 5097, 29 CFR 1910.95)

#### Eye Safety Devices

Eye safety devices shall be worn by employees whenever they are engaged in or observing an activity involving hazards or hazardous substances likely to cause injury to the eyes. (Education Code 32030)

Such activities include, but are not limited to, the following: (Education Code 32031)

1. Working with hot molten metal
2. Milling, sawing, turning, shaping, cutting, grinding and stamping of any solid materials
3. Heat treating, tempering, or kiln firing of any metal or other materials
4. Gas or electric arc welding
5. Repair or servicing of any vehicles, machinery or equipment
6. Working with hot liquids or solids or with chemicals which are flammable, toxic, corrosive to living tissues, irritating, strongly sensitizing, radioactive, or which generate pressure through heat, decomposition, or other means

(cf. 5142 - Safety)



Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Employee Security**

AR 4258

### **Personnel**

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

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

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

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

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

(cf. 3515.2 - Disruptions)

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

An employee whose person or property is injured or damaged by willful misconduct of a student may ask the district to pursue legal action against the student or the student's parent/guardian. (Education Code 48905)

(cf. 3515.4 - Recovery for Property Loss or Damage)

### **Notice Regarding Student Offenses Committed While Under School Jurisdiction**

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

(cf. 5125 - Student Records)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)

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

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

#### Notice Regarding Student Offenses Committed While Outside School Jurisdiction

When a minor student has been found by a court of competent jurisdiction to have illegally used, sold or possessed a controlled substance or committed specified crimes involving serious acts of violence, the district police or security department may provide written notification to the Superintendent. (Welfare and Institutions Code 828.1)

(cf. 3515.3 - District Police/Security Department)

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

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

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

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

Institutions Code 827)

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

#### Procedures to Maintain Confidentiality of Student Offenses

In order to maintain confidentiality when providing information about student offenses to counselors and teachers of classes/programs to which a student is assigned, the principal or designee shall send the staff member a written notification requesting him/her to review a student's file in the school office as soon as practicable. This notification shall not name or otherwise identify the student. The staff member shall be asked to initial the notification and return it to the principal or designee.

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

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Employee Assistance Programs**

BP 4259

### **Personnel**

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.

#### Legal Reference:

##### EDUCATION CODE

35160 Authority of governing board

35160.1 Broad authority of school districts

44962 Leaves of absence for certificated employees

44964 Power to grant leaves of absence for accident, illness or quarantine

45190-45209 Resignations and leaves of absence for classified employees

##### GOVERNMENT CODE

8355 Certification to contracting or granting agency; requisites

##### HEALTH AND SAFETY CODE

104420 Providing information re: smoking cessation program

##### UNITED STATES CODE, TITLE 41

701-707 Drug-Free Workplace Act

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Personal Illness/Injury Leave**

AR 4261.1

### **Personnel**

Full-time classified employees are entitled to 12 days leave of absence, with full pay, for personal illness or injury per fiscal year. Employees who serve less than a full fiscal year or less than five days a week shall be granted comparable sick leave in proportion to the time they work. (Education Code 45191)

(cf. 4161/4261 - Leaves)

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

An employee may take sick leave at any time during the year, even if credit for sick leave has not yet been accrued. However, new employees shall not be entitled to more than six days of sick leave until they have completed six months of active service with the district. (Education Code 45191)

When available paid leave has been exhausted, the employee shall be so notified in writing and shall be offered an opportunity to request additional leave. (Education Code 45195)

An employee who does not complete a given year of service shall be charged for any unearned sick leave used as of the date of termination.

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 45191)

At the beginning of each school year, employees shall be notified of the amount of sick leave they have accumulated.

A classified employee who leaves the district after at least one year of employment and accepts employment in another district or county office of education within one year shall have transferred with him/her the total amount of accumulated sick leave. This provision shall not apply to employees whose employment is terminated due to action initiated by the district for cause. The district shall not require new employees to waive their leave accumulated in a previous district. (Education Code 45202)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Sick leave may be used by a classified employee for:

1. Absences caused by accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact during the performance of the employee's duties with other persons having a contagious disease (Education Code 45199)

2. Absences due to pregnancy, childbirth and recovery (Education Code 45193)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

3. Cases of personal necessity (Education Code 45207)

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

4. Medical or dental appointments, in increments of not less than one hour

5. Cases of industrial accidents or illnesses when leave granted specifically for that purpose has expired (Education Code 45192)

(cf. 4261.11 - Industrial Accident/Illness Leave)

6. Illness of the employee's child, parent, spouse, registered domestic partner or domestic partner's child, up to the amount of sick leave that would be accrued during six months (Labor Code 233)

An employee shall notify the district of his/her need to be absent as soon as such need is known, so that substitute services may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district by not later than 3 p.m. of the day preceding the day on which he/she intends to return to work. If failure to so notify the district results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

After an employee has exhausted all paid leave, is absent for 5 or more consecutive days and continues to be absent due to illness or injury, he/she shall receive his/her regular salary minus the amount actually paid to any substitute employed to fill the position. The employee is entitled to this differential pay for a period up to five months. (Education Code 45196)

After a permanent employee who is absent because of nonindustrial accident or illness has exhausted all available sick leave, vacation, compensatory overtime and any other paid leave, he/she shall be so notified in writing and offered an opportunity to request additional leave. The Board may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. Total leave so granted shall not exceed 18 months. (Education Code 45195)

When a classified employee has exhausted all available leaves, paid or unpaid, and is still not able to resume his/her duties, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes able, he/she shall be reemployed in the first vacancy in the classification of his/her previous assignment. The employee's reemployment shall take preference over all other applicants except those laid

off for lack of work or funds, in which case the employee shall be ranked according to his/her seniority. (Education Code 45195)

### Verification Requirements

After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

The Superintendent or designee may, at any time, require additional written verification by the employee's physician or practitioner. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever clear evidence indicates that an absence is not related to illness or injury.

The Superintendent or designee may require an employee to visit a physician selected by the district and at district expense in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee, after giving notice to the employee, may deny further leave.

Before returning to work, an employee who has been absent for surgery, hospitalization or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return and stipulating any recommended restrictions or limitations.

(cf. 4032 - Reasonable Accommodation)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

### Legal Reference:

#### EDUCATION CODE

45190 Leaves of absence and vacations

45191 Leaves of absence for illness and injury

45193 Leave of absence for pregnancy (re use of sick leave under certain circumstances)

45195 Additional leave for nonindustrial accident or illness; reemployment preference

45196 Salary; deductions during sick leave

45202 Transfer of accumulated sick leave and other benefits

#### LABOR CODE

233 Illness of child, parent, spouse or domestic partner

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

revised: April 16, 2015



# **Administrative Regulation**

## **Industrial Accident/Illness Leave**

AR 4261.11  
**Personnel**

Leave of absence for industrial accidents or illnesses shall be provided to classified employees who have served in the district continuously for at least three years.

In each fiscal year, allowable leave for any single industrial accident or illness shall be for 60 working days. (Education Code 45192)

(cf. 4113.4/4213.4/4313.4 - Temporary/Modified Light-Duty Assignment)  
(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)  
(cf. 4157.2/4257.2/4357.2 - Ergonomics)  
(cf. 4161/4261 - Leaves)

Allowable leave shall not accumulate from year to year. (Education Code 45192)

When a classified employee is absent from his/her duties because of an industrial accident or illness: (Education Code 45192)

1. Industrial accident or illness leave shall start on the first day of absence.
2. Payment for wages lost on any day shall not, when added to an award granted the employee under the workers' compensation laws of this state, exceed the normal wage for the day.
3. Industrial accident or illness leave shall be reduced by one day for each day of authorized absence, regardless of a compensation award made under workers' compensation.
4. If an industrial accident or illness leave overlaps into the next fiscal year, the employee is entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred, for the same illness or injury.

Upon expiration of allowable leave for an industrial accident or illness, the employee shall use personal illness and injury leave as provided by Education Code 45191. If the employee continues to receive workers' compensation, he/she shall be entitled to use only as much of his/her accumulated or available sick leave, accumulated compensating time, vacation or other available leave as, when added to the employee's workers' compensation award, will provide for a full day's wage or salary. (Education Code 45192)

(cf. 4261.1 - Personal Illness/Injury Leave)

During any paid leave of absence, the employee shall endorse to the district the workers' compensation checks received on account of his/her industrial accident or illness. In those cases, the district shall issue appropriate salary warrants for payment of the employee's salary and shall deduct normal retirement and other authorized contributions. (Education Code 45192)

When available paid leave has been exhausted, the employee shall be so notified in writing and shall be offered an opportunity to request additional leave. (Education Code 45192)

When all available leaves of absence, paid or unpaid, have been exhausted and the employee is not medically able to assume the duties of his/her position, the employee shall be placed either in another position or on a reemployment list for a period of 39 months. If during this time the employee becomes medically able, he/she shall be employed in a vacant position in the class of his/her previous assignment over all other available candidates, except for a reemployment list established because of lack of work or lack of funds, in which case the employee shall be listed in accordance with appropriate seniority regulations. An employee who has been placed on a reemployment list and has been medically released for return to duty, but fails to accept an appropriate assignment, shall be dismissed. (Education Code 45192)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Any employee receiving benefits under this leave shall, during periods of injury or illness, remain within the State of California unless the Governing Board authorizes travel outside the state. (Education Code 45192)

During this leave, the employee may return to his/her position without suffering any loss of status or benefits. Periods of leave of absence, paid or unpaid, shall not be considered to be a break in service of the employee. (Education Code 45192)

Legal Reference:

EDUCATION CODE

45191 Leave of absence for illness or injury

45192 Industrial accident and illness leaves for classified employees

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Personal Leaves**

AR 4161.2

### **Personnel**

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

#### **Bereavement**

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. 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)

(cf. 4161/4261 - Leaves)

(cf. 4361 - Leaves)

Members of the immediate family include the mother, father, grandmother, grandfather or grandchild of the employee or of the employee's spouse; the employee's spouse, son, son-in-law, daughter, daughter-in-law, brother or sister; or any relative living in the employee's immediate household. (Education Code 44985, 45194)

At the employee's request, bereavement leave may be extended under personal necessity leave provisions. (Education Code 44981, 45207)

#### **Personal Necessity**

Employees may use up to seven days of their accrued sick leave during each contract year for reasons of personal necessity. (Education Code 44981, 45207)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207)
2. An accident involving the employee's person or property or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)
3. A serious illness of a member of the certificated employee's immediate family

(Education Code 44981)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party or witness under subpoena or other order (Education Code 45207)
5. Fire, flood or other immediate danger to the home of the employee
6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, no such leave shall 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 true personal necessity.

Advance permission shall not be required for certificated employees in cases involving the death or serious illness of a member of the employee's immediate family or an accident involving the employee's person or property or the person or property of a member of his/her immediate family. (Education Code 44981)

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

#### Legal Duties

Classified employees called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury or witness fees. (Education Code 44037)

Certificated employees also shall be granted leave for jury duty with pay up to the amount of the difference between the employee's regular earnings and any amount received as juror's fees.

Employees shall be granted leaves to appear in court as witnesses other than litigants or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such employees shall receive pay up to the amount of the difference between the employee's regular earnings and any amount received for witness fees.

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, including but not limited to cases in which the employee is a victim of a crime

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

#### Leaves for Victims of Domestic Violence or Sexual Assault

An employee who is a victim of domestic violence or sexual assault as defined by law may take time off work to 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 his/her child. (Labor Code 230)

In addition, an employee who is a victim of domestic violence or sexual assault may take time off work to attend to the following activities: (Labor Code 230.1)

1. Seek medical attention for injuries caused by domestic violence or sexual assault
2. Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault
3. Obtain psychological counseling related to an experience of domestic violence or sexual assault
4. Participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation

An employee who is a victim of domestic violence or sexual assault may use vacation, personal leave or compensatory time off that is otherwise available to the employee under the applicable terms of employment, unless otherwise provided by a collective bargaining agreement. (Labor Code 230, 230.1)

Prior to taking time off, an employee shall give reasonable notice to his/her supervisor, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide to his/her supervisor certification of the absence in the form of any of the following documents: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim of domestic violence or sexual assault
2. A court order protecting or separating the employee from the perpetrator of an act of domestic violence or sexual assault, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider or counselor that the

employee was undergoing treatment for physical or mental injuries or abuse resulting from an act of domestic violence or sexual assault

The supervisor and Superintendent or designee shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

#### Personal Leave for a Child's School Activities

Any employee who is a parent/guardian or grandparent having custody of one or more children who are enrolled in grades kindergarten through 12, or who attend a licensed day care facility, may use up to 40 hours of personal leave, vacation or compensatory time off each school year in order to participate in school or day care activities. Such leave shall not exceed eight hours in any month of the school year, and the employee shall give reasonable advance notice of the absence. (Labor Code 230.8)

(cf. 1240 - Volunteer Assistance)

In lieu of using vacation, personal leave or compensatory time off, eligible employees giving reasonable advance notice may take up to 40 hours without pay each school year for this purpose, not to exceed eight hours in any month.

If both parents of a child are employed at the same work site, this leave shall be allowed for the first parent who applies; simultaneous absence by the second parent 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 day care facility that he/she participated in school or licensed day care facility activities on a specific date and at a particular time. (Labor Code 230.8)

#### Service in State or Employee Organizations

Employees shall be granted up to 20 days of paid leave per year for service performed within the state on any boards, commissions, committees or groups authorized by Education Code 44987.3, provided that the service is in the state of California, the organization informs the district in writing of the service and the organization reimburses the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs. (Education Code 44987.3)

Employees may take a leave of absence without loss of compensation to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the local organization is affiliated. The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special or regular meetings of the body of the organization. (Education Code 44987, 45210)

#### Religious Leave

Employees may take up to three days of leave per year for religious purposes, as long as such leaves do not cause additional district expenditures, the neglect of assigned duties or any other unreasonable hardship on the district. The Superintendent or designee may grant such leave provided that it is requested in advance.

The Superintendent or designee shall deduct the cost of a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

#### 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)

An employee who is a volunteer firefighter 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 or law enforcement training. (Labor Code 230.4)

#### Personal Leaves of Absence

Pursuant to Education Code sections 44963 and 45190 the Governing Board, at its discretion, may grant or deny a request for leave of absence. All requests shall be in writing and specify the proposed departure and return dates and the specific reason(s) for the leave. As a general rule, requests for leave to accept employment elsewhere will be denied except when the employee demonstrates to the Governing Board's satisfaction that extraordinary circumstances exist and the Governing Board determines that granting the request will not be detrimental to the District.

#### Legal Reference:

##### EDUCATION CODE

44036-44037 Leaves of absence for judicial and official appearances

44963 Power to grant leaves of absence (certificated)

44981 Leaves of absence for personal necessity (certificated)

44985 Leave of absence due to death in immediate family (certificated)

44987 Service as officer of employee organization (certificated)

44987.3 Leave of absence to serve on certain boards, commissions, etc.

45190 Leaves of absence and vacations (classified)

45194 Bereavement leave of absence (classified)

45198 Effect of provisions authorizing leaves of absence

45207 Personal necessity (classified)

45210 Service as officer of employee organization (classified)

GOVERNMENT CODE

3543.1 Release time for representatives of employee organizations

LABOR CODE

230-230.1 Leave for victims of domestic violence or sexual assault

230.3 Leave for emergency personnel

230.4 Leave for volunteer firefighters

230.8 Leave to visit child's school

233 Illness of child, parent, spouse, domestic partner or domestic partner's child

234 Absence control policy

CALIFORNIA CONSTITUTION

Article 1, Section 8 Religious discrimination

UNITED STATES CODE, TITLE 29

2612 Leave requirements

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VII, Civil Rights Act of 1964

COURT DECISIONS

Rankin v. Commission on Professional Competence, (1988) 24 Cal.3d 167

Management Resources:

WEB SITES

California Teachers Association: <http://www.cta.org>

California Federation of Teachers: <http://www.cft.org>

California School Employees Association: <http://www.csea.com>

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003

revised: December 15, 2010

Cloverdale, California



# **Administrative Regulation**

## **Family Care And Medical Leave**

AR 4261.8  
**Personnel**

### Eligibility

The district shall grant family care and medical leave of a minimum of 12 work weeks during any 12-month period, to eligible employees, for the following reasons:  
(Government Code 12945.2; 29 USC 2601)

1. Because of the birth of a child of the employee or placement of a child with the employee in connection with the adoption or foster care of the child by the employee.
2. To care for the employee's child, parent or spouse with a serious health condition.
3. Because of the employee's own serious health condition that makes him/her unable to perform the functions of his/her position. However, this does not include leave taken for disability on account of pregnancy, childbirth or related medical conditions.

The district shall not interfere with, restrain or deny the exercise of any right provided to an eligible employee under the law. Also, the district shall not discharge or discriminate against any employee for opposing any practice made unlawful by, or because of his/her involvement in any proceedings related to the family care and medical leave.  
(Government Code 12945.2; 29 USC 2615)

(cf. 4030 - Nondiscrimination in Employment)

### Definitions

Child means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis as long as the child is under 18 years of age or an adult dependent child. (29 USC 2611; Government Code 12945.2)

Eligible employee means an employee who has at least 12 months of service with the employer, and who has at least 1,250 hours of service with the employer during the previous 12-month period. (29 USC 2611; Government Code 12945.2)

Full-time teachers are deemed to meet the 1,250 hours of service requirement. (29 CFR 825.110)

Instructional employee means an employee whose principal function is to teach; instructional employees include athletic coaches, driving instructors, special education assistants and signers for the hearing impaired. The term does not include teacher

assistants or aides, counselors, psychologists, curriculum specialists or other primarily noninstructional employees. (29 CFR 825.600)

Parent means a biological, foster or adoptive parent, a stepparent, a legal guardian, or another person who stood in loco parentis to the employee when the employee was a child. (29 USC 2611; Government Code 12945.2)

Serious health condition means an illness, injury, impairment, physical or mental condition that involves either of the following: (29 USC 2611; Government Code 12945.2)

1. Inpatient care in a hospital, hospice or residential health care facility
2. Continuing treatment or continuing supervision by a health care provider

#### Rights to Reinstatement and Maintenance of Benefits

Upon granting an employee's request for family care and medical leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (29 USC 2614; Government Code 12945.2)

The district may refuse to reinstate an employee returning from leave to the same or a comparable position if all of the following apply: (29 USC 2614, Government Code 12945.2)

1. The employee is a salaried "key employee" who is among the highest paid 10 percent of those district employees who are employed within 75 miles of the employee's worksite
2. The refusal is necessary to prevent substantial and grievous economic injury to district operations
3. The district informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service

An employee who takes leave has no greater right to reinstatement than if he/she had been continuously employed during the leave period. If the district reduces its work force during the leave period and the employee is laid off for legitimate reasons at that time, he/she is not entitled to reinstatement, provided the district has no continuing obligations under a collective bargaining agreement or otherwise. (29 CFR 825.216)

(cf. 4117.3 - Personnel Reduction)

(cf. 4217.3 - Layoff/Rehire)

(cf. 4317.3 - Personnel Reduction)

During the period when an employee is on family care and medical leave, he/she shall maintain his/her status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority or any employee benefit plan.

The district shall continue to provide an eligible employee on family care and medical leave, the group health plan coverage that was in place before he/she took the leave. If the employee fails to return to district employment after the expiration of the leave, for any reason other than the continuation, recurrence or onset of a serious health condition, or other circumstances beyond his/her control, he/she shall reimburse the district for premiums paid during the family care and medical leave.

(cf. 4154/4254/4354 - Health and Welfare Benefits)

#### Terms of Leave

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

Leave taken pursuant to the California Family Rights Act shall run concurrently with leave taken pursuant to the federal Family and Medical Leave Act (FMLA), except for any leave taken under the FMLA for disability on account of pregnancy, childbirth, or related medical conditions. In addition to family care and medical leave, an employee may be entitled to take pregnancy disability leave of up to four months. During the otherwise unpaid portion of pregnancy disability leave, the employee may use any accrued vacation, sick time or other paid leave. (Government Code 12945, 12945.2)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

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 have to be taken in one continuous period of time. The basic minimum duration of the leave shall be two weeks. However, the district shall grant a request for leave of less than two weeks' duration on any two occasions. (29 USC 2612; 2 CCR 7297.3)

If both parents of a child work for the district, their family care and medical leave related to the birth or placement of the child shall be limited to a total of 12 weeks. (Government Code 12945.2; 29 USC 2612)

During the period of family care and medical leave, the employee may elect to use his/her accrued vacation leave, other accrued time off, or any other paid or unpaid time off negotiated with the district. Accrued sick leave may be used when the purpose of the family care and medical leave is one for which sick leave may be taken pursuant to collective bargaining agreements and/or Board policy. (Government Code 12945.2)

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4161/4261 - Leaves)

## Intermittent Leave/Reduced Leave Schedule

Leave related to the serious health condition of the employee or his/her child, parent or spouse may be taken intermittently or on a reduced leave schedule when medically necessary. In such a case, the district may require the employee to transfer temporarily to a different position for which he/she is qualified, with equivalent pay and benefits, and that could better accommodate recurring periods of leave. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced leave schedule. (2 CCR 7297.3)

Where the employee involved is an instructional employee and would be on leave for greater than 20 percent of the total number of working days in the leave period, the employee shall have the option of temporarily transferring to an available alternative position or taking leave for periods of a particular duration, not to exceed duration of the planned medical treatment. (29 USC 2618)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

### Instructional Employees: Leaves Near the End of the Term

The district may require an instructional employee to continue taking a requested leave until the end of the term in any of the following situations: (29 USC 2618)

1. If the instructional employee begins a leave of three or more weeks duration more than five weeks before the end of a term and would subsequently return to work during the last three weeks of the term
2. If the instructional employee, for reasons other than his/her own serious health condition, begins a leave of more than two weeks duration during the period that begins five weeks before the end of the term and would subsequently return to work during the last two weeks of the term
3. If the instructional employee, for reasons other than his/her own serious health condition, begins a leave of more than five days duration during the period that begins three weeks before the end of the term

### Request for Family Care and Medical Leave

An employee shall request family care and medical leave in writing, at least 30 days before the commencement date of the leave. If the leave becomes necessary less than 30 days before its commencement, the employee shall provide such notice as soon as practicable. (29 USC 2612; Government Code 12945.2)

In every case in which the necessity for the leave is foreseeable based on planned medical treatment or supervision, the employee shall make a reasonable effort to schedule the

treatment or supervision to avoid disruption of district operations. This scheduling shall be subject to the health care provider's approval. (29 USC 2612; Government Code 12945.2)

#### Certification of Health Condition

A request by an employee for family care and medical leave for his/her serious health condition, or to care for a child, parent or spouse with a serious health condition, shall be supported by a certification from the health care provider of the employee or such other person as applicable. The certification shall include the following: (29 USC 2613; Government Code 12945.2; 2 CCR 7297.0)

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 a child, parent or spouse with a serious health condition, the health care provider's certification of both of the following:
  - a. Estimated amount of time the health care provider believes the employee needs to care for the child, parent or spouse
  - b. Statement that the serious health condition warrants the participation of a family member to provide care during a period of the treatment or supervision of the child, parent or spouse
4. If the employee is requesting leave because of his/her own serious health condition, the health care provider's certification that due to the serious health condition, the employee is unable to perform the functions of his/her job
5. If the employee is requesting leave for intermittent treatment or is requesting leave on a reduced leave schedule for planned medical treatment, the certification must also state 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

If the district doubts the validity of a certification that accompanies a request for leave, the district 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 district 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. (29 USC 2613; Government Code 12945.2)

If additional 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 in the preceding paragraph. (29 USC 2613; Government Code 12945.2)

Employees who take family care and medical leave for their own serious health conditions shall present certification from their health care provider to the effect that they are able to resume work.

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

#### Notifications

The Superintendent or designee shall post separate notices about federal and state law related to family care and medical leave in a conspicuous place. Information about employee rights and obligations related to such leaves shall also be included in employee handbooks. (29 USC 2619; 2 CCR 7297.9)

At least the first time in each six-month period that an employee requests family care and medical leave, the Superintendent or designee shall provide written notice detailing specific expectations and obligations, and explaining any consequences of a failure to meet these obligations. The notice shall include: (29 CFR 825.301)

1. A statement that the leave will be counted against the employee's annual family care and medical leave entitlement
2. Requirements for the employee to furnish medical certification of a serious health condition
3. The employee's right to substitute paid leave, conditions related to any substitution, and whether the district requires this substitution
4. Health benefit arrangements
5. If applicable, the employee's status as a "key employee" and information related to restoration of that status
6. The employee's right to restoration to the same or an equivalent job
7. The employee's potential liability for health benefits should the employee not return to service
8. The district's requirement that the employee, upon return, present medical certification to the effect that he/she is able to resume work

#### Records

The Superintendent or designee shall maintain records pertaining to individual employees' use of family care and medical leave.

Legal Reference:

GOVERNMENT CODE

12940 Unlawful employment practices

12945 Pregnancy; childbirth or related medical condition; unlawful practice

12945.1-12945.2 California Family Rights Act

19702.3 Family care leave; exercise of rights

CODE OF REGULATIONS, TITLE 2

7291.2-7291.16 Sex discrimination: pregnancy and related medical conditions

7297.0-7297.11 Family care leave

UNITED STATES CODE, TITLE 29

2601-2654 Family and Medical Leave Act of 1993

CODE OF FEDERAL REGULATIONS, TITLE 29

825.100-825.800 Family and Medical Leave Act of 1993

Management Resources:

WEB SITES

U.S. Department of Labor, Employment Standards Administration, Wage and Hour  
Division:

<http://www.dol.gov>

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Exhibit**

## **Family Care And Medical Leave**

E 4261.8

### **Personnel**

#### Your Rights Under The Family And Medical Leave Act Of 1993

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

#### REASONS FOR TAKING LEAVE

Unpaid leave must be granted for any of the following reasons:

- \* to care for the employee's child after birth, or placement for adoption or foster care;
- \* to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- \* for a serious health condition that makes the employee unable to perform the employee's job.

At the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave.

#### ADVANCE NOTICE AND MEDICAL CERTIFICATION

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- \* The employee ordinarily must provide 30 days' advance notice when the leave is "foreseeable."
- \* An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.
- \* For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."



\* Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms.

\* The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

#### UNLAWFUL ACTS BY EMPLOYERS

FMLA makes it unlawful for any employer to:

\* interfere with, restrain, or deny the exercise of any right provided under FMLA;

\* discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

#### ENFORCEMENT

\* The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.

\* An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

#### FOR ADDITIONAL INFORMATION

Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.

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#### FAMILY CARE AND MEDICAL LEAVE (CFRA LEAVE) AND PREGNANCY DISABILITY LEAVE

Under the California Family Rights Act of 1993 (CFRA), if you have more than 12 months of service with us and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave, you may have a right to an unpaid family care or medical leave (CFRA leave). This leave may be up to 12 work weeks in a 12-month period for the birth, adoption or foster care placement of your child or for your own serious health condition or that of your child, parent or spouse.

Even if you are not eligible for CFRA leave, if you are disabled by pregnancy, childbirth

or related medical conditions, you are entitled to take a pregnancy disability leave of up to four months, depending on your period(s) of actual disability. If you are CFRA-eligible, you have certain rights to take BOTH a pregnancy disability leave and a CFRA leave for reason of the birth of your child. Both leaves contain a guarantee of reinstatement to the same or to a comparable position at the end of the leave, subject to any defense allowed under law.

If possible, you must provide at least 30 days' advance notice for foreseeable events (such as the expected birth of a child or planned medical treatment for yourself or of a family member). For events which are unforeseeable, we need you to notify us, at least verbally, as soon as you learn of the need for the leave.

Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until you comply with this notice policy.

We may require certification from your health care provider before allowing you a leave for pregnancy or your own serious health condition or certification from the health care provider of your child, parent or spouse who has a serious health condition before allowing you a leave to take care of that family member. When medically necessary, leave may be taken on an intermittent or reduced work schedule.

If you are taking a leave for the birth, adoption or foster care placement of a child, the basic minimum duration of the leave is two weeks and you must conclude the leave within one year of the birth or placement for adoption or foster care.

Taking a family care or pregnancy disability leave may impact certain of your benefits and your seniority date. If you want more information regarding your eligibility for a leave and/or the impact of the leave on your seniority and benefits, please contact

\_\_\_\_\_.

Authority Cited:        Sections 12935, subd. (a) and 12945.2,        Government Code

Exhibit CLOVERDALE UNIFIED SCHOOL DISTRICT  
version: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Catastrophic Leave Program**

AR 4261.9

### **Personnel**

When an employee or a member of his/her family experiences a catastrophic illness or injury which requires the employee to take time off from work for an extended period of time, and the employee has exhausted all available sick leave and other paid time off, he/she may request donations of accrued vacation or sick leave credits. (Education Code 44043.5)

In making such a request, the employee shall provide verification of the catastrophic injury or illness. (Education Code 44043.5)

Verification shall be made by means of a letter, dated and signed by the sick or injured person's physician, indicating the incapacitating nature and probable duration of the illness or injury.

Upon determination that the employee is unable to work due to his/her own or a family member's catastrophic illness or injury, any other employee, upon written notice to the Governing Board, may donate accrued vacation and/or sick leave credits to the requesting employee. Donations shall be at a minimum of eight hours, and in hour increments thereafter. (Education Code 44043.5)

To ensure that employees retain sufficient accrued sick leave to meet their own needs, donors shall not reduce their accumulated sick leave to fewer than \_\_\_ hours.

All transfers of eligible leave credit shall be irrevocable. (Education Code 44043.5)

The Superintendent or designee shall ensure that all donations are confidential.

The employee who is the recipient of the donated leave credits shall use those credits within 12 consecutive months.

If donated credits are not used by the employee within 12 consecutive months, the credits shall be placed in a pool that will be available to the next eligible employee who requests catastrophic leave.

An employee who receives paid catastrophic leave shall use any leave credits that he/she continues to accrue on a monthly basis before receiving paid leave pursuant to this program. (Education Code 44043.5)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Management, Supervisory And Confidential Personnel**

BP 4300

### **Personnel**

The Governing Board recognizes that effective management is vital to the success of district operations. Management personnel are expected to demonstrate initiative and good judgment in the development, implementation and oversight of district programs. Supervisors shall promote the productivity, professional growth and teamwork of district staff.

The Board shall adopt policies related to management, supervisory and confidential personnel insofar as they are needed to comply with law and describe circumstances of employment within the district.

The Board may, by resolution, establish or abolish positions designated as senior management of the classified service.

#### Legal Reference:

##### EDUCATION CODE

35031 Term of employment

45100.5 Senior management positions

45104.5 Abolishment of senior classified management positions

45108.5 Definitions of senior classified management employees

45108.7 Waiver of provisions of 45108.5

45128 Overtime

45130 Exclusion from overtime provisions

45256.5 Designation of certain positions

##### GOVERNMENT CODE

3540.1 Definitions

3543.4 Management position; representation

3545 Appropriateness of unit; basis

##### COURT DECISIONS

Auer v. Robbins, (1997) 117 S.Ct. 905

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Management, Supervisory And Confidential Personnel**

AR 4300  
**Personnel**

Management, supervisory and confidential positions shall be defined as follows:  
(Government Code 3540.1)

1. Management employees are those having significant responsibilities for formulating district policies or administering district programs and who serve in a position which the Governing Board has legally designated as a management position.
2. Supervisory employees are those who, using independent judgment:
  - a. Have the authority to make recommendations to the Superintendent or designee concerning employee hiring, transfer, suspension, layoff, recall, promotion, discharge, assignment, reward, or discipline
  - b. Assign work to employees and direct them
  - c. Adjust employee grievances

(cf. 2220 - Administrative Staff Organization)

3. Confidential employees are those employees who, in the regular course of their duties, have access to or possess information relating to the district's employer-employee relations.

### Senior Management of the Classified Service

A senior management employee is either a fiscal advisor to the Superintendent or an employee in the highest program area position not requiring certification, with districtwide responsibility for formulating policy or administering the program.  
(Education Code 45108.5)

Employees designated as senior management are part of the classified service and shall have the same rights, benefits and duties except the right to permanent status in these positions. (Education Code 45100.5)

(cf. 4312.1 - Contracts)

Positions in the senior management of the classified service shall be filled from an unranked list of eligible persons who have demonstrated managerial ability and who have

been found qualified for the positions as specified by the Superintendent and determined by the personnel commission. (Education Code 45256.5)

(cf. 2230 - Representative and Deliberative Groups)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Recruitment And Selection**

AR 4311  
**Personnel**

### Recruitment and Screening

When a management position vacancy is known or anticipated, the Superintendent or designee shall determine the need and qualifications for the position. As soon as possible, notice of the vacancy shall be published within the district and may be published through other recruitment sources.

In selecting candidates for formal interview, the Superintendent or designee shall:

1. Review valid transfer requests
2. Review the current applicant file
3. Establish an interview committee
4. Arrange interviews for the best qualified applicants
5. Provide the interview committee with each candidate's complete personnel folder, a set of questions to be asked, rating sheets, and related instructions.

The interview committee shall rank candidates in order of priority. When all interviews have been completed, committee members may discuss candidates before recommending finalists. All discussions and recommendations shall be confidential.

A special effort shall be made to interview candidates who qualify for consideration under the district's affirmative action plan.

### Selection

When finalists have been identified, the Superintendent or designee shall interview in person or by telephone those individuals given as references who have had the greatest opportunity to observe the finalists' professional activities.

The Superintendent or designee shall interview the finalists and submit a recommendation to the Board. No management position shall be filled without concurrence of both the Superintendent or designee and the Board.

If the Superintendent or designee cannot make a recommendation in full confidence,



he/she shall be directed to declare the position open and undertake a new search.

When a final recommendation is approved, the Superintendent or designee shall contact the finalist to obtain acceptance of an offer of employment.

The salary and placement of newly elected staff shall be determined by the Board. Employment shall be subject to the possession of valid, appropriate credentials.

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

As soon as the position is filled, the Superintendent or designee shall notify all candidates who were not selected.

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Legal Status Requirement**

BP 4311.2

### **Personnel**

The district shall hire only citizens and aliens who are lawfully authorized to work in the United States. The Superintendent or designee shall ensure that district employment practices do not unlawfully discriminate on the basis of citizenship status or national origin, including but not limited to, discrimination against any refugees, grantees of asylum, or persons qualified for permanent or temporary residency.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4111 - Recruitment and Selection)

(cf. 4211 - Recruitment and Selection)

(cf. 4311 - Recruitment and Selection)

All new employees shall show appropriate documents which certify that they are legally eligible to work in the United States, as required by law and in accordance with administrative regulation.

#### Legal Reference:

UNITED STATES CODE, TITLE 8

1324a Unlawful employment of aliens

1324b Unfair immigrant-related employment practices

CODE OF FEDERAL REGULATIONS, TITLE 8

274a.1-a.14 Control of Employment of Aliens

#### Management Resources:

WEB SITES

U.S. Citizenship and Immigration Service: <http://www.uscis.gov>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Legal Status Requirement**

AR 4311.2

### **Personnel**

Within three business days of hire, the Superintendent or designee shall physically examine the documentation presented by the employee establishing his/her identity and employment eligibility as set forth in INS Form I-9. The Superintendent or designee shall (1) ensure that the documents presented appear to be genuine and relate to the individual and (2) complete the "Employer Review and Verification" section of the Form I-9. (8 CFR 274a.2)

Persons employed for three days or less must provide such documentation on their first day. (8 CFR 274a.2)

If unable to provide satisfactory documentation because the document was lost, stolen, or damaged, the employee shall furnish a receipt indicating that a replacement document has been requested. This receipt must be presented within three days of the hire, and the replacement document must be provided within 90 days of the hire. (8 CFR 274a.2)

If an individual's employment authorization expires, the Superintendent or designee must reverify the I-9 form, by noting the document's identification number and expiration date on the form, no later than the date the work authorization expires. The employee shall present a document that either shows continuing employment eligibility or a new grant of work authorization. (8 CFR 274a.2)

After examining the documents presented, the Superintendent or designee shall copy them. Such copies shall be retained with the individual's I-9 form. The documents shall be kept confidential and used only as needed to help justify the district's past decision to accept the documents as valid.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

The district shall retain the I-9 forms for three years after the date of the hire or for one year after the date the individual's employment is terminated, whichever is later. (8 CFR 274a.2)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Contracts**

BP 4312.1

## **Personnel**

In order to attract and retain qualified staff, the Governing Board may employ certificated administrators and supervisors and senior management of the classified staff on a contract basis.

(cf. 4313.1 - Load/Scheduling/Hours of Employment)

(cf. 4313.2 - Promotion/Demotion/Reassignment)

(cf. 4314 - Transfers)

Contracts with the Superintendent and, if any, with the deputy, assistant or associate superintendent shall be ratified at an open Board meeting and reflected in the Board's minutes. Copies of the contracts shall be available to the public upon request. Contracts with these administrators may not be for more than four years. (Education Code 35031; Government Code 53262)

(cf. 2121 - Superintendent's Contract)

Certificated supervisors and administrators, other than the Superintendent or deputy, assistant or associate superintendent, may be offered a continuing contract covering a period longer than one year but not exceeding four years.

Employee contracts shall include a provision specifying the legal maximum cash settlement that the employee may receive upon termination of the contract. (Government Code 53260)

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

If the Board decides not to reelect or reemploy the Superintendent, a deputy, associate or assistant superintendent, or a senior manager of the classified service upon the expiration of his/her term, it shall notify the employee in writing 45 days prior to the expiration of the term of the contract. (Education Code 35031)

### Legal Reference:

#### EDUCATION CODE

35030 Title of deputy, associate or assistant superintendent for certain positions

35031 Term of employment

44842 Automatic declining of employment

44843 Notice of employment (to county superintendent)

44929.20 Continuing contract  
44951 Continuation in position unless notified  
GOVERNMENT CODE  
53260-53264 Employment contracts

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Health Examinations**

BP 4312.4

### **Personnel**

#### New Employees

The Superintendent or designee shall ensure that new district employees comply with all the health examination requirements of California law.

In addition, the Superintendent or designee may require applicants for employment in classified positions to undergo a preemployment physical examination to show that they are physically able to perform the duties of specific jobs. (Education Code 45122)

#### Continuing Employees

Continuing employees shall undergo periodic tuberculosis tests once every four years in accordance with law. (Education Code 49406)

The Governing Board is concerned about the prevalence of tuberculosis in our community and may require continuing employees to undergo tuberculosis tests when warranted upon the recommendation of the local health officer.

Employees may be required to pass a physical and/or psychological examination any time such an examination appears necessary to preserve the health and welfare of district students and employees or to furnish medical proof of physical or mental ability to perform satisfactorily the assigned duties of an individual's position. (Education Code 44839, 45122)

(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

#### Legal Reference:

##### EDUCATION CODE

44839 Medical certificate; periodic medical examination

44839.5 Requirements for employment of retirant

44932 Grounds for dismissal of permanent employee

44942 Suspension or transfer of certificated employee on ground of mental illness, psychiatric examination; mandatory sick leave

45122 Physical examinations

49406 Examination for tuberculosis

##### CODE OF REGULATIONS, TITLE 5

5502-5503 Physical examination for retirants employed as substitute teacher, etc.

5504 Medical certification procedures

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Health Examinations**

AR 4312.4

### **Personnel**

#### New Employees

1. No person shall be initially employed unless he/she has placed on file with the district a certificate from a physician licensed under the Business and Professions Code indicating that a tuberculosis examination within the past 60 days shows that he/she is free from active tuberculosis. The tuberculosis examination shall consist of an approved intradermal tuberculin test. An x-ray of the lungs shall be required only if the intradermal test is positive. (Education Code 49406)

Persons transferring from another district may fulfill tuberculosis examination requirements in either of the following ways: (Education Code 49406)

- a. By producing a certificate showing that the employee was examined within the last four years and found free of active tuberculosis, or
- b. By having the last employing school verify that it has on file a current certificate which contains that showing.

2. When a new employee in a position requiring certification has not previously been employed in such a position in California, he/she must have a medical certificate on file with the district. The certificate will state that the employee is free from any disabling disease which would render him/her unfit to instruct or associate with children. The certificate form may be obtained from the personnel services office. It must be filled out by a licensed physician and returned to the personnel services office by the physician. The medical examination referred to in the certificate must have been conducted within six months of the time when the certificate is filed. (Education Code 44839)

The cost of preemployment examinations shall be borne by the applicant. (Education Code 44839, 45122, 49406)

When an employee's religious belief prevents him/her from undergoing a physical examination, the district shall follow provisions of Education Code 49406.

#### Continuing Employees

Continuing employees who test negative on tuberculin skin tests shall undergo a tuberculosis examination at least once every four years. (Education Code 49406)



Tuberculosis tests and other medical examinations required by the Superintendent or designee shall be administered by a physician licensed under the Business and Professions Code and shall be provided by the district or at district expense. (Education Code 44839, 45122, 49406)

#### Food Service Workers

All food service workers who cook, serve or handle food are required to obtain a health certificate before being assigned to work in any district cafeteria or kitchen. If a disease is suspected, a blood test or periodic health examinations may be required.

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Drug And Alcohol Testing For School Bus Drivers**

BP 4312.42

### **Personnel**

The Governing Board desires to take all possible steps to ensure transportation safety for district students and staff. The Superintendent or designee shall establish a drug and alcohol testing program for all school bus drivers and any other employees who hold a commercial driver's license which is necessary to perform duties related to their employment with the district. This program shall be designed to fulfill the requirements of federal law and regulations.

(cf. 3542 - School Bus Drivers)

(cf. 4020 - Drug and Alcohol-Free Workplace)

Drivers who test positive for alcohol or drugs shall be removed from safety-sensitive functions and subject to disciplinary action up to and including dismissal in accordance with administrative regulations.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

#### Legal Reference:

##### EDUCATION CODE

35160 Authority of governing boards

##### VEHICLE CODE

34500 Applicable vehicles

34501.12 Motor carrier definition

34520 Motor carrier and driver compliance with federal testing requirements

##### UNITED STATES CODE, TITLE 49

2717 Alcohol and controlled substances testing (Omnibus Transportation Employee Testing Act of 1991)

##### CODE OF FEDERAL REGULATIONS, TITLE 49

40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs

382 Controlled Substance and Alcohol Use and Testing

395 Hours of Service of Drivers

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Drug And Alcohol Testing For School Bus Drivers**

AR 4312.42

### **Personnel**

The district's drug and alcohol testing program shall apply to all employees who operate a commercial motor vehicle, including any vehicle designed to transport 16 or more passengers. This includes casual, intermittent or occasional drivers as well as full-time, regularly employed drivers. (49 CFR 382.107)

The Superintendent or designee shall contract for collection and testing services and shall ensure that testing procedures and facilities used for the tests conform with the requirements of the Code of Federal Regulations, Title 49, Part 40.

Drivers shall inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Drivers using such a substance may continue to perform safety-sensitive functions only if the physician has advised the driver that the substance will not adversely affect his/her ability to safely operate a commercial motor vehicle. (49 CFR 382.213)

### **Pre-Employment Tests**

A pre-employment drug test shall be required of an applicant only after he/she has been offered the position.

Drug tests shall be conducted before the first time a driver performs any safety-sensitive function for the district. (49 CFR 382.301)

Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work until he/she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the district or paid work for any other entity. (49 CFR 382.107, 395.2)

Exceptions may be made for drivers who have participated in the drug testing program required by law within the previous 30 days, provided that the district has been able to make all verifications required by law. (49 CFR 382.301)

Pre-employment testing shall also be required of employees returning to work after a layoff period if the employee was removed from the random testing pool. If the employee remains in the random testing pool, additional testing shall not be necessary. (49 CFR 382.301)

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

#### Post-Accident Tests

Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver:

1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life (49 CFR 382.303)
2. Who receives a citation under state or local law for a moving traffic violation arising from the accident (49 CFR 382.303)
3. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved a serious medical injury
4. Whose performance cannot be excluded as a contributing factor based on information available at the time of the accident

Drivers shall make themselves readily available for testing, absent the need for immediate medical attention. (49 CFR 382.303)

No such driver shall use alcohol for eight hours after the accident, or until after he/she undergoes a post-accident alcohol test, whichever occurs first. (49 CFR 382.209)

If an alcohol test is not administered within two hours of the accident or if a drug test is not administered within 32 hours, the district shall prepare and maintain records explaining why the test was not conducted. Tests shall not be given if not administered within eight hours after the accident for alcohol or within 32 hours for drugs. (49 CFR 382.303)

Tests conducted by authorized federal, state or local officials shall fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the district. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations. (49 CFR 382.303)

#### Random Tests

Alcohol and drug tests shall be conducted on a random basis at unannounced times throughout the year. The number of random alcohol and drug tests shall be at least equal to those required by federal regulations. Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made. Tests for alcohol shall be conducted just before, during or just after the performance of safety-sensitive functions. (49 CFR 382.305)

## Reasonable Suspicion Tests

An alcohol or drug test shall be conducted if a supervisor or district official trained in accordance with law has reasonable suspicion that a driver has violated the district's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech or body odors. The observations may include indications of the chronic and withdrawal effects of controlled substances. (49 CFR 382.307)

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the district shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight hours. (49 CFR 382.307)

A supervisor or district official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his/her observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier. (49 CFR 382.307)

The Superintendent or designee shall ensure that an employee under reasonable suspicion is transported to the designated collection or testing site.

## Enforcement

Any driver who refuses to submit to a post-accident, random or reasonable suspicion test, or to a follow-up test as described below, shall not perform or continue to perform safety-sensitive functions. (49 CFR 382.211) Therefore, any driver who so refuses shall be immediately suspended and subject to disciplinary action, up to and including dismissal.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

A driver who is tested and found to have an alcohol concentration of .02 or greater but less than .04 may not perform or continue to perform safety-sensitive functions including driving a commercial motor vehicle until the start of the driver's next regularly scheduled duty period, but not less than 24 hours after the test was administered. (49 CFR 382.505)

A driver who tests positive for drugs or is found to have an alcohol concentration of .04 or greater shall be subject to disciplinary action up to and including dismissal.

A driver who violates district prohibitions related to drugs and alcohol shall receive from the district the names, addresses and telephone numbers of substance abuse professionals

and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help, if any, the driver needs in resolving such a problem. Any substance abuse professional who determines that a driver needs assistance shall not refer the driver to a private practice, person or organization in which he/she has a financial interest, except under circumstances allowed by law. (49 CFR 382.605)

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program. (49 CFR 382.605)

#### Return-to-Duty Tests

If a driver who has violated the district's drug or alcohol prohibition is returned to performing safety-sensitive duties, a drug or alcohol test shall be conducted. (49 CFR 382.309)

Employees whose conduct involved drugs shall not return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result. Employees whose conduct involved alcohol shall not return to duty in a safety-sensitive function until the return-to-duty alcohol test indicates an alcohol concentration of less than .02. (49 CFR 382.605)

#### Follow-up Tests

A driver who violates the district's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing shall be conducted just before, during or just after the time when the driver is performing safety-sensitive functions. (49 CFR 382.311)

Follow-up testing shall consist of at least six tests in the first 12 months following the driver's return to duty. The substance abuse professional may terminate the follow-up testing at any time after the first six tests if he/she determines that testing is no longer needed. Testing shall not occur beyond 60 months from the date of the driver's return to duty. (49 CFR 382.605)

#### Maintenance of Records

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing

by the driver. (49 CFR 382.405)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

#### Notifications

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the district's policy and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify all of the following: (49 CFR 382.601)

1. The person designated by the district to answer drivers' questions about the materials
2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382
4. Specific information concerning driver conduct that is prohibited by Part 382
5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results and ensure that test results are attributed to the correct driver
7. The requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences
9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation and treatment
10. The consequences for drivers found to have an alcohol concentration of .02 or greater but less than .04
11. The effects of drugs and alcohol on an individual's health, work and personal life;

signs and symptoms of a drug or alcohol problem (the driver's or a coworker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program and/or referral to management

(cf. 4159/4259/4359 - Employee Assistance Programs)

12. Other legal requirements, district policies and disciplinary consequences related to the use of alcohol and drugs.

(cf. 4020 - Drug and Alcohol-Free Workplace)

Each driver shall sign a statement certifying that he/she has received a copy of the above materials. (49 CFR 382.601)

(cf. 4112.9 - Employee Notifications)

Before any driver operates a commercial motor vehicle, the district shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements. (49 CFR 382.303)

Before drug and alcohol tests are performed pursuant 49 CFR 382, the district shall inform drivers that the tests are required by these regulations. (49 CFR 382.113)

The district shall notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of his/her employment application. (49 CFR 382.411)

The district shall notify a driver of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive. The district shall also tell the driver which controlled substance(s) were verified as positive. (49 CFR 382.411)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California



# **Administrative Regulation**

## **Criminal Record Check**

AR 4312.5

### **Personnel**

#### Applicants for Employment

The Superintendent or designee shall ensure that each person to be employed submits fingerprints, either electronically through the Live Scan system or on fingerprint identification cards, for processing by the Department of Justice. If the district is using the Live Scan system, the Superintendent or designee shall also provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

The Superintendent or designee shall ensure that no person is hired in a position requiring certification qualifications or supervising positions requiring certification qualifications who has been convicted of a violent or serious felony as listed in Penal Code 667.5(c) or 1192.7(c), unless that person has obtained a certificate of rehabilitation and a pardon. (Education Code 44830.1)

(cf. 4112 - Appointment and Conditions of Employment)

(cf. 4112.2 - Certification)

#### Subsequent Arrest Notification

The Superintendent or designee shall request subsequent arrest notification from the Department of Justice as provided under Penal Code 11105.2. (Education Code 44830.1)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

#### Current Employees

The Superintendent or designee shall not retain in employment any current certificated employee who is a temporary employee, substitute employee or probationary employee serving before March 15 of the employee's second probationary year if he/she has been convicted of a violent or serious felony. (Education Code 44830.1)

Upon notification by the Department of Justice of such conviction, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 44830.1)

When the district receives written electronic notification of the fact of conviction from the Department of Justice, the Superintendent or designee shall terminate that employee

without regard to any other procedure for termination specified in the Education Code or district procedures, unless that employee has received a certificate of rehabilitation and a pardon. (Education Code 44830.1)

If the employee challenges the Department of Justice record and the Department of Justice withdraws in writing its notification, the Superintendent or designee shall immediately reinstate that employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement. (Education Code 44830.1)

Legal Reference:

EDUCATION CODE

44010 Sex offense

44332 Temporary certificate

44332.5 Registering certificates by certain districts

44332.6 Criminal record check, county board of education

44346.1 Applicants for credential, conviction of a violent or serious felony

44830.1 Certificated employees, conviction of a violent or serious felony

44830.2 Certificated employees; interagency agreement

44836 Conviction of a sex offense

45122.1 Classified employees, conviction of a violent or serious felony

45125 Use of personal identification cards to ascertain conviction of crime

45125.01 Classified employees; interagency agreements

45125.5 Automated records check

45126 Duty of Department of Justice to furnish information

PENAL CODE

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

11105.2 Subsequent arrest notification

CODE OF REGULATIONS, TITLE 11

703 Release of criminal offender record information

708 Destruction of criminal offender record information

Management Resources:

WEB SITES

Department of Justice/Attorney General's Office: <http://www.caag.state.ca.us/app>

CSBA: <http://www.csba.org>

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Personnel Files**

AR 4312.6

### **Personnel**

The Superintendent or designee shall maintain personnel files for all current employees. All personnel files are confidential and shall be available only to the employee, persons authorized by the employee and those authorized by the Superintendent or designee. Official employee files shall be maintained at the district's central office. The Superintendent or designee shall determine the types of information to be included and shall process all material to be placed in a personnel file.

(cf. 4141/4241 - Collective Bargaining Agreement)

The contents of all personnel files shall be kept in strict confidence by any authorized reviewer.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

Personnel files shall be reviewed and replaced within the shortest time possible. In no case shall a personnel file be left unattended or left unfiled overnight.

### **Placement of Material in Personnel Files**

Any person who places written material or drafts written material for placement in an employee's file shall sign the material and signify the date of placement.

When an employee is asked to sign any material that is to be placed in his/her file, it is with the understanding that his/her signature signifies only that he/she has read the material and does not necessarily indicate agreement with its contents.

Any request by an employee to include materials in his/her personnel file must be approved by the Superintendent or designee.

A certificated employee may initiate a written reaction or response to his/her performance evaluation and that response shall become a permanent attachment to the employee's personnel file. (Education Code 44663)

(cf. 4115 - Evaluation/Supervision)

## Derogatory Information

Information of a derogatory nature shall not be entered into an employee's personnel file unless and until the employee is given notice and an opportunity to review and comment on that information. Such a review shall take place during normal business hours. The employee shall be released from duty for this purpose without a salary reduction. The employee may enter his/her own comments and have them attached to the derogatory statement. (Education Code 44031)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5141.4 - Child Abuse Reporting Procedures)

## File Review by Employee

The contents of personnel records relating to the employee's performance or to any grievance concerning the employee shall be made available to the employee at reasonable intervals and at reasonable times. The Superintendent or designee shall not be required to make such records available at a time when the employee is required to render services to the district, unless the employee is required to view the file where it is stored. (Labor Code 1198.5; Education Code 44031)

The Superintendent or designee shall do one of the following: (Labor Code 1198.5)

1. Keep a copy of each employee's personnel records at the place where the employee reports to work
2. Make the employee's personnel records available at the place where the employee reports to work within a reasonable period of time following an employee's request
3. Permit the employee to inspect the personnel records at the location where the district stores the personnel records, with no loss of compensation to the employee

Any employee wishing to inspect his/her personnel record shall contact the Superintendent or designee.

With the exceptions noted below, all personnel records related to the employee's performance or to any grievance concerning the employee shall be made available for inspection by the employee. Noncredentialed employees shall have access to any numerical scores obtained as result of written examinations. (Education Code 44031)

The Superintendent or designee shall not be required to make available to the employee: (Labor Code 1198.5, Education Code 44031)

1. Records relating to the investigation of a possible criminal offense
2. Letters of reference
3. Ratings, reports or records that were obtained prior to the employee's employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

The employee may be accompanied by a representative of the employee's choice while reviewing the record.

Inspection shall take place in the presence of the Superintendent or designee. All reviews of personnel records shall be recorded, including the date and time the file was reviewed and the name and title of the person(s) present during the review.

In no instance shall any material be removed from the records. Requests for copies of material in a personnel record must be made in writing.

#### File Review by Management and Board

Management personnel or district legal counsel with a valid "right to know" or "need to know" may, with the Superintendent or designee's authorization, review an employee's personnel file.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

Board members are not individually allowed to request and access personnel files but the Board may request pertinent information from an employee's file in cases of personnel action.

#### Legal Reference:

##### EDUCATION CODE

35253 Regulations to destroy records

44031 Personnel file contents and inspection

44663 Performance appraisals and related materials

##### GOVERNMENT CODE

3305-3306 District police officers; personnel files

6254.3 Disclosure of home address and phone number

##### LABOR CODE

1198.5 Inspection of personnel files

PENAL CODE

11165.14 Report of investigation of child abuse complaint

CODE OF REGULATIONS, TITLE 5

16020-16022 Records, general provisions

16023-16027 Retention of records

ATTORNEY GENERAL OPINIONS

Cal. Atty. Gen., Indexed Letter, no. IL 75-73 (June 6, 1975)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Employment References**

BP 4312.61

### **Personnel**

\*\*\*Note: Pursuant to Civil Code 47, an employer cannot be sued for providing information about the job performance or qualifications of a current or former employee when such information is given to a prospective employer without malice and at the prospective employer's request. This protection does not apply, however, to information about any speech or activities that are constitutionally protected or otherwise protected by law, including those found in the Code of Civil Procedure 527.3 which upholds the right of employees to discuss labor disputes and to picket or assemble peacefully.\*\*\*

The Superintendent or designee should seek legal counsel in determining whether or not it is advisable to reveal negative information concerning an employee. In *Randi W. v. Muroc Unified School District et al.*, the California Supreme Court held that school authorities who recommend a former employee for hiring at another school could be held liable for physical harm to a student molested by the employee when their recommendations failed to disclose known or reasonably suspected acts of sexual misconduct previously committed by the employee.

The Superintendent or designee shall process all requests for references, letters of recommendation, or information about the reasons for separation regarding all district employees other than himself/herself. All letters of recommendation to be issued on behalf of the district for current or former employees must be approved by the Superintendent or designee.

At his/her discretion, the Superintendent or designee may refuse to give a recommendation. Any recommendation he/she gives shall provide a careful, truthful and complete account of the employee's job performance and qualifications.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)  
(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

Legal Reference:

LABOR CODE

1050-1054 Reemployment privileges

CIVIL CODE

47 Privileged communication

CODE OF CIVIL PROCEDURE

527.3 Labor disputes

CODE OF REGULATIONS, TITLE 5

80332 Professional candor and honesty in letters or memoranda of employment  
recommendation

COURT DECISIONS

Randi W. v. Muroc Joint Unified School District et al., (1997) 14 Cal. 4th 1066

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California



# **Administrative Regulation**

## **Employment References**

AR 4312.61

### **Personnel**

No certificated employee shall write or sign any letter or memorandum which intentionally omits significant facts, or which states as facts matters which the writer does not know of his/her own knowledge to be true, relating to the professional qualifications or personal fitness to perform certificated services of any person who the writer knows will use the letter or memorandum to obtain professional employment. (Code of Regulations, Title 5, Section 80332)

No certificated employee shall agree to provide a positive letter of recommendation which misrepresents facts as a condition of another employee's resigning or withdrawing action against the district. (Title 5, Section 80332)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Maintenance Of Criminal Offender Records**

AR 4312.62

### **Personnel**

#### Maintenance of Criminal Offender Records

All information received from the Department of Justice is confidential. (Education Code 44830.1, 45125)

The Superintendent shall designate an employee as record custodian of all confidential fingerprint and criminal record history who shall be responsible for the administration of the information. Any questions regarding Criminal Offender Record Information shall be resolved by the record custodian.

(cf. 1240 - Volunteer Assistance)  
(cf. 3515.6 - Criminal Background Checks for Contractors)  
(cf. 4112.5/4312.5 - Criminal Record Check)  
(cf. 4112.6/4212.6/4312.6 - Personnel Files)  
(cf. 4212.5 - Criminal Record Check)

Criminal Offender Record Information shall be accessible only to the record custodian and shall be kept in a locked file separate from other files. The contents of these records shall not be disclosed and shall not be reproduced. (Education Code 44830.1, 45125)

The record custodian shall be fingerprinted and processed through the California Department of Justice. He/she shall sign an Employee Statement Form, acknowledging an understanding of the laws regarding Criminal Offender Record Information.

These records shall be used only for the purpose for which they were requested.

Upon a hiring determination, the records shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained. (Education Code 44830.1, 45125; 11 CCR 708)

Violation of this administrative regulation may result in suspension, dismissal and/or criminal or civil prosecution.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)  
(cf. 9011 - Disclosure of Confidential/Privileged Information)

The record custodian shall ensure that the district complies with destruction, storage,

dissemination, auditing, backgrounding and training requirements as set forth in 11 CCR 701-708 and the rules regarding use and security of these records as set forth in Penal Code 11077. (Education Code 44830.1, 45125)

### Interagency Agreements

Upon receipt from the Department of Justice of a criminal history record or report of subsequent arrest for any person on a common list of persons eligible for employment, the designated district shall give notice to the Superintendent or any participating district, or the person designated in writing by that Superintendent, that the report is available for inspection on a confidential basis by the Superintendent or the written designee. The report shall be made available at the office of the designated district for 30 days following the receipt of the notice. (Education Code 44830.2, 45125.01)

The designated district shall not release a copy of that information to any participating district or any other person. In addition, the designated district shall retain or dispose of the information in the manner specified in law and in this administrative regulation after all participating districts have had an opportunity to inspect it in accordance with law. (Education Code 44830.2, 45125.01)

The designated district shall maintain a record of all persons to whom the information has been shown. This record shall be available to the Department of Justice. (Education Code 44830.2, 45125.01)

The designated district shall submit an interagency agreement to the Department of Justice to establish authorization to submit and receive this information. (Education Code 44830.2, 45125.01)

### Legal Reference:

#### EDUCATION CODE

44332 Temporary certificate

44332.6 Criminal record check, county board of education

44346.1 Applicants for credential, conviction of a violent or serious felony

44830.1 Certificated employees, conviction of a violent or serious felony

44830.2 Interagency agreements

45122.1 Classified employees, conviction of a violent or serious felony

45125 Use of personal identification cards to ascertain conviction of crime

45125.01 Interagency agreements

45125.5 Automated records check

45126 Duty of Department of Justice to furnish information

#### PENAL CODE

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

11075-11081 Criminal record dissemination

11105 State criminal history information; furnishing to authorized persons

11105.3 Record of conviction involving sex crimes, drug crimes or crimes of violence;  
availability to employer for applicants for positions with supervisory or disciplinary  
power over minors

11140-11144 Furnishing of state criminal history information

13300-13305 Local summary criminal history information

CODE OF REGULATIONS, TITLE 11

701-708 Criminal offender record information

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Exhibit**

## **Maintenance Of Criminal Offender Records**

E 4312.62

### **Personnel**

#### Sample Employee Statement Form Use Of Criminal Justice Information

As an employee of \_\_\_\_\_ - School District, you may have access to confidential criminal record information which is controlled by statute. Misuse of such information may adversely affect the individual's civil rights and violates the law. Penal Code 502 prescribes the penalties related to computer crimes. Penal Code 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be released. Penal Code 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information. Government Code 6200 prescribes the felony penalties for misuse of public record and CLETS (California Law Enforcement Telecommunication System) information. Penal Code 11142 and 13303 state:

Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor.

Any employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may also result in criminal and/or civil action.

**I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION.**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Exhibit CLOVERDALE UNIFIED SCHOOL DISTRICT  
version: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Employment Of Relatives**

BP 4312.8

### **Personnel**

In order to preclude situations which could bring about a conflict of interest for members of the administrative staff, an employee shall not be appointed to a position where a member of his/her immediate family maintains supervisory or evaluation responsibilities for the position.

Immediate family members may be employed at the same department or work location with the approval of the Superintendent or designee.

(cf. 9270 - Conflict of Interest)

Legal Reference:

GOVERNMENT CODE

12940 Unlawful employment practices, exceptions

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Employee Notifications**

AR 4312.9

### **Personnel**

The district shall provide employees with the following notifications and shall obtain signed acknowledgments that the notifications were received when so required by law or by district policy or regulations.

#### Acknowledgments Required by Law

1. Legal obligation to report known or suspected instances of child abuse  
(cf. 5141.4 - Child Abuse Reporting Procedures)
2. Oath or affirmation of allegiance required of public employees  
(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)
3. Hepatitis B vaccine declination  
(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
4. The district's school bus driver drug and alcohol testing policy, regulations and related information  
(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)
5. Notice of release from position requiring an administrative or supervisory credential  
(cf. 4313.2 - Promotion/Demotion/Reassignment)
6. The classified employee's class specification, salary data, assignment or work location, duty hours and prescribed workweek  
(cf. 4212 - Appointment and Conditions of Employment)
7. Information about certificated employee membership in the State Teachers' Retirement System

#### Acknowledgments Not Required by Law

1. The district's drug- and alcohol-free workplace  
(cf. 4020 - Drug and Alcohol-Free Workplace)
2. The district's nonsmoking policy  
(cf. 3513.3 - Tobacco-Free Schools)
3. Prohibition of sexual harassment  
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
4. The certificated employee's employment status and salary  
(cf. 4112.1 - Contracts)
5. State disability insurance rights and benefits  
(cf. 4154/4254/4354 - Health and Welfare Benefits)
6. Certificated employee evaluations  
(cf. 4115 - Evaluation/Supervision)  
(cf. 4315 - Evaluation/Supervision)
7. Requirements and information pertinent to emergency teaching or specialist permit applicants  
(cf. 4112.2 - Certification)
8. Notice of layoff  
(cf. 4117.3 - Personnel Reduction)  
(cf. 4217.3 - Layoff/Rehire)  
(cf. 4317.3 - Personnel Reduction)
9. Derogatory information to be placed in personnel file  
(cf. 4112.6/4212.6/4312.6 - Personnel Files)
10. Exhaustion of classified employee's paid leave  
(cf. 4261.1 - Personal Illness/Injury Leave)  
(cf. 4261.11 - Industrial Accident/Illness Leave)
11. Notice of charges related to disciplinary action



(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

12. Notice of intention to dismiss

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

13. Students whose actions could constitute grounds for suspension or expulsion, except for possession or use of tobacco

(cf. 4158/4258/4358 - Employee Security)

Legal Reference:

EDUCATION CODE

231.5 Sexual harassment policy

22455.5 STRS information to potential members

22515 Irrevocable election to join STRS

44031 Personnel file contents, inspection

44663 Evaluation and assessment; copy to certificated employee

44916 Written statement of employment status

44940.5-44941 Notification of suspension and intent to dismiss

44949 Cause, notice and right to hearing

44951 Continuation in position unless notified

44955 Reduction in number of employees

45113 Notification of charges

45117 Notice of layoff

45169 Employee salary data

45192 Industrial and accident leave

45195 Additional leave

49079 Notification to teacher

GOVERNMENT CODE

3100-3109 Oath or affirmation of allegiance

8355 Certification of drug-free workplace, including notification

PENAL CODE

11166.5 Employment; statement of knowledge of duty to report

UNEMPLOYMENT INSURANCE CODE

2613 Notice of rights and benefits

CODE OF REGULATIONS, TITLE 5

80026.1 Information to applicants

CODE OF REGULATIONS, TITLE 8

5193 California bloodborne pathogens standard

CODE OF FEDERAL REGULATIONS, TITLE 49

382.601 Controlled substance and alcohol use and testing notifications

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Promotion/Demotion/Reassignment**

BP 4313.2

### **Personnel**

The Governing Board may promote, demote, and reassign management and confidential employees when such action is determined to be in the best interest of the district. The Board shall consider the recommendation of the Superintendent or designee when making decisions related to promotion, demotion and reassignment.

The Superintendent or designee shall ensure that the district complies with all applicable statutory deadlines and due process procedures.

(cf. 4317.3 - Personnel Reduction)

#### Legal Reference:

##### EDUCATION CODE

35031 Senior management employee in the classified service: nonreelection

44660-44665 Evaluation and assessment of performance of certificated employees

44850.1 No tenure in administrative or supervisory positions

44896 Transfer of administrator or supervisor to teaching position

44951 Continuation in position unless notified (position requiring administrative or supervisory credential)

45101 Definitions (including disciplinary action, cause)

45113 Rules for classified service in districts not incorporating the merit system

##### COURT DECISIONS

Jefferson v. Compton Unified School District, (1993) 14 Cal.App. 4th 32

Ellerbroek v. Saddleback Valley Unified School District, (1981) 177 Cal. Rptr. 910

Hentschke v. Sink, (1973) 34 Cal.App. 3d 19

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Promotion/Demotion/Reassignment**

AR 4313.2

### **Personnel**

#### Certificated Management and Supervisory Personnel

Certificated employees holding an administrative or supervisory credential may be released and placed in a different position for the following year.

Before March 15, the Governing Board shall meet and determine whether the identified employee may be released from his/her position effective the end of the school year and reassigned to a different position.

By March 15, the employee shall be notified of the Board's action by registered mail or in person. If the notice is presented to the employee in person, the employee's signature acknowledging receipt of the notice shall be obtained on the district's copy of the written notice. (Education Code 44951)

Before July 1, the Board shall take additional action to bring into effect the release and reassignment of employees who received the above notice.

If the reassignment is to a teaching position, the Board shall give the employee, if requested, a written statement of the reasons for the reassignment. If these reasons include incompetency as an administrator or supervisor, the district shall have completed an evaluation of the employee within the 60-day period immediately preceding the notice date. (Education Code 44896)

#### Classified Management, Supervisory and Confidential Personnel

For personnel in this classification:

Demotion means assignment to an inferior position or status, without the employee's written voluntary consent. (Education Code 45101)

Reclassification means the upgrading of a position to a higher classification as a result of the gradual increase of the duties being performed by the incumbent in such position. (Education Code 45101)

If assigned to a position within a bargaining unit, management, supervisory and confidential classified employees shall be reclassified at the discretion of the district subject to provisions of the applicable collective bargaining agreement.

(cf. 4312.1 - Contracts)

Any decision regarding the demotion of a permanent management, supervisory or confidential classified employee shall be subject to the causes, appeal rights, and procedure set forth in district policy, regulation or collective bargaining agreements for disciplinary action against classified employees. (Education Code 45113)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

The Board shall provide 45 days' notice before demoting a deputy, associate or assistant superintendent or employee in the senior management of the classified service. (Education Code 35031)

In initiating the involuntary reassignment of a classified manager, the Superintendent or designee shall provide the classified manager with prior written notice of the intent to reassign him/her to a designated position. The notice will inform the manager of the specific reasons for the reassignment, his/her right to a hearing, and the time within which an appeal must be filed. The notice shall also contain a card or paper for requesting a hearing. The classified manager may, within five days after receiving such notice, file a written request for hearing before the Board.

The request for hearing shall be filed in the office of the Superintendent or designee. If the manager fails to file a request for hearing as specified above, he/she will be deemed to have waived the right to a hearing and the reassignment may be made effective immediately.

If a request for hearing is filed as specified above, a hearing shall be scheduled before the Board. The Board shall hear the matter, with the party initiating the reassignment bearing the burden of proving the reasons for the reassignment. The hearing shall be recorded by a reporter or tape recording. After the hearing, the Board shall determine whether to approve, modify, or revoke the reassignment. The decision of the Board shall be final.

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Temporary Modified/Light-Duty Assignment**

BP 4313.4

### **Personnel**

The Governing Board recognizes that when employees suffer work-related injuries, modified or light-duty assignments minimize lost time and may serve to facilitate the transition back to the employee's regular duties or full-time work. Whenever possible, the Superintendent or designee shall offer such employees this kind of temporary assignment.

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

Modified or light-duty assignments shall be designed to accommodate medical restrictions specified by the employee's physician. They may include work in the same job classification or a different job classification at the employee's regular salary rate.

Modified or light-duty assignments are intended to address short-term medical restrictions and will normally extend for less than eight weeks' duration. These assignments shall not be used as a means to establish new assignments or displace other employees.

Legal Reference:

EDUCATION CODE

44984 Required rules for industrial accident and illness leave

45192 Industrial accident and illness leave for classified employees

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Temporary Modified/Light Duty Assignment**

AR 4313.4

### **Personnel**

Any employee who suffers a work-related injury shall provide the district with medical verification of his/her physical condition. Unless the treating physician provides a full release from work, the employee may be considered eligible for a temporary modified or light-duty assignment. If the treating physician does not specify work restrictions, the Superintendent or designee may contact the physician to see if modified or light-duty work might be appropriate.

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

The Superintendent or designee shall meet with the employee and his/her supervisor to determine whether the employee can return to his/her regular job with the medical restrictions specified by the physician.

If the employee is not able to return to his/her regular job with restrictions, the Superintendent or designee shall seek a temporary modified or light-duty assignment for the employee. Employees who are given such assignments shall receive written notification of the assignment.

If no temporary modified or light-duty assignment can be found, the employee will be placed on temporary disability, sick leave, or other available leave to the extent available until an appropriate position within the medical restrictions is found, or until the medical restrictions are lifted. The Superintendent or designee shall also monitor the status of any employee for whom the physician provided a full release from work to see if the employee could return to a temporary modified or light-duty assignment at a later date.

(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)

(cf. 4261.11 - Industrial Accident/Illness Leave)

If an employee rejects a temporary modified or light-duty assignment, this refusal may provide a basis for terminating temporary disability benefits.

The Superintendent or designee shall monitor all modified and light-duty assignments and may contact the physician for assistance in determining when the employee is ready to resume his/her regular duties.

approved: November 19, 2003

Cloverdale, California



# **Board Policy**

## **Transfers**

BP 4314

### **Personnel**

The Superintendent or designee shall assess the needs of the district and place management personnel in positions which will meet those needs.

#### Voluntary Transfer

The Governing Board recognizes that management employees may wish to request transfers to vacant positions for which they are qualified in order to promote their professional growth and broaden their management background. The Superintendent or designee shall establish procedures for the transfer of management personnel.

#### Involuntary Transfer

Involuntary transfers within an administrator's classification (same job title) shall be initiated at the recommendation of the Superintendent or designee in the best interests of the district.

#### Legal Reference:

EDUCATION CODE

35035 Additional powers and duties of superintendent

COURT DECISIONS

Hentschke v. Sink (1973) 34 Cal.App. 3d 19

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Transfers**

AR 4314

### **Personnel**

#### Voluntary Transfer

Requests for voluntary transfers shall be submitted to the Superintendent or designee at the time of the known vacancy. The employee will be notified in writing of the decision within 15 days.

Transfer requests may be withdrawn by the employee at any time.

#### Involuntary Transfer

Before recommending the involuntary transfer or lateral end-of-the-year rotation of administrators, the Superintendent or designee shall confer with the affected employee and notify him/her of the intent to recommend the transfer or rotation and the specific reasons for the transfer. For transfers effective at the beginning of the school year, this conference shall take place before May 30.

If, after the conference, the recommendation to transfer or rotate administrators is made, the Superintendent or designee shall so notify the affected employee in writing at least 20 days before the transfer, except in emergency situations. This notice shall stipulate the reasons for the transfer.

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Evaluation/Supervision**

BP 4315

### **Personnel**

#### Certificated Management

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

1. The administrator's progress toward agreed-upon goals, objectives and tasks
2. General expectations of performance which recognize professional responsibility, accountability and attitude
3. The fulfillment of responsibilities contained in the specific job descriptions adopted by the Board
4. Additional factors as determined by the Superintendent or designee

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

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

Formal management evaluations shall be recorded in writing on a form prescribed by the Superintendent or designee. The evaluation shall include recommendations for improvement if needed. Assistance shall be provided by the district to this end.

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

A copy of the report shall be given to the administrator within 15 working days following the evaluation and no later than 30 days before the last scheduled school day. The employee may make a written response to the evaluation at any time up to 15 days after receiving a copy of the evaluation. The response shall be attached to the evaluation and

permanently placed in the employee's personnel file.

For 12-month employees, the written evaluation report shall be given to the administrator no later than June 30 and a discussion of the evaluation shall be held no later than July 30 of the year in which the evaluation takes place. (Education Code 44663)

The Superintendent or designee shall develop regulations and procedures for the evaluation of all administrative and supervisory personnel. These written regulations and procedures shall be available to administrative and supervisory personnel. (Education Code 35171)

#### Classified Management Employees

Classified management personnel will be evaluated according to the procedures developed by the Superintendent or designee and approved by the Board. The evaluation shall include recommendations for improvement if needed. Assistance shall be provided by the district to this end.

The evaluation form must be signed by both the person being evaluated and the supervisor making the evaluation. The signature of the evaluated management employee shall not show agreement with the evaluation unless so indicated above the signature of the employee. The employee may make written response to the evaluation at any time up to 15 days after receiving a copy of the evaluation. The response shall be attached to the evaluation and placed in the employee's personnel file.

#### Confidential Personnel

The Superintendent or designee shall develop appropriate procedures for the evaluation of confidential personnel. Evaluations shall be administered in the same manner and time schedule as classified employees who have similar but nonconfidential positions with the district.

#### Legal Reference:

##### EDUCATION CODE

33039 State guidelines for teacher evaluation procedures

35171 Availability of rules and regulations for evaluation of performance

44660-44665 Evaluation and assessment of performance of certificated employees

45113 Rules and regulations for the classified service in districts not incorporating the merit system

##### GOVERNMENT CODE

3543.2 Scope of representation (re evaluation procedures)

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Staff Evaluating Teachers**

BP 4315.1

### **Personnel**

The Governing Board expects that administrators assigned to evaluate teachers shall:

1. Possess a valid administrative credential
2. Be competent in the instructional methodologies used by the teachers they evaluate
3. Be skilled in the supervision of instruction and in techniques and procedures related to the evaluation of instruction
4. Be familiar with district curriculum priorities, policies and practices, district standards for student progress, and district policies and procedures related to personnel supervision, performance evaluation and staff development

The Superintendent or designee shall ensure that administrators who evaluate teachers meet the above criteria and shall observe each administrator while he/she is conducting a teacher evaluation. This observation shall be a factor in the subsequent evaluation of the administrator. The Superintendent or designee also shall discuss his/her observations with the administrator and may develop and implement an appropriate professional improvement program for the administrator.

(cf. 4315 - Evaluation/Supervision)

Legal Reference:

**EDUCATION CODE**

33039 Guidelines for teacher evaluation

44660-44665 Evaluation and assessment of performance of certificated employees

44681-44689 Administrator training and evaluation

**GOVERNMENT CODE**

3543.2 Scope of representation (re evaluation procedures)

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Preretirement Part-Time Employment**

BP 4317.11

### **Personnel**

The Governing Board may allow certificated employees the opportunity to work on a part-time basis before retirement without jeopardizing full retirement credit.

The Superintendent or designee may establish regulations which allow certificated employees who are members of the State Teachers Retirement System (STRS) or Public Employee Retirement System (PERS) to reduce their workload from full to part time, receive service credit and maintain the retirement benefits the employee would have received if the employee had been employed on a full-time basis.

Legal Reference:

#### **EDUCATION CODE**

22713 Part-time employment; reduction of workload from full-time; credit

44922 Regulations; reduction to part-time employment

#### **GOVERNMENT CODE**

20815 Part-time employee; retirement with benefits based upon salary on full-time basis

53201 Health and welfare benefits: election by officers and employees; deduction of premiums or charges from salaries

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Preretirement Part-Time Employment**

AR 4317.11

### **Personnel**

A certificated employee may be allowed to work on a part-time basis without losing retirement benefits under the following conditions: (Education Code 22713, 44922)

1. The employee shall have his or her retirement allowance, as well as other benefits to which the employee is entitled, based upon the compensation that the employee would have received if he or she had been employed on a full-time basis.

(cf. 4154/4254/4354 - Health and Welfare Benefits)

2. The option to reduce the employee's workload shall be exercised at the request of the employee and can be revoked only with the mutual consent of the Superintendent or designee and the employee.

3. The employee shall have been employed full time to perform creditable service for at least 10 years including five years immediately preceding the reduction in workload.

4. The employee shall not have had a break in service during the five years immediately preceding the reduction in workload. Sabbaticals and other approved leaves of absence shall not constitute a break in service. However, time on a sabbatical or other approved leave of absence shall not be used in computing the five-year full-time requirement.

5. The employee shall have reached the age of 55 years prior to the reduction in workload.

6. The period of the reduced workload shall not exceed 10 years.

7. The reduced workload shall be equal to one-half of the full-time equivalent required by the employee's contract of employment during his or her final year of full-time employment.

8. The employee shall be paid a compensation that is the pro rata share of the compensation the employee would have earned had the employee not opted to reduce his or her workload.

The Superintendent or designee shall verify the employee's eligibility prior to the reduction of an employee's workload. This shall be done in conjunction with the



administrative staff of STRS and PERS, in accordance with law. (Education Code 22713)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Retirement Consultancy Contracts**

BP 4317.12

### **Personnel**

The Governing Board recognizes that because of their experience and knowledge of district programs and procedures, retired certificated employees may be uniquely suited to performing specialized work of limited duration.

The Board may offer retirement consultancy contracts to certificated individuals who meet the qualifications required by law and administrative regulation.

#### Legal Reference:

##### EDUCATION CODE

- 22119.5 Creditable service
- 22461 Notice of earnings limitation
- 22714 Encouragement of retirement
- 22715 Additional service credit
- 22716 Unpaid services
- 24214 Reemployment of retirant
- 24216 Payments to retirants in excess of limitation
- 35046 Consultancy contracts
- 41320.1 Appointment of trustee
- 42120-42128 Budget completion

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Retirement Consultancy Contracts**

AR 4317.12

### **Personnel**

Retired certificated employees serving as consultants shall be retained as employees, and their services shall be limited in accordance with retirement system rules and regulations. (Education Code 35046)

To be eligible for consideration for a retirement consultancy contract, the certificated employee must have served the district or the county superintendent of schools for at least 10 years and be at least 55 years of age. (Education Code 35046)

Retirement consultancy contracts are renewable annually for up to five years or until the employee reaches age 65, whichever comes first. (Education Code 35046)

Retirees employed under this program shall not make contributions to the retirement fund or accrue service credit based on compensation earned from program service. (Education Code 24214)

Retirees employed under this program shall be paid at a rate commensurate with that of other employees performing comparable duties. The employee may earn compensation for creditable service up to the limitation specified by law and adjusted annually in accordance with the All Urban California Consumer Price Index. This limit applies only to earnings for service that would be creditable for State Teachers' Retirement System purposes if performed by a current employee. (Education Code 22119.5, 24214, 35046)

#### **Emergency Exemptions from Postretirement Compensation Limitation**

A retiree shall be exempt from the above limitation for a maximum period of two years if appointed by the Superintendent of Public Instruction as a trustee or administrator pursuant to Education Code 41320.1 or if assigned to a position by the County Superintendent of Schools pursuant to Education Code 42120-42129. (Education Code 24216)

A retiree shall also be exempt from the above limitation when employed in an emergency situation to fill a vacant administrative position requiring highly specialized skills, provided that all of the following conditions are met: (Education Code 24216)

1. The vacancy occurred due to circumstances beyond the district's control.
2. The retiree is employed for up to one-half of the full-time equivalent for the position.

3. The recruitment process to fill the vacancy on a permanent basis is expected to extend over several months.

4. The employment is reported in a public meeting of the Governing Board.

A retiree employed in an emergency situation to fill an administrative position as described above may be exempt from the earnings limitation up to an additional one-half of the full-time equivalent for the same position provided that neither the retiree nor any other retiree has received an exemption pursuant to Education Code 24216 for the same position. The district shall submit documentation to substantiate that the district has unsuccessfully attempted to permanently fill the position while the position was occupied by the retiree and that the vacancy continues to exist due to circumstances beyond the control of the district. (Education Code 24216)

The above exemptions shall not apply to any retiree who has received additional retirement service credit pursuant to Education Code 22714, 22715 or 22716. (Education Code 24216)

(cf. 4117.13 - Early Retirement Option)

When employing a retiree eligible for the above exemption, the Superintendent or designee shall submit documentation required by the State Teachers' Retirement System to substantiate this eligibility. (Education Code 24216)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Employment Of Retired Teachers**

AR 4317.14

### **Personnel**

Under any of the following conditions, retired teachers employed by the district shall be exempt from the limitation on earnings specified in Education Code 24214(d), (f) and (g) for members of the State Teachers Retirement System (STRS):

1. The teacher retired from service with an effective date on or before January 1, 2001, and is employed to provide any of the following services: (Education Code 24216.5)

a. Direct classroom instruction to students in grades kindergarten through 12

b. Support and assessment for new teachers through the Beginning Teacher Support and Assessment System (Education Code 44279.1-44279.7)

(cf. 4131 - Staff Development)

c. Support to individuals completing student teaching assignments

d. Support to individuals participating in a pre-internship teaching program (Education Code 44305-44308), an alternative certification program (Education Code 44380-44386), or a school paraprofessional teacher training program (Education Code 44390-44393)

(cf. 4112.2 - Certification)

(cf. 4112.21 - District Interns)

(cf. 4222 - Teacher Aides/Paraprofessionals)

2. The teacher retired from service with an effective date on or before July 1, 2001, and is employed to provide direct remedial instruction to students in grades 2 through 12 for the programs specified in Education Code 37252 and 37252.2 (Education Code 24216.6)

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6179 - Supplemental Instruction)

3. The teacher returned to work after the date of retirement and, for a period of at least 12 months, has not performed creditable service as defined in Education Code 22119.5 as an employee or independent contractor within the California public school

system. (Education Code 24214)

Such retired teachers shall be treated as part of a distinct class of temporary employees within the existing bargaining unit whose service shall not be included in computing the service required as a prerequisite to attainment of or eligibility for classification as a permanent employee of the district. The compensation shall be agreed to in the collective bargaining agreement between the district and the exclusive representative for the bargaining unit and shall not be less than the minimum nor exceed that paid by the district to other employees performing comparable duties. (Education Code 24214, 24216.5, 24216.6)

(cf. 4121 - Temporary/Substitute Personnel)  
(cf. 4141/4241 - Collective Bargaining Agreement)

The Superintendent or designee shall submit documentation required by STRS to substantiate the eligibility of the temporary employment of a retired member for the exemption from the limitation on earnings. (Education Code 24216.5)

The Superintendent or designee shall maintain accurate records of the retired member's compensation earned and shall report that compensation monthly to STRS regardless of the method of payment or the source of funds from which the compensation is paid. (Education Code 24216.5)

(cf. 4117.11/4317.11 - Preretirement/Part-Time Employment)  
(cf. 4117.12/4317.12 - Retirement Consultancy Contracts)

Legal Reference:

EDUCATION CODE

22119.5 Creditable service, definition

24214 Creditable service by retiree

24216.5-24216.6 Exemption from earnings limitation

37252-37254.1 Supplemental Instruction

44279.1-44279.7 Beginning Teacher Support and Assessment System

44380-44386 Alternative certification program

44390-44393 School paraprofessional teacher training program

44830 Employment of certificated employees

44830.3 Employment of district interns

Management Resources:

WEB SITES

STRS: <http://www.strs.ca.gov>

approved: November 19, 2003

Cloverdale, California

# **Board Policy**

## **Resignation**

BP 4317.2

### **Personnel**

Any district employee who desires to resign his/her position shall submit, in writing, a letter of resignation which indicates the date which the employee intends as his/her last day at work. The Governing Board encourages employees to provide advance notice that is appropriate for the position they hold.

The Board authorizes the Superintendent or designee to accept an employee's written resignation and to set its effective date. Once the Superintendent or designee has accepted and set an effective date for this resignation, the resignation may not thereafter be withdrawn by the employee.

The effective date of the resignation shall be a date not later than the close of the school year during which the resignation is received. However, an employee and the Board may agree that a resignation will be accepted at a mutually agreed upon date not later than two years beyond the close of the school year during which the resignation is received by the Board. (Education Code 44930, 45201)

(cf. 4117.7 - Employment Status Reports)

#### Legal Reference:

##### EDUCATION CODE

35161 Board delegation of any powers or duties

44242.5 Reports of change in employment status, alleged misconduct

44420 Failure to fulfill contract as ground for suspension of diplomas and certificates

44433 Unauthorized departure from service as unprofessional conduct

44930 Acceptance and date of resignation

45201 Power to accept resignation

##### CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status

80304 Notice of sexual misconduct

##### COURT DECISIONS

American Federation of Teachers, Local #1050 v. Board of Education of Pasadena Unified School District, (1980) 107 Cal.App.3d 829

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California



# **Administrative Regulation**

## **Personnel Reduction**

AR 4317.3

### **Personnel**

When the district needs to reduce the kind and/or number of management staff, layoff proceedings shall be initiated at the recommendation of the Superintendent or designee and after consultation with legal counsel.

#### **Certificated Management**

When the district needs to reduce the number and/or kind of certificated management staff and also needs to reduce the overall number of certificated employees, the district shall proceed pursuant to the requirements of Education Code 44955. By March 15, affected employees shall be notified of the Board's action by registered mail or in person.

When the district needs to reduce the number and/or kind of certificated management staff and intends to place the displaced personnel in other certificated positions (causing no reduction in the overall number of certificated employees of the district), the district shall proceed pursuant to Education Code 44951. By March 15, affected employees shall be notified of the Board's action by registered mail or in person. If the notice is presented in person, the employee's signature acknowledging receipt of the notice shall be obtained on the district's copy of the notice.

During the time period between five days after enactment of the Budget Act and August 15, the Board may determine that the total revenue limit per ADA has not increased by at least two percent and that the district needs to reduce the number and/or kind of management staff pursuant to Education Code 44955.5. In such a situation, the Board shall adopt a schedule of notice and hearings and shall otherwise proceed pursuant to Education Code 44951 or 44955.

An employee who has served as an administrator in the district for at least two years shall have permanent certificated status in the district as a teacher. (Education Code 44893, 44894, 44929.21) However, the period of employment in the administrative position is not included when calculating seniority related to layoff and reemployment, except for: (Education Code 44956.5)

1. Site administrators who are entitled to earn up to three years' seniority for these purposes.
2. Administrators who were initially employed in an administrative position before July 1, 1983.

## Classified Management/Confidential Employees

Classified managers shall be entitled to the same procedure and have the same layoff rights as all other classified employees.

(cf. 4217.3 - Layoff/Rehire)

(cf. 4300 - Management, Supervisory and Confidential Personnel)

## Senior Management of the Classified Service

The Board may by resolution abolish any or all positions of the senior management of the classified service. Any employee occupying a senior management position abolished by Board action shall become a member of the classified or certificated service in a position to which he/she would otherwise be entitled if the employee had not been in a senior management position. (Education Code 45104.5)

### Legal Reference:

#### EDUCATION CODE

44951 Continuation in position unless notified

44955 Certificated employee layoff

44955.5 Termination of certificated employees; insufficient increase in revenue limits

44956 Reemployment rights of laid-off certificated employees

44956.5 Seniority of certificated administrators

45100.5 Senior management positions

45104.5 Abolition of position

45108.5 Senior management employee

45114 Layoff and reemployment procedures

45117 Notice of layoff

45298 Reemployment and promotional exam

45308 Order of layoff and reemployment

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Termination Agreements**

AR 4317.5

### **Personnel**

If a termination settlement agreement has been made with an employee, the Superintendent or designee shall inform prospective employers, upon request for an employment reference, that an agreement exists and that he/she may only provide information as provided for in the agreement.

(cf. 1340 - Access to District Records)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4112.61/4212.61/4312.61 - Employment References)

Cash settlements made upon the termination of a contract shall never exceed an amount equal to the employee's monthly salary multiplied by the number of months, up to 18, in the unexpired term of the contract. This amount is a maximum ceiling, not to be construed as a target amount for settlement agreements. (Government Code 53260)

Settlement agreements shall not include noncash items other than health benefits, which the district may offer to continue for the unexpired term up to 18 months or until the employee finds other employment, whichever comes first. (Government Code 53261)

Copies of settlement agreements with a superintendent, deputy superintendent, assistant superintendent, associate superintendent or other similar chief administrative officer or chief executive officer shall be made available to the public upon request. (Government Code 53262)

(cf. 2121 - Superintendent's Contract)

(cf. 4312.1 - Contracts)

#### Legal Reference:

CIVIL CODE

47 Privileged communication

GOVERNMENT CODE

53260-53264 Employment contracts

LABOR CODE

1198.5 Inspection of personnel files by employees

CODE OF REGULATIONS, TITLE 5

80303 Reports of dismissal, resignation and other terminations for cause

80332 Professional honesty in letters of employment recommendation

COURT DECISIONS

Randi W. v. Muroc Joint Unified School District, (1997) 14 Cal.4th 1066  
Board of Trustees of Leland Stanford Junior University v. Superior Court, (1981) 119  
Cal. App. 3d 516

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Civil And Legal Rights**

BP 4319.1

### **Personnel**

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

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

Teachers shall have the right to refuse to submit to any evaluation or survey conducted by the district concerning personal values, attitudes and beliefs; sexual orientation; political affiliations or opinions; critical appraisals of other individuals with whom the teacher has a family relationship; or religious affiliations or beliefs. (Education Code 49091.24)

### **Whistleblower Protection**

All employees shall have the right to disclose improper governmental activities to a Board member, a school administrator, a member of the County Board of Education, County Superintendent of Schools, or the Superintendent of Public Instruction. An improper governmental activity is an activity by the district or a district employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetency or inefficiency. (Education Code 44111, 44112)

No employee shall use or attempt to use his/her official authority or influence to intimidate, threaten, coerce or command another employee for the purpose of interfering with that employee's right to disclose improper governmental activity. (Education Code 44113)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

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

in accordance with Education Code 44114.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4144/4244/4344 - Complaints)

### Rights in Legal Proceedings

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

1. Speak to the attorney or the representative without fear of punishment in retaliation for such communication
2. Contact his/her supervisor before answering questions or responding in any way
3. Refuse to speak to the attorney or representative
4. Notify the district that the attorney or representative has requested an interview
5. Consult with his/her own attorney or an attorney employed by the district or bargaining unit
6. Be represented at any interview either by his/her own attorney or an attorney employed by the district

### Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

7050-7057 Political activities of school officers and employees

44040 Unlawful to discriminate solely because of employee's appearance before certain boards or committees

44110-44114 Reporting by school employees of improper governmental activity

44801 Leave of absence for employees elected to the Legislature

49091.24 Teacher rights to refuse evaluation/survey of personal life

#### CIVIL CODE

51 Unruh Civil Rights Act

#### GOVERNMENT CODE

3540.1 Public employment definitions

3543.5 Interference with employee's rights prohibited

12940-12950 Discrimination prohibited; unlawful practices

#### UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX, 1972 Education Act Amendments  
12101-12213 Americans with Disabilities Act

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Sexual Harassment**

BP 4319.11

### **Personnel**

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

(cf. 4030 - Nondiscrimination in Employment)

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

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

2. Publicizing and disseminating the district's sexual harassment policy to staff.

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

3. Ensuring prompt, thorough and fair investigation of complaints.

4. Taking timely and appropriate corrective/remedial actions after completion of investigation. This may require interim separation of the complainant and the alleged harasser, and subsequent monitoring of developments.

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

(cf. 4031 - Complaints Concerning Discrimination in Employment)

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



the subject of the complaint.

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

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

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

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncala v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Juarez v. Ameritech Mobile Systems, (N.D. Ill.) 746 F.Supp. 798

Dornhecker v. Malibu Grand Prix Corp., (5th Cir. 1987) 828 F.2d. 307

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS  
GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

EEOC: <http://www.eeoc.gov>

OCR: <http://www.ed.gov/offices/OCR>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Sexual Harassment**

AR 4319.11

### **Personnel**

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors or other unwanted verbal, visual or physical conduct of a sexual nature made against another person of the same or opposite gender, in the work or educational setting, when: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is made expressly or implicitly a term or condition of the individual's employment
2. Submission to or rejection of such conduct by the individual is used as the basis for an employment decision affecting him/her
3. The conduct has the purpose or effect of unreasonably interfering with the other individual's work performance; creating an intimidating, hostile or offensive work environment; or adversely affecting the other individual's evaluation, advancement, assigned duties, or any other condition of employment or career development
4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs or activities available at or through the district

Other examples of actions that might constitute sexual harassment, whether committed by a supervisor or any other employee, include but are not limited to:

1. Unwelcome leering, sexual flirtations or propositions
2. Unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments or sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversations or pressure for sexual activity
4. Sexual jokes, stories, drawings, pictures, graffiti, gestures or sexually explicit e-mails
5. Spreading sexual rumors
6. Massaging, grabbing, fondling, stroking or brushing the body

7. Touching an individual's body or clothes in a sexual way
8. Cornering, blocking, leaning over or impeding normal movements
9. Displaying sexually suggestive objects or using sexual computer screen savers
10. Any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint

#### Notifications

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

1. Be displayed in a prominent location in the main administrative building or other area of the school where notices of district rules, regulations, procedures and standards of conduct are posted
2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct

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

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through the Fair Employment and Housing Department and Equal Employment Opportunity Commission
6. Directions on how to contact the Fair Employment and Housing Department and Equal Employment Opportunity Commission

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Sexual Harassment Complaint Procedures: A Guide To Response, Investigation And Resolution**

BP 4319.12

### **Personnel**

Within the educational environment/the school, sexual harassment is prohibited between students, and between staff and students.

#### Definition

For the purpose of clarification, sexual harassment includes but is not limited to:

1. Making unsolicited written, verbal, physical and/or visual contact with sexual overtones.
  - a. Written examples include suggestive or obscene letters, notes, invitations.
  - b. Verbal examples include derogatory comments, slurs, jokes.
  - c. Physical examples include assault, touching, impeding or blocking movement.
  - d. Visual examples include leering, gestures, display of sexually suggestive objects or pictures, cartoons or posters.
2. Continuing to express sexual interest after being informed that the interest is unwelcome.
3. Offering favors or education benefits, such as grades, in exchange for sexual favors.

#### Confidentiality and Retaliation

A complaint and the results of the investigation shall be confidential to the extent reasonably possible. Witnesses and those interviewed shall be informed of the confidential nature of the issues and the investigation and shall be informed that it will be a violation of this policy to disclose the complaint or the nature of the investigation to others.

Any retaliation is a violation of the policy.

#### Disciplinary Action

Corrective action may include counseling, warning, or the initiation of disciplinary procedures against the student.

## Investigation

### 1. Begin investigation and written log

The need to begin the investigation begins when an administrator first becomes aware of an alleged sexual harassment complaint. That awareness may start with an oral or a written complaint. Students or employees who feel aggrieved because of conduct that may constitute sexual harassment are encouraged, but not required, to inform directly the person engaging in such conduct that such conduct is offensive and must stop. The administrator shall begin a written log at this point.

### 2. Initial interview of complaint

The administrator should ascertain the nature of the complaint, the date, time, place of the alleged incident(s), and names of any corroborating witnesses. The administrator's most important questions are: who, what, when, where, why, and how. The administrator informs the student or employee that he/she may file a written complaint with the Superintendent. If the Superintendent is the person whose conduct is offensive, the student or employee may file a complaint with the Board President.

### 3. Superintendent

The Title IX Officer provides students with a copy of this document as well as the District Board Policy 4119.11, spelling out this person's responsibility and availability for resolving the complaint. The Title IX Officer shall investigate the charges, identify the remedy sought, and describe/document the informal efforts made to correct the situation. The district Title IX Officer is to serve a facilitator and source of information, as well as to assist in resolving matters informally when requested to do so. Upon completion of the investigation, the Title IX Officer shall determine whether the harassment has occurred and whether any corrective action is appropriate. Corrective Action may include counseling, warning, or the initiation of disciplinary procedures against the student or employee.

### 4. Notifying the accused individual

The circumstances, as presented by the complaining student, determines when the accused should be notified. In most cases, the accused is notified immediately. Although initial notification may be oral, the notification should be properly documented. A letter may be sent to the parents and child, restating the complaint, the investigation, and the prohibition on retaliation, as well as a copy of the policy.

### 5. Right to appeal

All decisions made under this procedure may be appealed by the complaining student or employee to the Board.

6. Follow-up

Within the next six months, at least one information follow-up session will be held with the student or employee to ensure that harassment has ceased and that there is no retaliation.

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California



# **Board Policy**

## **Professional Standards**

BP 4319.21

### **Personnel**

The Governing Board expects district employees to maintain the highest ethical standards, follow district policies and regulations, and abide by state and federal laws. Employee conduct should enhance the integrity of the district and advance the goals of the educational programs. Each employee should make a commitment to acquire the knowledge and skills necessary to fulfill his/her responsibilities and should focus on his/her contribution to the learning and achievement of district students.

(cf. 0000 - Vision)

(cf. 4112.2 - Certification)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

(cf. 2111 - Superintendent Governance Standards)

(cf. 9005 - Governance Standards)

#### Legal Reference:

CODE OF REGULATIONS, TITLE 5

80331-80338 Rules of conduct for professional educators

#### Management Resources:

CDE PUBLICATIONS

California Professional Standards for Educational Leaders, 2001

COUNCIL OF CHIEF STATE SCHOOL OFFICERS PUBLICATIONS

Standards for School Leaders, 1996

NATIONAL EDUCATION ASSOCIATION PUBLICATIONS

Code of Ethics of the Education Profession, 1975

WEB SITES

CDE: <http://www.cde.ca.gov>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Association of California School Administrators: <http://www.acsa.org>

California School Leadership Academy: <http://www.csla.org>

Council of Chief State School Officers: <http://www.ccsso.org>

California Teachers Association: <http://www.cta.org>

California Federation of Teachers: <http://www.cft.org>

California School Employees Association: <http://www.csea.com>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Exhibit**

## **Professional Standards**

E 4319.21

### **Personnel**

California Professional Standards For Educational Leaders

#### Preamble

The administrator(s) at a school site have numerous responsibilities that ultimately lead to the improvement of the performance of all students in the school. By acquiring the skills, attitudes and behaviors as outlined in the following Professional Standards for School Leaders, students have the best opportunity to achieve the mission and vision of the district and to meet the expectations of high standards for student learning.

#### Standards

A school administrator is an educational leader who promotes the success of all students by:

1. Facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community
2. Advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth
3. Ensuring management of the organization, operations, and resources for a safe, efficient and effective learning environment
4. Collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources
5. Modeling a personal code of ethics and developing professional leadership capacity
6. Understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context

Source: California Professional Standards for Educational Leaders, 2001

Exhibit CLOVERDALE UNIFIED SCHOOL DISTRICT  
version: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Unauthorized Release Of Confidential/Privileged Information**

BP 4319.23

### **Personnel**

The Governing Board, administration and staff shall maintain the confidentiality of all confidential records until such time as laws, state regulations and/or bylaws of this district permit disclosure. Information and records pertaining to closed sessions, negotiations and student records are not subject to public disclosure under Government Code 6252-6260.

Any employee who willfully releases confidential/privileged information about students, staff or any topic properly confined to a closed session shall be subject to disciplinary action up to and including dismissal from district service. Confidential information includes any information relating to the Board's employer-employee strategies on matters in negotiation or matters to be placed in negotiation.

Any employee who willingly and for monetary gain uses or discloses confidential/privileged information as defined in Government Code 1098 is guilty of a misdemeanor. (Government Code 1098)

Any action by an employee which inadvertently or carelessly results in release of confidential/privileged information shall be recorded, and the record shall be placed in the employee's personnel file. Depending on the circumstances, the Superintendent or designee may deny the employee further access to any privileged information and shall take any steps necessary to prevent any further unauthorized release of such information.

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 9321 - Closed Session Purposes and Agendas)

#### **Legal Reference:**

##### **EDUCATION CODE**

35010 Control of district; prescription and enforcement of rules

35146 Closed sessions (re student suspension)

44031 Personnel file contents and inspection

44932 Grounds for dismissal of permanent employees

44933 Other grounds for dismissal

45113 Rules and regulations for classified service

49060-49078 Pupil records

##### **GOVERNMENT CODE**

1098 Public officials and employees: confidential information

3540 et seq. Meeting and negotiating in public employment

6252 et seq. Inspection of public records

54957 Closed session; purposes for holding; definition of "employee" exclusion of witnesses

54957.2 Taking of minutes at closed sessions; clerk; minute book

54957.6 Closed session, representatives to employee organization(s); state conciliator

LABOR CODE

1102.5 Employees: disclosure of information

UNITED STATES CODE, TITLE 20

1232g Family Education Rights and Privacy Act

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Political Activities Of Employees**

BP 4319.25

### **Personnel**

The Governing Board respects the right of school employees to engage in political discussions and activities on their own time and at their own expense. On such occasions, employees shall make it clear that they are acting as individuals and not as representatives of the district.

(cf. 1160 - Political Processes)

Like other community members, employees may use school facilities for meetings under the Civic Center Act.

(cf. 1330 - Use of School Facilities)

Employees shall refrain from prohibited activities identified in law and administrative regulations. Employees who engage in these activities shall be subject to disciplinary action and/or criminal penalties.

(cf. 1325 - Advertising and Promotion)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

#### Legal Reference:

##### **EDUCATION CODE**

7050-7057 Political activities of school officers and employees

38130-38139 Civic Center Act

51520 Prohibited solicitations on school premises

##### **GOVERNMENT CODE**

3543.1 Rights of employee organizations

##### **COURT DECISIONS**

Downs v. Los Angeles Unified School District, (9th Cir. 2000) 228 F.3d 1003

California Teachers Association v. Governing Board of San Diego Unified School District, (1996) 45 Cal.App. 4th 1333

L.A. Teachers Union v. L.A. City Board of Education, (1969) 71 Cal.2d 551

##### **ATTORNEY GENERAL OPINIONS**

84 Ops.Cal.Atty.Gen. 106 (2001)

84 Ops.Cal.Atty.Gen. 52 (2001)

77 Ops.Cal.Atty.Gen. 56 (1994)

##### **PERB RULINGS**

California Federation of Teachers, Local 1931 v. San Diego Community College District  
(2001) PERB Order #1467 (26 PERC 33014)

Management Resources:

CSBA PUBLICATIONS

Political Activities of School Districts: Legal Issues, 1998, revised 2001

WEB SITES

CSBA: <http://www.csba.org>

Office of the Attorney General, Dept. of Justice: <http://caag.state.ca.us/>

Public Employment Relations Board: <http://www.perb.ca.gov>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Political Activities Of Employees**

AR 4319.25

### **Personnel**

District employees shall not:

1. Use district funds, services, supplies or equipment to urge the passage or defeat of any ballot measure or candidate, including any candidate for election to the Governing Board (Education Code 7054)

(cf. 1160 - Political Processes)

2. During working hours and on district property, solicit or receive any political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service or other working conditions (Education Code 7056)

3. During working hours and on district property, solicit or receive any political funds or contributions to promote the passage or defeat of other types of ballot measures

4. Use district time to urge the passage or defeat of any ballot measure or candidate

5. Use district equipment for the preparation or reproduction of political campaign materials, even if the district is reimbursed

(cf. 3512 - Equipment)

6. Post or distribute political campaign materials on district property

7. Disseminate political campaign materials through the district's mail service, e-mail or staff mailboxes

(cf. 4040 - Employee Use of Technology)

8. Use students to write, address or distribute political campaign materials

9. Present viewpoints on particular candidates or ballot measures in the classroom without giving equal time to the presentation of opposing views

(cf. 6144 - Controversial Issues)

10. Wear buttons or articles of clothing that express political opinions on ballot

measures or candidates during instructional time

However, teachers shall not be prohibited from wearing political buttons during noninstructional time, such as Back-to-School Night.

Nothing in Board policy or administrative regulation shall be construed to prevent employees from soliciting or receiving funds or contributions for political purposes during nonworking time, including before and after school, the lunch period or other scheduled work intermittency during the school day. (Education Code 7056)

#### Employee Organizations

Employee organizations may use district mailboxes and other means to communicate with employees, subject to reasonable regulation. Employee organizations may have access at reasonable times to areas in which employees work; may use institutional bulletin boards, mailboxes, and other means of communication and may use district facilities at reasonable times for the purpose of meetings. (Government Code 3543.1)

However, employee organizations shall not use district funds, services, supplies or equipment, such as the district mail system, to urge the passage or defeat of any ballot measure or candidate, including any candidate for election to the Board (Education Code 7054)

(cf. 4140/4240 - Bargaining Units)

Access to district communication channels shall be limited in cases where such access would be disruptive to district operations.

In the event of a concerted action or work stoppage, political activities by employee organizations and individual employees shall be restricted to peaceful informational picketing and other activities allowed by law.

(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California



# **Board Policy**

## **Duties Of Personnel**

BP 4319.3

### **Personnel**

The Governing Board recognizes the importance of having adequate job descriptions for every district employee. Student safety, the district's fiscal stability, and the success of the educational program all depend on employees' fully understanding their responsibilities and duties.

The Superintendent or designee shall prepare and regularly update job descriptions for all positions. Job descriptions shall clearly specify all essential and peripheral/marginal functions and duties of the position, the degree of responsibility the position entails, the type and extent of training required, and the position of the person to whom the employee reports.

All employees shall fulfill the duties and responsibilities set forth in their job descriptions and shall comply with Board policies, administrative regulations, applicable employee agreements, and local, state and federal laws.

- (cf. 4030 - Nondiscrimination in Employment)
- (cf. 4115 - Evaluation/Supervision)
- (cf. 4118 - Suspension/Disciplinary Action)
- (cf. 4215 - Evaluation/Supervision)
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
- (cf. 4315 - Evaluation/Supervision)

#### Legal Reference:

##### EDUCATION CODE

- 233.5 Duty concerning instruction in morals, manners, citizenship
- 35020 Duties of employees fixed by governing board
- 35035 Further powers and duties of superintendent
- 44014 Report of assault
- 44662 Job responsibilities for certificated nonmanagement personnel
- 44805 Enforcement of course of studies, use of textbooks, rules and regulations
- 44807 Duty concerning conduct of pupils
- 44809 School register
- 44816 Annual report of elementary teacher
- 45100.5-45108.7 Senior management of the classified service
- 45109 Fixing of duties
- 45110 Inconsistent duties, compensation
- 45256.5 Senior management of classified service

GOVERNMENT CODE

7293 Local public agencies; bilingual employees

CODE OF REGULATIONS, TITLE 5

5530-5531 Duties of all certificated personnel

5550-5552 Duties of principals

5570 Duties of teachers

5590 Duties of temporary athletic team coaches

11256 Duties and responsibilities of mentor teachers

12067 Teacher aide duties under supervision of classroom teacher

12068 Teacher aide duties not under direct supervision of classroom teacher

13003 Duties of team leader

16043 Duties of library personnel

UNITED STATES CODE, TITLE 42

12101-12213 Americans With Disabilities Act

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Employees With Infectious Disease**

BP 4319.41

### **Personnel**

The Governing Board encourages each employee to inform the district as soon as possible if he/she contracts an infectious disease which creates a physical or mental disability. The Board will reasonably accommodate the needs of such individuals.

The Board may reassign or grant disability leave to an employee who is unable to perform his/her job responsibilities because of illness or because the employee's illness significantly endangers his/her health or safety or the health or safety of others.

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

No employee will be discriminated against because of his/her disability. Legal protections established for disabled persons extend to individuals significantly impaired by infectious diseases.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

When informed that an employee has a disabling infectious disease, the Superintendent or designee may request that the employee sign a release form to provide confidential medical information and records.

In determining a reasonable accommodation of the employee's condition, the Superintendent or designee may consult with public health officials or physicians with expertise in the diagnosis and treatment of infectious disease. The Superintendent or designee may also communicate with the employee's physician regarding the employee's ability to perform the essential requirements of the job with reasonable accommodation and without posing significant health or safety risks to the employee or others.

The Superintendent or designee shall prepare a confidential report which includes his/her recommendation and the medical information upon which it is based. These recommendations shall take into consideration:

1. The nature of the disease and the probability of its being transmitted, including the duration and severity of the risk
2. The physical condition of the employee, including diagnosis, treatment, and

prognosis of the condition

3. The actual requirements of the employee's job and the expected type of interaction with others in the school setting

This report shall be forwarded to the Board for confidential review and action.

The job assignment of an employee with a disabling infectious disease shall be reevaluated whenever there is a change in medical knowledge or in the employee's medical regimen or health which might affect his/her assignment.

#### Confidentiality

The Board and the Superintendent or designee shall ensure that employee rights to confidentiality are strictly observed. The district shall disclose medical record information only to the extent required or permitted by law. The medical records of any employee with a disabling infectious disease shall be held in strict confidence.

#### Legal Reference:

##### CIVIL CODE

56-56.37 Confidentiality of medical information

##### GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

##### HEALTH AND SAFETY CODE

120975-121020 Mandated blood testing and confidentiality to protect public health

##### CODE OF REGULATIONS, TITLE 2

7293.5 et seq.

##### UNITED STATES CODE, TITLE 29

701 et seq. Rehabilitation Act

##### UNITED STATES CODE, TITLE 42

12101-12213 Americans With Disabilities Act

##### COURT DECISIONS

School Board of Nassau County, Fla. v. Arline, 408 U.S. 273 (1987)

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Exposure Control Plan For Bloodborne Pathogens**

BP 4319.42

### **Personnel**

As part of its commitment to provide a safe and healthful work environment, the Governing Board recognizes the importance of developing an exposure control plan. The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace to protect employees from possible infection due to contact with bloodborne pathogens, including but not limited to hepatitis B virus, hepatitis C virus and human immunodeficiency virus (HIV).

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 4157/4257/4357 - Employee Safety)

The Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the district's exposure control plan, employees having occupational exposure shall be offered the hepatitis B vaccination.

The Superintendent or designee may exempt designated first aid providers from pre-exposure hepatitis B vaccination under the conditions specified by state regulations. (8 CCR 5193(f))

Any employee not identified by the Superintendent or designee as having occupational exposure may submit a request to the Superintendent or designee to be included in the training and hepatitis B vaccination program. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with any infectious material.

#### Legal Reference:

##### LABOR CODE

142.3 Authority of Cal/OSHA to adopt standards

144.7 Requirement to amend standards

##### CODE OF REGULATIONS, TITLE 8

3204 Access to employee exposure and medical records

5193 California bloodborne pathogens standards

##### CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 OSHA bloodborne pathogens standards

#### Management Resources:

##### CDE ADVISORIES

1016.89 Guidelines for Informing School Employees about Preventing the Spread of Infectious Diseases, including Hepatitis B and AIDS/HIV Infections and Policies for Dealing with HIV-Infected Persons in School Settings

WEB SITES

OSHA: <http://www.osha.gov>

Cal/OSHA: [http://www.dir.ca.gov/occupational\\_safety.html](http://www.dir.ca.gov/occupational_safety.html)

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Exhibit**

## **Exposure Control Plan For Bloodborne Pathogens**

E 4319.42

### **Personnel**

#### Hepatitis B Vaccine Declination

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to myself.

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Signature

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Employee Name (Please print)

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Date

Exhibit CLOVERDALE UNIFIED SCHOOL DISTRICT  
version: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Universal Precautions**

AR 4319.43

### **Personnel**

#### 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(b))

Personal protective equipment includes specialized clothing or equipment worn or used for protection against a hazard. General work clothes such as uniforms, pants, shirts or blouses not intended to function as protection against a hazard are not considered to be personal protective equipment. (8 CCR 5193(b))

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(b))

Engineered sharps injury protection is a physical attribute built into a needle device or into a non-needle sharp which effectively reduces the risk of an exposure incident. (8 CCR 5193(b))

#### Employee Information

The Superintendent or designee shall distribute to employees information provided by the California Department of Education 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 benefits of the employees. Information shall be distributed at least annually, or more frequently if there is new information supplied by the California Department of Education. (Health and Safety Code 120875, 120880)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

#### Infection Control Practices

The Superintendent or designee shall ensure that the worksite is effectively maintained in



a clean and sanitary condition, and shall implement an appropriate written schedule for cleaning and decontamination of the worksite. (8 CCR 5193(d))

Where occupational exposure remains after the institution of engineering and work practice controls, the Superintendent or designee shall provide appropriate personal protective equipment at no cost to the employee. Such equipment may include gloves, gowns, masks, eye protection, and other devices that do not permit blood or other potentially infectious materials to pass through or reach the employee's clothes, skin, eyes, mouth or other mucous membranes under normal conditions of use. The Superintendent or designee shall maintain, repair, make accessible and require employees to use and properly handle protective equipment. (8 CCR 5193(d))

The Superintendent or designee shall provide handwashing facilities which are readily accessible to employees. When provision of handwashing facilities is not feasible, the Superintendent or designee shall provide an appropriate antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes. (8 CCR 5193(d))

For the prevention of infectious disease, employees shall routinely: (8 CCR 5193(d))

1. Perform all procedures involving blood or other potentially infectious materials in such a manner as to minimize splashing, spraying, spattering, and generating droplets of these substances.
2. Use personal protective equipment as appropriate.
  - a. Appropriate clothing, including but not limited to, gowns, aprons, lab coats, clinic jackets or similar outer garments, shall be worn in occupational exposure situations.

If a garment becomes penetrated by blood or other potentially infectious materials, the employee shall remove the garment immediately or as soon as feasible. All personal protective equipment shall be removed prior to leaving the work area. When removed, it shall be placed in an appropriately designated area or container for storage, washing, decontamination or disposal.

- b. Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes and nonintact skin, and when handling or touching contaminated items or surfaces.

Disposable gloves shall be replaced as soon as practical when contaminated, or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised. They shall not be washed or decontaminated for reuse. Utility gloves may be decontaminated for reuse if the integrity of the gloves is not compromised, but must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

c. Masks in combination with eye protection devices or face shields shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably anticipated.

3. Wash hands and other skin surfaces thoroughly with soap and running water:

a. Immediately or as soon as feasible following contact of hands or any other skin or mucous membranes with blood or other potentially infectious materials

b. Immediately after removing gloves or other personal protective equipment

When handwashing facilities are not available, the employee shall 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.

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 patient-handling techniques and other methods designed to minimize the risk of a sharps injury in all procedures involving the use of sharps in patient care.

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.24 - Specialized Health Care Services)

a. Needleless systems shall be used to administer medication or fluids, withdraw body fluids after initial venous or arterial access is established, and conduct any other procedure involving the potential for an exposure incident for which a needleless system is available as an alternative to the use of needle devices. If needleless systems are not used, needles or non-needle sharps with engineered sharps injury protection shall be used.

b. Contaminated needles or other sharps shall not be broken, bent, recapped, removed from devices, or stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.

c. Disposable sharps shall not be reused.

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(d)(3)(D). Containers shall be easily accessible, maintained upright throughout use where feasible, and replaced as necessary to avoid overfilling.

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.

(cf. 4157/4257/4357 - Employee Safety)

(cf. 5141.1 - Accidents)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.23 - Infectious Disease Prevention)

(cf. 5141.6 - Student Health and Social Services)

(cf. 6145.2 - Athletic Competition)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Temporary Athletic Team Coaches**

AR 4327

### **Personnel**

At the first regular Governing Board meeting or within 30 days after selection of a temporary athletic team coach, whichever is sooner, the Superintendent or designee shall certify to the Board that all temporary athletic team coaches meet the qualifications and competencies required by law. (5 CCR 5594)

Upon the recommendation of the Superintendent or designee, the Board shall certify to the State Board of Education, by April 1 of each year, that the district conforms with state requirements governing the employment of temporary athletic team coaches. (5 CCR 5594)

### Competencies

The Superintendent or designee shall determine whether a temporary athletic team coach is knowledgeable and competent in the areas of: (5 CCR 5593)

1. Care and prevention of athletic injuries, basic sports injury first aid, and emergency procedures

The Superintendent or designee shall establish qualifications in this competency area as evidenced by one or more of the following:

- a. Completion of a college-level course in the care and prevention of athletic injuries and possession of a valid cardiopulmonary resuscitation (CPR) card
  - b. A valid sports injury certificate or first aid card, and a valid cardiopulmonary resuscitation (CPR) card
  - c. A valid Emergency Medical Technician (EMT) I or II card
  - d. A valid trainer's certification issued by the National or California Athletic Trainers' Association (NATA/CATA)
  - e. Practical experience under the supervision of an athletic coach or trainer or experience assisting in team athletic training and conditioning and both valid CPR and first aid cards
2. Coaching techniques

The Superintendent or designee shall establish qualifications in coaching theory and techniques in the sport or game being coached as evidenced by one or more of the following:

- a. Completion of a college course in coaching theory and techniques
  - b. Completion of inservice programs arranged by a school district or county office of education
  - c. Prior service as a student coach or assistant athletic coach in the sport or game being coached
  - d. Prior coaching in community youth athletic programs in the sport being coached
  - e. Prior participation in organized competitive athletics at high school level or above in the sport being coached
3. Rules and regulations in the athletic activity being coached

The Superintendent or designee shall establish knowledge of the rules and regulations pertaining to the sport or game being coached, the league rules and, at the high school level, regulations of the California Interscholastic Federation.

4. Child or adolescent psychology, whichever is appropriate to the grade level of the involved activity

The Superintendent or designee shall establish competency in knowledge of child or adolescent psychology as it relates to sport participation as evidenced by one or more of the following:

- a. Completion of a college-level course in child psychology for elementary school positions and adolescent or sports psychology for secondary school positions
- b. Completion of a seminar or workshop on human growth and development of youth
- c. Prior active involvement with youth in school or community sports program

#### Additional Competencies for Noncertificated Personnel

In addition to the competencies listed above, the Superintendent or designee shall determine that a noncertificated person employed as a temporary athletic team coach: (5 CCR 5592)

1. Has not been convicted of any offense referred to in Education Code 44010, 44011 or 44424, or any offense involving moral turpitude or evidencing unfitness to

associate with children.

(cf. 4212.5 - Criminal Record Check)

2. Is free from tuberculosis and any other contagious disease that would prohibit certificated teachers from teaching, as verified by a written statement, renewable every four years, from a licensed physician or other person approved by the district.

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

Noncertificated coaches have no authority to give grades to students. (5 CCR 5591)

#### Code of Ethical Conduct

Employees providing supervisory or instructional services in interscholastic athletic programs and activities shall: (5 CCR 5596)

1. Show respect for players, officials and other coaches
2. Respect the integrity and judgment of game officials
3. Establish and model fair play, sportsmanship and proper conduct
4. Establish player safety and welfare as the highest priority
5. Provide proper supervision of students at all times
6. Use discretion when providing constructive criticism and when reprimanding players
7. Maintain consistency in requiring all players to adhere to the established rules and standards of the game
8. Properly instruct players in the safe use of equipment
9. Avoid exerting undue influence on a student's decision to enroll in an athletic program at any public or private postsecondary educational institution
10. Avoid exerting undue influence on students to take lighter academic course(s) in order to be eligible to participate in athletics
11. Avoid suggesting, providing or encouraging any athlete to use nonprescriptive drugs, anabolic steroids or any substance to increase physical development or performance that is not approved by the U.S. Food and Drug Administration, U.S. Surgeon General or the American Medical Association

12. Avoid recruitment of athletes from other schools
13. Follow the rules of behavior and the procedures for crowd control as established by the Board and the league in which the district participates

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Staff Development**

BP 4331

### **Personnel**

The Governing Board recognizes that professional development opportunities enhance employee effectiveness and contribute to personal growth. Staff development for management, supervisory and confidential personnel shall be designed to guide instructional improvement, build leadership skills, and enhance overall management efficiency.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

The Superintendent or designee shall develop a plan for administrator support and development activities based on a systematic assessment of the needs of district students and staff and aligned to the district's vision and goals. The Board desires that all administrators participate in planning activities that are pertinent to their specific areas of responsibility.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 6010 - Goals and Objectives)

Within budget parameters, the Superintendent or designee may approve participation in activities that will benefit individual administrators and enhance their contributions to the district.

(cf. 3350 - Travel Expenses)

The Superintendent or designee shall evaluate the benefit to staff and students of professional development activities.

(cf. 0500 - Accountability)

#### Legal Reference:

EDUCATION CODE

44510-44517 Principal training program

44681-44689.2 Administrator training and evaluation

#### Management Resources:

CDE PUBLICATIONS

California Professional Standards for Educational Leaders, 2001



WEB SITES

CTC: <http://www.ctc.ca.gov>

CDE: <http://www.cde.ca.gov>

Association of California School Administrators: <http://www.acsa.org>

California School Leadership Academy: <http://www.csla.org>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Staff Development**

AR 4331  
**Personnel**

Staff development activities may include but are not limited to:

1. Professional education conferences or committee meetings
2. Courses offered by institutions of higher education
3. Workshops offered by the district, county office of education or state
4. Small-group activities
5. Self-directed learning
6. Observation of other schools
7. Follow-up activities that help staff implement newly acquired skills

(cf. 3350 - Travel Expenses)  
(cf. 4361 - Leaves)

### **Principal Training Program**

The Superintendent or designee shall approve a staff development program for principals and vice principals which meet the following conditions:

1. The training shall have a duration of at least 80 hours of intensive individualized support and professional development. An additional 80 hours of intensive individualized support and professional development may be completed over a period of up to two years once the initial 80 hours of training commences. (Education Code 44513)

Training shall be in the following areas: (Education Code 44511)

- a. School financial and personnel management
- b. Core academic standards

(cf. 6011 - Academic Standards)

c. Curriculum frameworks and instructional materials aligned to the state academic standards

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

d. The use of student assessment instruments, specific ways of mastering the use of assessment data from the Standardized Testing and Reporting program, and school management technology to improve student performance

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - Standardized Testing and Reporting Program)

e. The provision of instructional leadership and management strategies regarding the use of instructional technology to improve student performance

(cf. 6162.7 - Use of Technology in Instruction)

f. Extension of the knowledge, skills and abilities acquired in the preliminary administrative preparation program that is designed to strengthen the ability of administrators to serve all students in the school to which they are assigned

2. The training may include additional areas that may impact student learning, such as pedagogies of learning, motivation of student learning, collaboration, conflict resolution, diversity, parental involvement, employee relations, and the creation of effective learning and workplace environments. (Education Code 44511)

3. For purposes of this program, the Superintendent or designee shall select a staff development provider approved by the State Board of Education. (Education Code 44513)

The Superintendent or designee shall give highest priority to training administrators assigned to, and practicing in, high-priority or hard-to-staff schools.

A high-priority school is one in the bottom half of all schools statewide based on Academic Performance Index rankings. A hard-to-staff school is one in which teachers holding emergency permits or credential waivers make up 20 percent or more of the teaching staff. (Education Code 44510)

(cf. 0520 - Intervention for Underperforming Schools)

(cf. 4112.2 - Certification)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Soliciting And Selling**

BP 4335

### **Personnel**

Employees shall not solicit district staff, students or their families with the intent to sell general merchandise, books, equipment or services.

(cf. 1321 - Solicitation of Funds from and by Students)

(cf. 4137 - Tutoring)

Staff shall not distribute promotional, political, controversial or other noninstructional materials unless approved by the Superintendent or designee.

(cf. 1325 - Advertising and Promotion)

Staff members shall not use their status as district employees to secure information such as names, addresses and telephone numbers for use in profit-making ventures.

Educational tours may be promoted on school premises only if they are sponsored by the district. Employees engaged in planning, organizing or leading tours as a private business shall make it clear that they do not represent the school or district. All activities related to such tours must be carried on outside of school hours and off school premises.

Any classroom activity requiring students to bring money to school for any purpose must have the principal's approval.

Staff participation in "flower funds," "sickness and bereavement funds," "anniversary funds" and the like shall be a matter of individual discretion.

(cf. 5145.2 - Freedom of Speech/Expression)

Legal Reference:

EDUCATION CODE

51520 Prohibited solicitations on school premises

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Complaints**

AR 4344

### **Personnel**

The following guidelines shall prescribe the manner in which complaints are handled:

1. A "complaint" shall be defined as an alleged misapplication of the district's policies, regulations, rules or procedures. Procedures for the resolution of employee complaints provide a route of appeal through administrative channels and to the Governing Board, if necessary. If the complaint is related to discrimination, the district's procedure for complaints concerning discrimination should be used.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

2. If a complaint involves sexual harassment, the initial complaint should be made directly to the offending employee's immediate supervisor. An employee is not required to resolve sexual harassment complaints with the offending person.

3. So as not to interfere with school schedules, meetings related to a complaint shall be held before or after the complainant's regular working hours.

4. All matters related to a complaint shall be kept confidential. Only those individuals directly involved in resolving the complaint shall be informed of the complaint.

5. All documents, communications and records dealing with the complaint shall be placed in a district complaint file. No such material shall be placed in an employee's personnel file.

6. No reprisals shall be taken against any participant in a complaint procedure by reason of such participation.

7. Time limits specified in these procedures may be reduced or extended in any specific instance by written mutual agreement of the parties involved. If specified or adjusted time limits expire, the complaint may proceed to the next step.

8. Any complaint not taken to the next step within prescribed time limits shall be considered settled on the basis of the answer given at the preceding step.

### **Informal Complaints**

Employees are encouraged to resolve complaints informally. Formal complaint

procedures shall not be initiated unless informal efforts to resolve the complaint have been exhausted and the complainant has provided a written description of such efforts.

#### Formal Complaint Procedure - Step 1

If a complaint has not been satisfactorily resolved by informal procedures, the complainant may file a written complaint with the immediate supervisor or principal within 60 days of the act or event which is the subject of the complaint.

Within five working days of receiving the complaint, the immediate supervisor or principal shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The immediate supervisor or principal shall present all concerned parties with a written answer to the complaint within 10 working days after the meeting.

#### Formal Complaint Procedure - Step 2

If a complaint has not been satisfactorily resolved at Step 1, the complainant may file the written complaint with the Superintendent or designee within five working days of receiving the answer at Step 1. All information presented at Step 1 shall be included with the complaint, and the immediate supervisor or principal shall submit to the Superintendent or designee a report describing attempts to resolve the complaint at Step 1.

Within five working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The Superintendent or designee shall present all concerned parties with a written answer to the complaint within 10 working days after the meeting.

#### Formal Complaint Procedure - Step 3

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file a written appeal to the Board within five working days of receiving the answer at Step 2. All information presented at Steps 1 and 2 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a report describing attempts to resolve the complaint at Step 2.

An appeal hearing shall be held at the next regularly scheduled Board meeting which falls at least 12 days after the appeal is filed. This hearing shall be held in closed session if the complaint relates to matters properly addressed in closed session.

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall make its decision within 30 days of the hearing and shall mail its decision to all concerned parties. The Board's decision shall be final.

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# Board Policy

## Awards and Recognition

BP 4356.2  
**Personnel**

The Governing Board values its instructional and noninstructional staff and desires to recognize their outstanding service in order to increase employee morale and encourage creative and innovative performance.

The Board encourages recognition of all staff during days of significance designated by the Board, state law, or state resolution.

The Board authorizes awards to individual employees who: (Education Code 44015)

1. Propose procedures or ideas that result in eliminating or reducing district expenditures or improving district operations
2. Perform special acts or services in the public interest
3. By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in district operations

As the district budget permits, the Superintendent or designee may recognize such employees by issuing service pins, certificates, plaques, and/or other mementos. In addition, he/she may recommend employees to the Board for recognition at a public Board meeting.

The Superintendent or designee shall establish procedures for the selection of individual employees to receive awards.

The Superintendent or designee may appoint one or more merit award committees consisting of Board members, district employees, and/or private citizens to review employee contributions and recommend awards.

Awards to employees shall not exceed \$200 unless expressly approved by the Board. (Education Code 44015)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

35161 Powers and duties generally

37222.10 Days of significance, including Day of the Teacher

44015 Awards to employees

45460 Classified School Employee Week



Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: The Board's Relationship to District Staff, 2008

WEB SITES

CSBA: <http://www.csba.org>

Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: October 19, 2011

Cloverdale, California

# **Board Policy**

## **Employee Property Reimbursement**

BP 4356.3  
**Personnel**

The Governing Board does not authorize payment for the reimbursement of employee personal property which may be stolen or intentionally destroyed or damaged while being used for work-related purposes.

Legal Reference:

EDUCATION CODE

35213 Reimbursement for loss, destruction or damage of personal property

48904 Liability of parent/guardian for willful misconduct; withholding of grades, diplomas

and transcripts

CIVIL CODE

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT  
adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Employee Safety**

AR 4357

### **Personnel**

The Superintendent or designee shall provide safety devices, safeguards, methods and processes for staff that are reasonably adequate to render the employment and place of employment safe.

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

(cf. 4157.2/4257.2/4357.2 - Ergonomics)

### **Injury and Illness Prevention Program**

The district's injury and illness prevention program shall cover all district employees and all other workers whom the district controls or directs and directly supervises on the job to the extent that workers are exposed to hazards specific to their worksite and job assignment. The obligation of contractors or other employers who control or direct and supervise their own employees on the job shall not be affected by the district's injury prevention program. (Labor Code 6401.7)

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

1. The name/position of the person(s) with authority and responsibility for implementing the program.
2. A system for ensuring that employees comply with safe and healthful work practices, which may include but not be limited to:
  - a. Recognition of employees who follow safe and healthful work practices

(cf. 4156.2/4256.2/4356.2 - Awards and Recognition)

b. Training and retraining programs

c. Disciplinary actions

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

3. A system for communicating with employees in a form readily understandable by

all employees on matters related to occupational health and safety, including provisions designed to encourage employees to report hazards at the worksite without fear of reprisal. This system may include but not be limited to:

- a. Meetings
  - b. Training programs
  - c. Posting
  - d. Written communications
  - e. A system of anonymous notification by employees about hazards
4. Procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. Such inspections shall be made:
- a. Whenever introducing into the workplace new substances, processes, procedures or equipment that represent a new occupational safety or health hazard
  - b. Whenever the district is made aware of a new or previously unrecognized hazard
- (cf. 3514 - Environmental Safety)  
(cf. 3514.1 - Hazardous Substances)
5. A procedure for investigating occupational injury or illness.
6. Methods and/or procedures for correcting unsafe or unhealthful conditions, work practices and work procedures in a timely manner based on the severity of the hazard when observed or discovered.

When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, these procedures shall call for the removal of all exposed staff from the area except those necessary to correct the hazardous condition. Employees needed to correct the condition shall be provided necessary safeguards.

7. Training and instruction:
  - a. To all new employees
  - b. To all employees given new job assignments for which training has not previously been received
  - c. Whenever new substances, processes, procedures or equipment are introduced into the workplace and represent a new hazard

d. Whenever the district is made aware of a new or previously unrecognized hazard

e. To familiarize supervisors with the safety and health hazards to which employees under their immediate direction and control may be exposed

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Records of the steps taken to implement and maintain the injury and illness prevention program shall be kept in accordance with 8 CCR 3203.

#### Hearing Protection

When information indicates that any employee's exposure to noise may equal or exceed an eight-hour average sound level of 85 decibels, the Superintendent or designee shall implement a hearing conservation program in accordance with state and federal regulations. (8 CCR 5097, 29 CFR 1910.95)

#### Eye Safety Devices

Eye safety devices shall be worn by employees whenever they are engaged in or observing an activity involving hazards or hazardous substances likely to cause injury to the eyes. (Education Code 32030)

Such activities include, but are not limited to, the following: (Education Code 32031)

1. Working with hot molten metal
2. Milling, sawing, turning, shaping, cutting, grinding and stamping of any solid materials
3. Heat treating, tempering, or kiln firing of any metal or other materials
4. Gas or electric arc welding
5. Repair or servicing of any vehicles, machinery or equipment
6. Working with hot liquids or solids or with chemicals which are flammable, toxic, corrosive to living tissues, irritating, strongly sensitizing, radioactive, or which generate pressure through heat, decomposition, or other means

(cf. 5142 - Safety)

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Employee Security**

AR 4358

### **Personnel**

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

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

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

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

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

(cf. 3515.2 - Disruptions)

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

An employee whose person or property is injured or damaged by willful misconduct of a student may ask the district to pursue legal action against the student or the student's parent/guardian. (Education Code 48905)

(cf. 3515.4 - Recovery for Property Loss or Damage)

### **Notice Regarding Student Offenses Committed While Under School Jurisdiction**

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

(cf. 5125 - Student Records)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)

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

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

#### Notice Regarding Student Offenses Committed While Outside School Jurisdiction

When a minor student has been found by a court of competent jurisdiction to have illegally used, sold or possessed a controlled substance or committed specified crimes involving serious acts of violence, the district police or security department may provide written notification to the Superintendent. (Welfare and Institutions Code 828.1)

(cf. 3515.3 - District Police/Security Department)

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

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

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

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



Institutions Code 827)

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

#### Procedures to Maintain Confidentiality of Student Offenses

In order to maintain confidentiality when providing information about student offenses to counselors and teachers of classes/programs to which a student is assigned, the principal or designee shall send the staff member a written notification requesting him/her to review a student's file in the school office as soon as practicable. This notification shall not name or otherwise identify the student. The staff member shall be asked to initial the notification and return it to the principal or designee.

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

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Employee Assistance Programs**

BP 4359

### **Personnel**

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.

#### Legal Reference:

##### EDUCATION CODE

35160 Authority of governing board

35160.1 Broad authority of school districts

44962 Leaves of absence for certificated employees

44964 Power to grant leaves of absence for accident, illness or quarantine

45190-45209 Resignations and leaves of absence for classified employees

##### GOVERNMENT CODE

8355 Certification to contracting or granting agency; requisites

##### HEALTH AND SAFETY CODE

104420 Providing information re: smoking cessation program

##### UNITED STATES CODE, TITLE 41

701-707 Drug-Free Workplace Act

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Board Policy**

## **Leaves**

BP 4361

## **Personnel**

The Governing Board recognizes the need to provide for leaves which management and confidential personnel may take for justifiable reasons. Such leaves shall be authorized pursuant to Board policies and/or administrative regulations.

Certificated management and supervisory employees shall be entitled to those leave provisions provided in the certificated agreement unless otherwise specified in Board policy, administrative regulations or individual contract.

Classified management, supervisory and confidential employees shall be entitled to those leave provisions provided in the classified negotiated agreement unless otherwise specified in Board policy, administrative regulations or individual contract.

### Legal Reference:

#### EDUCATION CODE

44036 Leaves of absence for judicial and official appearances

44037 Unlawful to encourage exemption from jury duty

44940 Sex offenses and narcotic offenses; compulsory leave

44962-44988 Leaves of absence (certificated)

45190-45210 Leaves of absence (classified)

Policy CLOVERDALE UNIFIED SCHOOL DISTRICT

adopted: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Personal Illness/Injury Leave**

AR 4361.1

### **Personnel**

Full-time certificated employees are entitled to 10 days leave of absence for personal illness or injury (sick leave) per school year, with full pay. Employees working less than five days per week shall be granted comparable sick leave in proportion to the time they work. (Education Code 44978)

(cf. 4161/4261 - Leaves)

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

(cf. 4361 - Leaves)

An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (Education Code 44978)

Any certificated employee who leaves the district after at least one year of employment and accepts a certificated position in another district, county office of education or community college district within one year shall have transferred with him/her the total amount of accumulated sick leave. The district shall not require new employees to waive their leave accumulated in a previous district. (Education Code 44979, 44980)

### **Sick Leave Beyond 10 Days**

When a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and continues to be absent from his/her duties due to illness or accident for an additional period up to five school months, the employee shall receive his/her regular salary minus the actual cost of a substitute to fill the position. If the district has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that might have been paid to a substitute shall be deducted from the employee's salary. (Education Code 44977)

The sick leave, including accumulated sick leave, and the five-month period shall run consecutively. (Education Code 44977)

An employee shall not be provided more than one five-month period per illness or accident. However, if the school year ends before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year. (Education Code 44977)

After five months, if a certificated employee has exhausted all available sick leave and is not medically able to resume his/her duties, the employee shall be placed either in

another position or on a reemployment list. If the employee is on probationary status, he/she shall be placed on the reemployment list for 24 months beginning at the expiration of the five-month period provided pursuant to Education Code 44977; if on permanent status, the employee shall be placed on the reemployment list for 39 months. If during this time the employee becomes medically able, he/she shall be returned to employment in a position for which he/she is credentialed and qualified. (Education Code 44978.1)

(cf. 4116 - Probationary/Permanent Status)

Before returning to work, an employee who has been absent for surgery, hospitalization or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return and stipulating any recommended restrictions or limitations.

(cf. 4032 - Reasonable Accommodation)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

Legal Reference:

**EDUCATION CODE**

44964 Power to grant leave of absence in case of illness, accident or quarantine

44965 Granting of leaves of absence for pregnancy and childbirth

44976 Transfer of leave rights when school is transferred to another district

44977 Salary deduction during absence from duties

44978 Provisions for sick leave of certificated employees

44979 Transfer of accumulated sick leave to another district

44980 Transfer of accumulated sick leave to a county office of education

44981 Leave of absence for personal necessity

44983 Exception to sick leave when district adopts specific rule

44986 Leave of absence for disability allowance applicant

**LABOR CODE**

233 Illness of child, parent, spouse or domestic partner

234 Absence control policy

**CODE OF REGULATIONS, TITLE 5**

5601 Transfer of accumulated sick leave

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Industrial Accident/Illness Leave**

AR 4361.11

### **Personnel**

In each fiscal year, allowable leave for certificated employees for any single industrial accident or illness shall be for 60 days during which the schools of the district are in session or when the employee would otherwise have been performing work for the district.

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

(cf. 4157.2/4257.2/4357.2 - Ergonomics)

(cf. 4161/4261 - Leaves)

(cf. 4361 - Leaves)

Allowable industrial accident/illness leave shall not accumulate from year to year.  
(Education Code 44984)

When a certificated employee is absent from his/her duties because of an industrial accident or illness: (Education Code 44984)

1. Industrial accident or illness leave shall start on the first day of absence.
2. The employee shall be paid such portion of the salary due for any month in which the absence occurs as, when added to the temporary disability indemnity under Division 4 or 4.5 of the Labor Code, will result in a payment to the employee of not more than his/her full salary.
3. Industrial accident or illness leave shall be reduced by one day for each day of authorized absence, regardless of a temporary disability indemnity award.
4. When an industrial accident or illness leave overlaps into the next fiscal year, the employee is entitled to only the amount of unused leave due the employee for the same illness or injury.

Upon expiration of allowable leave for an industrial accident or illness, the employee may use personal illness and injury leave. If the employee continues to receive temporary disability indemnity, he/she may elect to take as much of the accumulated sick leave which, when added to his/her temporary disability indemnity, will result in a payment to the employee of not more than the employee's full salary. (Education Code 44984)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

During any paid leave of absence, the employee may endorse to the district the temporary disability indemnity checks received on account of his/her industrial accident or illness. In those cases, the district shall issue appropriate salary warrants for payment of the employee's salary, and shall deduct normal retirement, other authorized contributions, and the temporary disability indemnity, if any, actually paid to and retained by the employee for periods covered by such salary warrants. (Education Code 44984)

Any employee receiving benefits under this leave shall, during periods of injury or illness, remain within the State of California unless the Governing Board authorizes travel outside the state. (Education Code 44984)

Legal Reference:

EDUCATION CODE

44977 Salary deductions during absence from duties

44978 Provisions for certificated employee sick leave

44983 Exception to sick leave

44984 Required rules for industrial accident and illness leave of absence

Management Resources:

WEB SITES

Department of Industrial Relations: <http://www.dir.ca.gov/DIR/OS&H/DOSH/dosh1.html>

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Personal Leaves**

AR 4361.2

### **Personnel**

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

#### **Bereavement**

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. 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)

(cf. 4161/4261 - Leaves)

(cf. 4361 - Leaves)

Members of the immediate family include the mother, father, grandmother, grandfather or grandchild of the employee or of the employee's spouse; the employee's spouse, son, son-in-law, daughter, daughter-in-law, brother or sister; or any relative living in the employee's immediate household. (Education Code 44985, 45194)

At the employee's request, bereavement leave may be extended under personal necessity leave provisions. (Education Code 44981, 45207)

#### **Personal Necessity**

Employees may use up to seven days of their accrued sick leave during each contract year for reasons of personal necessity. (Education Code 44981, 45207)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207)
2. An accident involving the employee's person or property or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)
3. A serious illness of a member of the certificated employee's immediate family



(Education Code 44981)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party or witness under subpoena or other order (Education Code 45207)
5. Fire, flood or other immediate danger to the home of the employee
6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, no such leave shall 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 true personal necessity.

Advance permission shall not be required for certificated employees in cases involving the death or serious illness of a member of the employee's immediate family or an accident involving the employee's person or property or the person or property of a member of his/her immediate family. (Education Code 44981)

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

#### Legal Duties

Classified employees called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury or witness fees. (Education Code 44037)

Certificated employees also shall be granted leave for jury duty with pay up to the amount of the difference between the employee's regular earnings and any amount received as juror's fees.

Employees shall be granted leaves to appear in court as witnesses other than litigants or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such employees shall receive pay up to the amount of the difference between the employee's regular earnings and any amount received for witness fees.

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, including but not limited to cases in which the employee is a victim of a crime

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

#### Leaves for Victims of Domestic Violence or Sexual Assault

An employee who is a victim of domestic violence or sexual assault as defined by law may take time off work to 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 his/her child. (Labor Code 230)

In addition, an employee who is a victim of domestic violence or sexual assault may take time off work to attend to the following activities: (Labor Code 230.1)

1. Seek medical attention for injuries caused by domestic violence or sexual assault
2. Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault
3. Obtain psychological counseling related to an experience of domestic violence or sexual assault
4. Participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation

An employee who is a victim of domestic violence or sexual assault may use vacation, personal leave or compensatory time off that is otherwise available to the employee under the applicable terms of employment, unless otherwise provided by a collective bargaining agreement. (Labor Code 230, 230.1)

Prior to taking time off, an employee shall give reasonable notice to his/her supervisor, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide to his/her supervisor certification of the absence in the form of any of the following documents: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim of domestic violence or sexual assault
2. A court order protecting or separating the employee from the perpetrator of an act of domestic violence or sexual assault, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider or counselor that the

employee was undergoing treatment for physical or mental injuries or abuse resulting from an act of domestic violence or sexual assault

The supervisor and Superintendent or designee shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

#### Personal Leave for a Child's School Activities

Any employee who is a parent/guardian or grandparent having custody of one or more children who are enrolled in grades kindergarten through 12, or who attend a licensed day care facility, may use up to 40 hours of personal leave, vacation or compensatory time off each school year in order to participate in school or day care activities. Such leave shall not exceed eight hours in any month of the school year, and the employee shall give reasonable advance notice of the absence. (Labor Code 230.8)

(cf. 1240 - Volunteer Assistance)

In lieu of using vacation, personal leave or compensatory time off, eligible employees giving reasonable advance notice may take up to 40 hours without pay each school year for this purpose, not to exceed eight hours in any month.

If both parents of a child are employed at the same work site, this leave shall be allowed for the first parent who applies; simultaneous absence by the second parent 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 day care facility that he/she participated in school or licensed day care facility activities on a specific date and at a particular time. (Labor Code 230.8)

#### Service in State or Employee Organizations

Employees shall be granted up to 20 days of paid leave per year for service performed within the state on any boards, commissions, committees or groups authorized by Education Code 44987.3, provided that the service is in the state of California, the organization informs the district in writing of the service and the organization reimburses the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs. (Education Code 44987.3)

Employees may take a leave of absence without loss of compensation to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the local organization is affiliated. The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special or regular meetings of the body of the organization. (Education Code 44987, 45210)

#### Religious Leave

Employees may take up to three days of leave per year for religious purposes, as long as such leaves do not cause additional district expenditures, the neglect of assigned duties or any other unreasonable hardship on the district. The Superintendent or designee may grant such leave provided that it is requested in advance.

The Superintendent or designee shall deduct the cost of a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

#### 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)

An employee who is a volunteer firefighter 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 or law enforcement training. (Labor Code 230.4)

#### Legal Reference:

##### EDUCATION CODE

44036-44037 Leaves of absence for judicial and official appearances

44963 Power to grant leaves of absence (certificated)

44981 Leaves of absence for personal necessity (certificated)

44985 Leave of absence due to death in immediate family (certificated)

44987 Service as officer of employee organization (certificated)

44987.3 Leave of absence to serve on certain boards, commissions, etc.

45190 Leaves of absence and vacations (classified)

45194 Bereavement leave of absence (classified)

45198 Effect of provisions authorizing leaves of absence

45207 Personal necessity (classified)

45210 Service as officer of employee organization (classified)

##### GOVERNMENT CODE

3543.1 Release time for representatives of employee organizations

##### LABOR CODE

230-230.1 Leave for victims of domestic violence or sexual assault

230.3 Leave for emergency personnel

230.4 Leave for volunteer firefighters

230.8 Leave to visit child's school

233 Illness of child, parent, spouse, domestic partner or domestic partner's child

234 Absence control policy

##### CALIFORNIA CONSTITUTION

Article 1, Section 8 Religious discrimination

UNITED STATES CODE, TITLE 29

2612 Leave requirements

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VII, Civil Rights Act of 1964

COURT DECISIONS

Rankin v. Commission on Professional Competence, (1988) 24 Cal.3d 167

Management Resources:

WEB SITES

California Teachers Association: <http://www.cta.org>

California Federation of Teachers: <http://www.cft.org>

California School Employees Association: <http://www.csea.com>

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Family Care And Medical Leave**

AR 4361.8

### **Personnel**

#### Eligibility

The district shall grant family care and medical leave of a minimum of 12 work weeks during any 12-month period, to eligible employees, for the following reasons:  
(Government Code 12945.2; 29 USC 2601)

1. Because of the birth of a child of the employee or placement of a child with the employee in connection with the adoption or foster care of the child by the employee.
2. To care for the employee's child, parent or spouse with a serious health condition.
3. Because of the employee's own serious health condition that makes him/her unable to perform the functions of his/her position. However, this does not include leave taken for disability on account of pregnancy, childbirth or related medical conditions.

The district shall not interfere with, restrain or deny the exercise of any right provided to an eligible employee under the law. Also, the district shall not discharge or discriminate against any employee for opposing any practice made unlawful by, or because of his/her involvement in any proceedings related to the family care and medical leave.  
(Government Code 12945.2; 29 USC 2615)

(cf. 4030 - Nondiscrimination in Employment)

#### Definitions

Child means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis as long as the child is under 18 years of age or an adult dependent child. (29 USC 2611; Government Code 12945.2)

Eligible employee means an employee who has at least 12 months of service with the employer, and who has at least 1,250 hours of service with the employer during the previous 12-month period. (29 USC 2611; Government Code 12945.2)

Full-time teachers are deemed to meet the 1,250 hours of service requirement. (29 CFR 825.110)

Instructional employee means an employee whose principal function is to teach; instructional employees include athletic coaches, driving instructors, special education

assistants and signers for the hearing impaired. The term does not include teacher assistants or aides, counselors, psychologists, curriculum specialists or other primarily noninstructional employees. (29 CFR 825.600)

Parent means a biological, foster or adoptive parent, a stepparent, a legal guardian, or another person who stood in loco parentis to the employee when the employee was a child. (29 USC 2611; Government Code 12945.2)

Serious health condition means an illness, injury, impairment, physical or mental condition that involves either of the following: (29 USC 2611; Government Code 12945.2)

1. Inpatient care in a hospital, hospice or residential health care facility
2. Continuing treatment or continuing supervision by a health care provider

#### Rights to Reinstatement and Maintenance of Benefits

Upon granting an employee's request for family care and medical leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (29 USC 2614; Government Code 12945.2)

The district may refuse to reinstate an employee returning from leave to the same or a comparable position if all of the following apply: (29 USC 2614, Government Code 12945.2)

1. The employee is a salaried "key employee" who is among the highest paid 10 percent of those district employees who are employed within 75 miles of the employee's worksite
2. The refusal is necessary to prevent substantial and grievous economic injury to district operations
3. The district informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service

An employee who takes leave has no greater right to reinstatement than if he/she had been continuously employed during the leave period. If the district reduces its work force during the leave period and the employee is laid off for legitimate reasons at that time, he/she is not entitled to reinstatement, provided the district has no continuing obligations under a collective bargaining agreement or otherwise. (29 CFR 825.216)

(cf. 4117.3 - Personnel Reduction)

(cf. 4217.3 - Layoff/Rehire)

(cf. 4317.3 - Personnel Reduction)

During the period when an employee is on family care and medical leave, he/she shall maintain his/her status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority or any employee benefit plan.

The district shall continue to provide an eligible employee on family care and medical leave, the group health plan coverage that was in place before he/she took the leave. If the employee fails to return to district employment after the expiration of the leave, for any reason other than the continuation, recurrence or onset of a serious health condition, or other circumstances beyond his/her control, he/she shall reimburse the district for premiums paid during the family care and medical leave.

(cf. 4154/4254/4354 - Health and Welfare Benefits)

#### Terms of Leave

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

Leave taken pursuant to the California Family Rights Act shall run concurrently with leave taken pursuant to the federal Family and Medical Leave Act (FMLA), except for any leave taken under the FMLA for disability on account of pregnancy, childbirth, or related medical conditions. In addition to family care and medical leave, an employee may be entitled to take pregnancy disability leave of up to four months. During the otherwise unpaid portion of pregnancy disability leave, the employee may use any accrued vacation, sick time or other paid leave. (Government Code 12945, 12945.2)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

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 have to be taken in one continuous period of time. The basic minimum duration of the leave shall be two weeks. However, the district shall grant a request for leave of less than two weeks' duration on any two occasions. (29 USC 2612; 2 CCR 7297.3)

If both parents of a child work for the district, their family care and medical leave related to the birth or placement of the child shall be limited to a total of 12 weeks. (Government Code 12945.2; 29 USC 2612)

During the period of family care and medical leave, the employee may elect to use his/her accrued vacation leave, other accrued time off, or any other paid or unpaid time off negotiated with the district. Accrued sick leave may be used when the purpose of the family care and medical leave is one for which sick leave may be taken pursuant to collective bargaining agreements and/or Board policy. (Government Code 12945.2)

(cf. 4141/4241 - Collective Bargaining Agreement)



(cf. 4161/4261 - Leaves)

#### Intermittent Leave/Reduced Leave Schedule

Leave related to the serious health condition of the employee or his/her child, parent or spouse may be taken intermittently or on a reduced leave schedule when medically necessary. In such a case, the district may require the employee to transfer temporarily to a different position for which he/she is qualified, with equivalent pay and benefits, and that could better accommodate recurring periods of leave. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced leave schedule. (2 CCR 7297.3)

Where the employee involved is an instructional employee and would be on leave for greater than 20 percent of the total number of working days in the leave period, the employee shall have the option of temporarily transferring to an available alternative position or taking leave for periods of a particular duration, not to exceed duration of the planned medical treatment. (29 USC 2618)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

#### Instructional Employees: Leaves Near the End of the Term

The district may require an instructional employee to continue taking a requested leave until the end of the term in any of the following situations: (29 USC 2618)

1. If the instructional employee begins a leave of three or more weeks duration more than five weeks before the end of a term and would subsequently return to work during the last three weeks of the term
2. If the instructional employee, for reasons other than his/her own serious health condition, begins a leave of more than two weeks duration during the period that begins five weeks before the end of the term and would subsequently return to work during the last two weeks of the term
3. If the instructional employee, for reasons other than his/her own serious health condition, begins a leave of more than five days duration during the period that begins three weeks before the end of the term

#### Request for Family Care and Medical Leave

An employee shall request family care and medical leave in writing, at least 30 days before the commencement date of the leave. If the leave becomes necessary less than 30 days before its commencement, the employee shall provide such notice as soon as practicable. (29 USC 2612; Government Code 12945.2)

In every case in which the necessity for the leave is foreseeable based on planned medical

treatment or supervision, the employee shall make a reasonable effort to schedule the treatment or supervision to avoid disruption of district operations. This scheduling shall be subject to the health care provider's approval. (29 USC 2612; Government Code 12945.2)

#### Certification of Health Condition

A request by an employee for family care and medical leave for his/her serious health condition, or to care for a child, parent or spouse with a serious health condition, shall be supported by a certification from the health care provider of the employee or such other person as applicable. The certification shall include the following: (29 USC 2613; Government Code 12945.2; 2 CCR 7297.0)

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 a child, parent or spouse with a serious health condition, the health care provider's certification of both of the following:
  - a. Estimated amount of time the health care provider believes the employee needs to care for the child, parent or spouse
  - b. Statement that the serious health condition warrants the participation of a family member to provide care during a period of the treatment or supervision of the child, parent or spouse
4. If the employee is requesting leave because of his/her own serious health condition, the health care provider's certification that due to the serious health condition, the employee is unable to perform the functions of his/her job
5. If the employee is requesting leave for intermittent treatment or is requesting leave on a reduced leave schedule for planned medical treatment, the certification must also state 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

If the district doubts the validity of a certification that accompanies a request for leave, the district 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 district 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. (29 USC 2613; Government Code 12945.2)

If additional 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 in the preceding paragraph. (29 USC 2613; Government Code 12945.2)

Employees who take family care and medical leave for their own serious health conditions shall present certification from their health care provider to the effect that they are able to resume work.

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

#### Notifications

The Superintendent or designee shall post separate notices about federal and state law related to family care and medical leave in a conspicuous place. Information about employee rights and obligations related to such leaves shall also be included in employee handbooks. (29 USC 2619; 2 CCR 7297.9)

At least the first time in each six-month period that an employee requests family care and medical leave, the Superintendent or designee shall provide written notice detailing specific expectations and obligations, and explaining any consequences of a failure to meet these obligations. The notice shall include: (29 CFR 825.301)

1. A statement that the leave will be counted against the employee's annual family care and medical leave entitlement
2. Requirements for the employee to furnish medical certification of a serious health condition
3. The employee's right to substitute paid leave, conditions related to any substitution, and whether the district requires this substitution
4. Health benefit arrangements
5. If applicable, the employee's status as a "key employee" and information related to restoration of that status
6. The employee's right to restoration to the same or an equivalent job
7. The employee's potential liability for health benefits should the employee not return to service
8. The district's requirement that the employee, upon return, present medical certification to the effect that he/she is able to resume work

#### Records

The Superintendent or designee shall maintain records pertaining to individual employees' use of family care and medical leave.

Legal Reference:

GOVERNMENT CODE

12940 Unlawful employment practices

12945 Pregnancy; childbirth or related medical condition; unlawful practice

12945.1-12945.2 California Family Rights Act

19702.3 Family care leave; exercise of rights

CODE OF REGULATIONS, TITLE 2

7291.2-7291.16 Sex discrimination: pregnancy and related medical conditions

7297.0-7297.11 Family care leave

UNITED STATES CODE, TITLE 29

2601-2654 Family and Medical Leave Act of 1993

CODE OF FEDERAL REGULATIONS, TITLE 29

825.100-825.800 Family and Medical Leave Act of 1993

Management Resources:

WEB SITES

U.S. Department of Labor, Employment Standards Administration, Wage and Hour  
Division:

<http://www.dol.gov>

Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT

approved: November 19, 2003 Cloverdale, California

# **Exhibit**

## **Family Care And Medical Leave**

E 4361.8

### **Personnel**

#### Your Rights Under The Family And Medical Leave Act Of 1993

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

#### REASONS FOR TAKING LEAVE

Unpaid leave must be granted for any of the following reasons:

- \* to care for the employee's child after birth, or placement for adoption or foster care;
- \* to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- \* for a serious health condition that makes the employee unable to perform the employee's job.

At the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave.

#### ADVANCE NOTICE AND MEDICAL CERTIFICATION

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- \* The employee ordinarily must provide 30 days' advance notice when the leave is "foreseeable."
- \* An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.
- \* For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."

\* Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms.

\* The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

#### UNLAWFUL ACTS BY EMPLOYERS

FMLA makes it unlawful for any employer to:

\* interfere with, restrain, or deny the exercise of any right provided under FMLA;

\* discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

#### ENFORCEMENT

\* The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.

\* An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

#### FOR ADDITIONAL INFORMATION

Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.

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#### FAMILY CARE AND MEDICAL LEAVE (CFRA LEAVE) AND PREGNANCY DISABILITY LEAVE

Under the California Family Rights Act of 1993 (CFRA), if you have more than 12 months of service with us and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave, you may have a right to an unpaid family care or medical leave (CFRA leave). This leave may be up to 12 work weeks in a 12-month period for the birth, adoption or foster care placement of your child or for your own serious health condition or that of your child, parent or spouse.

Even if you are not eligible for CFRA leave, if you are disabled by pregnancy, childbirth

or related medical conditions, you are entitled to take a pregnancy disability leave of up to four months, depending on your period(s) of actual disability. If you are CFRA-eligible, you have certain rights to take BOTH a pregnancy disability leave and a CFRA leave for reason of the birth of your child. Both leaves contain a guarantee of reinstatement to the same or to a comparable position at the end of the leave, subject to any defense allowed under law.

If possible, you must provide at least 30 days' advance notice for foreseeable events (such as the expected birth of a child or planned medical treatment for yourself or of a family member). For events which are unforeseeable, we need you to notify us, at least verbally, as soon as you learn of the need for the leave.

Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until you comply with this notice policy.

We may require certification from your health care provider before allowing you a leave for pregnancy or your own serious health condition or certification from the health care provider of your child, parent or spouse who has a serious health condition before allowing you a leave to take care of that family member. When medically necessary, leave may be taken on an intermittent or reduced work schedule.

If you are taking a leave for the birth, adoption or foster care placement of a child, the basic minimum duration of the leave is two weeks and you must conclude the leave within one year of the birth or placement for adoption or foster care.

Taking a family care or pregnancy disability leave may impact certain of your benefits and your seniority date. If you want more information regarding your eligibility for a leave and/or the impact of the leave on your seniority and benefits, please contact

\_\_\_\_\_.

Authority Cited: Sections 12935, subd. (a) and 12945.2, Government Code

Exhibit CLOVERDALE UNIFIED SCHOOL DISTRICT  
version: November 19, 2003 Cloverdale, California

# **Administrative Regulation**

## **Catastrophic Leave Program**

AR 4361.9

### **Personnel**

When an employee or a member of his/her family experiences a catastrophic illness or injury which requires the employee to take time off from work for an extended period of time, and the employee has exhausted all available sick leave and other paid time off, he/she may request donations of accrued vacation or sick leave credits. (Education Code 44043.5)

In making such a request, the employee shall provide verification of the catastrophic injury or illness. (Education Code 44043.5)

Verification shall be made by means of a letter, dated and signed by the sick or injured person's physician, indicating the incapacitating nature and probable duration of the illness or injury.

Upon determination that the employee is unable to work due to his/her own or a family member's catastrophic illness or injury, any other employee, upon written notice to the Governing Board, may donate accrued vacation and/or sick leave credits to the requesting employee. Donations shall be at a minimum of eight hours, and in hour increments thereafter. (Education Code 44043.5)

To ensure that employees retain sufficient accrued sick leave to meet their own needs, donors shall not reduce their accumulated sick leave to fewer than \_\_\_ hours.

All transfers of eligible leave credit shall be irrevocable. (Education Code 44043.5)

The Superintendent or designee shall ensure that all donations are confidential.

The employee who is the recipient of the donated leave credits shall use those credits within 12 consecutive months.

If donated credits are not used by the employee within 12 consecutive months, the credits shall be placed in a pool that will be available to the next eligible employee who requests catastrophic leave.

An employee who receives paid catastrophic leave shall use any leave credits that he/she continues to accrue on a monthly basis before receiving paid leave pursuant to this program. (Education Code 44043.5)



Regulation CLOVERDALE UNIFIED SCHOOL DISTRICT  
approved: November 19, 2003 Cloverdale, California