The Superintendent or designee shall be responsible for processing requests for employment 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 shall be approved by the Superintendent or designee. At his/her discretion, the Superintendent or designee may refuse to give a recommendation.

The Superintendent or designee may communicate information about the job performance or qualifications of a current or former district employee when such information is based upon credible evidence and is given to a prospective employer without malice and at the prospective employer's request. (Civil Code 47)

Any reference, letter of recommendation, or information provided about the reasons for separation issued on behalf of the district shall provide a truthful and accurate 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)

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. (5 CCR 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. (5 CCR 80332)

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
EMPLOYMENT OF RELATIVES

The Board of Trustees desires to maximize staff and community confidence in district hiring, promotion, and other employment decisions by promoting practices that are free of conflicts of interest or the appearance of impropriety.

(cf. 4030 - Nondiscrimination in Employment)
(cf. 9270 - Conflict of Interest)

The Board prohibits the appointment of any person to a position for which his/her relative maintains management, supervisory, evaluation, or promotion responsibilities and prohibits an employee from participating in any decision that singularly applies to any of his/her relatives.

(cf. 4111/4211/4311 - Recruitment and Selection)
(cf. 4115 - Evaluation/Supervision)
(cf. 4215 - Evaluation/Supervision)
(cf. 4315 - Evaluation/Supervision)

For purposes of this policy, relative includes the individual's spouse, domestic partner, parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse or domestic partner.

In addition, the Superintendent or designee may determine, on a case-by-case basis, whether to appoint a person to a position in the same department or facility as an employee with whom he/she maintains a personal relationship when that relationship has the potential to create (1) an adverse impact on supervision, safety, security, or morale of other district employees or (2) a conflict of interest for the individuals involved which is greater because of their relationship than it would be for another person.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

An employee shall notify his/her supervisor within 30 days of any change in his/her circumstances that may constitute a violation of this policy.

Legal Reference: (see next page)
EMPLOYMENT OF RELATIVES (continued)

Legal Reference:
EDUCATION CODE
35107 School district employees
FAMILY CODE
297-297.5 Rights, protections, benefits under the law; registered domestic partners
GOVERNMENT CODE
1090-1098 Prohibitions applicable to specified officers
12940 Unlawful employment practices
CODE OF REGULATIONS, TITLE 2
7292.0-7292.6 Marital status discrimination, especially:
7292.5 Employee selection

Management Resources:
WEB SITES
California Department of Fair Employment and Housing:  http://www.dfeh.ca.gov
Institute for Local Government:  http://www.cacities.org/index.jsp?zone=ilsg
The Board of Trustees believes that providing clear communications to staff is essential to establishing a professional, positive work environment and enhancing their job performance. The Superintendent or designee shall provide district employees all notifications required by law and any other notifications he/she believes will promote staff knowledge of the district's policies, programs, activities, and operations.

When required by law, Board policy, or administrative regulation, district employees shall be asked to sign an acknowledgment indicating receipt of the notification. Such acknowledgments shall be retained in each employee's personnel file.

(cf. 3580 - District Records)
(cf. 4112.6/4212.6/4312.6 - Personnel Files)

Legal Reference:

EDUCATION CODE
231.5 Sexual harassment policy
17612 Notice of pesticide use
22455.5 STRS information to potential members
22461 Postretirement compensation limitation
35031 Nonreelection of superintendent, assistant superintendent, or manager of classified services
35171 Notice of regulations pertaining to certificated employee evaluations
37616 Notice of public hearing on year-round schedule
44031 Personnel file contents, inspection
44663-44664 Evaluation of certificated employees
44842 Reemployment notices, certificated employees
44896 Transfer of administrator or supervisor to teaching position
44916 Written statement of employment status
44929.21 Reelection or nonreelection of probationary employee after second year
44934 Notice of disciplinary action for cause
44934.1 Suspension or dismissal for egregious misconduct
44938 Notice of unprofessional conduct and opportunity to correct
44936 Notice of suspension or dismissal
44940.5-44941 Notification of suspension and intent to dismiss
44948.3 Dismissal of probationary employees
44949 Cause, notice and right to hearing
44951 Continuation in position unless notified, administrative or supervisory personnel
44954 Nonreelection of temporary employees
44955 Reduction in number of employees
45113 Notification of charges, classified employees
45117 Notice of layoff, classified employees
45169 Employee salary data, classified employees
45192 Industrial and accident leave
45195 Additional leave
46162 Notice of public hearing on block schedule

Legal Reference continued: (see next page)
EMPLOYEE NOTIFICATIONS (continued)

Legal Reference: (continued)

EDUCATION CODE (continued)
49013 Complaints regarding student fees
49079 Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion
49414 Epinephrine auto-injectors
49414.3 Administration of opioid antagonist

CIVIL CODE
1798.29 District records, breach of security

GOVERNMENT CODE
1126 Incompatible activities of employees
3100-3109 Oath or affirmation of allegiance
8355 Certification of drug-free workplace, including notification

CIVIL CODE
1798.29 District records, breach of security

CIVIL CODE
1797.196 Automated external defibrillators; notification of use and locations
104420 Tobacco-free schools
120875 Information on AIDS, AIDS-related conditions, and hepatitis B
120880 Notification to employees re AIDS, AIDS-related conditions, and hepatitis B

LABOR CODE
245-249 Healthy Workplaces, Healthy Families Act of 2014
2800.2 Notification of availability of continuation health coverage
3550-3553 Notifications re: workers’ compensation benefits
5401 Workers’ compensation; claim form and notice of potential eligibility

PENAL CODE
11105 Access to criminal history information
11105.2 Subsequent arrest notification
11165.7 Child Abuse and Neglect Reporting Act; notification requirement
11166.5 Employment; statement of knowledge of duty to report child abuse or neglect

UNEMPLOYMENT INSURANCE CODE
2613 Disability insurance; notice of rights and benefits

CODE OF REGULATIONS, TITLE 2
11023 Nondiscrimination in employment
11024 Sexual harassment
11049 Notice of right to request pregnancy disability leave or transfer
11091 California Family Rights Act, designation notice
11096 Notice of right to request family care leave

CODE OF REGULATIONS, TITLE 5
4622 Uniform complaint procedures
80303 Reports of change in employment status, alleged misconduct

CODE OF REGULATIONS, TITLE 8
3204 Employees exposed to bloodborne pathogens, access to exposure and medical records
5191 Chemical hygiene plan
5193 California bloodborne pathogens standard
5194 Hazard communication program

Legal Reference continued: (see next page)
EMPLOYEE NOTIFICATIONS (continued)

Legal Reference: (continued)

CODE OF REGULATIONS, TITLE 13
1234 Reports regarding school buses and bus drivers
2480 Vehicle idling, limitations
UNITED STATES CODE, TITLE 38
4334 Uniformed Services Employment and Reemployment Rights Act, notice requirement
UNITED STATES CODE, TITLE 41
8101-8106 Drug-Free Workplace Act
CODE OF FEDERAL REGULATIONS, TITLE 29
825.300 Family and Medical Leave Act; notice requirement
CODE OF FEDERAL REGULATIONS, TITLE 34
84.205-84.210 Drug-free workplace statement
104.8 Nondiscrimination
104.8 Nondiscrimination
106.9 Dissemination of policy, nondiscrimination on basis of sex
CODE OF FEDERAL REGULATIONS, TITLE 40
763.84 Asbestos inspections, response actions and post-response actions
763.93 Asbestos management plans
CODE OF FEDERAL REGULATIONS, TITLE 49
382.601 Controlled substance and alcohol use and testing notifications
# EMPLOYEE NOTIFICATIONS

<table>
<thead>
<tr>
<th>When/Whom to Notify</th>
<th>Education or Other Legal Code</th>
<th>Board Policy/ Administrative Regulation #</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I. To All Employees</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>At the beginning of school year or upon employment</td>
<td>Education Code 231.5; Government Code 12950; 2 CCR 4312.9</td>
<td>AR 4119.11; 4219.11</td>
<td>The district's policy on sexual harassment, legal remedies, complaints</td>
</tr>
<tr>
<td>Annually to all employees, and 72 hours before pesticide application</td>
<td>Education Code 17612</td>
<td>AR 3514.2</td>
<td>Use of pesticide product, active ingredients, Internet address to access information</td>
</tr>
<tr>
<td>To all employees, prior to implementing year-round schedule</td>
<td>Education Code 37616</td>
<td>BP 6117</td>
<td>Public hearing on year-round program</td>
</tr>
<tr>
<td>To all employees, prior to implementing alternative schedule</td>
<td>Education Code 46162</td>
<td>AR 6112</td>
<td>Public hearing on alternative schedule</td>
</tr>
<tr>
<td>Annually to all employees</td>
<td>Education Code 49013; 5 CCR 4622</td>
<td>AR 1312.3</td>
<td>Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control and accountability plan</td>
</tr>
<tr>
<td>Annually to all employees</td>
<td>Education Code 49414</td>
<td>AR 5141.21</td>
<td>Request for volunteers to be trained to administer epinephrine auto-injectors</td>
</tr>
<tr>
<td>At least once per year</td>
<td>Education Code 49414.3</td>
<td>AR 5141.21</td>
<td>Request for volunteers to be trained to administer opioid antagonist</td>
</tr>
<tr>
<td>To all employees</td>
<td>Government Code 1126</td>
<td>BP 4136</td>
<td>Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal</td>
</tr>
</tbody>
</table>

# 1. To All Employees (continued)
### EMPLOYEE NOTIFICATIONS (continued)

<table>
<thead>
<tr>
<th>When/Whom to Notify</th>
<th>Education or Other Legal Code</th>
<th>Board Policy/Administrative Regulation #</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior to beginning employment</td>
<td>Government Code 3102</td>
<td>AR 4112.3</td>
<td></td>
</tr>
<tr>
<td>To all employees</td>
<td>Government Code 8355; 41 USC 8102; 34 CFR 84.205, 84.210</td>
<td>BP 4020 BP 4159</td>
<td></td>
</tr>
<tr>
<td>Upon employment</td>
<td>Government Code 21029</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Upon placement of automated external defibrillator (AED) in school, and annually thereafter</td>
<td>Health and Safety Code 1797.196</td>
<td>AR 5141</td>
<td></td>
</tr>
<tr>
<td>To all employees, if the district receives Tobacco-Use Prevention Education funds</td>
<td>Health and Safety Code 104420</td>
<td>AR 3513.3</td>
<td></td>
</tr>
<tr>
<td>Annually to all employees, or more frequently if there is new information</td>
<td>Health and Safety Code 120875, 120880</td>
<td>AR 4119.43 AR 4219.43</td>
<td></td>
</tr>
<tr>
<td>To all employees, with each paycheck</td>
<td>Labor Code 246</td>
<td>AR 4161.1 AR 4261.1</td>
<td></td>
</tr>
<tr>
<td>To covered employees and former employees</td>
<td>Labor Code 2800.2</td>
<td>AR 4154 AR 4254 AR 4354</td>
<td></td>
</tr>
<tr>
<td>To every new employee, either at the time employee is hired or by end of first pay period</td>
<td>Labor Code 3551</td>
<td>BP 4157.1 BP 4257.1 BP 4357.1</td>
<td></td>
</tr>
</tbody>
</table>

- Oath or affirmation of allegiance required of disaster service workers
- District's drug- and alcohol-free workplace; actions to be taken if violated; available employee assistance programs
- Right to purchase PERS service credit for military service performed prior to public employment
- Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan
- District's tobacco-free schools policy and enforcement procedures
- AIDS and hepatitis B, including methods to prevent exposure
- Amount of sick leave available
- Availability of COBRA/Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage
- Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor
**EMPLOYEE NOTIFICATIONS (continued)**

### I. To All Employees (continued)

<table>
<thead>
<tr>
<th>Prior to beginning employment</th>
<th>Penal Code 11165.7, 11166.5</th>
<th>AR 5141.4</th>
<th>Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upon employment, and when employee goes on leave for specified reasons</td>
<td>Unemployment Insurance Code 2613</td>
<td>AR 4154 4254 4354</td>
<td>Disability insurance rights and benefits</td>
</tr>
<tr>
<td>To all employees and job applicants</td>
<td>2 CCR 11023; 34 CFR 104.8, 106.9</td>
<td>BP 0410 4030</td>
<td>District's policy on nondiscrimination and related complaint procedures</td>
</tr>
<tr>
<td>To all employees via employee handbook, or to each new employee</td>
<td>2 CCR 11091, 11095; 29 CFR 825.300</td>
<td>AR 4161.8 4261.8 4361.8</td>
<td>Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 days' notice of need for leave when possible</td>
</tr>
<tr>
<td>Annually to all employees</td>
<td>40 CFR 763.84, 763.93</td>
<td>AR 3514</td>
<td>Availability of asbestos management plan; inspections, response actions, post-response actions planned or in progress</td>
</tr>
</tbody>
</table>

### II. To Certificated Employees

<table>
<thead>
<tr>
<th>To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire</th>
<th>Education Code 22455.5</th>
<th>AR 4121</th>
<th>Criteria for membership in retirement system; right to elect membership at any time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upon employment of a retired certificated individual</td>
<td>Education Code 22461</td>
<td>AR 4117.14 4317.14</td>
<td>Postretirement earnings limitation or employment restriction; monthly report of compensation</td>
</tr>
<tr>
<td>To certificated employees</td>
<td>Education Code 35171</td>
<td>AR 4115 4315</td>
<td>District regulations related to performance evaluations</td>
</tr>
</tbody>
</table>

**When/Whom to Notify**

<table>
<thead>
<tr>
<th>Education or Other Legal Code</th>
<th>Board Policy/ Administrative Regulation # Subject</th>
</tr>
</thead>
</table>
**EMPLOYEE NOTIFICATIONS** (continued)

**II. To Certificated Employees** (continued)

<table>
<thead>
<tr>
<th>Notification</th>
<th>Education Code</th>
<th>AR</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated</td>
<td>AR 4115</td>
<td>Copy of employee's evaluation</td>
<td></td>
</tr>
<tr>
<td>To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee</td>
<td>AR 4115</td>
<td>Notice and description of the unsatisfactory performance</td>
<td></td>
</tr>
<tr>
<td>By May 30, if district issues reemployment notices to certificated employees</td>
<td>AR 4112.1</td>
<td>Request that the employee notify district of intent to remain in service next year</td>
<td></td>
</tr>
<tr>
<td>To certificated employees upon employment, and to nonpermanent employees in July of each school year</td>
<td>AR 4112.1</td>
<td>Employment status and salary</td>
<td></td>
</tr>
<tr>
<td>To probationary employees in district with ADA of 250 or more by March 15 of employee's second consecutive year of employment</td>
<td>AR 4117.6</td>
<td>Whether or not employee is reelected for next school year</td>
<td></td>
</tr>
<tr>
<td>When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year</td>
<td>BP 4118</td>
<td>Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice</td>
<td></td>
</tr>
<tr>
<td>To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice</td>
<td>BP 4118</td>
<td>Notice of deficiency and opportunity to correct</td>
<td></td>
</tr>
<tr>
<td>To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year</td>
<td>BP 4118</td>
<td>Notice of deficiency and opportunity to correct</td>
<td></td>
</tr>
</tbody>
</table>
The text starts with a table listing employee notifications, with columns for When/Whom to Notify, Education or Other Legal Code, Board Policy/Administrative Regulation #, and Subject. The table is divided into sections for Certificated Employees and Classified Employees. For Certificated Employees, it details the notification process for employees charged with offenses, including mandatory leave, notice of intent to dismiss, and reasons for dismissal. For Classified Employees, it includes notifications for change in employment status, reclassification, and disciplinary action.
EMPLOYEE NOTIFICATIONS (continued)

<table>
<thead>
<tr>
<th>When/Whom to Notify</th>
<th>Education or Other Legal Code</th>
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</tr>
</thead>
<tbody>
<tr>
<td>III. To Classified Employees (continued)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To classified employees at least 60 days prior to layoff, or by April 29 for specially funded program that expires at end of school year</td>
<td>Education Code 45117</td>
<td>AR 4217.3</td>
<td>Notice of layoff and reemployment rights</td>
</tr>
<tr>
<td>To classified employees upon employment and upon each change in classification</td>
<td>Education Code 45169</td>
<td>AR 4212</td>
<td>Employee’s class specification, salary data, assignment or work location, duty hours, prescribed workweek</td>
</tr>
<tr>
<td>To classified permanent employee whose leave is exhausted</td>
<td>Education Code 45192, 45195, AR 4261.1, AR 4261.11</td>
<td>Exhaustion of leave, opportunity to request additional leave</td>
<td></td>
</tr>
<tr>
<td>To school bus drivers and school activity bus drivers prior to expiration of specified documents</td>
<td>13 CCR 1234</td>
<td>AR 3542</td>
<td>Expiration date of driver’s license, driver’s certificate and medical certificate; need to renew</td>
</tr>
<tr>
<td>To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter</td>
<td>13 CCR 2480</td>
<td>AR 3542</td>
<td>Limitations on vehicle idling; consequences of not complying</td>
</tr>
<tr>
<td>To school bus drivers, prior to district drug testing program and thereafter upon employment</td>
<td>49 CFR 382.601</td>
<td>BP 4112.42</td>
<td>Explanation of federal requirements for drug testing program and district’s policy</td>
</tr>
<tr>
<td>IV. To Administrative/Supervisory Personnel</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract</td>
<td>Education Code 35031</td>
<td>BP 4312.1</td>
<td>Decision not to reelect or reemploy upon expiration of contract or term</td>
</tr>
<tr>
<td>Upon request by administrative or supervisory employee transferred to teaching position</td>
<td>Education Code 44896</td>
<td>AR 4313.2</td>
<td>Statement of the reasons for the release or reassignment</td>
</tr>
<tr>
<td>By March 15 to employee who may be released/reassigned the following school year</td>
<td>Education Code 44951</td>
<td>AR 4313.2</td>
<td>Notice that employee may be released or reassigned the following school year</td>
</tr>
</tbody>
</table>
EMPLOYEE NOTIFICATIONS (continued)

<table>
<thead>
<tr>
<th>When/Whom to Notify</th>
<th>Education or Other Legal Code</th>
<th>Board Policy/Administrative Regulation #</th>
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</thead>
<tbody>
<tr>
<td>V. To Individual Employees Under Special Circumstances</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In the event of a breach of security of district records, to affected employees</td>
<td>Civil Code 1798.29</td>
<td>BP 3580</td>
<td>Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies</td>
</tr>
<tr>
<td>Prior to placing derogatory information in personnel file</td>
<td>Education Code 44031</td>
<td>AR 4112.6 4212.6 4312.6</td>
<td>Notice of derogatory information, opportunity to review and comment</td>
</tr>
<tr>
<td>To employees who volunteer to administer epinephrine auto-injector</td>
<td>Education Code 49414</td>
<td>AR 5141.21</td>
<td>Defense and indemnification from civil liability by the district</td>
</tr>
<tr>
<td>To employees returning from military leave of absence, within 30 days of return</td>
<td>Government Code 20997</td>
<td>AR 4161.5 4261.5 4361.5</td>
<td>Right to receive PERS service credit for military service; application form</td>
</tr>
<tr>
<td>24 hours before Board meets in closed session to hear complaints or charges against employee</td>
<td>Government Code 54957</td>
<td>BB 9321</td>
<td>Employee's right to have complaints/charges heard in open session</td>
</tr>
<tr>
<td>When taking disciplinary action against employee for disclosure of confidential information</td>
<td>Government Code 54963</td>
<td>BP 4119.23 4219.23 4319.23</td>
<td>Law prohibiting disclosure of confidential information obtained in closed session</td>
</tr>
<tr>
<td>Within one working day of work-related injury or victimization of crime</td>
<td>Labor Code 3553, 5401</td>
<td>BP 4157.1 4257.1 4357.1</td>
<td>Potential eligibility for workers' compensation benefits, claim form</td>
</tr>
<tr>
<td>When adverse employment action is based on DOJ criminal history information or subsequent arrest notification</td>
<td>Penal Code 11105, 11105.2</td>
<td>AR 4112.5 4212.5 4312.5</td>
<td>Copy of DOJ notification</td>
</tr>
<tr>
<td>To any employee with exposure to blood or other potentially infectious materials, upon initial employment and at least annually thereafter</td>
<td>8 CCR 3204, 5193</td>
<td>AR 4119.42 4219.42 4319.42</td>
<td>The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records</td>
</tr>
</tbody>
</table>
## EMPLOYEE NOTIFICATIONS (continued)

<table>
<thead>
<tr>
<th>When/Whom to Notify</th>
<th>Education or Other Legal Code</th>
<th>Board Policy/ Administrative Regulation #</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>To any employee assigned to a work area where hazardous chemicals are present, upon initial assignment and upon new exposure situation</td>
<td>8 CCR 5191</td>
<td>AR 3514.1</td>
<td>Location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material</td>
</tr>
<tr>
<td>To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area</td>
<td>8 CCR 5194</td>
<td>AR 3514.1</td>
<td>Any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights</td>
</tr>
<tr>
<td>To employee eligible for military leave</td>
<td>38 USC 4334</td>
<td>AR 4161.5 4261.5 4361.5</td>
<td>Notice of rights, benefits, and obligations under military leave</td>
</tr>
<tr>
<td>Within five days of employee's request for FMLA leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave</td>
<td>29 CFR 825.300; 2 CCR 11049, 11091</td>
<td>AR 4161.8 4261.8 4361.8</td>
<td>Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice</td>
</tr>
<tr>
<td>Whenever notice of eligibility for FMLA is provided to employee</td>
<td>29 CFR 825.300</td>
<td>AR 4161.8 4261.8 4361.8</td>
<td>Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations</td>
</tr>
</tbody>
</table>
Certificated Personnel

ASSIGNMENT

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

(cf. 4112.2 - Certification)  
(cf. 4112.21 - Interns)  
(cf. 4112.22 - Staff Teaching English Learners)  
(cf. 4112.23 - Special Education Staff)  
(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 or Board policy.

(cf. 4141/4241 - Collective Bargaining Agreement)

Assignment to Courses/Classes

The Superintendent or designee shall assign teachers to courses based on the grade level and subject matter authorized by their credentials.

When there is no credential authorization requirement for teaching an elective course, the Superintendent or designee shall select the credentialed teacher whose knowledge and skills best prepare him/her to provide instruction in that subject.

When specifically authorized by law or regulation, the Superintendent or designee may assign a teacher, with his/her consent, to a position outside his/her credential authorization in accordance with the local teaching assignment options described in the Commission on Teacher Credentialing's (CTC) Administrator's Assignment Manual. Assignments made pursuant to Education Code 44256, 44258.2, and 44263 shall be annually approved by Board resolution. In such cases, the Superintendent or designee shall reference in district records the statute or regulation under which the assignment is authorized.

(cf. 3580 - District Records)

The Superintendent or designee shall periodically report to the Board on teacher assignments and vacancies, including the number and type of assignments made outside a teacher's credential authorization through a local teaching assignment option. Whenever district misassignments and vacancies are reviewed by the County Superintendent of Schools or CTC, as applicable, the Superintendent or designee shall report the results to the Board and shall provide recommendations for remedying any identified issues.

(cf. 1312.4 - Williams Uniform Complaint Procedures)
ASSIGNMENT (continued)

Equitable Distribution of Qualified Teachers

The Superintendent or designee shall ensure that highly qualified and experienced teachers are equitably distributed among district schools, including those with higher than average levels of low-income, minority, and/or academically underperforming students. He/she shall annually report to the Board comparisons of teacher qualifications across district schools, including the number of teachers serving under a provisional internship permit, short-term staff permit, intern credential, emergency permit, or credential waiver. Strategies for ensuring equitable access to experienced teachers may include, but are not limited to, incentives for voluntary transfers, provision of professional development, and/or programs to recruit and retain effective teachers.

(cf. 0460 - Local Control and Accountability Plan)
(cf. 4111/4211/4311 - Recruitment and Selection)
(cf. 4114 - Transfers)
(cf. 4131 - Staff Development)
(cf. 4131.1 - Teacher Support and Guidance)
(cf. 6171 - Title I Programs)

Legal Reference: (see next page)
ASSIGNMENT (continued)

Legal Reference:
- **EDUCATION CODE**
  - 33126 School accountability report card
  - 35035 Additional powers and duties of superintendent
  - 35186 Complaint process
  - 37616 Assignment of teachers to year-round schools
  - 4425.6 Commission report to the legislature re: teachers
  - 44250-44277 Credentials and assignments of teachers
  - 44314 Subject matter programs, approved subjects
  - 44824 Assignment of teachers to weekend classes
  - 44955 Reduction in number of employees
- **GOVERNMENT CODE**
  - 3543.2 Scope of representation
- **CODE OF REGULATIONS, TITLE 5**
  - 80003-80005 Credential authorizations
  - 80020-80020.5 Additional assignment authorizations
  - 80335-80339.6 Unauthorized certificated employee assignment
- **UNITED STATES CODE, TITLE 20**
  - 6311 State plan
  - 6312 Local educational agency plans
  - 6601-6651 Teacher and Principal Training and Recruiting Fund

Management Resources:
- **CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**
  - California State Plan to Ensure Equitable Access to Excellent Educators
  - Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016
- **COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS**
  - Administrator's Assignment Manual - Updates and Revisions, May 2014
- **U.S. DEPARTMENT OF EDUCATION GUIDANCE**

WEB SITES
- CSBA: http://www.csba.org
- California Department of Education: http://www.cde.ca.gov
- Commission on Teacher Credentialing: http://www.ctc.ca.gov
ASSIGNMENT

Assignment to Departmentalized Classes Outside Credential Authorization

Any holder of a credential other than an emergency permit may be assigned, with his/her consent, to teach departmentalized classes in grades K-12 regardless of the designations on his/her teaching credential, provided that their subject matter knowledge is verified prior to the assignment. (Education Code 44258.3)

Procedures for verifying a teacher's subject matter knowledge shall be developed and implemented by the Superintendent or designee with the involvement of appropriate subject matter specialists, including curriculum specialists, resource teachers, classroom teachers certified to teach the subject, staff assigned 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 curriculum framework for the subject and the specific content of the district's course of study for the subject at the grade level to be taught.

(cf. 4115 - Evaluation/Supervision)

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. 4140/4240/4340 - Bargaining Units)
ASSIGNMENT (continued)

Assignment to Elective Courses Outside Credential Authorization

A full-time teacher with special skills and preparation outside his/her credential authorization may, with his/her consent and the prior approval of a district committee on assignments, be assigned to teach an elective course in the area of the special skills or preparation, excluding a course in English, mathematics, science, or social studies. (Education Code 44258.7)

The Superintendent or designee shall establish a committee on assignments, consisting of an equal number of teachers selected by teachers and school administrators selected by school administrators, to approve such assignments. (Education Code 44258.7)

Committee members shall serve a two-year term but may be reappointed using the same procedure as the initial appointment.

When determining whether a teacher is qualified for an assignment pursuant to Education Code 44258.7, the committee may consider the teacher's education, prior experience, observation by subject matter specialists, oral interviews, demonstration lessons, presentation of curricular portfolios, and/or written examinations.

Assignments approved by the committee shall be for a maximum of one school year, but may be extended by action of the committee upon application by the principal and teacher. (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 them 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 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)
The Board of Trustees recognizes that, when employees have temporarily disabling medical conditions, temporary modified or light-duty assignments can allow the district to continue to use their valuable knowledge, skills, and abilities while minimizing time away from work. Temporary modified/light-duty assignments may also serve to facilitate the employee's transition back to his/her regular duties or full-time work.

Any employee may request a modified or light-duty assignment when he/she has a temporary medical condition which prevents the performance of the essential functions of his/her current assignment or position. The Superintendent or designee shall determine, on a case-by-case basis, whether a suitable temporary position currently exists to accommodate the physical restrictions specified by the employee's medical provider.

An employee who rejects a temporary modified/light-duty assignment may be subject to a loss of workers' compensation benefits in accordance with district's insurance policy.

Legal Reference:

EDUCATION CODE
44984 Required rules for industrial accident and illness leave
45192 Industrial accident and illness leave for classified employees

GOVERNMENT CODE
12900-12996 Fair Employment and Housing Act
12945.1-12945.2 California Family Rights Act

UNITED STATES CODE, TITLE 29
2601-2654 Family Care and Medical Leave Act

UNITED STATES CODE, TITLE 42
12101-12213 Americans with Disabilities Act

COURT DECISIONS

Management Resources:

WEB SITES
California Department of Fair Employment and Housing: http://www.dfeh.ca.gov
TRANSFERS

The Board of Trustees desires that certificated staff be assigned in a manner that equitably distributes highly qualified and experienced teachers, meets the needs of district students, and satisfies staffing requirements at each school. The Superintendent or designee is authorized to assign certificated staff in accordance with district policy and/or the collective bargaining agreement as applicable.

(cf. 0415 - Equity)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 4113 - Assignment)
(cf. 4141/4241 - Collective Bargaining Agreement)

Subject to the approval of the Board, the Superintendent or designee may transfer a teacher from one district school to another when he/she determines the transfer is in the best interest of the district. (Education Code 35035)

Voluntary Transfers

The Superintendent or designee may establish processes and deadlines for the submission of transfer requests to facilitate staff assignments with minimal disruption to the educational program.

Upon receipt of a written transfer request by a teacher, the Superintendent or designee may consider the input of the principals at the current school and the requested school, alignment of the teacher's qualifications with needs of students and the school(s), the academic performance of the requested school, and opportunities for the professional growth of the teacher.

(cf. 4112.2 - Certification)
(cf. 4112.22 - Staff Teaching English Learners)
(cf. 4112.23 - Special Education Staff)

After April 15 prior to the school year that a transfer would become effective, no teacher who requests to be transferred to another school shall have priority over other qualified teachers who have applied for positions requiring certification qualifications at that school. (Education Code 35036)

Involuntary Transfers

Involuntary transfers may become necessary when programs are reduced or cancelled, when schools are closed, or when otherwise required in order to accommodate the school's staffing needs.

(cf. 4117.3 - Personnel Reduction)
TRANSFERS (continued)

If a teacher objects to a transfer, he/she may request a meeting with the Superintendent or designee and the principal. If dissatisfied with the results of this meeting, the teacher may appeal to the Board. The Board's decision shall be final.

Legal Reference:
EDUCATION CODE
35035 Additional powers and duties of superintendent, transfer authority
35036 Voluntary transfers
35186 Complaint process, teacher vacancy or misassignment
37616 Assignment of teachers to year-round schools
GOVERNMENT CODE
3543.2 Scope of representation
The Board of Trustees believes that regular and comprehensive evaluations can help instructional staff improve their teaching skills and raise students’ levels of achievement. Evaluations also serve to hold teachers accountable for their performance. The Superintendent or designee shall evaluate the performance of certificated staff members in accordance with law and negotiated contracts. He/she shall ensure that evaluation ratings have uniform meaning throughout the district.

(cf. 4141/4241 - Collective Bargaining Agreement)

The Board encourages certificated instructional staff to request further observations and/or professional advice to promote effective teaching.

The Superintendent or designee shall ensure that certificated employees have access to written regulations related to the evaluation of their performance in their assigned duties. (Education Code 35171)

(cf. 4116 - Probationary/Permanent Status)

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

GOVERNMENT CODE
3543.2 Scope of representation

UNITED STATES CODE, TITLE 20
6319 Highly qualified teachers
EVALUATION/SUPERVISION

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. (Education Code 44664)

(cf. 4117.4 - Dismissal)

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

1. Student progress toward district standards of expected achievement for their grade level in each area of study
2. The instructional techniques and strategies used by the employee
3. The employee's adherence to curricular objectives
4. The establishment and maintenance of a suitable learning environment within the scope of the employee's responsibilities

If the results of students' standardized tests are one of the criteria used to evaluate teachers, publishers' norms established by the standardized tests shall not be used in these evaluations. (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 of improvement in the employee's performance. If an employee is not performing satisfactorily according to standards approved by the Board, the Superintendent or designee shall so notify the employee in writing, describing the unsatisfactory performance. The Superintendent or designee shall also confer with the employee, make specific recommendations as to areas of improvement and provide assistance to the employee. (Education Code 44664)

The Superintendent or designee may require that instructional employees who receive unsatisfactory ratings participate in a program designed to improve areas of performance and to further student achievement and the district's instructional objectives. (Education Code 44664)

(cf. 4131 - Staff Development)

Certificated instructional employees shall receive a written copy of their evaluation no later than 30 days before the last day of school. Before the last day of school, the employee and the evaluator shall meet to discuss the evaluation. (Education Code 44663)
EVALUATION/SUPERVISION (continued)

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 is made. Before July 30 of the year in which the evaluation takes place, 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)
(cf. 4141/4241 - Collective Bargaining Agreement)

Evaluation Procedures for Probationary Teachers

1. Within the first four weeks of initial employment, probationary teachers shall be counseled regarding the district's teacher evaluation criteria and procedures.

2. As part of their evaluations, probationary teachers shall be formally observed and given constructive criticism at least once each semester, more often when necessary. They shall be encouraged to request more frequent observation and advice if they feel that this would help improve performance.

3. Within five school days of each formal observation, a conference shall be held between the evaluator and the probationary teacher. The evaluator shall provide a written notation of any deficiencies and suggestions for improvement and shall offer the teacher help in achieving the needed improvement. The evaluator also will identify college courses and/or inservice programs for probationary teachers who need such training or assistance.

(cf. 4131 - Staff Development)

4. The probationary teacher shall take action to correct any cited deficiencies, based upon the evaluator's recommendations.

5. The evaluator shall make a record of all formal observations and conferences and shall attach any support material to the evaluation summary.

(cf. 4116 - Probationary/Permanent Status)
PROBATIONARY/PERMANENT STATUS

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
PROBATIONARY/PERMANENT STATUS

Permanent Status (Districts of 250 ADA or More)

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)

Permanency Achieved in Other Districts

A person who has achieved permanent status as a certificated employee in another school district may be employed by the Board as a permanent certificated employee. (Education Code 44929.28)

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)
When the Board of Trustees has adopted the reduced workload program, any certificated employee may reduce his/her workload from full time to part time in accordance with applicable law, district regulations, and collective bargaining agreement.

Any such certificated employee who is a member of the defined benefit program of the California State Teachers' Retirement System (STRS) may continue to receive the service credits and maintain the retirement and health and welfare benefits that he/she would have received if employed on a full-time basis, provided the following conditions exist: (Education Code 22713, 44922)

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

1. The option to reduce the employee's workload shall be exercised at the request of the employee and the agreement shall be in effect at the beginning of the school year.

2. Prior to the reduction in workload, the employee shall have performed a minimum of 10 years credit service, of which the immediately preceding five years shall be full-time employment.

3. The employee shall not have had a break in service during the five years immediately preceding the reduction in workload. Sabbaticals, other approved leaves of absence, and unpaid absences from full-time employment for personal reasons shall not constitute a break in service. However, the period of time during which a member is retired shall constitute a break in service and the employee shall be required to be employed to perform creditable service on a full-time basis for at least five school years preceding the workload reduction if he/she reinstates from retirement.

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

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

5. The employee shall not hold a position with a salary above that of a school principal.

6. The reduced workload shall be equal to at least one-half of the time the district requires for full-time employment in accordance with Education Code 22138.5, pursuant to the employee's contract of employment during his/her last year of full-time employment preceding the reduction in workload.

7. The employee shall be paid a compensation that is the pro rata share of the creditable compensation he/she would have earned had he/she not reduced his/her workload.

8. For each school year that the employee's workload is reduced, the district and/or employee shall make any payment or contribution necessary for the employee's retention of a benefit to which he/she is entitled if employed full time, in the same manner as if the employee were employed full time.
PRERETIREMENT PART-TIME EMPLOYMENT  (continued)

9. The agreement may be revoked only by mutual consent of the employee and the district.

   However, an employee who has entered into a formalized agreement with the district to have his/her contribution into the defined benefit program paid (picked up) by the district may not terminate the agreement to reduce his/her workload except by one of the following:

   a. Terminating his/her service
   b. Retiring from service under the defined benefit program
   c. Continuing to perform creditable service under a new reduced workload arrangement for at least one-half of the time the district requires for full-time employment in accordance with Education Code 22138.5
   d. Returning to full-time employment

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

Prior to the reduction of an employee's workload, the Superintendent or designee shall verify the employee's eligibility in conjunction with the administrative staff of STRS and/or the Public Employees' Retirement System. (Education Code 22713)

The Superintendent or designee shall maintain the necessary records to separately identify each employee who participates in the reduced workload program. (Education Code 22713)

After determining that it is in the best interest of the district, the Board may allow any certificated employee who is not eligible to reduce his/her workload pursuant to Education Code 22713 or 44922 to reduce his/her workload from full time to part time. In any such case, the Board shall specify the terms and conditions under which the reduction in workload shall take place.

Legal Reference: (see next page)
PRERETIREMENT PART-TIME EMPLOYMENT  (continued)

Legal Reference:

**EDUCATION CODE**
- 22119.5 Creditable service, definition
- 22138.5 Full-time, definition
- 22713 Part-time employment; reduction of workload from full-time; credit
- 22903 Payment of contributions by employer for tax deferred purposes
- 44922 Regulations; reduction to part-time employment
- 44924 Regulations; prohibition against waiver of benefits

**GOVERNMENT CODE**
- 21110-21120 Reduced workload, partial service retirement under PERS
- 53201 Health and welfare benefits: election by officers and employees

**COURT DECISIONS**

Management Resources:

**WEB SITES**
- California Public Employees' Retirement System:  http://www.calpers.ca.gov
- California State Teachers' Retirement System:  http://www.calstrs.com

Regulation approved:  May 15, 2012

PALMDALE SCHOOL DISTRICT
Palmdale, California
RETIREMENT CONSULTANCY CONTRACTS

The Board of Trustees 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
2219.5 Creditable service
22461 Notice of earnings limitation
24214 Reemployment of retirant
24216 Payments to retirants in excess of limitation
22714 Encouragement of retirement
22715 Additional service credit
22716 Unpaid services
35046 Consultancy contracts
41320.1 Appointment of trustee
42120 et seq. Budget completion
Personnel

AR 4117.12(a)

RETIREMENT CONSULTANCY CONTRACTS

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 old. (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)

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 et seq. (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 Board of Trustees.

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)
RETIREMENT CONSULTANCY CONTRACTS  (continued)

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)
EARLY RETIREMENT OPTION

When it is beneficial to the district, the Board of Trustees may offer certificated employees the option to retire early in accordance with law.

Two Years of Service Credit Retirement Incentive

As an incentive to early retirement for certificated employees participating in the State Teachers' Retirement System (STRS), the Board may offer such employees an additional two years of service credit. (Education Code 22714, 44929)

Before taking formal action to approve this service incentive, 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 and that the retirement will result in a net savings to the district. The Board shall demonstrate and certify to the County Superintendent of Schools that the formal action taken would result in a net savings to the district. (Education Code 22714, 44929)

The Board may also consider the impact of the early retirement option on the staffing needs of district schools. To be eligible for the two years of service credit 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)

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

Legal Reference:

EDUCATION CODE
22714 Service credit under STRS; additional two years
44929 Service credit under STRS; additional two years

UNITED STATES CODE, TITLE 20
6319 Highly qualified teachers

COURT DECISIONS

Management Resources:

CALIFORNIA STATE TEACHERS' RETIREMENT SYSTEM PUBLICATIONS
Retirement Incentive Program, Frequently Asked Questions

WEB SITES
California State Teachers' Retirement System: http://www.calstrs.com

Policy adopted: PALMDALE SCHOOL DISTRICT
Palmdale, California
POSTRETIREMENT EMPLOYMENT

When necessary, the Board of Trustees may hire a qualified retired certificated individual who possesses the knowledge and experience needed to perform creditable service for the district as an employee, the employee of a third party, or an independent contractor/consultant, provided that all applicable restrictions specified by the California State Teachers' Retirement System (CalSTRS) are met. Applicable CalSTRS restrictions include, but are not limited to, a requirement that a retired member be paid compensation comparable to that for active employees for comparable duties and prohibitions against the hiring of a retired member within 180 days of his/her retirement and for the classified service, except as an aide pursuant to Education Code 45134. Additional restrictions and rules may apply to other employment situations, such as when CalSTRS retired members are employed as employees of third parties, independent contractors, or consultants. The Superintendent or designee should consult legal counsel when dealing with such employment situations. (Education Code 22119.5, 22164.5, 24214, 24214.5)

(cf. 3600 - Consultants)
(cf. 4111/4211/4311 - Recruitment and Selection)
(cf. 4112 - Appointment and Conditions of Employment)

Any retired member of the defined benefit program of CalSTRS who is hired by the district to perform retired member activities as defined pursuant to Education Code 22164.5 shall be paid at an annualized rate of pay that shall not be below the minimum or exceed the maximum paid to other district employees performing comparable duties. However, such a retired individual shall not make contributions to the CalSTRS retirement fund or accrue service credit based on compensation earned from the retired member activity. (Education Code 24214)

No retired member of the CalSTRS defined benefit program shall be hired by the district for at least 180 calendar days after his/her retirement from service, unless he/she has attained the normal retirement age and qualifies for an exemption to the 180-day waiting period. To seek this exemption, the Board shall, during the open session of a Board meeting, adopt a resolution which shall include the following information and findings: (Education Code 24214.5)

1. A statement expressing the Board's intent to seek an exemption to the 180-day waiting period
2. A description of the nature of the employment of the retiree
3. A finding that the retiree has reached the normal retirement age
4. A finding that the appointment of the retiree is necessary to fill a critically needed position before the 180-day waiting period has passed
5. A finding that the retired individual did not receive additional service credit pursuant to Education Code 22714 or 22715 or any financial inducement to retire. Financial inducement to retire shall include, but is not limited to, cash or any form of
POSTRETIREMENT EMPLOYMENT (continued)

compensation or other payment directly or indirectly paid by any public employer to the retired individual before or after his/her retirement, if the individual retires for service on or before a specific date or range of dates established by the public employer on or before the date the inducement is offered.

6. A finding that the retired individual's termination of employment with the district is not the basis for the need to acquire the services of the retired individual.

The resolution shall not be adopted through the Board's consent agenda. (Education Code 24214.5)

(cf. 9320 - Meetings and Notices)

When employing a retired individual who is eligible for exemption from the 180-day waiting period, the Superintendent or designee shall submit all required documentation to substantiate eligibility for the exemption to CalSTRS before the retired member begins performing any retired member activities. The Superintendent or designee may contact CalSTRS to request information as to whether the retired member qualifies for the exemption after 30 days of submitting the required documentation to CalSTRS. (Education Code 24214.5)

Postretirement Compensation Limitation, Notice, and Report

All CalSTRS retirees performing creditable service for the district shall be subject to the applicable CalSTRS earnings limit. Monies earned in excess of the limit may subject the CalSTRS retiree to a reduction in his/her retirement allowance. Compensation subject to the earnings limitation includes, but is not limited to, salary or wages, deferred compensation plans, purchase of an annuity contract, tax-deferred retirement plan or insurance program, and other plans or contributions when the cost is covered by a district. (Education Code 21119.5, 22164.5, 24214)

Whenever the district retains the services of a CalSTRS retiree as a district employee, employee of a third party, or an independent contractor, the Superintendent or designee shall: (Education Code 22461, 24214)

1. Advise the retired individual of the postretirement earnings limitation or employment restriction set forth in Education Code 22714, 24214, or 24214.5 or any other applicable law.

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
POSTRETIREMENT EMPLOYMENT  (continued)

2. Maintain accurate records of the retired individual's compensation and report it monthly to CalSTRS and the individual, regardless of the method of payment or the fund from which the payments are made.

Legal Reference:

EDUCATION CODE
22119.5 Creditable service, definition
22131 Employer; employing agency, definition
22164.5 Retired member activities, definition
22461 Notice of earnings limitation
22714 Encouragement of retirement
22715 Additional service credit
22716 Unpaid services
24214 Creditable service by retiree
24214.5 Postretirement compensation limit; members below normal retirement age
26113 Creditable service, definition
35046 Consultancy contracts
44830 Employment of certificated employees
44830.3 Employment of district interns
44929 Service credit under STRS; additional two years
44929.1 2+2 service and year credit option under STRS
45134 Age limits

CODE OF REGULATIONS, TITLE 5
27000-27009 Penalties and interests for late remittances and late and unacceptable reporting by employers

Management Resources:

WEB SITES
California State Teachers' Retirement System:  http://www.calstrs.com

Regulation approved:  PALMDALE SCHOOL DISTRICT
Palmdale, California
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 Board of Trustees 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. 4117.7/4317.7 - 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
Certificated Personnel

PERSONNEL REDUCTION

The Board of Trustees may reduce the number of probationary and permanent certificated employees when, in its opinion, any of the following conditions makes such reduction necessary:

1. Average daily attendance (ADA) in all of the schools in the district during the first six months of the school year has declined below the level for the same period in either of the previous two school years. (Education Code 44955)

2. A particular kind of service is to be reduced or discontinued not later than the beginning of the following school year. (Education Code 44955)

3. Attendance in the district will decline in the following year as a result of the termination of an interdistrict tuition agreement. (Education Code 44955)

4. An amendment of state law requires modification of the curriculum. (Education Code 44955)

5. During the time period between five days after the enactment of the Budget Act and August 15 of that fiscal year, the Board determines that the district's total revenue limit per ADA for the fiscal year of that Budget Act has not increased by at least two percent. (Education Code 44955.5)

Determination of the Order of Layoffs

When it is necessary to reduce the number of certificated employees for any of the reasons listed above, the services of employees shall be terminated in the inverse of the order in which they were employed by the district in probationary status, except as otherwise authorized by law. (Education Code 44844, 44955)

The Superintendent or designee shall maintain the seniority list for this purpose and shall make it available upon request.

Unless otherwise provided by law, a permanent employee shall have the right to be retained over a probationary employee or any employee with less seniority if the position is one for which he/she is certificated and competent to render service. (Education Code 44955)

(cf. 4112.2 - Certification)
(cf. 4112.22 - Staff Teaching English Learners)
(cf. 4112.23 - Special Education Staff)
(cf. 4113 - Assignment)
(cf. 4116 - Probationary/Permanent Status)

To determine the order of termination between employees who first rendered paid service on the same date, the Board shall rank order those employees solely on the basis of the needs of
PERSONNEL REDUCTION (continued)

the district and students. Upon the request of an employee whose order of termination is to be determined based on such ranking, the Board shall furnish the employee, no later than five days prior to the commencement of the administrative hearing on the layoff, a written statement of the specific criteria used in determining the order of termination and the application of the criteria in ranking the employee relative to the other employees in the group. (Education Code 44955)

The district may deviate from terminating certificated employees 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

Notice and Hearing Rights

When it becomes necessary to reduce the number of permanent and/or probationary employees pursuant to Education Code 44955 as specified in items #1-4 above, the district shall give notice to the affected employees, no later than March 15, stating the reasons for the action and the employees' right to a hearing. The district shall adhere to the notice, hearing, and layoff procedures in Education Code 44949, 44955, and other applicable provisions of law.

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

When an employee has requested a hearing before an administrative law judge regarding the reduction or discontinuation of services, the Board shall make a final decision regarding the sufficiency of the cause and disposition of the layoff upon receipt of the administrative law judge's proposed decision. None of the findings, recommendations, or determinations of the administrative law judge shall be binding on the Board. (Education Code 44949)

The Board may conduct its own hearing, adopt the administrative law judge's proposed decision, refer the case back to the administrative law judge for additional evidence, or reject or modify the proposed decision and make its own determination based upon its review of the record.

Following the Board's decision, the Superintendent or designee shall give final notice, in the manner specified, to the affected employees before May 15 unless the parties agree otherwise in accordance with procedures required by law. (Education Code 44955)
PERSONNEL REDUCTION (continued)

When layoffs become necessary pursuant to Education Code 44955.5 as specified in item #5 above, layoff proceedings shall be carried out as required by law but in accordance with a schedule of notice and hearing adopted by the Board. (Education Code 44955.5)

Reappointment

If the number of employees is increased or the discontinued service reestablished, permanent certificated employees shall have the right to reappointment, in order of seniority, for 39 months from the date of termination. Probationary certificated employees shall have the same right for 24 months after being terminated, subject to the prior reappointment rights of permanent employees. (Education Code 44846, 44956, 44957)

During the period of the preferred right to reappointment, permanent certificated employees shall, in the order of original employment, be offered first opportunity for substitute service during the absence of any employee who has been granted a leave of absence or who is temporarily absent from duty. Such substitute service may be terminated upon the return to duty of the other employee. Such substitute service shall not affect the retention of the employees' previous classification and rights. Probationary certificated employees shall have the same right to substitute service during the period of preferred right to reappointment to the extent required by law, subject to the rights of permanent certificated employees. (Education Code 44918, 44956, 44957)

(cf. 4121 - Temporary/Substitute Employees)

Before reappointing 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 44956)

Reappointed 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)

Legal Reference: (see next page)
PERSONNEL REDUCTION (continued)

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

UNEMPLOYMENT INSURANCE CODE
1089 Notification of unemployment insurance benefits

CODE OF REGULATIONS, TITLE 22
1089-1 Notification of unemployment insurance benefits

COURT DECISIONS

Management Resources:

WEB SITES
CSBA: http://www.csba.org
TERMINATION AGREEMENTS

The Board believes that it is incumbent upon a school district to provide a truthful account of the reasons why an employee has left district employment. The Board therefore does not look with favor on any termination settlement agreement which prevents the district from giving prospective employers this information.

If a termination settlement agreement is made, the Superintendent or designee may only give out information as provided for in the agreement. However, if the employee is subject to Government Code 53262, a copy of the settlement agreement shall be available to the public upon request as required by law.

(cf. 4112.6/4212.6/4312.6 - Personnel Records)
(cf. 4112.61/4212.61/4312.61 - Employment References)

Legal Reference:

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

Board of Trustees of Leland Stanford Junior University v. Superior Court (1981) 119 Cal. App. 3d 516
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 Records)
(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
80311 Reports of dismissal, resignation and other terminations for cause
80332 Professional honesty in letters of employment recommendation
DECISION NOT TO REHIRE

The Superintendent or designee shall provide the Board of Trustees 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 of employment. If the Board does not give written notice, the employee shall be deemed reelected for the subsequent school year.

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 complete consecutive school year of employment. If the Board does not give written notice on or before March 15, the employee shall be deemed reelected for the next succeeding school year. (Education Code 44929.21, 44929.23)

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 Codes 44929.21, 44885.5)

(cf. 4112.21 - District Interns)
(cf. 4116 - Probationary/Permanent Status)
(cf. 4117.3 - Personnel Reduction)

Legal Reference:

EDUCATION CODE
4485.5 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
Grimsley v. Board of Trustees (1987) 189 Cal.App.3d 1440

Regulation approved: June 2, 2009
EMPLOYMENT STATUS REPORTS

The Superintendent shall report to the Commission on Teacher Credentialing (CTC) any change in the employment status of a certificated employee who, while working in a position requiring a credential and as a result of an allegation of misconduct or while an allegation of misconduct is pending: (Education Code 44030.5, 44242.5; 5 CCR 80303)

1. Is dismissed or nonreelected
   (cf. 4116 - Probationary/Permanent Status)
   (cf. 4117.6 - Decision Not to Rehire)
   (cf. 4118 - Dismissal/Suspension/Disciplinary Action)

2. Resigns
   (cf. 4117.2/4217.2/4317.2 - Resignation)

3. Is suspended or placed on unpaid administrative leave for more than 10 days as a final adverse employment action

4. Retires

5. Is otherwise terminated by a decision not to employ or reemploy
   (cf. 4119.21/4219.21/4319.21 - Professional Standards)
   (cf. 5141.4 - Child Abuse Prevention and Reporting)

This report is not required when the change in employment status is due solely to unsatisfactory performance pursuant to Education Code 44932 or a reduction in force pursuant to Education Code 44955-44958. (Education Code 44030.5, 44242.5; 5 CCR 80303)

When required, the report of a change in employment status shall be submitted not later than 30 days after the employment action. The report shall be made using a form provided by the CTC and shall include all known information about each alleged act of misconduct by the employee. The report shall contain the name and current address of the certificated employee, name of the district, last school or district assignment, an explanation of the allegation of misconduct or pending allegation of misconduct, current contact information for all persons who may have information relating to the alleged misconduct, and any and all documentation related to the case. (Education Code 44030.5; 5 CCR 80303)

Upon a change in employment status as a result of alleged misconduct or while an allegation of misconduct is pending, the Superintendent shall, in writing, inform the employee of the contents of 5 CCR 80303. (5 CCR 80303)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
EMPLOYMENT STATUS REPORTS (continued)

Additional Reports of Employee Misconduct

The Superintendent or designee shall submit a report to the CTC, using a form provided by the CTC and attaching all relevant documents, whenever:

1. An employee, by complaint, information, or indictment filed in court, is charged with a "mandatory leave of absence offense," defined as a sex or drug offense specified in Education Code 44940. (Education Code 44242.5, 44940, 44940.5)

   Not later than 10 days after receipt of such a complaint, information, or indictment regarding an employee, the Superintendent or designee shall forward a copy of the received documents to the CTC. In addition, he/she shall report to the CTC any action taken in connection with extending the employee's mandatory leave beyond the initial period. (Education Code 44940, 44940.5)

   If the offense results in a change in employment status, the Superintendent shall submit an employment status report in addition to the report of the mandatory leave of absence offense.

2. An employee refuses, without good cause, to fulfill a valid employment contract, or departs from district service without the consent of the Superintendent or Board of Trustees. (Education Code 44242.5, 44420)

   As appropriate, the Superintendent or designee also shall notify the CTC of any of the following:

   1. A complaint filed with the district regarding a certificated employee's alleged sexual misconduct (Education Code 44242.5)

      The notice to the CTC 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
EMPLOYMENT STATUS REPORTS  (continued)

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 5145.7 - Sexual Harassment)

2. An employee's knowing and willful use of school records of student data in connection with, or in implicit or explicit attempts to recruit a student to be a customer for, any business owned by the certificated employee or in which the certificated employee is an employee (Education Code 44242.5, 44421.1)

(cf. 5125 - Student Records)

3. An employee's knowing and willful reporting of false fiscal expenditure data relative to the conduct of any educational program (Education Code 44242.5, 44421.5)

4. An employee's subversion or attempt to subvert any licensing examination or the administration of an examination (Education Code 44242.5, 44439)

Legal Reference:

EDUCATION CODE
44009 Conviction of specified crimes
44010 Sex offense, definitions
44011 Controlled substance offense, definitions
44030.5 Employment status reports
44225 Powers and duties of the CTC
44242.5 Reports and review of alleged misconduct
44420-44440 Adverse actions by CTC against credential holder
44932 Causes for dismissal
44940 Sex offenses and narcotic offenses; compulsory leave of absence
44940.5 Compulsory leave of absence
44955-44958 Reduction in force
CODE OF REGULATIONS, TITLE 5
80303 Reports of change in employment status, alleged misconduct
80304 Notice of sexual misconduct

Management Resources:
COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS
California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2013
WEB SITES
CSBA: http://www.csba.org
Commission on Teacher Credentialing: http://www.ctc.ca.gov

Regulation approved: PALMDALE SCHOOL DISTRICT
Palmdale, California
DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

The Board of Trustees expects all employees to perform their jobs satisfactorily, exhibit professional and appropriate conduct, and serve as positive role models both at school and in the community. A certificated employee may be disciplined for conduct or performance in accordance with law, the applicable collective bargaining agreement, Board policy, and administrative regulation.

(cf. 4000 - Concepts and Roles)
(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4141/4241 - Collective Bargaining Agreement)

Disciplinary action shall be based on the particular facts and circumstances involved and the severity of the conduct or performance. Disciplinary actions may include, but are not limited to, verbal warnings, written warnings, reassignment, suspension, freezing or reduction of wages, compulsory leave, or dismissal.

(cf. 4114 - Transfers)

The Superintendent or designee 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. 4112.6/4212.6/4312.6 - Personnel Files)
(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Suspension/Dismissal Procedures

The Superintendent shall notify the Board whenever he/she believes that there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933.

When the Board finds that there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933, it may formulate a written statement of charges specifying instances of behavior and the acts or omissions constituting the charge, the statutes and rules that the employee is alleged to have violated when applicable, and the facts relevant to each charge. The Board shall also review any duly signed and verified written statement of charges filed by any other person. (Education Code 44934, 44934.1)

Based on the written statement of charges, the Board may, upon majority vote, give notice to the employee of its intention to suspend or dismiss him/her at the expiration of 30 days from the date the notice is served. (Education Code 44934, 44934.1)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Prior to serving a suspension or dismissal notice that includes a charge of unsatisfactory performance, the district shall give the employee written notice of the unsatisfactory performance that specifies the nature of the unsatisfactory performance with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct his/her faults and overcome the grounds for any unsatisfactory performance charges and, if applicable, that includes the evaluation made pursuant to Education Code 44660-44665. The written notice of the unsatisfactory performance shall be provided at least 90 days prior to the filing of the suspension or dismissal notice or prior to the last one-fourth of the school days in the year. (Education Code 44938)

(cf. 4115 - Evaluation/Supervision)

Prior to serving a suspension or dismissal notice that includes a charge of unprofessional conduct, the district shall give the employee written notice that describes the nature of the unprofessional conduct with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct his/her faults and overcome the grounds for any unprofessional conduct charges and, if applicable, that includes the evaluation made pursuant to Education Code 44660-44665. The written notice of the unprofessional conduct shall be provided at least 45 days prior to the filing of the suspension or dismissal notice. (Education Code 44938)

Except for notices that only include charges of unsatisfactory performance, the written suspension or dismissal notice may be served at any time of year. Such notice shall be served upon the employee personally if given outside of the instructional year or, if given during the instructional year, may be served personally or by registered mail to the employee's last known address. Notices with a charge of unsatisfactory performance shall be given only during the instructional year of the school site where the employee is physically employed, and may be served personally or by registered mail to the employee's last known address. (Education Code 44936)

If an employee has been served notice and demands a hearing pursuant to Government Code 11505 and 11506, the Board shall either rescind its action or schedule a hearing on the matter. (Education Code 44941, 44941.1, 44943, 44944)

Pending suspension or dismissal proceedings for an employee who is charged with egregious misconduct, immoral conduct, conviction of a felony or of any crime involving moral turpitude, incompetency due to mental disability, or willful refusal to perform regular assignments without reasonable cause as prescribed by district rules and regulations, the Board may, if it deems it necessary, immediately suspend the employee from his/her duties. If the employee files a motion with the Office of Administrative Hearings for immediate reversal of the suspension based on a cause other than egregious misconduct, the Board may file a written response before or at the time of the hearing. (Education Code 44939, 44939.1, 44940)
DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

When a suspension or dismissal hearing is to be conducted by a Commission on Professional Competence, the Board shall, no later than 45 days before the date set for the hearing, select one person with a currently valid credential to serve on the Commission. The appointee shall not be an employee of the district and shall have at least three years’ experience within the past 10 years at the same grade span or assignment as the employee, as defined in Education Code 44944. (Education Code 44944)

Legal Reference:

**EDUCATION CODE**
- 44008 Effect of termination of probation
- 44009 Conviction of specified crimes
- 44010 Sex offense; definitions
- 44011 Controlled substance offense; definitions
- 44242.5 Reports and review of alleged misconduct
- 44425 Conviction of a sex or narcotic offense
- 44660-44665 Evaluation and assessment of performance of certificated employees
- 44830.1 Criminal record summary certificated employees
- 44929.21 Notice of reelection decision; districts with 250 ADA or more
- 44929.23 Reelection and dismissal of probationary employees; districts with ADA less than 250
- 44930-44988 Resignations, dismissal, and leave of absence
- 45055 Drawing of warrants for teachers
- 48907 Exercise of free speech, expression
- 48950 Speech and other communication
- 51530 Advocacy or teaching of communism

**GOVERNMENT CODE**
- 1028 Advocacy of communism
- 3543.2 Scope of representation
- 11505-11506 Hearing

**HEALTH AND SAFETY CODE**
- 11054 Schedule I; substances included
- 11055 Schedule II, substances included

Legal Reference continued: (see next page)
DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Legal Reference: (continued)

**HEALTH AND SAFETY CODE** (continued)
11056 Schedule III, substances included
11357-11361 Marijuana
11363 Peyote
11364 Opium
11370.1 Possession of controlled substances with a firearm

**PENAL CODE**
187 Murder
291 School employees arrest for sex offense
667.5 Prior prison terms, enhancement of prison terms
1192.7 Plea bargaining limitation
11165.2-11165.6 Child abuse or neglect; definitions

**CODE OF REGULATIONS, TITLE 5**
80303 Reports of change in employment status
80304 Notice of sexual misconduct

**COURT DECISIONS**
Morrison v. State Board of Education (1969) 1 Cal.3d 214

Management Resources:

**COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS**
California’s Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007

**WEB SITES**
CSBA: http://www.csba.org
Commission on Teacher Credentialing: http://www.ctc.ca.gov

Policy adopted: PALMDALE SCHOOL DISTRICT
Palmdale, California
Causes for Suspension or Dismissal

A certificated employee with permanent status may be suspended without pay or dismissed only for one or more of the following causes: (Education Code 44932)

1. Immoral conduct including, but not limited to, egregious misconduct that is the basis for a sex offense or controlled substance offense described in Education Code 44010 or 44011 or child abuse and neglect as described in Penal Code 11165.2-11165.6
2. Unprofessional conduct
3. Commission, aiding, or advocating the commission of acts of criminal syndicalism
4. Dishonesty
5. Unsatisfactory performance
6. Evident unfitness for service
7. Physical or mental condition unfitting the employee to instruct or associate with children
   (cf. 4112.4/4212.4/4312.4 - Health Examinations)
8. Persistent violation of or refusal to obey the school laws or regulations of the state or district
9. Conviction of a felony or of any crime involving moral turpitude
10. Violation of Education Code 51530 or Government Code 1028 (advocacy of communism)
11. Alcoholism or other drug abuse that makes the employee unfit to instruct or associate with children
   (cf. 4115 - Evaluation/Supervision)

An employee may be suspended or dismissed on grounds of unprofessional conduct consisting of acts or omissions not listed above if the charge specifies instances of behavior deemed to constitute unprofessional conduct. (Education Code 44933)

An employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for acting to protect a student, or for refusing to infringe on a student's protected conduct, when that student is exercising his/her free speech or press rights pursuant to Education Code 48907 or 48950. (Education Code 48907, 48950)
DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)
(cf. 5145.2 - Freedom of Speech/Expression)

Suspension/Dismissal of Permanent Employees

When a permanent certificated employee is charged with one or more of the offenses specified in the section "Causes for Suspension or Dismissal" above, the following procedures shall apply:

1. The person preparing a written statement of charges that there is cause to suspend or dismiss an employee shall submit the signed statement to the Board of Trustees. (Education Code 44934, 44934.1)

2. Upon receiving notice of the Board's intent to suspend or dismiss him/her, the employee may request a hearing on the matter. The hearing shall be conducted by the Commission on Professional Competence, except that any case involving only egregious misconduct shall be heard instead by an administrative law judge and, in any other case, the hearing may be conducted by an administrative law judge when both the district and employee so stipulate. (Education Code 44943, 44944, 44944.05, 44944.1, 44944.3)

3. Except when an employee is charged solely with egregious misconduct, the district may amend the charges less than 90 days before the hearing only upon showing of good cause and upon approval of the administrative law judge. (Education Code 44934)

4. The employee shall be suspended or dismissed when the Commission on Professional Competence or administrative law judge has issued its decision supporting suspension or dismissal or, if the employee did not request a hearing, at the expiration of 30 days after service of the notice of intent to suspend or dismiss. (Education Code 44941, 44943, 44944)

The Superintendent or designee shall notify the Commission on Teacher Credentialing when the employment status of a certificated employee has been changed as a result of alleged misconduct or while an allegation of misconduct is pending. (Education Code 44030.5, 44242.5, 44940; 5 CCR 80303)

(cf. 4117.7/4317.7 - Employment Status Reports)

Suspension/Dismissal of Probationary Employees

The district may choose not to rehire probationary employees for the following school year without giving a statement of reasons provided that it is done in accordance with AR 4117.6 - Decision Not to Rehire and proper notice is provided by March 15. (Education Code 44929.21, 44929.23)
DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

(cf. 4116 - Probationary/Permanent Status)
(cf. 4117.6 - Decision Not to Rehire)

During the school year, probationary employees in their first or second year of service may be dismissed only for one or more of the causes listed in items #1-11 in the section "Causes for Suspension or Dismissal" above or for unsatisfactory performance determined pursuant to Education Code 44660-44665. (Education Code 44948.2, 44948.3)

Whenever a first- or second-year probationary employee is so charged, the following procedures shall apply for dismissing the employee: (Education Code 44948.3)

1. The Superintendent or designee shall give 30 days' prior written notice of dismissal, not later than March 15 in the case of second-year probationary employees. The notice shall include a statement of the reasons for the dismissal, notice of the opportunity to appeal, and, if the cause is unsatisfactory performance, a copy of the evaluation conducted pursuant to Education Code 44664.

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

2. Upon receipt of the notice of dismissal, the employee may be dismissed if no request for a hearing is submitted to the Board within 15 days.

3. If a hearing is requested, the district may arrange for the appointment of an administrative law judge to conduct the hearing and to recommend a decision to the Board.

A probationary employee may be suspended without pay for a specified period of time as an alternative to dismissal. (Education Code 44948.3)

Compulsory Leave of Absence

Upon being informed by law enforcement that a certificated employee has been charged with a "mandatory leave of absence offense," the Superintendent or designee shall immediately place the employee on a leave of absence. A mandatory leave of absence offense includes: (Education Code 44830.1, 44940)

1. Any sex offense as defined in Education Code 44010
2. Violation or attempted violation of Penal Code 187 (murder)
3. 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

(cf. 4117.7/4317.7 - Employment Status Reports)
DISMISSAL/SUSPENSION/DISCIPLINARY ACTION  (continued)

If an employee is charged with an offense that falls into both the mandatory and optional leave of absence definitions, the offense shall be treated as a mandatory leave of absence offense. (Education Code 44940)

An employee's compulsory leave for a mandatory or optional leave of absence offense may extend for not more than 10 days after the entry of judgment in the criminal proceedings. However, the compulsory leave may be extended if the Board gives notice, within 10 days after the entry of judgment in the proceedings, that the employee will be dismissed within 30 days from the date of service of the notice unless he/she demands a hearing. (Education Code 44940, 44940.5)

During the period of compulsory leave, the employee shall be compensated in accordance with Education Code 44940.5.

Upon receipt of telephone or electronic notification from the Department of Justice that a current temporary, substitute, or probationary employee serving before March 15 of his/her second probationary year has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place the employee on leave without pay. Upon receipt of electronic notification of the conviction from the Department of Justice, such employee shall be automatically terminated and without regard to any other termination procedure. (Education Code 44830.1)

(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)
All Personnel  

CIVIL AND LEGAL RIGHTS

The Board of Trustees believes that the personal life of an employee is not an appropriate concern of the district, except as it may directly relate to the employee's performance of his/her duties.

An employee's personal beliefs and activities, including religious, political, cultural, social, or other beliefs or activities, or lack thereof, shall not be grounds for disciplinary action against the employee, provided that the beliefs or activities do not violate law, Board policy, or administrative regulation.

(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)

The district shall make no inquiry concerning the personal values, attitudes, and beliefs of district employees or their sexual orientation or political or religious affiliations, beliefs, or opinions except when authorized by law. In addition, no district employee shall be required to provide critical appraisals of other individuals with whom the employee has a familial relationship. However, the district reserves the right to access any publicly available information about any employee.

No employee shall be disciplined or retaliated against solely for acting to protect a student engaged in conduct authorized under Education Code 48907 or 48950.

When necessary to protect the health, welfare, or safety of students and staff, school officials may search district property under an employee's control.

(cf. 3515 - Campus Security)  
(cf. 4040 - Employee Use of Technology)

Whistleblower Protection

An employee shall have the right to disclose 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 any improper governmental activity by the district or a district employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetency, or inefficiency. When the employee has reasonable cause to believe that the information discloses a violation of state or federal statute or a violation of or noncompliance with a state or federal rule or regulation, he/she has the right to disclose such information to a government or law enforcement agency or to refuse to participate in any such activity. (Education Code 44112, 44113; Labor Code 1102.5)

The Superintendent or designee shall prominently display in lettering larger than size 14 point type a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline maintained by the office of the California Attorney General. (Labor Code 1102.8)
CIVIL AND LEGAL RIGHTS (continued)

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 - Dismissal/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, the employee may also file a copy of the complaint with local law enforcement and/or seek civil law remedies against the supervisor or administrator who retaliated or attempted to retaliate against him/her, in accordance with Education Code 44114.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 4144/4244/4344 - Complaints)

Protection Against Liability

No employee shall be liable for harm caused by his/her act or omission when he/she is acting within the scope of employment or district responsibilities; when the employee's act or omission is in conformity with federal or state law, district policy, or administrative regulation; or when the employee's act or omission is in furtherance of an effort to control, discipline, expel, or suspend a student or to maintain order or control in the classroom or school.

(cf. 3320 - Claims and Actions Against the District)
(cf. 9260 - Legal Protection)

The protection against liability shall not apply when:

1. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to rights or safety of the individual harmed.

2. The employee caused harm by operating a motor vehicle or other vehicle requiring license or insurance.

3. The employee was not properly licensed, if required, by state law for such activities.

4. The employee was found by a court to have violated a federal or state civil rights law.
CIVIL AND LEGAL RIGHTS (continued)

5. The employee was under the influence of alcohol or any drug at the time of the misconduct.

6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court.

7. The misconduct involved a sexual offense for which the employee has been convicted in a court.

8. The misconduct occurred during background investigations, or other actions, involved in the employee's hiring.

Legal Reference: (see next page)
CIVIL AND LEGAL RIGHTS (continued)

Legal Reference:

**EDUCATION CODE**
- 200-262.4 Prohibition of discrimination
- 7050-7058 Political activities of school officers and employees
- 44040 Discrimination based on employee's appearance before certain boards or committees
- 44110-44114 Reporting by school employees of improper governmental activity
- 48907 Student freedom of expression; employee's protection of student rights
- 48950 Speech and other communication
- 49091.24 Teacher rights to refuse evaluation/survey of personal life

**CIVIL CODE**
- 51 Unruh Civil Rights Act

**GOVERNMENT CODE**
- 815.3 Intentional torts
- 820-823 Tort claims act
- 825.6 Indemnification of public entity
- 3540.1 Public employment definitions
- 3543.5 Interference with employee's rights prohibited
- 12650-12656 False claims actions
- 12940-12951 Discrimination prohibited; unlawful practices

**LABOR CODE**
- 1102.5-1106 Whistleblower protections

**UNITED STATES CODE, TITLE 18**
- 16 Crime of violence defined

**UNITED STATES CODE, TITLE 20**
- 6731-6738 Teacher liability protection

**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

**COURT DECISIONS**
- Ohton v. CSU San Diego, (2007) 56 Cal.Rptr.3d 111

Management Resources:

**WEB SITES**
California Attorney General: http://www.oag.ca.gov
The Board of Trustees is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

Sexual harassment includes, but is not limited to, harassment that is based on the gender, gender identity, gender expression, or sexual orientation of the victim.

This policy shall apply to all district employees and to other persons on district property or with some employment relationship with the district, such as interns, volunteers, contractors, and job applicants.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4030 - Nondiscrimination in Employment)

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

(cf. 4117.7/4317.7 - Employment Status Reports)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

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

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

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

Sexual Harassment Reports and Complaints

Any district employee who feels that he/she has been sexually harassed in the performance of his/her district responsibilities or who has knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to his/her direct supervisor, another supervisor, the district's coordinator for nondiscrimination, the Superintendent, or, if available, a complaint hotline or an ombudsman. A supervisor or administrator who receives a harassment complaint shall promptly notify the coordinator.

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

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

Legal Reference: (see next page)
SEXUAL HARASSMENT  (continued)

Legal Reference:

EDUCATION CODE
200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE
12900-12996 Fair Employment and Housing Act, especially:
12940 Prohibited discrimination
12950 Sexual harassment; distribution of information
12950.1 Sexual harassment training

LABOR CODE
1101 Political activities of employees
1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2
11009 Employment discrimination
11021 Retaliation
11023 Harassment and discrimination prevention and correction
11024 Sexual harassment training and education
11034 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 Title IX prohibition against discrimination

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

CODE OF FEDERAL REGULATIONS, TITLE 34
106.1-106.9 Nondiscrimination on the basis of sex in education programs or activities
106.51-106.61 Nondiscrimination on the basis of sex in employment in education program or activities

COURT DECISIONS
Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Management Resources:

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS
Promising Practices for Preventing Harassment, November 2017

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

Policy
adopted:  March 5, 2019

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

Definitions

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

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.

2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.

3. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district.

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

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

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors

2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects

3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements
Training

The Superintendent or designee shall ensure that all employees receive training regarding the district's sexual harassment policies when hired and periodically thereafter. The training shall include how to recognize prohibited or harassing conduct, the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the district's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee. The training shall also include information about processes for employees to informally share or obtain information about harassment without filing a complaint.

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 5145.7 - Sexual Harassment)

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

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

(cf. 4300 - Administrative and Supervisory Personnel)

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

1. Information and practical guidance regarding federal and state laws on the prohibition, prevention, and correction of sexual harassment, the remedies available to sexual harassment victims in civil actions, and potential district and/or individual exposure or liability

2. The types of conduct that constitute sexual harassment and practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
SEXUAL HARASSMENT (continued)

3. A supervisor's obligation to report sexual harassment, discrimination, and retaliation of which he/she becomes aware and what to do if the supervisor himself/herself is personally accused of harassment

4. Strategies for preventing harassment, discrimination, and retaliation and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including an effective process for investigation of a complaint

5. The essential elements of the district's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed.

6. A copy of the district's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received

7. The definition and prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance

8. Practical examples of harassment based on gender identity, gender expression, and sexual orientation

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

Notifications

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

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted

2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
SEXUAL HARASSMENT (continued)

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

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

In addition, the district shall post, in a prominent and accessible location, the DFEH poster on discrimination in employment and the illegality of sexual harassment and the DFEH poster regarding transgender rights. (Government Code 12950)
The Board of Trustees expects district employees to maintain the highest ethical standards, behave professionally, follow district policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community. Employees shall engage in conduct that enhances the integrity of the district, advances the goals of the district's educational programs, and contributes to a positive school climate.

(cf. 0200 - Goals for the School District)
(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)
(cf. 5131 - Conduct)
(cf. 5137 - Positive School Climate)

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

(cf. 2111 - Superintendent Governance Standards)
(cf. 9005 - Governance Standards)

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

(cf. 4112.2 - Certification)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Inappropriate Conduct

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515.7 - Firearms on School Grounds)
(cf. 4158/4258/4358 - Employee Security)

2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 5131.2 - Bullying)
(cf. 5145.3 - Nondiscrimination/Harassment)(cf. 5145.7 - Sexual Harassment)
PROFESSIONAL STANDARDS (continued)

3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child

4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student

5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time

6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members

7. Willfully disrupting district or school operations by loud or unreasonable noise or other action

(cf. 3515.2 - Disruptions)

8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace, on district property, or at a school-sponsored activity

(cf. 3513.3 - Tobacco-Free Schools)
(cf. 3513.4 - Drug and Alcohol Free Schools)
(cf. 4020 - Drug and Alcohol-Free Workplace)
(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)

9. Being dishonest with students, parents/guardians, staff, or members of the public, including, but not limited to, falsifying information in employment records or other school records

10. Divulging confidential information about students, district employees, or district operations to persons or entities not authorized to receive the information

(cf. 3580 - District Records)
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)

11. Using district equipment or other district resources for the employee's own commercial purposes or for political activities

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

12. Using district equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity

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

   (cf. 4040 - Employee Use of Technology)

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

14. Wearing inappropriate attire

   (cf. 4119.22/4219.22/4319.22 - Dress and Grooming)

Reports of Misconduct

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

   (cf. 1312.1 - Complaints Concerning District Employees)
   (cf. 5141.4 - Child Abuse Prevention and Reporting)

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

   (cf. 4117.7/4317.7 - Employment Status Reports)
   (cf. 4118 - Dismissal/Suspension/Disciplinary Action)
   (cf. 4218 - Dismissal/Suspension/Disciplinary Action)

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

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

Notifications

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

(cf. 1113 - District and School Web Sites)
(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE
200-262.4 Prohibition of discrimination
44050 Employee code of conduct; interaction with students
44242.5 Reports and review of alleged misconduct
48980 Parental notifications

PENAL CODE
11164-11174.4 Child Abuse and Neglect Reporting Act

CODE OF REGULATIONS, TITLE 5
80303 Reports of dismissal, resignation and other terminations for alleged misconduct
80331-80338 Rules of conduct for professional educators

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS
California Professional Standards for Educational Leaders, February 2014
California Standards for the Teaching Profession, 2009

COUNCIL OF CHIEF STATE SCHOOL OFFICERS PUBLICATIONS
Professional Standards for Educational Leaders, 2015

NATIONAL EDUCATION ASSOCIATION PUBLICATIONS
Code of Ethics of the Education Profession, 1975

WESTED PUBLICATIONS
Moving Leadership Standards into Everyday Work: Descriptions of Practice, 2003

WEB SITES
CSBA: http://www.csba.org
Association of California School Administrators: http://www.acsa.org
California Department of Education: http://www.cde.ca.gov
California Federation of Teachers: http://www.cft.org
California School Employees Association: http://www.csea.com
California Teachers Association: http://www.cta.org
Commission on Teacher Credentialing: http://www.ctc.ca.gov
Council of Chief State School Officers: http://www.ccsso.org
WestEd: http://www.wested.org

Policy adopted: February 20, 2018

PALMDALE SCHOOL DISTRICT
Palmdale, California
Certificated Personnel

PROFESSIONAL STANDARDS

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
PROFESSIONAL STANDARDS (continued)

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: PALMDALE SCHOOL DISTRICT
version: Palmdale, California
Personnel  

BP 4119.22(a)  
4219.22  
4319.22

DRESS AND GROOMING POLICY

In general, district personnel are expected to use good judgment and to be groomed in accordance with generally accepted professional standards for their particular positions and duties. In the interest of establishing a professional image for our employees, promoting good grooming among students, ensuring an environment conducive to learning and maintaining decorum in the classroom, the following guidelines shall apply to the manner of dress and grooming for all district personnel.

1. Employees are forbidden to dress in a manner which is inimical to, or constitutes a threat to, the health, safety or welfare of students or other employees or themselves.

2. Shoes must be worn at all times. Footwear/sandals should be supportive enough for safe, efficient movement in the event of an emergency. Thong-type beach sandals (i.e., flip flops) are strictly prohibited. Shoes may be considered part of an employees' personal protective equipment and all footwear must be appropriate to the assignment of each employee.

3. Hair shall be clean and neatly groomed. Hair color choice may be any color that is natural. For example, an employee may color his/her hair blond, brunette, black, red, gray, or any natural variation thereof.

4. No employee is permitted to dress in a manner inconsistent with his/her job duties, or, in the case of certificated employees, attend class presenting a non-professional appearance. For the purposes of clarifying what does or does not constitute appropriate dress, the following policies have been established and must be adhered to at all times:
   a. Clothes shall fit appropriately and conceal undergarments at all times. Sheer or fish-net fabrics, halter tops, off-the-shoulder or low cut tops, bare midriffs, and skirts or shorts shorter than mid-thigh are prohibited. In addition, tight or form-fitting clothing is considered unprofessional and, therefore, also prohibited.
   b. The wearing of earrings, necklaces, cuff links, tie clips and watches is only permissible to the extent that they are worn in a traditional manner that is not likely to distract students or disrupt the educational process.
   c. Pierced parts of the body, other than ears, may not be used to display jewelry in the workplace.
   d. To the extent practicable, tattoos should be covered by the use of wearing of everyday clothing.
   e. Clothing, jewelry, and tattoos shall be free of writing, pictures or any other insignia which are crude, vulgar, obscene, profane, sexually suggestive, advocate prejudice against any group/individual or advocate the use of drugs or alcohol.
DRESS AND GROOMING POLICY  (continued)

f.  Hats, caps and other head coverings shall not be worn indoors.

5.  Jeans for non-maintenance and operations staff may be worn on days designated as "business casual."  Faded/frayed jeans are not considered professional dress.  Under no circumstance shall jeans with holes be worn to work.

Employees who violate this policy shall be subject to disciplinary action, up to and including termination.

Legal Reference:

EDUCATION CODE
35160 Authority of governing boards
35160.1 Broad authority of school districts

GOVERNMENT CODE
3543.2 Scope of representation
12949 Dress standards, consistency with gender identity

COURT DECISIONS
San Mateo City School District v. PERB (1983) 33 Cal. 3d 850
Domico v. Rapides Parish School Board (5th Cir. 1982) 675 F.2d 100
East Hartford Education Assn. v. Board of Education (2d Cir. 1977) 562 F. 2d 856

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS
Inglewood Unified School District (1985) 10 PERC P17, 000

Management Resources:

WEB SITES
Public Employment Relations Board:  http://www.perb.ca.gov

Policy adopted:  December 11, 2012

PALMDALE SCHOOL DISTRICT
Palmdale, California
The Board of Trustees recognized the importance of keeping confidential information confidential. Staff shall maintain the confidentiality of information acquired in the course of their employment. Confidential/privileged information shall be released only to the extent authorized by law.

**Disclosure of Closed Session Information**

An employee shall not disclose confidential information acquired by being present during a closed session to a person not entitled to receive such information, unless the Board authorizes disclosure of that information. (Government Code 54963)

Confidential information means a communication made in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session. (Government Code 54963)

(cf. 9011 - Disclosure of Confidential/Privileged Information)
(cf. 9321 - Closed Session Purposes and Agendas)

An employee who willfully discloses confidential information acquired during a closed session may be subject to disciplinary action if he/she has received training or notice as to the requirements of this policy. (Government Code 54963)

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

The Superintendent or designee shall provide all employees who attend closed sessions a copy of this policy. New employees who may attend closed sessions shall also receive a copy of this policy.

The district shall not take disciplinary action against any employee for disclosing confidential information acquired in a closed session, nor shall the disclosure be considered a violation of the law or Board policy, when the employee is: (Government Code 54963)

1. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a Board action that has been the subject of deliberation during a closed session

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

2. Expressing an opinion concerning the propriety or legality of Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action
UNAUTHORIZED RELEASE OF CONFIDENTIAL/PRIVILEGED INFORMATION (continued)

3. Disclosing information that is not confidential

Other Disclosures

An employee who willfully releases confidential/privileged information about the district, students or staff shall be subject to disciplinary action.

No employee shall disclose confidential information acquired in the course of his/her official duties. Confidential information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the employee.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)
(cf. 4143/4243 - Negotiations/Consultation)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 6164.2 - Guidance/Counseling Services)

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.

Legal Reference: (see next page)
UNAUTHORIZED RELEASE OF CONFIDENTIAL/PRIVILEGED INFORMATION (continued)

Legal Reference:

**EDUCATION CODE**
- 35010 Control of district; prescription and enforcement of rules
- 35146 Closed sessions
- 35160 Authority of governing boards
- 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
- 49060-49079 Pupil records

**GOVERNMENT CODE**
- 1098 Public officials and employees: confidential information
- 6250-6270 Inspection of public records
- 54950-54963 Brown Act

**UNITED STATES CODE, TITLE 20**
- 1232g Family Education Rights and Privacy Act

Management Resources:

**WEB SITES**
- CSBA: http://www.csba.org

Policy adopted: June 16, 2009

PALMDALE SCHOOL DISTRICT

Palmdale, California
All Personnel

MAINTAINING APPROPRIATE ADULT-STUDENT INTERACTIONS

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

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

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

(cf. 5145.7 - Sexual Harassment)

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

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

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 5141.4 - Child Abuse Prevention and Reporting)

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

(cf. 4117.7/4317.7 - Employment Status Reports)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
MAINTAINING APPROPRIATE ADULT-STUDENT INTERACTIONS (continued)

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

(cf. 1113 - District and School Web Sites)
(cf. 5145.6 - Parental Notifications)

Inappropriate Conduct

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

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

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

(cf. 4040 - Employee Use of Technology)

5. Creating or participating in social networking sites for communication with students, other than those created by the district, without the prior written approval of the principal or designee
6. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business
7. Singling out a particular student for personal attention and friendship, including giving gifts and/or nicknames to individual students
MAINTAINING APPROPRIATE ADULT-STUDENT INTERACTIONS  (continued)

8. Addressing a student in an overly familiar manner, such as by using a term of endearment

9. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities

10. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose

11. Transporting a student in a personal vehicle without prior authorization

12. Encouraging students to confide their personal or family problems and/or relationships

13. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

Legal Reference

EDUCATION CODE
44030.5 Employment status reports
44050 Employee code of conduct; employee interactions with students
44242.5 Reports and review of alleged misconduct
44940 Sex offenses and narcotic offenses; compulsory leave of absence
48980 Parental notifications

PENAL CODE
11164-11174.3 Child Abuse and Neglect Reporting Act

CODE OF REGULATIONS, TITLE 5
80303 Reports of change in employment status, alleged misconduct
80304 Notice of sexual misconduct

Policy adopted:  PALMDALE SCHOOL DISTRICT
                           Palmdale, California
POLITICAL ACTIVITIES OF EMPLOYEES

The Board of Trustees 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
ATTORNEY GENERAL OPINIONS
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
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
District employees shall not:

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

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 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)
POLITICAL ACTIVITIES OF EMPLOYEES (continued)

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)
All Personnel

**EMployees with Infectious Disease**

BP 4119.41(a)
4219.41
4319.41

The Board of Trustees desires to promote the health of district students and staff in order to reduce absenteeism and enhance employee and student performance. The Superintendent or designee shall develop strategies to prevent the outbreak or spread of infectious diseases at district schools.

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)
(cf. 4261.1 - Personal Illness/Injury Leave)
(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Chronic Absence and Truancy)

An infectious disease is one that is caused by a microorganism and is potentially transmittable to another individual, whether through airborne transmission, bloodborne transmission, skin-to-skin contact, foodborne transmission, or other casual or noncasual means. A communicable infectious disease, such as influenza or chicken pox, is contagious and can be readily transmitted by infectious bacteria or viral organisms.

In accordance with law, job applicants shall be required to provide evidence that they are free of tuberculosis or any other communicable infectious disease prior to beginning employment.

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

To prevent the outbreak or spread of infectious diseases, the Superintendent or designee may provide infection prevention supplies and information to employees, including information about recommended vaccinations. Employees also shall observe universal precautions to avoid contact with potentially infectious blood or other bodily fluids.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Plans for addressing a communicable infectious disease outbreak, including, but not limited to, plans for addressing employee shortages during such an outbreak, shall be included in the district's emergency preparedness plan.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 5112.2 - Exclusions from Attendance)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.31 - Immunizations)

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable infectious disease. In addition, a school nurse or other health care provider who knows of or is in attendance on a case or suspected
EMPLOYEES WITH INFECTIOUS DISEASE  (continued)

case of any of the diseases or conditions listed in 17 CCR 2500 shall make a report to the local health officer. If no health care provider is in attendance, any individual having knowledge of a person who is suspected to be suffering from one of the specified diseases or conditions may make a report to the local health officer. (17 CCR 2500, 2508)

(cf. 5141.6 - School Health Services)

Nondiscrimination/Reasonable Accommodation

The district shall not discriminate against any employee or job applicant who has an infectious disease that meets the federal or state definition of a disability under the Americans with Disabilities Act, California Fair Employment and Housing Act, or Section 504 of the Federal Rehabilitation Act. (Government Code 12900-12996; 29 USC 794; 42 USC 12101-12213)

(cf. 4030 - Nondiscrimination in Employment)

Upon request, any qualified person with a disability shall be provided reasonable accommodation to perform the essential duties of his/her position in accordance with the criteria and processes described in AR 4032 - Reasonable Accommodation.

(cf. 4032 - Reasonable Accommodation)

Legal Reference: (see next page)
EMPLOYEES WITH INFECTIOUS DISEASE  (continued)

Legal Reference:

EDUCATION CODE
44839  Medical certificate; periodic medical examination
44839.5  Requirements for employment of retiree
49406  Examination for tuberculosis (employees)

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
7293.5-7294.2  Discrimination based on disability

CODE OF REGULATIONS, TITLE 5
5502-5504  Medical certification

CODE OF REGULATIONS, TITLE 17
2500  Reportable diseases and conditions
2508  Reporting of communicable diseases; duty of schools

UNITED STATES CODE, TITLE 29
794  Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42
12101-12213  Americans with Disabilities Act

COURT DECISIONS

Management Resources:

CSBA PUBLICATIONS
H1N1 Influenza (Swine Flu), Fact Sheet, April 2009
Pandemic Influenza, Fact Sheet, September 2007

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS
California HIV/AIDS Laws, 2009, January 2010

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS
Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002

WEB SITES
CSBA: http://www.csba.org
California Department of Public Health: http://www.cdph.ca.gov
California School Nurses Organization: http://www.csno.org
Centers for Disease Control and Prevention: http://www.cdc.gov
U.S. Department of Health and Human Services: http://www.hhs.gov

Policy adopted:  PALMDALE SCHOOL DISTRICT

Palmdale, California
As part of its commitment to provide a safe and healthful work environment, the Board of Trustees 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: (see next page)
EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS (continued)

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
Centers for Disease Control and Prevention: http://www.cdc.gov
Definitions

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

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

*Parenteral contact* means piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions. (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))

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

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

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

**Exposure Control Plan**

The district's exposure control plan shall contain at least the following components: (8 CCR 5193(c))

1. A determination of which employees have occupational exposure to blood or other potentially infectious materials

   The district's exposure determination shall be made without regard to the use of personal protective equipment and shall include a list of:

   a. All job classifications in which all employees have occupational exposure

   b. Job classifications in which some employees have occupational exposure
EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS (continued)

c. All tasks and procedures, or groups of closely related tasks and procedures, in which occupational exposure occurs and which are performed by employees listed in item #1b above

2. The schedule and method of implementing:

   a. Methods of compliance required by 8 CCR 5193(d), such as universal precautions, general and specific engineering and work practice controls, and personal protective equipment

   (cf. 4119.43/4219.43/4319.43 - Universal Precautions)

   b. Hepatitis B vaccination

   c. Bloodborne pathogen post-exposure evaluation and follow-up

   d. Communication of hazards to employees, including labels, signs, information and training

   e. Recordkeeping

3. The district's procedure for evaluating circumstances surrounding exposure incidents

4. An effective procedure for gathering information about each exposure incident involving a sharp, as required for the log of sharps injuries

5. An effective procedure for periodically determining the frequency of use of the types and brands of sharps involved in exposure incidents documented in the sharps injury log

6. An effective procedure for identifying currently available engineering controls and selecting such controls as appropriate for the procedures performed by employees in their work areas or departments

7. An effective procedure for documenting instances when a licensed healthcare professional directly involved in a patient's care determines, in the reasonable exercise of clinical judgment, that the use of an engineering control would jeopardize an individual's safety or the success of a medical, dental or nursing procedure involving the individual
EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS  (continued)

8. An effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed by employees in their respective work areas or departments.

The exposure control plan shall be reviewed and updated at least annually and whenever necessary to: (8 CCR 5193(c))

1. Reflect new or modified tasks and procedures affecting occupational exposure

2. To the extent that sharps are used in the district, reflect progress in implementing the use of needleless systems and sharps with engineered sharps injury protection

3. Include new or revised employee positions with occupational exposure

4. Review and evaluate the exposure incidents which occurred since the previous update

5. Review and respond to information indicating that the exposure control plan is deficient in any area

The district's exposure control plan shall be accessible to employees upon request. (8 CCR 3204(e))

Preventive Measures

The Superintendent or designee shall use engineering and work practice controls to eliminate or minimize employee exposure, and shall regularly examine and update controls to ensure their effectiveness. (8 CCR 5193(d))

Hepatitis B Vaccination

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

Employees who decline to accept the vaccination shall sign the hepatitis B declination statement. (8 CCR 5193(f))
EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS (continued)

The Superintendent or designee may exempt designated first aid providers from the pre-exposure hepatitis B vaccine in accordance with 8 CCR 5193 (f).

Information and Training

The Superintendent or designee shall ensure that all employees with occupational exposure participate in a training program containing the elements required by state regulations, during working hours and at no cost to the employee. This program shall be offered at the time of initial assignment to tasks where occupational exposure may take place, at least annually thereafter, and whenever a change of tasks or procedures affects the employee's exposure. (8 CCR 5193(g))

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

Reporting Incidents

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

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

Sharps Injury Log

The Superintendent or designee shall establish and maintain a log recording each exposure incident involving a sharp. The exposure incident shall be recorded within 14 working days of the date the incident is reported to the district. (8 CCR 5193(c))

The information recorded shall include the following, if known or reasonably available: (8 CCR 5193(c))

1. Date and time of the exposure incident
2. Type and brand of sharp involved in the exposure incident
3. A description of the exposure incident, including:
EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS (continued)

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

Post-Exposure Evaluation and Follow-up

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

1. Document the route(s) of exposure and the circumstances under which the exposure incident occurred
2. Identify and document the source individual, unless that identification is infeasible or prohibited by law
3. Provide for the collection and testing of the employee's blood for hepatitis B, hepatitis C and HIV serological status
4. Provide for post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service
5. Provide for counseling and evaluation of reported illnesses

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

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

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

Records

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

(c.f. 1340 - Access to District Records)
(c.f. 3580 - District Records)

Medical records for each employee with occupational exposure shall be kept confidential and not disclosed or reported without the employee's written consent to any person within or outside the workplace except as required by law. (8 CCR 5193(h))

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

Records shall be maintained as follows: (8 CCR 3204(d), 5193(h))

1. Medical records shall be maintained for the duration of employment plus 30 years.
2. Training records shall be maintained for three years from the date of training.
3. The sharps injury log shall be maintained five years from the date the exposure incident occurred.
EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS (continued)

4. Exposure records shall be maintained for at least 30 years.

5. Each analysis using medical or exposure records shall be maintained for at least 30 years.
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.

________________________________________
Signature

________________________________________
Employee Name (Please print)

________________________________________
Date
All Personnel

UNIVERSAL PRECAUTIONS

In order to protect employees from contact with potentially infectious blood or other body fluids, the Board of Trustees requires that universal precautions be observed throughout the district.

Universal precautions are appropriate for preventing the spread of all infectious diseases and shall be used regardless of whether bloodborne pathogens are known to be present.

(cf. 4157/4257/4357 - Employee Safety)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.24 - Specialized Health Care Services)
(cf. 5141.6 - School Health Services)
(cf. 6145.2 - Athletic Competition)

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

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

Legal Reference:

HEALTH AND SAFETY CODE
117600-118360 Handling and disposal of regulated waste
120875 Providing information to school districts on AIDS, AIDS-related conditions and Hepatitis B
120880 Information to employees of school district

CODE OF REGULATIONS, TITLE 8
5193 California bloodborne pathogens standard

CODE OF FEDERAL REGULATIONS, TITLE 29
1910.1030 OSHA bloodborne pathogens standards

Management Resources:

CDE PROGRAM 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
Centers for Disease Control and Prevention: http://www.cdc.gov

Policy adopted: PALMDALE SCHOOL DISTRICT
Palmdale, California
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,
UNIVERSAL PRECAUTIONS (continued)

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.
UNIVERSAL PRECAUTIONS (continued)

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 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.6 - School Health Services)
(cf. 6145.2 - Athletic Competition)