CUSD Board of Education
Special Meeting Agenda

Chico City Council Chambers
January 16, 2008
CLOSED SESSION – 6:00 P.M.
SPECIAL BOARD MEETING – 7:00 P.M.

Board Members
Jann Reed, President
Rick Anderson, Vice President
Dr. Andrea Lerner Thompson, Clerk
Dr. Kathy Kaiser, Member
Rick Rees, Member

Kelly Staley, Interim Superintendent

This Agenda is Available at:
Chico Unified School District
1163 E. 7th Street
Chico, CA 95926
(530) 891-3000
Or Online at:
www.chicousd.org

Posted: 01/11/08
The Chico Unified School District Board of Education welcomes you to this meeting and invites you to participate in matters before the Board.

**INFORMATION, PROCEDURES AND CONDUCT OF CUSD BOARD OF EDUCATION MEETINGS**

*No disturbance or willful interruption of any Board meeting shall be permitted. Persistence by an individual or group shall be grounds for the Chair to terminate the privilege of addressing the meeting. The Board may remove disruptive individuals and order the room cleared, if necessary. In this case, further Board proceedings shall concern only matters appearing on the agenda.*

<table>
<thead>
<tr>
<th>CONSENT CALENDAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>The items listed on the Consent Calendar may be approved by the Board in one action. However, in accordance with law, the public has a right to comment on any consent item. At the request of a member of the Board, any item on the consent agenda shall be removed and given individual consideration for action as a regular agenda item. Board Bylaw 9322.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STUDENT PARTICIPATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>At the discretion of the Board President, student speakers may be given priority to address items to the Board.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PUBLIC PARTICIPATION FOR ITEMS ON THE AGENDA</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Board shall give members of the public an opportunity to address the Board either before or during the Board's consideration of each item of business to be discussed at regular or special meetings.</td>
</tr>
<tr>
<td>• Speakers will identify themselves and will direct their comments to the Board.</td>
</tr>
<tr>
<td>• Each speaker will be allowed five (5) minutes to address the Board.</td>
</tr>
<tr>
<td>• In case of numerous requests to address the same item, the Board may select representatives to speak on each side of the item.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Board shall not take action or enter into discussion or dialog on any matter that is not on the meeting agenda, except as allowed by law. (Government Code 54954.2) Items brought forth at this part of the meeting may be referred to the Superintendent or designee or the Board may take the item under advisement. The matter may be placed on the agenda of a subsequent meeting for discussion or action by the Board.</td>
</tr>
<tr>
<td>• Public comments for items not on the agenda will be limited to one hour in duration.</td>
</tr>
<tr>
<td>• Initially, each general topic will be limited to 3 speakers.</td>
</tr>
<tr>
<td>• Speakers will identify themselves and will direct their comments to the Chair.</td>
</tr>
<tr>
<td>• Each speaker will be given five (5) minutes to address the Board.</td>
</tr>
<tr>
<td>• Once 2 speakers have shared a similar viewpoint, the Chair will ask for a differing viewpoint. If no other viewpoint is represented then a 3rd speaker may present.</td>
</tr>
<tr>
<td>• Speakers will not be allowed to yield their time to other speakers.</td>
</tr>
<tr>
<td>• After all topics have been heard, the remainder of the hour may be used by additional speakers to address a previously raised issue.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>WRITTEN MATERIAL:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Board is unable to read written materials presented during the meeting. If any person intends to appear before the Board with written materials, they should be delivered to the Superintendent's Office or delivered via e-mail to the Board and Superintendent 10 days prior to the meeting date.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COPIES OF AGENDAS AND RELATED MATERIALS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Available at the meeting</td>
</tr>
<tr>
<td>• Available on the website: <a href="http://www.chicousd.org">www.chicousd.org</a></td>
</tr>
<tr>
<td>• Available for inspection in the Superintendent's Office prior to the meeting</td>
</tr>
<tr>
<td>• Copies may be obtained after payment of applicable copy fees</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>AMERICANS WITH DISABILITIES ACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Please contact the Superintendent's Office at 891-3000 ext. 149 should you require a disability-related modification or accommodation in order to participate in the meeting. This request should be received at least 48 hours prior to the meeting in order to accommodate your request.</td>
</tr>
</tbody>
</table>
AGENDA

1. CALL TO ORDER

2. CLOSED SESSION
2.1 Closed Session Hearing Pursuant to Government Code Section 54957 and Education Code 49070:
The Board will hear a student grade complaint brought against three employees. The employees have elected to have this matter heard in closed session pursuant to Government Code section 54957 and the matter is authorized as a closed session pursuant to Education Code section 49070.

If Closed Session is not completed before 7:00 p.m., it will resume immediately following the regular meeting.

3. RECONVENE TO REGULAR SESSION
3.1 Call to Order
3.2 Closed Session Announcements
3.3 Flag Salute

4. STUDENT REPORTS

5. SUPERINTENDENT'S REPORT

6. CONSENT CALENDAR
   A. GENERAL
   1. Consider approval of items donated to Chico Unified School District.

   B. EDUCATIONAL SERVICES
   1. Consider approval of Expulsions of students with the following ID's: 25228, 36759, 51988, 53942, 60473 and 64068.

   2. Consider approval of Expulsion Clearances of students with the following ID's: 22627, 24041, 24957, 25956, 28222, 28708, 28838, 28900, 33137, 33972, 34368, 34504, 35719, 36764, 36782, 37884, 38769, 43298, 61298, 61398, 61698, 61826 and 64157.

   3. Consider approval of Field Trip Request from PVHS-Culinary to attend California ProStart Competition in Sacramento, CA, from 03/07/09-03/09/08.

   4. Consider approval of Fund Raising Request from CHS-Baseball to hold a dinner/dance on September 20, 2008, for baseball scholarships.

   5. Consider approval of Fund Raising Request CHS-Junior Class to sell tickets for the Prom on 04/26/08.
C. BUSINESS SERVICES
1. Consider approval of Consultant Agreement with Tolar Audio Video Lighting, Inc. for $6,000.00 to provide sound system for PVHS school and athletic functions.

D. HUMAN RESOURCES
1. Consider approval of Certificated Human Resources actions.
2. Consider approval of Classified Human Resources actions.

7. DISCUSSION/ACTION CALENDAR

A. BUSINESS SERVICES
1. Action: Consider approval of Resolution 1006-08: Annual Developer Fee Report (Michael Weissenborn)
2. Information: Facilities Update (Michael Weissenborn)
3. Information: Lighting Retrofit/Other Energy Savings Concepts (Jan Combes)
4. Information/Action: Consider acceptance of 2006-2007 Audit Report (Jan Combes)
5. Information: Budget Update (Jan Combes)
6. Action: 2nd Reading & Approval of Board Policy #5030 – Student Wellness

B. HUMAN RESOURCES
1. Action: Public Hearing and Consider approval of tentative agreement between Chico Unified School District and Chico School Employees Association, Chapter 110.
2. Information/Discussion:
   1st Reading: Board Policies 4000 Series – Personnel.

8. ITEMS FROM THE FLOOR

9. ANNOUNCEMENTS

10. ADJOURNMENT
<table>
<thead>
<tr>
<th>Donor</th>
<th>Item</th>
<th>Recipient</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barnes &amp; Noble</td>
<td>10 Copies: 1st 1000 Words</td>
<td>Chapman</td>
</tr>
<tr>
<td>Towne Carpet</td>
<td>Carpet</td>
<td>Chapman - ACE Program</td>
</tr>
<tr>
<td>Gregory Fischer</td>
<td>$250.00</td>
<td>Chapman - Woodleaf</td>
</tr>
<tr>
<td>Soroptimist International</td>
<td>$100.00</td>
<td>ChicoReads - Purchase Books</td>
</tr>
<tr>
<td>Ken Grossman</td>
<td>$1,000.00</td>
<td>ChicoReads - Purchase Books</td>
</tr>
<tr>
<td>Rosedale PTA</td>
<td>$300.00</td>
<td>ChicoReads - Purchase Books</td>
</tr>
<tr>
<td>John McManus PTA</td>
<td>$150.00</td>
<td>ChicoReads - Purchase Books</td>
</tr>
<tr>
<td>Steve &amp; Kristin Detiveaux</td>
<td>Clarinet</td>
<td>ChicoReads - Purchase Books</td>
</tr>
<tr>
<td>Big Brothers/Big Sisters/Andrea Thompson</td>
<td>$681.25</td>
<td>CJHS - Music</td>
</tr>
<tr>
<td>Chico News Agency</td>
<td>Storage for Textbooks</td>
<td>District Office General Fund</td>
</tr>
<tr>
<td>Emma Wilson PTA</td>
<td>$18,706.99</td>
<td>Elementary Schools</td>
</tr>
<tr>
<td>Emma Wilson PTA</td>
<td>Thermometer</td>
<td>Emma Wilson</td>
</tr>
<tr>
<td>For Sale by Owner Realty</td>
<td>Computers, Keyboards</td>
<td>Emma Wilson</td>
</tr>
<tr>
<td>For Sale by Owner Realty</td>
<td>Mouse, Monitors, Speakers</td>
<td>Emma Wilson</td>
</tr>
<tr>
<td>Nona Nahalea</td>
<td>Computer/Notebook</td>
<td>Emma Wilson - Classroom Supplies</td>
</tr>
<tr>
<td>Liz Albert</td>
<td>$100.00</td>
<td>Emma Wilson - Ms. Skadal</td>
</tr>
<tr>
<td>Emma Wilson PTA</td>
<td>Classroom Supplies</td>
<td>Emma Wilson Teachers</td>
</tr>
<tr>
<td>Greg &amp; June McLaughlin</td>
<td>$50.00</td>
<td>Neal Dow - Room 18</td>
</tr>
<tr>
<td>PG&amp;E Fdn. - by R. Leppard/J. Walther</td>
<td>$327.00</td>
<td>PVHS</td>
</tr>
<tr>
<td>PG&amp;E Fdn. - by R. Leppard/J. Walther</td>
<td>$327.00</td>
<td>PVHS</td>
</tr>
<tr>
<td>PVHS Sports Boosters</td>
<td>$120.00</td>
<td>PVHS - Athletics - Donations</td>
</tr>
<tr>
<td>Linda Elliott</td>
<td>VCR, DVD Players</td>
<td>PVHS - Library</td>
</tr>
<tr>
<td>Jean &amp; Bob Delgado</td>
<td>Computer</td>
<td>PVHS - Room 3 Mr. Barber</td>
</tr>
<tr>
<td>Norfield Inds. Dan Bird</td>
<td>Index Verticle Mill</td>
<td>PVHS - Welding/ROP Class</td>
</tr>
<tr>
<td>Winona Carlisle</td>
<td>Computer/Notebook</td>
<td>PVHS-ASB</td>
</tr>
<tr>
<td>PVHS Boys Volleyball Parent Donations</td>
<td>$230.00</td>
<td>PVHS-Athletics-Boys Volleyball</td>
</tr>
<tr>
<td>Pam Crawford</td>
<td>HP Desk Jet &amp; Cartridge</td>
<td>Shasta</td>
</tr>
<tr>
<td>Shasta PTO (from Cookie Dough Sales)</td>
<td>$22,159.32</td>
<td>Shasta - Admin.</td>
</tr>
<tr>
<td>Shasta PTO</td>
<td>$500.00</td>
<td>Shasta - Admin.</td>
</tr>
<tr>
<td>Shasta PTO</td>
<td>$500.00</td>
<td>Shasta - Mrs. Arthur's class</td>
</tr>
<tr>
<td>Mark &amp; Kim Nelson</td>
<td>Flat Panel Speaker Bar</td>
<td>Sierra View</td>
</tr>
<tr>
<td>Terrace Pharmacy</td>
<td>Bags</td>
<td>Sierra View</td>
</tr>
<tr>
<td>Tahoe Pure</td>
<td>Printed T-Shirts</td>
<td></td>
</tr>
</tbody>
</table>
Title: Proposed Agenda Item – FIELD TRIP REQUEST PVHS

Action:  
Consent: X  
Information:  

January 16, 2008

Prepared by: Priscilla Burns

Background Information
The Prostart competition is an invitational competitive event that PVHS is proud to be invited to attend. It is sponsored by the National and California Restaurant Association. If the teams win 1st at California they have the opportunity to compete at Nationals. Judging is done by prestigious industry professionals. The event meets all standards for the Career and Technical Food Service course at the advanced level.

Educational Implications:
This is an excellent performance assessment for the advanced culinary students. They spend hundreds of hours in practice and preparation for the rigorous and relevant testing. There is academic testing, personal paperwork testing, skill testing and group performance assessments. We are fortunate to usually advance teams in culinary gourmet meal presentation and hospitality and culinary management.

Fiscal Implications
Travel is paid through the FHA-HERO account. Perkins and ROP funding sources. Students also spend many hours fundraising and working catering events. Many of our business partners donate food, instructional materials and their expertise during practices.

Additional Information
In 2005 we did not place; but, In 2006 we placed 3rd... In 2007 we placed 2nd... We're goal setting and building!
**FIELD TRIP REQUEST**

**TO:** CUSD Board of Education  
**FROM:** Priscilla Burns  
**Date:** 12/12/07  
**School/Dept:** PVHS/Culinary

**SUBJECT:** Field Trip Request

Request is for Culinary Art - Prostart team/grade 11th and 12th  

Destination: Sacramento, CA 95814  
Activity: California Prostart Competition

from 03/07/08 / TBA  
to 3/9/08 / TBA

Rationale for Trip: Competition regulation for gourmet cooking team and management team are linked to industry standards and judged by industry professionals

Number of Students Attending: 8  
Teachers Attending: 4  
Parents Attending: 3  
Student/Adult Ratio: 2:1

Transportation: Private Cars XX  
CUSD Bus  
Charter Bus Name  
Other: ROP vans

All requests for bus or charter transportation must go through the transportation department - NO EXCEPTIONS.

**ESTIMATED EXPENSES:**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fees</td>
<td>$500</td>
</tr>
<tr>
<td>Substitute Costs</td>
<td>$75</td>
</tr>
<tr>
<td>Lodging</td>
<td>$400</td>
</tr>
<tr>
<td>Transportation</td>
<td>$0</td>
</tr>
<tr>
<td>Meals</td>
<td>$100</td>
</tr>
<tr>
<td>Other Costs</td>
<td>$0</td>
</tr>
</tbody>
</table>

**ACCOUNT NAME(S), NUMBER(S) and AMOUNT(S):**

<table>
<thead>
<tr>
<th>Name</th>
<th>Acct. #</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASB</td>
<td>FHA-HERO #249</td>
<td>$700</td>
</tr>
<tr>
<td>Perkins</td>
<td>3550</td>
<td>$375</td>
</tr>
</tbody>
</table>

**Requesting Party**

Signature:  
Date: 12/10/07

**Site Principal**

Signature:  
Date: 12/17/07

**Director of Transportation**

Signature:  
Date: 1/3/08

(IF transporting by bus or Charter)

**Director of Educational Services**

Signature:  
Date: 1/8/08

**Board Action**

Signature:  
Date:  
Approved [ ]  
Not Approved [ ]
PROPOSED AGENDA ITEM: Fund Raising Request from CHS

Prepared by: ________________________________

XXX Consent  Board Date: January 16, 2008
_____ Information Only
_____ Discussion/Action

Background Information

Homecoming Dance and Dinner on September 20, 2008 at the Masonic Lodge – no student involvement. Open to parents, staff and community. Funds received will go for baseball scholarships.

Education Implications

Fiscal Implications

Funds will be deposited into baseball account.

Additional Information
CHICO UNIFIED SCHOOL DISTRICT
1163 East Seventh Street
Chico, CA 95928-5999

Chico High School
FUND RAISING REQUEST

All fund raising projects/activities are to be approved by the school principal (minor) or the Board of Education (major) prior to initiating the project/activity. The principal/designee shall maintain a written financial record of each approved fund raising project/activity. Funds generated from the projects/activities shall be deposited in the Associated Student Body account.

SCHOOL: Chico High School
CLUB OR ORGANIZATION: Chico High Baseball
ADVISOR: Chip Carton

PURPOSE OF THE FUND RAISING PROJECT/ACTIVITY: Fundraising for Baseball Scholarships

FINANCIAL GOAL OF THE PROJECT: (Major = more than $5,000 gross)

[ ] Minor: Estimated Gross $  
Estimated Net $  

[✓] Major: Estimated Gross $10,000
Estimated Net $ 25,000

NATURE OF PROJECT/ACTIVITY (i.e., car wash)

HOMECOMING DANCE & DINNER - NO STUDENT INvolvement
OPEN TO PARENTS, STAFF & COMMUNITY. 2ND YEAR. FUNDS TO BE DEPOSITED INTO DISTRICT BASEBALL ACCOUNT.

[ ] Class I - A project or series of activities that will be restricted to a school's student and parent population.
[ ] Class II - A project or series of activities that will extend beyond a school's population and will involve students, parents and members of the general community population in the fund raising effort.

BEGINNING/ENDING DATE(S) AND TIME OF PROPOSED FUND RAISING ACTIVITY(IES):
BEGINNING TIME: 6:00 p.m.  ENDING TIME: 12:00 p.m.

LOCATION: Chico Masonic Lodge

NUMBER OF STUDENTS TO BE INVOLVED: None

RECOMMENDED

Date:  
Student Officer's Signature (if applicable)

Date:  
Advisor's Signature

Date: 12/6/07
CHS Director of Activity Signature

Date: 12/7/07
Principal's Signature

Date:  
Assistant Superintendent's Signature

Approved by Council:
(Date of Minutes)
Club:  
By:  
(Secretary)
ASB:  
By:  
(Secretary)

Approval Recommend
Minor  Major
Yes  No  Yes  No
[✓]  [ ]  [✓]  [ ]

Recommnd: Major
Yes[ ]  No[ ]

Date - Approved by Board of Education
PROPOSED AGENDA ITEM: Fund Raising Request from CHS

Prepared by: 

XXX  Consent  Board Date: January 16, 2008
___ Information Only
___ Discussion/Action

Background Information

To raise funds for Senior year 2009 by selling tickets to Prom on 04/26/08.

Education Implications

Fiscal Implications

Funds will be deposited into baseball account.

Additional Information
CHICO UNIFIED SCHOOL DISTRICT
1163 East Seventh Street
Chico, CA  95928-5999

Chico High School
FUND RAISING REQUEST

All fund raising projects/activities are to be approved by the school principal (minor) or the Board of Education (major) prior to initiating the project/activity. The principal/designee shall maintain a written financial record of each approved fund raising project/activity. Funds generated from the projects/activities shall be deposited in the Associated Student Body account.

SCHOOL  Chico High School
CLUB OR ORGANIZATION  Junior class

ADVISOR  Sal Reyna

PURPOSE OF THE FUND RAISING PROJECT/ACTIVITY
To raise $ for senior year (2009) and create high school memories

FINANCIAL GOAL OF THE PROJECT:  (Major = more than $5,000 gross)
[  ] Minor:  Estimated Gross $  
Estimated Net $
[  ] Major:  Estimated Gross $17,000
Estimated Net $ 8,600

NATURE OF PROJECT/ACTIVITY (i.e., car wash)
Dance - Prom

☐ Class I - A project or series of activities that will be restricted to a school's student and parent population.
☐ Class II - A project or series of activities that will extend beyond a school's population and will involve students, parents and members of the general community population in the fund raising effort.

BEGINNING/ENDING DATE(S) AND TIME OF PROPOSED FUND RAISING ACTIVITY(IES):
BEGINNING DATE  4/16/2008  ENDING DATE  4/26/2008
BEGINNING TIME  8:00 PM  ENDING TIME  12 PM
LOCATION  Manzanita Place

NUMBER OF STUDENTS TO BE INVOLVED  800 +

10/22/07  Date
RECOMMENDED  [  ]
Student Officer's Signature (if applicable)  [  ]

10/27/07  Date
Adviser's Signature  [  ]

10/28/07  Date

1/20/07  Date
CHS Director of Activity Signature  [  ]

11/24/07  Date
Principal's Signature  [  ]

12/4/07  Date
Assistant Superintendent's Signature  [  ]

Approved by Council:
(Date of Minutes)
Club: ___________
By: ___________
(Secretary)
ASB: 11-28-07
By: Maria Connolly
(Secretary)

Approval  Recommend
Minor  Major
Yes  No  Yes  No
[  ]  [  ]  [  ]  [  ]
Recommend: Major
Yes[  ]  No[  ]

Date - Approved by Board of Education
Title: Proposed Agenda Item

Action: 
Consent: X
Information: 

Agenda Item: 
January 16, 2008

Prepared by: Lance Brogden
Pleasant Valley High School

Background Information
PVHS ASB, Athletics, and Administration are submitting this Consultant agreement to hire Tolar AVL for sound and video services to be provided during the 07-08 school year and possibly including; Athletic Events, A Rally, Prom.

Educational Implications
The combination of events will create a positive atmosphere for the social aspect of a students education, specifically the student spirit and celebration pieces of student support.

Fiscal Implications
These events will be funded primarily through ASB funds with some expenditures from Athletics and Administration.

Additional Information
These expenses are typical with what we have done in the past.
CONSULTANT AGREEMENT

1. A completed BS10a. “Certificate of Independent Consultant Agreement” guideline is:
   ☑ On File  (click to view)  ☐ Attached

2. A completed W-9 "Request for Taxpayer Identification Number and Certification" form is:
   ☑ On File  (click to view)  ☐ Attached

This Agreement to furnish certain consulting services is made by and between Chico Unified School District and:

Name: Tolar Audio Video Lighting, Inc. (Tolar A.V.L., Inc.)
Street Address/P.O.B: 1457 West Linda Avenue
City, State, Zip Code: Chico, CA 95926
Phone: 630-342-8860  FAX 530-342-9072
Taxpayer ID/SSN: 
This agreement will be in effect from: 05/01/07  to 06/15/08
Location(s) of Services: (site) Pleasant Valley High School

3. Scope of Work to be performed: (attach separate sheet if necessary)
   Provide sound system for school and athletic functions.

4. Goal (Strategic Plan, Site Plan, Other) to be achieved as a result of Consultant services:
   Provide quality sound for major school events.

5. Funding/Programs Affected: (corresponding to accounts below)
   1) ASB $3,000.00
   2) Athletics 700.00
   3) Administration 2,000.00

6. Account(s) to be Charged:
   Pct (%) Fund Resource Proj/Yr Goal Function Object Expense Sch/Dept
   1) 65.00 01 0000 0 1232 1000 5800 14 020
   2) 12.00 01 0000 0 1133 1000 5800 14 020
   3) 33.00 01 0000 0 1110 2712 5800 14 020

7. Is there an impact to General Fund, Unrestricted funding? ☐ Yes  ☑ No

8. Payment to Consultant: (for the above services, District will pay Consultant as follows)
   $750.00  Per Unit, times 8.00  # Units = $6,000.00  Total for Services
   (Unit: ☐ Per Hour  ☐ Per Day  ☑ Per Activity)

9. Additional Expenses:
   $  
   $  
   $  
   $  
   0.00  Total for Addit'l Expenses

   $6,000.00  Grand Total

10. Amounts of $5,001.00 or more require Board Approval: (date to Board)

   (to be completed by Business Services)
CONSULTANT TERMS AND CONDITIONS
(Applicable, unless determined to be Contract Employees - See BS10a)

1. The Consultant will perform said services independently, not as an employee of the District; therefore, the District is not liable for worker's compensation or unemployment benefits in connection with this Consultant Agreement. Consultant shall assume full responsibility for payment of all Federal, State and Local taxes or contributions, including Unemployment Insurance, Social Security, and Income Taxes with respect to Consultant's employees.

2. Consultant shall furnish, at his/her own expense, all labor, materials, equipment and other items necessary to carry out the terms of this Agreement, unless agreed upon under Additional Expenses on page 1 of this Agreement.

3. In the performance of the work herein contemplated, Consultant is an independent contractor, with the authority to control and direct the performance of the details of the work, the District being interested in the results obtained.

4. If applicable, the Consultant will certify in writing, using , that criminal background checks have been completed as per prior to commencement of services. This requirement also applies to any subconsultants or employees utilized by the Consultant.

5. Consultant agrees to defend, indemnify and hold harmless the District, its Board of Trustees, employees and agents from any and all liability or loss arising in any way out of Consultant's negligence in the performance of this Agreement, including, but not limited to, any claim due to injury and/or damage sustained by Consultant, and/or the Consultant's employee or agents.

6. Consultant will provide to Assistant Superintendent, Business Services, upon request, a Certificate of Insurance showing a minimum $1,000,000 combined single limits of general liability and automobile coverage as required by the District.

7. Neither party shall assign nor delegate any part of this Agreement without the written consent of the other party.

8. The work completed herein must meet the approval of the District and shall be subject to the District's general right of inspection to secure the satisfactory completion thereof. Consultant agrees to comply with all Federal, State, Municipal and District laws, rules and regulations that are now, or may in the future become, applicable to Consultant's business, equipment and personnel engaged in operations covered by this Agreement or occurring out of the performance of such operations.

9. Agreement and Accepted:

   [Signature of Consultant]  [Print Name]  [Date]

10. RECOMMENDED:

   [Signature of Originating Administrator]  [Date]

11. APPROVED:

   [Signature of District Administrator, or Director of Categorical Programs]  [Print Name]  [Date]

12. Authorization for Payment:

   (a) CHECK REQUIRED (Invoice to accompany payment request):

   [ ] Partial Payment thru: [Date]

   [ ] Full or Final Payment

   (b) DISPOSITION OF CHECK by Accounts Payable:

   [ ] Send to Site Administrator: [Date check required]

   [ ] Mail to Consultant

   (c) $[Amount]

   (Originating Administrator Signature - Use Blue Ink)  [Date]

   BS-10.doc.01.05c (rev)  Page 2  12/24/2005
CHICO UNIFIED SCHOOL DISTRICT  
1163 EAST SEVENTH STREET  
CHICO, CALIFORNIA  95928

January 16, 2008

MEMORANDUM TO: Board of Education  
FROM: Kelly Staley, Interim Superintendent  
SUBJECT: Certificated Human Resources Actions

<table>
<thead>
<tr>
<th>Name</th>
<th>Assignment</th>
<th>Effective</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Temporary Appointments 2007/08</strong></td>
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<tr>
<td>Eller, Alisha</td>
<td>0.2 FTE Secondary</td>
<td>2007/08 (Effective 01/07/08)</td>
<td>Temporary Appointment (Increase to .6 FTE)</td>
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<tr>
<td>Ford, Greg</td>
<td>0.8 FTE Secondary</td>
<td>2007/08 (Effective 01/07/08)</td>
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<td>Ford, Matt</td>
<td>0.6 FTE Secondary</td>
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<td>Gephart, Heather</td>
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<td>Umpleby, Abby</td>
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<td>Temporary Appointment (Change from .7 FTE to 1.0 FTE)</td>
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</table>

**Part-Time Leave Request(s) for 2007/08**

| Godbold, Vanessa      | Elementary          | 2nd Semester 2007/08          | 0.5 FTE Leave (correction of leave effective dates to 1/7/08 - 2/29/08) |
| Holman, Melissa       | Elementary          | 2nd Semester 2007/08          | 0.4 FTE Leave                                           |
| Niles, Sara           | Secondary           | 2nd Semester 2007/08          | 0.2 FTE Leave                                           |

**Full-Time Leave Request(s) for 2007/08**

| Daniels, Lance        | Secondary           | 2nd Semester 2007/08 (Effective 1/24 - 6/5/08) | 1.0 FTE Leave                                         |
| Jarmush, Nicole       | Speech Therapist    | 2nd Semester 2007/08 (Effective 2/26 - 4/8/08) | 1.0 FTE Leave                                         |

**Retirement(s)/Resignation(s)**

| Knippen, Audrey       | Psychologist        | 1/25/08                        | Retirement                                             |
| Talley, Judith        | Speech Therapist    | 1/30/08                        | Retirement                                             |
| jm-1/10/08            |                     |                                |                                                         |
MEMORANDUM TO: Board of Education
FROM: Kelly Staley, Interim Superintendent
SUBJECT: Classified Human Resources Actions

<table>
<thead>
<tr>
<th>NAME</th>
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<tr>
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<td>CJHS/3.3</td>
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<td>Casey, Leticia</td>
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<td>Vacated Position/ Special Education</td>
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<td>12/18/07-</td>
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<td>Education Services/8.0</td>
<td>02/29/08</td>
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<td>Hogan, Frances</td>
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<td>Position</td>
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<td>Yates, Elsie</td>
<td>LT Cafeteria Cook-Necessary Small School/Cohasset/6.0</td>
<td>01/07/08-05/08/08</td>
<td>During Absence of Incumbent</td>
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<td><strong>Increase in Hours</strong></td>
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<td>Jones, Brett</td>
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<td>Dean, Sandra</td>
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<td>Impacted Language Liaison-Hmong/</td>
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<td>McManus/3.0</td>
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</tbody>
</table>
TITLE: Adoption of Resolution No. 1006-08 Regarding Accounting of Developer Fees for Fiscal Year 2006-2007.

Action [X] Consent Information

Agenda Item
January 16, 2008
Page 1 of 1

Prepared by: Jan Combes, Asst. Superintendent, Business Services

Background information

The District has levied school facilities fees pursuant to various resolutions, the most recent of which is dated June 21, 2006. These resolutions were adopted under the authority of Education Code section 17620 (formerly Government Code Section 53080).

Government Code Section 66006(b) requires the District to make an annual accounting of the Developer Fee Fund for the prior school year.

Educational Implications

The District’s Strategic Plan states: “A safe, nurturing and inspiring environment is essential for individuals to thrive.”

Fiscal Implications

Collection of developer fees helps maintain adequate funding necessary to accommodate the students from new development.

Additional Information

The District prepares a Developer Fee Justification Study every two years. The 2006 Developer Fee Justification Study has established the basis for the collection of these fees. A new Developer Fee Justification Study will be prepared and presented to the Board in early 2008.

Recommendation

It is recommended that the Board of Education adopt Resolution No. 1006-08 regarding accounting of developer fees for last school year (2006-07).
Developer Fee Accounting Report

Pursuant to Government Code Section 66006(b)

December 2007
Annual Reporting Requirements (Government Code 66006(b))

Within 180 days after the last day of each fiscal year, the District needs to make the following information available to the public:

A. A brief description of the type of fee in the account or fund

The fee, commonly known as a “Level 1” or “Stirling” fee, is authorized by Government Code section 65995 and Education Code section 17620. The fees are collected to mitigate the impact on facilities of new students coming from new development in the District.

B. The amount of the fee

During the 2006-07 fiscal year, Chico Unified School District levied developer fees on residential development at the rate of $2.63 per square foot.

C. The beginning and ending balance of the account or fund

The District began fiscal year 2006-07 with $6,331,653 in its Developer Fee Fund and ended the fiscal year with $7,577,404 in its Developer Fee Fund.

D. The amount of the fees collected and interest earned

During fiscal year 2006-07, the District collected $2,250,931 in developer fees and earned $274,147 in interest.

E. An identification of each public improvement on which fees were expended and the amount of the expenditures on each public improvement, including the total percentage of the cost of the public improvement that was funded with fees

During fiscal year 2006-07, the following projects were funded 100% by developer fees:

$387,800 in sewer hook-up fees for Marsh Junior High. (Initial installation was completed in 1999.)

$171,639 in sewer hook-up fees for Marigold Elementary.

$99,258 to complete the addition of a portable restroom to Shasta Elementary School. This project was completed in September 2006 at a total cost of $129,869.

$89,411 to complete the addition of a portable classroom to Hooker Oak Elementary School. The majority of the work occurred during the 2006-07 fiscal year. This project was completed in September 2006 at a total cost of $126,679.

$78,033 to begin the construction of a new restroom for Chico Junior High School. This project was completed in December 2007 at a total projected cost of $320,000.

$75,019 in architect fees for planning the proposed classroom addition at Loma Vista. This is scheduled to be completed in Spring 2009.

$69,594 in architect fees for the feasibility and planning stage of the new Pleasant Valley High School performing arts classrooms complex. This project is scheduled to be completed in Summer 2009. The construction costs will be paid with Measure A funds.
$43,230 for a fencing project at the Henshaw/Guynn property that was not completed.

$12,454 to add a portable restroom to Nord Country School. The majority of the work occurred during the 2007-08 fiscal year. This project was completed in August 2007 at a total projected cost of $125,000.

$11,490 to add a second portable classroom to Hooker Oak Elementary School. The majority of the work occurred during the 2007-08 fiscal year. This project was completed in August 2007 at a total projected cost of $135,000.

$10,700 to JM King and Associates for a Demographic Analysis Study.

$6,058 for the purchase of new chairs and desks for Chico Country Day School as required by Proposition 39.

$5,071 to Government Financial Services for the required bi-annual Developer Fee Study.

$41 in additional Division of the State Architect fees for the parking lot on the West 11th Street site (Old Fairview High/new CCDS site.) This project was completed in February 2006 at a total cost of $198,167.

$19 in architect fees for planning the proposed new science lab at Chico High School. This project is currently on hold as it may be incorporated into the pending relocatable replacement project.

F. An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

All incomplete projects that have sufficient funds collected are identified in section E above and projected completion dates are noted.

G. A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.

There were no loans made from this fund in 2006-07. Two interfund transfers were made:

$238,091 to pay salaries and benefits of facilities personnel as recommended by FCMAT study dated May 26, 2001.

$68,116 transferred to the General Fund for the 3% administration fee.

H. The amount of refunds made to the current owners of record of any funds collected in excess of what was required to complete the identified public improvements.

No refunds or allocations were made during fiscal year 2006-07.
CHICO UNIFIED SCHOOL DISTRICT  
1163 East Seventh Street  
Chico, California 95928-5999

RESOLUTION NO. 1006-08

RESOLUTION OF THE CHICO UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION REGARDING ACCOUNTING OF DEVELOPER FEES  
FOR THE PRIOR FISCAL YEAR (2006-07)

WHEREAS, this District has levied school facilities fees pursuant to various resolutions, the most recent of which is dated June 21, 2006. These resolutions were adopted under the authority of Education Code section 17620 and Government Code section 66000 et seq.;

WHEREAS, Government Code Section 66006(b) requires this District to make an annual accounting of the Developer Fee Fund (the "Fund");

WHEREAS, this Board finds that notice of the time and place of this meeting and that the required information was made available to the public all in accordance with Government Code Section 66006(b)(2).

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education of Chico Unified School District finds:

1. Recitals. The foregoing recitals are true and correct and this Board so finds and determines.

2. Approval of Accounting Report. The Board hereby approves the Accounting Report attached hereto and incorporated herein by reference and finds that said report meets the requirements found in Government Code section 66006(b)(1);

PASSED AND ADOPTED at the regular meeting of the Governing Board of the Chico Unified School District of Butte County on January 16, 2008.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

Jann Reed, President

Rick Anderson, Vice President

Dr. Andrea Lerner Thompson, Clerk

Dr. Kathleen E. Kaiser, Member

ATTEST:

Rick Rees, Member

Kelly Staley, Superintendent
PROPOSED AGENDA ITEM: Proposals for Energy Savings Programs

Prepared by: Jan Combes, Assistant Superintendent Business Services

__ X __ Information Only

Board Date: January 16, 2008

---

Background Information

Many of the budget savings ideas that have come forward from employees, parents and community members focus on reducing energy usage. Utility costs are a significant portion of the operational budget. Several concepts for savings are under investigation.

This information item is an opportunity to make the Board and public aware of some energy savings proposals that are being reviewed and considered. ELD Lighting is undertaking a study to determine if replacement of ballasts and bulbs at this time would provide a savings. Proposals for solar projects are also in the works and will be brought to the Board for decision making this spring if analysis shows a potential for savings.

Mrs. Combes and staff will speak briefly about the proposals. Steps are being taken to ensure that any recommendation will be based sound assumptions and with a guarantee or assurance that the potential for savings is valid.

Education Implications

Preservation of our natural resources is an important part of the society in which we live. It is a lesson taught to our students. The district can help to ensure the sustainability of our environmental issues by working to control energy costs.

Fiscal Implications

Not yet determined.

Additional Information

Will be forthcoming as the studies get concluded and decisions need to be made.
December 17, 2007

Ms. Kelly Staley
Interim Superintendent
Chico Unified School District
2455 Carmichael Drive
Chico, CA 95928

Subject: Letter of Agreement

Dear Ms. Staley:

Efficient Lighting Designs, Inc. (ELD) is pleased to offer our services to the Chico Unified School District's ongoing efforts to reduce energy consumption and operating expenses at its facilities.

Based on conversations to date, our understanding is that the Chico Unified School District expects the energy services program we develop and present will accomplish the following goals:

Financial Objectives:

- Be designed to comply with and implement Government Code 4217, which allows school districts to negotiate energy services programs, and California Education Code 17650-17653 which encourages these types of programs.
- Provide and implement proven lighting technologies that will enable a program to pay for itself and generate a positive impact on the district's General Fund through numerous areas of cost containment and will require no contribution from the district.
- Assist the Chico Unified School District in obtaining the most competitive funding method available.
- Maximize all available utility incentive programs.

Operation Objectives:

- Provide a comprehensive High Performance interior lighting retrofit throughout the Chico Unified School District's facilities
- Receive third party verification of all energy savings and utility incentives from local PG&E representative
- Virtually eliminate the District's interior lighting maintenance expenses for the next (5) years
Please see attachment A for a preliminary cash flow analysis for this potential energy services project.

Please see attachment B for the ensuing reduction in pollutants this energy services project will produce if implemented.

**ELD** is willing to take the financial risk to develop an energy services program for the Chico Unified School District based on the following conditions.

1. ELD will undertake to complete its analysis and deliver to the Chico Unified School District a written report detailing the objectives and the scope of the proposed project. If ELD cannot meet the criteria necessary to comply with Government Code Section 4217 et seq., the Chico Unified School District will have no monetary obligation to ELD.

2. Within 45 days of receiving a report describing a project that does comply with Government Code Section 4217 et seq. (a "Proposal"), the Chico Unified School District shall decide to proceed with the project described in the Proposal and undertake to schedule the hearing required under Government Code Section 4217 et seq. If, after receiving the Proposal, the Chico Unified School District declines to proceed with the project described in the Proposal, it will compensate ELD $100.00 per hour for the time ELD expends in design and engineering the project; however, this compensation will not exceed $2,500.00.

**ELD** is an independent contractor and not an employee of the Chico Unified School District. ELD agrees to defend, save and hold the Chico Unified School District, its officers, agents and employees harmless from any and all claims, damages, or loss of any kind, including claims for personal injury or property damage, arising out of the work performed or activities performed by ELD. Chico Unified School District may set reasonable conditions on the time, manner and place of work by ELD on Chico Unified School District property. ELD shall not commence any work without prior Chico Unified School District approval. The parties understand that if the Chico Unified School District Board makes the findings under Section 4217.12 and authorizes ELD to perform the project that the parties shall enter into a subsequent agreement detailing the terms and conditions of such work.

If this letter accurately describes the terms of our Agreement, please countersign a copy and return it to me. If you have any further questions, or if we can be of further assistance, please do not hesitate to contact us at (916) 932-7166.

Sincerely,

Steve DiPierro  
Efficient Lighting Designs, Inc.

Approval: [Signature]  
Interim Superintendent, Ms. Kelly Staley  
Date: 1-8-08
### TWENTY-YEAR FINANCIAL ANALYSIS

**NAME:** Chico Unified School District  
**Date:** 12/18/2007

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### Twenty Year Financial Analysis

**NAME:** Chico Unified School District  
**Date:** 12/18/2007

**Project Cost:** $885,000  
**Utility Rebate:** $50,000  
**Total Cost:** $835,000

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**Energy Savings Inflation Rate:** 2.0%  
**Maintenance Savings Inflation Rate:** 2.0%  
**Actual Payback:** 5.4  
**Internal Rate of Return:** 22.1%
PROPOSED AGENDA ITEM: 2006-2007 Annual Audit

Prepared by: Scott Jones, Director-Fiscal Services

Consent
Information Only
XXX Discussion/Action

Board Date: January 16, 2008

Background Information

Heidi Coppin from the auditing firm of Tittle and Company, LLP, will review the results of the 2006-2007 independent audit.

Education Implications

N/A

Fiscal Implications

N/A

Additional Information
PROPOSED AGENDA ITEM: Board Policy 5030 – Student Wellness

Prepared by: Tanya Harter, Interim Director – Nutrition Services

☐ Consent
☐ Information Only
☒ Discussion/Action

Board Date: January 16, 2008

Background Information:

In order to govern effectively, Districts are required to have accurate and up-to-date Board Policies. By law, Districts are mandated to adopt many policies to ensure legal compliance. Working in conjunction with California School Boards Association (CSBA) Policy Services, CUSD continues to update and revise Board Policies to ensure that CUSD is legally compliant.

Educational Implications:

Up-to-date policies provide clarity to the expectations of students, parents and staff.

Fiscal Implications:

CUSD is required to have up-to-date and legally compliant policies. Failure to have such policies in place jeopardizes funding opportunities, especially with respect to Categorical dollars.

Recommendation:

This is the second reading of this Policy and approval is required at this time.
Student Wellness

The Governing Board of Chico Unified School District (CUSD) recognizes the link between student health and learning. Children and youth that begin each day as healthy individuals are more receptive to the learning experience and more likely to succeed now and in the future. Further, the Board also believes that a healthy staff can more effectively perform their job responsibilities, and model appropriate wellness behaviors to students. This policy encourages a comprehensive approach to school and community wellness and addresses the components of the Coordinated School Health program as recommended by the California Department of Education and the Department of Health Services. CUSD is committed to providing a school environment that promotes and protects children’s health, well-being, and ability to learn by supporting healthy eating and physical activity.

It is the policy of CUSD that schools will provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity, and will establish linkages between health education and school meal programs, and with related community services.

Student Wellness Services

Student Wellness Services include Health Counseling, Psychological and Social Services. The Board supports effective wellness programs that will facilitate positive learning and instill healthy behaviors.

The Board supports school facilities that are designed to provide a safe, secure physical plant as well as a healthy and supportive environment that fosters learning and overall well-being.

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)
(cf. 3513.3 - Tobacco-Free Schools)
(cf. 3514 - Environmental Safety)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.61 - Drug Testing)
(cf. 5131.62 - Tobacco)
(cf. 5131.63 - Steroids)
(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.3 - Health Examinations)
(cf. 5141.31 - Immunizations)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5141.6 - Student Health and Social Services)
(cf. 5142 - Safety)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Education)
(cf. 6164.2 - Guidance/Counseling Services)

The Board’s policy related to student wellness was developed with the involvement of parents/guardians, students, school food service professionals, school administrators, Board representatives, and members of the public. (42 USC 4751 - Note)

District Wellness Advisory Council

The Superintendent or his/her designee shall convene an advisory and oversight committee consisting of school-site administrators, health professionals, teachers, nutrition services staff, physical education instructors, parents

Policy Adopted: DRAFT – Revised 12/03/07
and students to evaluate policy implementation. The committee will report to the Board of Education about implementation of the policy as required by law.

(cf. 9140 - Board Representatives)

Nutrition Education and Physical Activity Goals

The Board shall adopt goals for nutrition education, physical activity, and other school-based activities that are designed to promote student wellness in a manner that the district determines appropriate. (42 USC 1751 Note)

The district’s nutrition education and physical education programs shall be based on research, consistent with the expectations established in the state’s curriculum frameworks, and designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

(cf. 6011 - Academic Standards)
(cf. 6143 - Courses of Study)

Nutrition education shall be provided as part of the health education program in grades K-12 and, as appropriate, shall be integrated into core academic subjects and offered through before- and after-school programs.

(cf. 6142.8 - Comprehensive Health Education)

CUSD will provide all students in grades K-12 the opportunity, support, and encouragement to be physically active on a regular basis through physical education instruction and/or physical activity programs.

Integrated Nutrition Education

Integrated Nutrition education in CUSD aims to teach, encourage and support healthy eating by students. Teachers will work toward incorporating nutrition education into their instruction. At the secondary school level it is recommended that subject appropriate teachers incorporate nutrition education into their instruction.

Integrated nutrition education will provide students with the knowledge and skills necessary to promote and protect their health.

Physical Education and Physical Activity

All students in grades K-12 shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education, recess, school athletic programs, extracurricular programs, before- and after-school programs, and other structured and unstructured activities.

Physical education is a planned sequential program of curricula and instruction that helps students develop the knowledge, skills, and confidence necessary for an active lifestyle. Physical activity programs may provide participants with structured activity (games, sports, etc.), unstructured activity (walking programs, dance, etc.), or opportunities to participate in physical activity in the daily routine (walk-to-school programs, etc.).

Besides promoting high levels of personal achievement and a positive self-image, Physical Education activities should teach students how to cooperate in the achievement of common goals.

Policy Adopted: DRAFT – Revised 12/03/07
Staff Wellness

The Superintendent or designee shall encourage staff to serve as positive role models. He/she shall promote and may provide opportunities for regular physical activity among employees.

Professional development may include instructional strategies that assess health knowledge and skills and promote healthy behaviors.

(cf. 4131 - Staff Development)
(cf. 4331 - Staff Development)

Family and Community Involvement

The Board believes that family and community involvement and collaboration are key elements in supporting the healthy development of youth and their families. Long-term partnerships with diverse community groups are encouraged. The Board recommends partnerships that will promote health education activities for parents/guardians and community members.

To encourage consistent health messages between the home and school environment, the Superintendent or designee may disseminate health information to parents/guardians through district or school newsletters, handouts, parent/guardian meetings, the district or school web site, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.

(cf. 1113 - District and School Web Sites)
(cf. 6020 - Parent Involvement)

The Board discourages the marketing and advertising of non-nutritious foods and beverages through signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, coupon or incentive programs, or other means.

(cf. 1325 - Advertising and Promotion)

Nutrition Guidelines for Foods Available at School

The Board shall adopt nutrition guidelines selected by the district for all foods available on each campus during the school day, with the objectives of promoting student health and reducing childhood obesity. (42 USC 1751 Note)

The Board believes that foods and beverages available to students at district schools should support the health curriculum and promote optimal health. Nutrition standards adopted by the district for all foods and beverages sold to students on campus, including foods and beverages provided through the district's food service program, student stores, vending machines, fundraisers, or other venues, shall meet or exceed state and federal nutrition standards.

Policy Adopted: DRAFT – Revised 12/03/07
The Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes. He/she also shall encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior.

(cf. 1230 - School-Connected Organizations)

School staff shall encourage parents/guardians or other volunteers to support the district's nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties and by limiting foods or beverages that do not meet nutritional standards to no more than one food or beverage per party. Class parties or celebrations shall be held after the lunch period when possible.

Guidelines for Reimbursable Meals

Foods and beverages provided through federally reimbursable school meal programs shall meet or exceed federal regulations and guidance issued pursuant to 42 USC 1758(f)(1), 1766(a), and 1779(a) and (b), as they apply to schools. (42 USC 1751 Note)

In order to maximize the district's ability to provide nutritious meals and snacks, all district schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs, to the extent possible.

(cf. 3553 - Free and Reduced Price Meals)

Program Implementation and Evaluation

The Board shall establish a plan for measuring implementation of the policy. The Superintendent shall designate at least one person within the district and at each school who is charged with operational responsibility for ensuring that the school sites implement the district's wellness policy. (42 USC 1751 Note)

(cf. 0500 - Accountability)

The following indicators will be used to measure the implementation of the wellness policy districtwide and at each district school. These measures shall include, but not be limited to, an analysis of the nutritional content of meals served; student participation rates in school meal programs; sales of non-nutritious foods and beverages in fundraisers or other venues outside the district's meal programs; and feedback from food service personnel, school administrators, the school health council, parents/guardians, students, and other appropriate persons.

The Superintendent or designee shall report to the Board at least every two years on the implementation of this policy and any other Board policies related to nutrition and physical activity.
Assessment and Monitoring of the Wellness Policy

Representatives of the school district shall develop a plan for implementing the district wellness policy and measuring implementation of that policy. The district superintendent or designee shall designate at least one person from the administration, and one from Nutrition Services within CUSD that is charged with operational responsibility for ensuring that the school sites implement the adopted local wellness policy.

Posting Requirements

Each school shall post the district’s policies and regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas. (Education Code 49432)

Each school shall also post a summary of nutrition and physical activity laws and regulations prepared by the California Department of Education.

Legal Reference:

EDUCATION CODE
49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001
49490-49493 School breakfast and lunch programs
49500-49505 School meals
49510-49520 Nutrition
49530-49536 Child Nutrition Act
49540-49546 Child care food program
49547-49548.3 Comprehensive nutrition services
49550-49560 Meals for needy students
49565-49565.8 California Fresh Start pilot program
49570 National School Lunch Act
51222 Physical education
51223 Physical education, elementary schools

CODE OF REGULATIONS, TITLE 5
15500-15501 Food sales by student organizations
15510 Mandatory meals for needy students
15530-15535 Nutrition education
15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42
1751-1769 National School Lunch Program, especially:
1751 Note Local wellness policy
1771-1791 Child Nutrition Act, including:
1773 School Breakfast Program
1779 Rules and regulations, Child Nutrition Act

CODE OF FEDERAL REGULATIONS, TITLE 7
210.1-210.31 National School Lunch Program

Policy Adopted: DRAFT – Revised 12/03/07
220.1-220.21 National School Breakfast Program
Management Resources:

CSBA POLICY BRIEFS
The New Nutrition Standards: Implications for Student Wellness Policies, November 2005

CSBA PUBLICATIONS

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Healthy Children Ready to Learn, January 2005
Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003
Physical Education Framework for California Public Schools, Kindergarten Through Grade 12, 1994

CENTERS FOR DISEASE CONTROL PUBLICATIONS
School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2004

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION (NASBE) PUBLICATIONS
Fit, Healthy and Ready to Learn, 2000

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS
Dietary Guidelines for Americans, 2005

WEB SITES
CSBA: http://www.csba.org
California Department of Education, Nutrition Services Division: http://www.cde.ca.gov/ls/nu
California Department of Health Services: http://www.dhs.ca.gov
California Healthy Kids Resource Center: http://www.californiahealthykids.org
California Project LEAN (Leaders Encouraging Activity and Nutrition): http://www.californiaprojectlean.org
Centers for Disease Control and Prevention (CDC): http://www.cdc.gov
Dairy Council of California: http://www.dairycouncilofca.org
National Alliance for Nutrition and Activity: http://www.cspinet.org/nutritionpolicy/nana.html
National Association of State Boards of Education: http://www.nasbe.org
National School Boards Association: http://www.nsba.org
School Nutrition Association: http://www.schoolnutrition.org
Society for Nutrition Education: http://www.sne.org
TITLE: Public Disclosure and Approval of tentative agreement between CUSD and CSEA, Chapter 110

Action: X
Consent: ______
Information: January 16, 2008

Prepared by: Bob Feaster, Assistant Superintendent, Human Resources

Background Information:

CSEA, Chapter #110 ratified the attached tentative agreement at a meeting on December 11, 2007. This new article is the result of combining Article 14 (Negotiations) and Article 17 (Duration). When the successor contract is completed those articles will be deleted and the subsequent articles will be renumbered. When that renumbering occurs this new article will be Article 19.

Educational Implications:

There should be little or no educational implications as this article deals with the process of negotiations.

Fiscal Implications:

None

Additional Information:

Bargaining for the current contract is not yet completed. There will likely be other tentative agreements that will be ratified by CSEA #110 and subsequently will come to this Board.

Recommendation:

Approval of this tentative agreement.
Tentative Agreement
By and Between
Chico Unified School District
And the
California School Employees Association and its Chico Chapter #110

Article 19
(After renumbering occurs when articles 14 and 17 are eliminated)

NEGOITIATIONS/DURATION

19.1 Effective Date
This Agreement will become effective upon ratification by the parties and shall remain in effect through November 15, 2010

19.2 Re-Openers
Annually, if either party desires to alter, modify, or amend this Agreement, either party may submit a written initial proposal to the other party by personal delivery, certified mail or registered mail prior to March 15. Upon receipt of a written notice by either party, the District shall make arrangements pursuant to the provisions of the EEERA, including the Public Notice provision, for meeting and negotiating to commence.

19.2.1 Written notice to alter, modify, or amend this Agreement during the effective date of the Agreement is expressly limited to the Wages and Health and Welfare Benefits articles plus one additional article for either party.

19.2.2 The parties, if they mutually agree to do so in writing, may negotiate any portion of this Agreement during the effective date of the Agreement.

19.2.3 Pending a conclusion to the meeting and negotiating to modify any of the specific provisions in this Agreement, the provisions of this Agreement shall remain in full force and effect

19.3 Commencement of Negotiations
Following completion of the Public Notice requirement, no later than the third regularly scheduled board meeting after March 15, the other party's initial proposal will be submitted. Negotiations shall then commence at a mutually acceptable time and place.

19.4 Ratification of Agreement
If, during its term, the parties hereto should mutually agree to attempt to agree to modify, amend or alter the provisions of this Agreement in any respect, any such changes shall be reduced to writing, signed by the
authorized representatives of the District and CSEA and ratified by the parties. Any such changes validly made shall become a part of this Agreement and subject to its terms of automatic renewal or termination. These same provisions shall apply to any Successor Agreement negotiated by the parties.

19.5 Procedures

The parties agree to utilize the Interest Based Bargaining (IBB) process during the term of this Agreement. The District will fund the training, the meetings, and the facilitator. Training in the IBB process will be provided as necessary to the teams by mutual agreement. Either party may terminate this section of the Collective Bargaining Agreement with ninety (90) days written notice.

19.6 Successor Agreement / Extension of Agreement

Either party may initiate negotiations for a Successor Agreement by providing appropriate written notice to the other party by March 15 of the calendar year in which the this Agreement expires. If, on or before March 15 of the year in which this Agreement expires, and March 15 of subsequent years, neither party gives appropriate written notice to the other of its desire to modify or terminate this Agreement, this Agreement shall be extended for another year.
PROPOSED AGENDA ITEM: Board Policy Series 4000 (Personnel)

Prepared by: Bob Feaster, Assistant Superintendent, HR

☐ Consent
☒ Information Only
☐ Discussion/Action

Board Date: January 16, 2008

Background Information:

In order to govern effectively, Districts are required to have accurate and up-to-date Board Policies. By law, Districts are mandated to adopt many policies to ensure legal compliance. Working in conjunction with California School Boards Association (CSBA) Policy Services, CUSD continues to update and revise Board Policies to ensure that CUSD is legally compliant.

Educational Implications:

Up-to-date policies provide clarity to the expectations of students, parents and staff.

Fiscal Implications:

CUSD is required to have up-to-date and legally compliant policies. Failure to have such policies in place jeopardizes funding opportunities, especially with respect to Categorical dollars.

Recommendation:

This is the first reading of this series. No action is required at this time.
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All Personnel

CONCEPTS AND ROLES

The Board of Education recognizes that the success of district students and programs hinges on effective personnel. The Board desires to establish safe and supportive working conditions that will attract and retain staff members who are highly qualified and dedicated to the education and welfare of students. The district's personnel policies and related regulations shall be designed to ensure a supportive, positive climate and shall be consistent with collective bargaining agreements and in conformance with state and federal law and regulations.

As the legal representative of the district in negotiations with employee representatives, the Board shall set goals and guidelines for collective bargaining, maintain communications during the bargaining process, and adopt the negotiated contract. Terms and conditions of employment which have been negotiated and stated in employee contracts shall have the force of policy. The Board shall hear employee complaints and appeals when such hearings are in accordance with Board policy or negotiated agreements. The Board shall also adopt wage and salary schedules and may commit budget funds for staff development so that staff members may continue developing their skills.

(cf. 4131 - Staff Development)
(cf. 4141/4241 - Collective Bargaining Agreement)
(cf. 4143/4243 - Negotiations/Consultation)
(cf. 4144/4244/4344 - Complaints).
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 9000 - Role of the Board)

The Superintendent has primary responsibility for overseeing the district's personnel system. To support this effort, the Board shall approve a framework for sound hiring practices. The Superintendent shall nominate all personnel for employment, and the Board shall approve only those persons so recommended. Individuals who approach Board members regarding prospective employment shall be referred to the Superintendent or designee.

(cf. 4030 - Nondiscrimination in Employment)
(cf. 4111 - Recruitment and Selection)
(cf. 4211 - Recruitment and Selection)
(cf. 4311 - Recruitment and Selection)

The Superintendent or designee shall assign and supervise the work of all employees and shall evaluate their work in accordance with effective accountability systems approved by the Board. The Superintendent or designee also shall recommend disciplinary action which the Board may take against employees when warranted pursuant to Board policy, administrative regulations and/or state or federal law.

(cf. 4115 - Evaluation/Supervision)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4215 - Evaluation/Supervision)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 4315 - Evaluation/Supervision)

The Board recognizes that every employee has a stake in the district's successful operation. The Board encourages all district employees to express their ideas, concerns and proposals related to the improvement of working conditions and the total educational program. The Superintendent or designee shall establish procedures whereby he/she will receive and consider employee suggestions and submit them, when appropriate, for consideration by the Board.

Policy Adopted:
Legal Reference:

EDUCATION CODE
35020 Duties of employees fixed by governing board
35035 Powers and duties of superintendent
35160 Powers of governing board

GOVERNMENT CODE
3540-3549.3 Public education employer-employee relations

Policy Adopted:
All Personnel

DRUG AND ALCOHOL-FREE WORKPLACE

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

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

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

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

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

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

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

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

A classified employee may be reemployed after conviction of such an offense if the Board determines, from the evidence presented, that the person has been rehabilitated for at least five years. (Education Code 45123)

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

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

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

1. The dangers of drug and alcohol abuse in the workplace

Policy Adopted:
2. The district policy of maintaining drug- and alcohol-free workplaces

3. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs
   (cf. 4159/4259/4359 - Employee Assistance Programs)

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

Legal Reference:

**EDUCATION CODE**
44011 Controlled substance offense
44425 Conviction of controlled substance offenses as grounds for revocation of credential
44836 Employment of certificated persons convicted of controlled substance offenses
44940 Compulsory leave of absence for certificated persons
44940.5 Procedures when employees are placed on compulsory leave of absence
45123 Employment after conviction of controlled substance offense
45304 Compulsory leave of absence for classified persons

**GOVERNMENT CODE**
8350-8357 Drug-free workplace

**UNITED STATES CODE, TITLE 20**
7111-7117 Safe and Drug Free Schools and Communities Act

**UNITED STATES CODE, TITLE 21**
812 Schedule of controlled substances

**CODE OF FEDERAL REGULATIONS, TITLE 21**
1308.01-1308.49 Schedule of controlled substances

Policy Adopted:
All Personnel

NONDISCRIMINATION IN EMPLOYMENT

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

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

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

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

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

The Superintendent or designee shall regularly publicize, within the district and in the community, the district’s nondiscrimination policy and the availability of complaint procedures. Such publication shall be included in each announcement, bulletin or application form that is used in employee recruitment. (34 CFR 100.6, 106.9)

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

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

Assistant Superintendent Human Resources or
Director, Classified Human Resources
1163 East Seventh Street
Chico, CA 95938
(530) 891-3000

Other Remedies

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

1. To file a valid complaint with DFEH, the employee must file his/her complaint within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960. (Government Code 12960)

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

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

Legal Reference:
CIVIL CODE
51.7 Freedom from violence or intimidation
GOVERNMENT CODE
11135 Unlawful discrimination
12990-12996 Fair Employment and Housing Act
PENAL CODE
422.76 Definitions, hate crimes
CODE OF REGULATIONS, TITLE 2
7287.6 Terms, conditions and privileges of employment
CODE OF REGULATIONS, TITLE 5
4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance
UNITED STATES CODE, TITLE 20
1681-1688 Discrimination based on sex or blindness, Title IX
UNITED STATES CODE, TITLE 29
794 Section 504 of the Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
2000h-2-2000h-6 Title IX, 1972 Education Act Amendments
12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.101-35.190 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 34
100.6 Compliance information
104.8 Notice
106.8 Designation of responsible employee and adoption of grievance procedures
106.9 Dissemination of policy
COURT DECISIONS

Management Resources:
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999
Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, March, 1999
U.S. DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTS
Notice of Non-Discrimination, January, 1999
WEB SITES
EEOC: http://www.eeoc.gov
OCR: http://www.ed.gov/offices/OCR
DFEH: http://www.dfeh.ca.gov

Policy Adopted:
All Personnel

EMPLOYEE USE OF TECHNOLOGY

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

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

Employees shall be responsible for the appropriate use of technology and shall use the district's technological resources primarily for purposes related to their employment.

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

Employees shall be notified that computer files and electronic communications, including email and voice mail, are not private. Technological resources shall not be used to transmit confidential information about students, employees, or district operations without authority.

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

Online/Internet Services

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

To ensure proper use, the Superintendent or designee may monitor employee usage of technological resources, including the accessing of email and stored files. Monitoring may occur at any time without advance notice or consent.

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

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

Use of Cellular Phone or Mobile Communications Device

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

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

Legal Reference:

EDUCATION CODE
51870-51874 Education technology
52270-52272 Education technology and professional development grants
52295.10-52295.55 Implementation of Enhancing Education Through Technology grant program

GOVERNMENT CODE
3543.1 Rights of employee organizations

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

VEHICLE CODE
23123 Wireless telephones in vehicles
23125 Wireless telephones in school buses

UNITED STATES CODE, TITLE 20
6781-6777 Enhancing Education Through Technology Act, Title II, Part D, especially:
6777 Internet safety

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

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

Management Resources:

WEB SITES
CSBA: http://www.csba.org
American Library Association: http://www.ala.org
California Department of Education: http://www.cde.ca.gov

Policy Adopted:
CERTIFICATED PERSONNEL

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

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

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

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

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

(cf. 4131 - Staff Development)

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

Legal Reference:
EDUCATION CODE
90 Definition, certificated and certified
44006 Certificated person
44490-44497 Mentor teacher program
GOVERNMENT CODE
3543.2 Scope of representation
Certificated Personnel

RECRUITMENT AND SELECTION

The Board of Education desires to employ the most highly qualified and appropriate person available for each open position in order to improve student achievement and efficiency in district operations.

(cf. 4000 - Concepts and Roles)
(cf. 4100 - Certificated Personnel)
(cf. 4300 - Certificated Management and Confidential Personnel)

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

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

The Superintendent or designee shall develop selection procedures that identify the best possible candidate for each position based on screening processes, interviews, observations and recommendations from previous employers. He/she may establish an interview committee, as appropriate, to rank candidates and recommend finalists. All discussions and recommendations shall be confidential in accordance with law.

During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. No inquiry shall be made with regard to any category of discrimination prohibited by state or federal law.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 4032 - Reasonable Accommodation)
(cf. 4111.2/4211.2/4311.2 - Legal Status Requirement)

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

(cf. 4112 - Appointment and Conditions of Employment)
(cf. 4112.2 - Certification)
(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)
(cf. 4212 - Appointment and Conditions of Employment)
(cf. 4312.1 - Contracts)

Legal Reference:

EDUCATION CODE
200-262.4 Prohibition of discrimination on the basis of sex
44066 Limitations on certification requirement
44259 Teaching credential; exception; designated subjects; minimum requirements
44735 Incentive grants for recruiting teachers for low-performing schools
44750-44754.5 Regional teacher recruitment centers
44830-44831 Employment of certificated persons
44858 Age or marital status in certificated positions
44859 Prohibition against certain rules and regulations re residency
45103-45138 Employment (classified employees)

Policy Adopted:
49406 Examination for tuberculosis
52051 Academic Performance Index

GOVERNMENT CODE
12900-12996 Fair Employment and Housing Act, including:
12940-12956 Discrimination prohibited; unlawful practices

UNITED STATES CODE, TITLE 8
1324a Unlawful employment of aliens
1324b Unfair immigration related practices

UNITED STATES CODE, TITLE 42
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
2000h-2-2000h-6 Title IX, 1972 Education Act Amendments
12101-12213 Americans with Disabilities Act

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

Management Resources:
CSBA PUBLICATIONS
Maximizing School Board Leadership: Human Resources, 1996

WEB SITES
Department of Fair Employment and Housing: http://www.dfeh.ca.gov
CalTeach: http://www.calteach.org
Education Job Opportunities Information Network: http://www.edjoin.org

Policy Adopted:
All Personnel

LEGAL STATUS REQUIREMENT

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

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 4111 - Recruitment and Selection)
(cf. 4211 - Recruitment and Selection)
(cf. 4311 - Recruitment and Selection)

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

Legal Reference:

UNITED STATES CODE, TITLE 8
1324(a)(b) Immigration and Nationality Act, as amended by Immigration Reform and Control Act of 1986 and Immigration Act of 1990

CODE OF FEDERAL REGULATIONS, TITLE 8
274a.1-a.14 Control of Employment of Aliens

Management Resources:

WEB SITES
Immigration and Naturalization Service: http://www.ins.usdoj.gov

Policy Adopted:
Certificated Personnel

CERTIFICATION

The Superintendent or designee shall ensure that persons employed in positions requiring certification qualifications possess the appropriate credential or permit from the Commission on Teacher Credentialing (CTC) authorizing their employment in such positions.

(cf. 4111 - Recruitment and Selection)
(cf. 4112.21 - Interns)
(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)
(cf. 4112.23 - Special Education Staff)
(cf. 4113 - Assignment)
(cf. 4116 - Probationary/Permanent Status)
(cf. 4121 - Temporary/Substitute Personnel)
(cf. 5148 - Child Care and Development)

When a fully credentialed teacher is not available, the district may employ a person with a short-term staff permit or provisional internship permit under the conditions and limitations provided in state and federal law.

As necessary, all teachers of core academic subjects shall meet the requirements of the No Child Left Behind Act. (20 USC 6319, 7801; 5 CCR 6100-6125)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

National Board for Professional Teaching Standards Certification

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

Legal Reference:
EDUCATION CODE
8360-8370 Qualifications of child care personnel
32340-32341 Unlawful issuance of a credential
42647 Drawing of warrants
44066 Limitations on certification requirements
44200-44405 Teacher credentialing, especially:
44225.6 CTC annual report on credentials, internships and emergency permits
44225.7 Priorities for recruitment when fully prepared teacher not available
44251 Period of credentials
44252 Standards and procedures for issuance; proficiency testing of basic skills
44252.5 State basic skills assessment required for certificated personnel
44259 Minimum requirements for teaching credential.
44259.5 Standards for teachers of all students, including English language learners
44259.8 Alternative means of entering teaching profession
44270.3-44270.4 Out-of-state credentials, administrative services
44274-44274.5 Out-of-state credentials
44275.3 Employment of teachers with out-of-state credentials
44277 Requirements for maintaining valid credentials
44278 Credential appeal
44300-44301 Emergency permits
44302 CTC notification re district options when fully qualified teacher not available

Policy Adopted:
44305-44308 Pre-internship teaching certificates
44325-44329 District Interns
44330-44335 Certificates and credentials
44395-44399 National Board for Professional Teaching Standards
44464 Period of validity of Internship credential
44468 Early completion of internship program
44500-44508 Peer Assistance and Review Program for Teachers
44662 Performance evaluation; Staff Act review
44735 Teaching as a priority block grant
44751 Recruitment centers
44930-44939 Employment of certificated persons; requirement of proficiency in basic skills
56060-56063 Substitute teachers in special education
90530 Recruitment Centers

CODE OF REGULATIONS, TITLE 5
6100-6125 Teacher qualifications, No Child Left Behind Act
80001-80674.6 Commission on Teacher Credentialing

UNITED STATES CODE, TITLE 20
6311 Parental notifications
6312 District Title I plan
6319 Highly qualified teachers
7801 Definitions, highly qualified teacher

CODE OF FEDERAL REGULATIONS, TITLE 34
200.55-200.57 Highly qualified teachers
200.61 Parent notification regarding teacher qualifications

COURT DECISIONS

Management Resources:
CSBA PUBLICATIONS
Maximizing School Board Leadership: Human Resources, 1996

CTC PUBLICATIONS
Standards of Quality and Effectiveness for Professional Teacher Induction Programs, March 2002
Standards of Quality and Effectiveness for Professional Teacher Preparation Programs, September 2001
California Standards for the Teaching Profession, July 1997

U.S. DEPARTMENT OF EDUCATION GUIDANCE
Improving Teacher Quality State Grants, December 19, 2002

CSBA ADVISORIES
Teacher Credentialing Commission Eliminates Emergency Permits, August 2003

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

Policy Adopted:
Certificated Personnel

INTERNS

The Board of Education supports the use of interns to fulfill the district’s need for additional instructional resources and to enable future teachers to fulfill state credentialing requirements and link teaching theory with practice.

The Superintendent or designee may enter into an agreement with an accredited college or university to jointly provide supervised teaching experiences within the district as part of a teacher preparation program. He/she shall collaborate with the college or university in the selection, placement, support and performance assessment of interns.

Interns shall not be assigned to teach any classes outside the subject area, grade levels or classes authorized by their credential.

(cf. 4112.2 - Certification)
(cf. 4113 - Assignment)

Any intern hired to teach core academic subjects, as defined in law, shall be required to meet the definition of a “highly qualified” teacher adopted by the State Board of Education. (20 USC 6319, 7801; 5 CCR 6100-6112)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

Terms of employment for interns shall be consistent with law and/or the district’s collective bargaining agreement.

Interns shall be provided with ongoing feedback regarding their performance in order to enhance their skills and shall be formally evaluated at least once every year.

(cf. 4115 - Evaluation/Supervision)

The Superintendent or designee shall coordinate services offered to interns with services offered to beginning teachers in the district in order to provide continuity of preparation, support and assessment.

(cf. 4131 - Staff Development)

Pre-Intern Teaching Program

The Superintendent or designee shall provide intensive preparation, support and assistance to individuals with pre-intern certificates issued by the Commission on Teacher Credentialing in order to provide such employees with early, focused preparation in the subject matter they are assigned to teach and to assist them in progressing into a teacher internship program.

Pre-interns shall not be hired to teach core academic subjects, as defined in law, unless they meet the definition of a “highly qualified” teacher adopted by the State Board of Education. (20 USC 6319, 7801; 5 CCR 6100-6112)

Legal Reference:

EDUCATION CODE
300-340 English language education for immigrant children
44259 Minimum requirements for teaching credential
44279.1-44279.7 Beginning Teacher Support and Assessment System
44305-44306 Pre-Internship Teaching Program
44314 Diversified or liberal arts program
44321 CTC approval of internship programs

Policy Adopted:
44325-44329 District interns
44450-44468 Teacher Education Internship Act of 1967 (university interns)
44830.3 Employing district interns
44865.5 District interns classified as probationary employees
CODE OF REGULATIONS, TITLE 5
6100-6125 No Child Left Behind teacher requirements
13000-13017 New Careers Program
80055 Internship credential
UNITED STATES CODE, TITLE 20
6319 Highly qualified teachers
7801 Definitions, highly qualified teacher

Management Resources:

CTC PUBLICATIONS
CTC Credential Handbook, revised 1997
California’s Future: Highly Qualified Teachers for All Students, November 1997 (contains California Standards for the Teaching Profession)
Standards of Program Quality and Effectiveness for District Intern Programs, revised 1996

CTC CODED CORRESPONDENCE
03-0028 Changes in district intern programs as a result of Senate Bill 187, December 22, 2003
03-0066 Announcement of the availability of Individualized Internship Certificate, March 3, 2003

U.S. DEPARTMENT OF EDUCATION GUIDANCE
Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance, revised January 16, 2004

CSBA ADVISORIES
New Law Amends District Intern Program, September 2003

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

Policy Adopted:
Certificated Personnel

TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT

Recognizing the importance of teacher effectiveness in improving student achievement, the Governing Board desires to recruit and hire teachers who possess the subject matter knowledge and teaching skills required by the federal No Child Left Behind Act in programs for educationally disadvantaged students and for students in core academic subjects.

(cf. 4112.2 - Certification)
(cf. 4112.21 - Interns)
(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)
(cf. 4112.23 - Special Education Staff)

All teachers newly hired to teach core academic subjects in a program supported by Title I funds shall be "highly qualified," as defined by federal law and the State Board of Education. (20 USC 6319, 7801; 34 CFR 200.55; 5 CCR 6100-6126)

(cf. 6171 - Title I Programs)

All teachers who were hired prior to the beginning of the 2002-03 school year in Title I programs and all teachers of core academic subjects in non-Title I programs shall demonstrate that they are "highly qualified" not later than the end of the 2006-07 school year. (20 USC 6319, 7801; 34 CFR 200.55; 5 CCR 6100-6126)

The Superintendent or designee shall publicly report on the progress of the district's teachers toward becoming fully qualified. Such reports shall include, but need not be limited to, the percentage of teachers in core academic subjects, districtwide and at each school, who meet the definition of a "highly qualified" teacher in accordance with federal law, and the percentage of teachers who are receiving professional development to enable them to satisfy this definition. (20 USC 6319)

(cf. 4131 - Staff Development)

Legal Reference:

EDUCATION CODE
44500-44508 Peer Assistance and Review Program for Teachers
44652 Performance evaluation; Staff Act review
44664 Teacher evaluation; program to improve performance
CODE OF REGULATIONS, TITLE 5
6100-6126 Teacher qualifications, No Child Left Behind Act
80021 Short-term staff permit
80021.1 Provisional Internship permit
80089.3-80089.4 Subject matter authorizations
UNITED STATES CODE, TITLE 20
1401 Definition of highly qualified special education teacher
6311 Parental notifications
6312 District Title I plan
6314 Schoolwide programs
6315 Targeted assistance schools
6319 Highly qualified teachers
7801 Definitions, highly qualified teacher
CODE OF FEDERAL REGULATIONS, TITLE 34
200.55-200.57 Highly qualified teachers
200.61 Parent notification regarding teacher qualifications

Policy Adopted:
Management Resources:

**CSBA ADVISORIES**
California's implementation of the No Child Left Behind Act, July 2003

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

**COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS**
Standards of Quality and Effectiveness for Professional Teacher Induction Programs, March 2002
Standards of Quality and Effectiveness for Professional Teacher Preparation Programs, September 2001
California Standards for the Teaching Profession, July 1997

**U.S. DEPARTMENT OF EDUCATION GUIDANCE**
New No Child Left Behind Flexibility: Highly Qualified Teachers, Fact Sheet, March 15, 2004
Highly Qualified Teachers: Improving Teacher Quality State Grants, ESEA Title II, Part A, Non-Regulatory Guidance, revised August 3, 2005

**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
All Personnel

EMPLOYEE DRUG TESTING

The Board of Education maintains a drug and alcohol-free workplace. In accordance with law, all employees shall render service without using, possessing, being impaired by or being under the influence of alcohol or drugs.

(cf. 4020 - Drug and Alcohol-Free Workplace)
(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

Reasonable Suspicion Testing

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

Legal Reference:
EDUCATION CODE
44830 Medical certificate; periodic medical examination
45122 Physical examinations
GOVERNMENT CODE
6350-8357 Drug-free workplace
12940 Unlawful employment practices
CODE OF REGULATIONS, TITLE 5
5504 Medical certification procedures
UNITED STATES CODE, TITLE 20
7101-7184 Safe and Drug-Free Schools and Communities Act
UNITED STATES CODE, TITLE 41
701-707 Drug-Free Workplace Act
COURT DECISIONS
Leder v. City of Glendale, (1997) 14 Cal. 4th 846
International Brotherhood of Teamsters v. Department of Transportation, (1991) 932 F.2d 1292

Policy Adopted:
All Personnel

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

The Governing Board desires to ensure that district-provided transportation is safe for students, staff, and the public. To that end, the Superintendent or designee shall establish a drug and alcohol testing program for all district drivers and other employees who hold a commercial driver's license which is necessary to perform duties related to their employment with the district. This program shall be designed to fulfill the requirements of state and federal law.

(cf. 3540 - Transportation)
(cf. 3543 - Transportation Safety and Emergencies)

The district's testing program shall include pre-employment drug testing and reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing of drivers. (49 USC 31306)

The Superintendent or designee shall contract for testing services and shall ensure that testing contractors and procedures are certified by the U.S. Department of Health and Human Services to conduct drug specimen analysis and to conform to the requirements of federal law.

(cf. 3542 - School Bus Drivers)
(cf. 4020 - Drug and Alcohol-Free Workplace)

No driver may operate a district vehicle when his/her blood alcohol content is found to be .01 percent or greater. A driver shall not consume alcohol while on duty or for four hours prior to on-duty time and up to eight hours following an accident or until he/she undergoes a post-accident test, whichever occurs first. A driver shall not report for duty or remain on duty that requires performing safety-sensitive functions when the driver uses a controlled substance, unless so instructed by a physician. (49 CFR 382.205, 382.207, 382.209; Vehicle Code 34520.3; 13 CCR 1213.1)

Any driver who tests positive for alcohol or drugs or who refuses to submit to a test shall be removed from safety-sensitive functions and may be subject to disciplinary action up to and including dismissal in accordance with law, administrative regulations, and the district's collective bargaining agreement.

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

The Superintendent or designee shall ensure that each driver receives an explanation of the federal regulations and the district's policy and procedure in accordance with law. In addition, each driver shall sign a statement certifying that he/she has received a copy of the above materials. Representatives of employee organizations shall be notified of the availability of this information. (49 CFR 382.601)

(cf. 4112.9 - Employee Notifications)

Legal Reference:

EDUCATION CODE
35160 Authority of governing boards
VEHICLE CODE
34500-34520.5 Safety regulations
CODE OF REGULATIONS, TITLE 13
1200-1293 Motor carrier safety, especially:
1213.1 Placing drivers out-of-service

Policy Adopted:
UNITED STATES CODE, TITLE 49
31306 Alcohol and controlled substances testing
41501-41507 Transportation Employee Testing Act
CODE OF FEDERAL REGULATIONS, TITLE 49
40.1-40.413 Part 40, Procedures for transportation workplace drug and alcohol testing programs
382.101-382.605 Controlled substance and alcohol use and testing; especially:
382.205 On-duty use
382.207 Pre-duty use
382.209 Use following an accident

Management Resources:
WEB SITES
California Highway Patrol: http://www.chp.ca.gov

Policy Adopted:
All Personnel

EMPLOYMENT REFERENCES

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

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

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

Legal Reference:
LABOR CODE
1050-1054 Reemployment privileges
CIVIL CODE
47 Privileged communication
CODE OF CIVIL PROCEDURE
527.3 Labor disputes
CODE OF REGULATIONS, TITLE 5
80332 Professional candor and honesty in letters or memoranda of employment recommendation
COURT DECISIONS

Policy Adopted:
All Personnel

EMPLOYMENT OF RELATIVES

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

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

(cf. 9270 - Conflict of Interest)

Legal Reference:

GOVERNMENT CODE
12940 Unlawful employment practices, exceptions

Policy Adopted:
Certificated Personnel

ASSIGNMENT

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

(cf. 4112.2 - Certification)
(cf. 4112.21 - Interns)
(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)
(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.

(cf. 4114 - Transfers)
(cf. 4114/4241 - Collective Bargaining Agreement)

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

Teachers shall be assigned to teach core academic subjects in Title I and non-Title I programs in accordance with the requirements of the No Child Left Behind Act pertaining to teacher qualifications. (20 USC 6319, 7801; 5 CCR 6100-6125)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)
(cf. 6171 - Title I Programs)

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

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

Committee on Assignments

The Superintendent or designee may establish a committee on assignments which may grant approval for the voluntary assignment of full-time teachers to teach one or more elective courses outside their credential authorization in an area for which they have special skills or preparation. (Education Code 44258.7)

Legal Reference:
EDUCATION CODE
35035 Additional powers and duties of superintendent
37616 Assignment of teachers to year-round schools
44250-44279 Credentials and assignments of teachers
44395-44398 Incentives for assigning NBPTS-certified teachers to low-performing schools
44824 Assignment of teachers to weekend classes
44955 Reduction in number of employees
GOVERNMENT CODE

Policy Adopted:
3543.2 Scope of representation
CODE OF REGULATIONS, TITLE 5
6100-6125 Teacher qualifications, No Child Left Behind Act
UNITED STATES CODE, TITLE 20
6319 Highly qualified teachers
7801 Definitions, highly qualified teacher
CODE OF FEDERAL REGULATIONS, TITLE 34
200.55-200.57 Highly qualified teachers

Management Resources:
WEB SITES
Commission on Teacher Credentialing: http://www.ctc.ca.gov
California Department of Education: http://www.cde.ca.gov

Policy Adopted:
All Personnel

TEMPORARY MODIFIED/LIGHT-DUTY ASSIGNMENT

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

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

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

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

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

Policy Adopted:
Certificated Personnel

EVALUATION/SUPERVISION

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

(cf. 4141/4241 - Collective Bargaining Agreement)

Objective standards from the National Board for Professional Teaching Standards and/or the California Standards for the Teaching Profession shall be reviewed and may be incorporated in district evaluation standards with the agreement of the exclusive representative of the certificated staff.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4140/4240 - Bargaining Units)
(cf. 4315.1 - Staff Evaluating Teachers)

Evaluation procedures may include observation of teacher performance in the classroom.

The Superintendent or designee shall ensure that evaluation ratings have uniform meaning throughout the district.

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

(cf. 4131 - Staff Development)
(cf. 4139 - Peer Assistance and Review)

Legal Reference:

EDUCATION CODE
33039 State guidelines for teacher evaluation procedures
35171 Availability of rules and regulations for evaluation of performance
44500-44508 Peer assistance and review program for teachers
44660-44665 Evaluation and assessment of performance of certificated employees (the Stull Act)

GOVERNMENT CODE
3543.2 Scope of representation
UNITED STATES CODE, TITLE 20
6319 Highly qualified teachers
7801 Definition of highly qualified teacher

Management Resources:

CTC PUBLICATIONS
Standards for the Quality and Effectiveness for Beginning Teacher Support and Assessment Programs, 1997
California Standards for the Teaching Profession, 1997

WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
California Commission on Teacher Credentialing: http://www.ctc.ca.gov
National Board for Professional Teaching Standards: http://www.nbpts.org

Policy Adopted:
Certificated Personnel

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

Policy Adopted:
Certificated Personnel

PRERETIREMENT PART-TIME EMPLOYMENT

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

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

Legal Reference:

EDUCATION CODE
22713 Part-time employment; reduction of workload from full-time; credit
44922 Regulations; reduction to part-time employment

GOVERNMENT CODE
20815 Part-time employee; retirement with benefits based upon salary on full-time basis
53201 Health and welfare benefits: election by officers and employees; deduction of premiums or charges from
Certificated Personnel

EARLY RETIREMENT OPTION

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

2 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 and the ability to satisfy federal requirements for highly qualified teachers pursuant to 20 USC 6319.

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

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.

2+2 Retirement Incentive: 2 Years of Service Credit + 2 Years of Age Credit
As an incentive to early retirement for certificated employees participating in the State Teachers' Retirement System, the Board may offer an additional two years of service credit and two years of age credit to employees who retire within the "window period" established by the Board in a Memorandum of Understanding or by Board action prior to January 1, 2005 pursuant to repealed Education Code 22714.5.

(cf. 4117.12/4317.12 - Retirement Consultancy Contracts)

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:
All Personnel

REMISSION

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 Education encourages employees to provide advance notice that is appropriate for the position they hold.

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

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

(cf. 4117.7 - Employment Status Reports)

Legal Reference:

EDUCATION CODE
35161 Board delegation of any powers or duties
4242.5 Reports of change in employment status, alleged misconduct
44420 Failure to fulfill contract as ground for suspension of diplomas and certificates
44433 Unauthorized departure from service as unprofessional conduct
44930 Acceptance and date of resignation
45201 Power to accept resignation

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

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

Policy Adopted:
Certificated Personnel

PERSONNEL REDUCTION

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

1. Declining enrollment, provided that the percentage of reduction in probationary and permanent certificated personnel shall not exceed the corresponding percentage of student attendance lost.

2. Reduction or discontinuance of programs or services.


4. The fiscal crisis that may occur after enactment of the Budget Act when the total revenue limit per ADA has not increased by at least two percent (Education Code 44955.5).

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

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

(cf. 4113 - Assignment)
(cf. 4115 - Evaluation/Supervision)
(cf. 4117.4 - Dismissal)

Legal Reference:

EDUCATION CODE
44830 Employment of certificated persons
44949 Dismissal of probationary employees
44955 Reduction in number of permanent employees
44955.5 Termination of certificated employees
44956-44959.5 Rights of employees

GOVERNMENT CODE
3543.2 Scope of representation

COURT DECISIONS

Policy Adopted:
Certificated Personnel

SUSPENSION/DISCIPLINARY ACTION

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

(cf. 4141/4241 - Collective Bargaining Agreement)

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

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

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 4032 - Complaints Concerning Discrimination in Employment)
(cf. 4117.4 - Dismissal)
(cf. 4119.11/4218.11/4319.11 - Sexual Harassment)

Legal Reference:
EDUCATION CODE
44009 Conviction of specified crimes
44010 Sex offense - definitions
44011 Controlled substance offense - definitions
44660-44665 Evaluation and assessment of performance of certificated employees
44830.1 Criminal record summary certificated employees
44932 Grounds for dismissal of permanent employee
44933 Other grounds for dismissal
44938 Unprofessional conduct or unsatisfactory performance; notice of charges
44940 Sex offenses and narcotic offenses; compulsory leave of absence
44940.5 Compulsory leave of absence; procedures; extension; compensation; bond or security; reports
44942 Suspension or transfer of certificated employee on grounds of mental illness
44944 Conduct of hearing
44948.3 Dismissal of employees on probation
45055 Drawing of warrants for teachers
51530 Advocacy or teaching of communism
GOVERNMENT CODE
3543.2 Scope of representation
HEALTH AND SAFETY CODE
11054 Schedule I; substances included
11055 Schedule II, substances included
11056 Schedule III, substances included
11357-11361 Marijuana
11363 Peyote
11364 Opium
11370.1 Possession of controlled substances with a firearm
PENAL CODE
667.5 Prior prison terms, enhancement of prison terms
1192.7 Plea bargaining limitation
COURT DECISIONS

Policy Adopted:
All Personnel

CIVIL AND LEGAL RIGHTS

The Board of Education 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 religious or political activities, or lack thereof, shall not be grounds for any discrimination or disciplinary action by the district, provided that these 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)

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

Whistleblower Protection

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 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 pica 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)

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

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

An employee who has disclosed improper governmental activity and believes that he/she has subsequently been subjected to acts or attempted acts of reprisal shall file a written complaint in accordance with the district's complaint procedures. After filing a complaint with the district, he/she may also file a copy of the complaint with local law enforcement in accordance with Education Code 44114.

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

Protection Against Liability

No employee shall be liable for harm caused by his/her act or omission when acting within the scope of employment or district responsibilities. For the protection against liability to apply, the act or omission must be in

Policy Adopted:
conformity with federal, state and local laws and must be in furtherance of an effort to control, discipline, expel or suspend a student, or to maintain order or control in the classroom or school. (20 USC 6736)

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

The protection against liability shall not apply when: (20 USC 6736)

1. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to the harmed person's right to safety.

2. The employee caused harm by operating a motor vehicle.

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.

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.

Legal Reference:

EDUCATION CODE
200-262.4 Prohibition of discrimination on the basis of sex
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
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
3640.1 Public employment definitions
3643.5 Interference with employee's rights prohibited
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
2000c-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

Management Resources:

WEB SITES
California Attorney General: http://caag.state.ca.us

Policy Adopted:
All Personnel

SEXUAL HARASSMENT

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

(cf. 4030 - Nondiscrimination in Employment)

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

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

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

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

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

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

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

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

Any district employee or job applicant who feels that he/she has been sexually harassed, or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately report the incident to his/her supervisor, the principal, district administrator or Superintendent.

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

Complaints of sexual harassment shall be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

(cf. 4031 - Complaints Concerning Discrimination 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 against a district employee, job applicant or student, is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

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

Policy Adopted:
Legal Reference:

EDUCATION CODE
200-262.4 Prohibition of discrimination on the basis of sex
GOVERNMENT CODE
12990-12996 Fair Employment and Housing Act
LABOR CODE
1101 Political activities of employees
1102.1 Discrimination: sexual orientation
CODE OF REGULATIONS, TITLE 2
7287.8 Retaliation
CODE OF REGULATIONS, TITLE 5
4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance
UNITED STATES CODE, TITLE 42
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
2000h-2-2000h-6 Title IX, 1972 Education Act Amendments
CODE OF FEDERAL REGULATIONS, TITLE 34
106.9 Dissemination of policy
COURT DECISIONS
Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026
Juarez v. Ameritech Mobile Systems, (N.D. Ill.) 746 F.Supp. 798
Dornhecker v. Malibu Grand Prix Corp., (9th Cir. 1987) 828 F.2d. 307

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL Protecting Students from Harassment and Hate Crime, January, 1999
WEB SITES
California Department of Fair Employment and Housing: http://www.dfeh.ca.gov

Policy Adopted:
All Personnel

PROFESSIONAL STANDARDS

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

(cf. 0000 - Vision)
(cf. 4112.2 - Certification)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

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

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

Legal Reference:

CODE OF REGULATIONS, TITLE 5
80331-80338 Rules of conduct for professional educators

Management Resources:

CDE PUBLICATIONS
California Professional Standards for Educational Leaders, 2001
COUNCIL OF CHIEF STATE SCHOOL OFFICERS PUBLICATIONS
Standards for School Leaders, 1996
NATIONAL EDUCATION ASSOCIATION PUBLICATIONS
Code of Ethics of the Education Profession, 1975
WEB SITES
CDE: http://www.cde.ca.gov
Commission on Teacher Credentialing: http://www.ctc.ca.gov
Association of California School Administrators: http://www.acsa.org
California School Leadership Academy: http://www.csla.org
Council of Chief State School Officers: http://www.ccsso.org
California Teachers Association: http://www.cta.org
California Federation of Teachers: http://www.cft.org
California School Employees Association: http://www.csea.com

Policy Adopted:
Certificated Personnel

DRESS AND GROOMING

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

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

Legal Reference:
EDUCATION CODE
35160 Authority of governing boards
35160.1 Broad authority of school districts
GOVERNMENT CODE
3543.2 Scope of Representation
COURT DECISIONS
San Mateo City School District v. PERB (1983) 33 Cal. 3d 850
Domino v. Rapids Parish School Board (5th Cir. 1982) 675 F.2d 100
East Hartford Education Assn. v. Board of Education (2d Cir. 1977) 562 F. 2d 856
Miller v. School District No. 167 (7th Cir. 1974) 495 F.2d 659
PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS
Inglewood Unified School District (1988) PERB 1700
All Personnel

UNAUTHORIZED RELEASE OF CONFIDENTIAL/PRIVILEGED INFORMATION

The Board of Education recognizes 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 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

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.

Policy Adopted:
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:

**EDUCATION CODE**
35010 Control of district; prescription and enforcement of rules
35146 Closed sessions
35160 Authority of governing boards
44311 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.csbe.org
POLITICAL ACTIVITIES OF EMPLOYEES

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

ATTORNEY GENERAL OPINIONS

PERB RULINGS
California Federation of Teachers, Local 1931 v. San Diego Community College District (2001) PERB Order #1457
(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

Policy Adopted:
All Personnel

EMPLOYEES WITH INFECTIOUS DISEASE

The Board of Education encourages each employee to inform the district as soon as possible if he/she contracts an infectious disease which creates a physical or mental disability. The Board will reasonably accommodate the needs of such individuals.

The Board may reassign or grant disability leave to an employee who is unable to perform his/her job responsibilities because of illness or because the employee's illness significantly endangers his/her health or safety or the health or safety of others.

(cf. 4181.1/4361.1 - Personal Illness/Injury Leave)
(cf. 4281.1 - Personal Illness/Injury Leave)

No employee will be discriminated against because of his/her disability. Legal protections established for disabled persons extend to individuals significantly impaired by infectious diseases.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 4112.4/4212.4/4312.4 - Health Examinations)

When informed that an employee has a disabling infectious disease, the Superintendent or designee may request that the employee sign a release form to provide confidential medical information and records.

In determining a reasonable accommodation of the employee's condition, the Superintendent or designee may consult with public health officials or physicians with expertise in the diagnosis and treatment of infectious disease. The Superintendent or designee may also communicate with the employee's physician regarding the employee's ability to perform the essential requirements of the job with reasonable accommodation and without posing significant health or safety risks to the employee or others.

The Superintendent or designee shall prepare a confidential report which includes his/her recommendation and the medical information upon which it is based. These recommendations shall take into consideration:

1. The nature of the disease and the probability of its being transmitted, including the duration and severity of the risk
2. The physical condition of the employee, including diagnosis, treatment, and prognosis of the condition
3. The actual requirements of the employee's job and the expected type of interaction with others in the school setting

This report shall be forwarded to the Board for confidential review and action.

The job assignment of an employee with a disabling infectious disease shall be reevaluated whenever there is a change in medical knowledge or in the employee's medical regimen or health which might affect his/her assignment.

Confidentiality

The Board and the Superintendent or designee shall ensure that employee rights to confidentiality are strictly observed. The district shall disclose medical record information only to the extent required or permitted by law. The medical records of any employee with a disabling infectious disease shall be held in strict confidence.

Policy Adopted:
Legal Reference:

CIVIL CODE
50-56.37 Confidentiality of medical information

GOVERNMENT CODE
12900-12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE
120978-121020 Mandated blood testing and confidentiality to protect public health

CODE OF REGULATIONS, TITLE 2
7293.5 et seq.

UNITED STATES CODE, TITLE 29
701 et seq. Rehabilitation Act

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

COURT DECISIONS
School Board of Nassau County, Fla. v. Arline, 408 U.S. 273 (1987)
EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

As part of its commitment to provide a safe and healthful work environment, the Board of Education recognizes the importance of developing an exposure control plan. The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace to protect employees from possible infection due to contact with bloodborne pathogens, including but not limited to hepatitis B virus, hepatitis C virus and human immunodeficiency virus (HIV).

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)
(cf. 4157/4257/4357 - Employee Safety)

The Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the district's exposure control plan, employees having occupational exposure shall be offered the hepatitis B vaccination.

The Superintendent or designee may exempt designated first aid providers from pre-exposure hepatitis B vaccination under the conditions specified by state regulations. (8 CCR 5193(f))

Any employee not identified by the Superintendent or designee as having occupational exposure may submit a request to the Superintendent or designee to be included in the training and hepatitis B vaccination program. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with any infectious material.

Legal Reference:
LABOR CODE
142.3 Authority of Cal/OSHA to adopt standards
144.7 Requirement to amend standards
CODE OF REGULATIONS, TITLE 8
3204 Access to employee exposure and medical records
5193 California bloodborne pathogens standards

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

Management Resources:
CDE ADVISORIES
1016.89 Guidelines for Informing School Employees about Preventing the Spread of Infectious Diseases, including Hepatitis B and AIDS/HIV Infections and Policies for Dealing with HIV-Infected Persons in School Settings
WEB SITES
OSHA: http://www.osha.gov
Cal/OSHA: http://www.dir.ca.gov/occupational_safety.html
Centers for Disease Control and Prevention: http://www.cdc.gov

Policy Adopted:
All Personnel

UNIVERSAL PRECAUTIONS

In order to protect employees from contact with potentially infectious blood or other body fluids, the Board of Education 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. 5141.1 - Accidents)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.23 - Infectious Disease Prevention)
(cf. 5141.24 - Specialized Health Care Services)
(cf. 5141.6 - Student Health and Social 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
117600-116360 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:
All Personnel

TEMPORARY ATHLETIC TEAM COACHES

The Board of Education recognizes the importance of hiring qualified temporary athletic team coaches for the district's sports program.

The Superintendent or designee shall establish qualification criteria for all athletic coaches in accordance with law and with district standards and priorities. These criteria shall ensure that all temporary coaches possess an appropriate level of competence, knowledge and skill.

Any certificated teacher employed by the district who applies for a position as a temporary athletic team coach and who satisfies the qualification criteria established for the position shall first be offered the position. (Education Code 44919)

In addition, all coaches shall be subject to Board policy, administrative regulation and the codes of ethical conduct published by the state and the California Interscholastic Federation.

(cf. 5131.1 - Bus Conduct)
(cf. 6145.2 - Athletic Competition)

Volunteer Coaches

Volunteer athletic team coaches who do not meet the district qualification criteria shall serve only under the supervision of a fully qualified coach and shall not be given charge of an athletic program.

(cf. 1240 - Volunteer Assistance)

Legal Reference:

EDUCATION CODE
35179.7 Interscholastic athletic program and activities
44010 Sex offense
44011 Controlled substance offense
44424 Conviction of a crime
44808 Liability when students are not on school property
44919 Classification of temporary employees

CODE OF REGULATIONS, TITLE 5
5531 Supervision of extracurricular activities of pupils
5590-5596 Duties of temporary athletic team coaches

COURT DECISIONS

Policy Adopted:
Certificated Personnel

STAFF DEVELOPMENT

The Board of Education believes that in order to maximize student learning certificated staff members must be continuously learning and improving their skills. The Superintendent or designee shall develop a program of ongoing professional development which includes opportunities for teachers and certificated teaching assistants to enhance their instructional and classroom management skills and increase their knowledge of academic content in the core curriculum. The program may include but is not limited to:

1. Mastery of discipline-based knowledge, including the state-adopted standards, and effective subject-specific pedagogical skills
   (cf. 6011 - Academic Standards)
   (cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
   (cf. 6142.5 - Environmental Education)
   (cf. 6142.6 - Visual and Performing Arts Education)
   (cf. 6142.7 - Physical Education)
   (cf. 6142.8 - Comprehensive Health Education)
   (cf. 6142.91 - Reading/Language Arts Instruction)
   (cf. 6142.92 - Mathematics Instruction)
   (cf. 6142.93 - Science Instruction)

2. Teaching methods and strategies, including the use of technologies to enhance instruction
   (cf. 0440 - District Technology Plan)
   (cf. 6162.7 - Use of Technology in Instruction)

3. Sensitivity to the needs of diverse student populations, including minorities, students with disabilities, English language learners and economically disadvantaged students, and ability to meet those needs
   (cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)
   (cf. 4112.23 - Special Education Staff)

4. Understanding of how academic and vocational instruction can be integrated and implemented to increase student learning; skill in evaluating and combining available instructional resources; opportunities to collaborate with other staff members in the alignment of academic and vocational curricula
   (cf. 6030 - Integrated Academic and Vocational Instruction)

5. Knowledge of strategies that enable parents/guardians to participate fully and effectively in their children's education
   (cf. 6020 - Parent Involvement)

6. Effective classroom management skills, ability to relate to students, understand their various stages of growth and development, and motivate them to learn

7. Training related to student health, safety and welfare
   (cf. 3515.5 - Sex Offender Notification)
   (cf. 5131.6 - Alcohol and Other Drugs)

Policy Adopted:
The district's staff development program shall provide maximum opportunities for staff participation without impacting the number of instructional days offered to students as required by law.

(cf. 6111 - School Calendar)

The Superintendent or designee shall approve staff development plans that are coordinated with school improvement objectives established by individuals who are closest to the classroom and most knowledgeable about the needs of the school and its students.

(cf. 0420.1 - School-Based Program Coordination)
(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)
(cf. 4131.6 - Professional Development Program)

The Superintendent or designee shall ensure that the district meets its obligations related to the professional growth of individual probationary and permanent teachers.

(cf. 4112.21 - Interns)
(cf. 4116 - Probationary/Permanent Status)
(cf. 4131.5 - Professional Growth)

Because the Board believes that intensive professional development is especially critical during the beginning years of a teacher's career, the Superintendent or designee shall participate in a program of individualized support and assistance for first-year and second-year teachers.

(cf. 4112.2 - Certification)

The Board may budget funds for actual and reasonable expenses incurred by staff who participate in staff development activities.

(cf. 3350 - Travel Expenses)

The Superintendent or designee shall provide a means for continual evaluation of the benefit of these activities to staff and students.

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE
44032 Travel expense payment
44299.5 Standards for preparation for all students
44277-44279 Professional growth requirements for maintaining valid credentials
44279.1-44279.7 Beginning Teacher Support and Assessment Program (BTSA)
44580 Inservice preparation in ethnic backgrounds
44570-44579 Inservice training - personnel, secondary education
44579-44579.5 Instructional Time and Staff Development Reform Program
44580-44591 Inservice training - personnel, elementary teachers
44630-44643 Professional Development and Program Improvement Act of 1968
44670.1-44680.8 School personnel staff development and resource centers

Policy Adopted:
44681-44689 Administrator training and evaluation
44700-44705 Classroom teacher instructional improvement program
44755-44759.7 Inservice training in reading instruction, grades K-3 and 4-8
48980 Notification of parents/guardians: schedule of minimum days
51210 Courses of study for grades 1-6
51220 Courses of study for grades 7-12
51226.3 Legislative intent for staff development on the Great Irish Famine
52800-52870 School-Based Program Coordination Act
54720-54734 School-Based Pupil Motivation and Maintenance Program
56240-56245 Staff development; service to persons with disabilities

GOVERNMENT CODE
3543.2 Scope of representation of employee organization

CODE OF REGULATIONS, TITLE 5
6000-6002 Instructional time and staff development reform program
13025-13044 Professional development and program improvement programs

UNITED STATES CODE, TITLE 20
6101-6251 School-to-Work Opportunities Act of 1994
6601-6702 Dwight D. Eisenhower Professional Development Program

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

Management Resources:

CTC PUBLICATIONS
California Standards for the Teaching Profession: A Description of Professional Practice for California Teachers, 1997

LABOR LAW REPORTER
Public Sector Labor Relations, Matthew Bender & Co., Inc. Rel. 2-591, Pub. 176, Section 11.05[14]

WEB SITES
CDE: http://www.cde.ca.gov

Policy Adopted:
Certificated Personnel

BEGINNING TEACHER SUPPORT/INDUCTION

The Governing Board recognizes that intensive professional development and support will help beginning teachers apply their academic preparation more effectively in the classroom and result in greater retention of capable beginning teachers. The Superintendent or designee shall ensure that first- and second-year teachers receive individualized guidance to help them make an effective transition into the teaching career.

(cf. 4131 - Staff Development)

The Superintendent or designee shall inform beginning teachers about induction programs that are available to help them fulfill the requirements of the professional clear multiple- or single-subject teaching credential pursuant to Education Code 44259.

(cf. 4112.2 - Certification)
(cf. 4112.21 - Interns)
(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

District-Sponsored Induction Program

When approved by the Commission on Teacher Credentialing (CTC) and the Superintendent of Public Instruction, the district may serve as a sponsor of an induction program. The program shall support beginning teachers in meeting the competencies described in the California Standards for the Teaching Profession adopted by the CTC, state-adopted academic content standards and performance levels for students, and state-adopted curriculum frameworks.

(cf. 6011 - Academic Standards)

Participation in the induction program shall be voluntary. (Education Code 45279.1)

Each participating teacher shall be assigned to a support provider who is an experienced teacher, knowledgeable about beginning teacher development and needed competencies, and effective in interpersonal and communication skills. The Superintendent or designee shall develop processes for identifying support providers and pairing the providers with participating teachers.

Professional development provided to a participating teacher shall be based on an individual induction plan which takes into consideration the teacher’s prior preparation and experience. The participating teacher’s knowledge and classroom practice shall be regularly assessed using multiple measures, and the results shall be used to monitor and revise subsequent individual induction plans.

The Superintendent or designee shall maintain a complete record of each participating teacher’s participation and progress toward completion of professional credential requirements.

The Superintendent or designee shall conduct an annual evaluation of the induction program and shall report to the Board regarding its effectiveness in meeting district program goals and state standards.

(cf. 0500 - Accountability)
(cf. 9000 - Role of the Board)
Legal Reference:

EDUCATION CODE
41520-41522 Teacher Credentialing Block Grant
41530-41532 Professional Development Block Grant
44259 Credential requirements
44259.5 Standards for professional preparation programs
44273.1-44279.7 Beginning Teacher Support and Assessment Program (BTSA)
CODE OF REGULATIONS, TITLE 5
6100-6125 Teacher qualifications, No Child Left Behind Act
UNITED STATES CODE, TITLE 20
6319 Highly qualified teachers
6601-6702 Preparing, training and recruiting high quality teachers and principals
7801 Definitions, highly qualified teacher

Management Resources:

CTC PUBLICATIONS
Induction Manual: A Credential Application Processing Guidebook for Commission-Approved Induction Programs, June 2004
Standards of Quality and Effectiveness for Professional Teacher Induction Programs (SB 2042), March 2002
California Standards for the Teaching Profession, 1997
CDE PUBLICATIONS
WEB SITES
Beginning Teacher Support and Assessment: http://www.btsa.ca.gov
California Department of Education: http://www.cde.ca.gov
Commission on Teacher Credentialing: http://www.ctc.ca.gov

Policy Adopted:
All Personnel

PUBLICATION OR CREATION OF MATERIALS

The Board of Education recognizes that district employees may create copyrightable materials at work, at home, or both at work and at home. The development of copyrightable materials during, or in part during, the work day shall be approved by the Superintendent or designee. However, the Superintendent or designee's approval or lack of approval shall not affect the district's ownership of copyrights for materials developed during work hours.

Materials written or developed by an employee during the normal school day are considered district property. (Education Code 60075, 17 USC 201)

Materials developed during both school and leisure hours are owned jointly by the employee and the district. In such cases, the Superintendent or designee shall ensure that a contractual agreement is made, clarifying the joint ownership. A partnership entity may be created to hold the copyright on behalf of both parties.

The Board may secure copyrights in the name of the district for all copyrightable works developed by the district. All royalties or revenues from these copyrights shall be used for the benefit of the district. (Education Code 35170)

The Board may market or license any noneducational mainframe electronic software developed by the district. Proceeds from this marketing or licensing shall be used exclusively for educational purposes. (Education Code 35182)

Legal Reference:
EDUCATION CODE
32360 Copyrights; use of funds
32361 Copyrights; use of employee work time
35170 Authority to secure copyrights
35182 Marketing or licensing noneducational mainframe electronic data-processing software
60076 Royalties or other compensation
LABOR CODE
2870-2872 Inventions made by an employee
UNITED STATES CODE, TITLE 17
201 Copyright Law
201(a) Copyright Law

Policy Adopted:
All Personnel

SOLICITING AND SELLING

Employees shall not solicit district staff, students or their families with the intent to sell general merchandise, books, equipment or services for their own personal profit or benefit. Solicitation of students and staff on behalf of the school or other charitable organizations shall be conducted in accordance with applicable Board policy and administrative regulation.

(cf. 1325 - Advertising and Promotion)
(cf. 1321 - Solicitation of Funds from and by Students)
(cf. 4137 - Tutoring)
(cf. 5022 - Student and Family Privacy Rights)

Staff members shall respect the confidentiality of district employees and students and shall not use their status as district employees to secure information such as names, addresses, e-mail addresses, and telephone numbers for solicitations or use in personal profit-making or beneficial ventures.

(cf. 5125.1 - Release of Directory Information)

Educational tours may be promoted on school premises only if they are sponsored by the district. Employees engaged in planning, organizing or leading tours as private, non-district-sponsored businesses shall make it clear that they do not represent the school or district. All activities related to such tours must be carried on outside of school hours and off school premises.

(cf. 3312.2 - Educational Travel Program Contracts)

Staff participation in “flower funds,” “anniversary funds” or other similar funds shall be voluntary.

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

Legal Reference:

EDUCATION CODE
51520 Prohibited solicitations on school premises

Policy Adopted:
All Personnel

NONSCHOOL EMPLOYMENT

The Board of Education recognizes that district employees may receive compensation for outside activities as long as these activities are not inconsistent, incompatible, in conflict with or iminical to the employee's duties or to the duties, functions or responsibilities of the district.

Outside paid activities are incompatible with district employment if they require time periods that interfere with the proper, efficient discharge of the employee's duties, if they entail compensation from an outside source for activities which are part of the employee's regular duties, or if they involve using for private gain the district's name, prestige, time, facilities, equipment or supplies.

(cf. 1321 - Solicitation of Funds from and by Students)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4135/4235/4335 - Soliciting and Selling)
(cf. 4137 - Tutoring)

District employees shall not perform, without prior Board approval, any outside paid service which will be wholly or in part subject to the approval or control of another district employee or a district officer.

(cf. 4132/4232/4332 - Publication or Creation of Materials)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 9270 - Conflict of Interest)

Upon determining that an employee's outside job is incompatible with district employment, the Superintendent or designee shall so inform the employee. An employee who continues to pursue an incompatible activity may be subject to disciplinary action.

Appeals shall be addressed in accordance with law, Board policy and administrative regulations.

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)
(cf. 4144/4244/4344 - Complaints)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE
35160 Authority of governing boards
35160.1 Broad authority of school districts
51520 Prohibited solicitation on school premises

GOVERNMENT CODE
1126 Incompatible activities of employees.
Certificated Personnel

TUTORING

The Board of Education expects teachers and other members of the instructional staff to make every effort to resolve students' learning problems at school before recommending that parents/guardians engage a tutor or other professional help. By maintaining a competent, dedicated staff and adequate instructional resources, the Board seeks to minimize the need for individual tutoring.

To preclude conflicts of interest, teachers may not accept any kind of remuneration for tutoring a student enrolled in any of their classes. Teachers who tutor other students must perform this service outside of school facilities and make their own arrangements with parents/guardians for the fees to be charged. The Board encourages teachers to tutor only in subjects or grade levels for which they are certificated.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4135 - Soliciting and Selling)

Legal Reference:
GOVERNMENT CODE
1126 Incompatible activities of employees
Certificated Personnel

PEER ASSISTANCE AND REVIEW

In order to assist teachers who may need additional development in subject matter knowledge and/or teaching strategies, the Board of Education shall work with the local teachers' organization to establish and maintain a program of peer assistance and review linking participating teachers with exemplary teachers serving as consulting teachers. Consulting teachers shall provide sustained, intensive support including, but not limited to, multiple classroom observations, recommendations for staff development and regular meetings with participating teachers.

(cf. 4140/4240 - Bargaining Units)
(cf. 4141/4241 - Collective Bargaining Agreement)

The Superintendent or designee shall establish in accordance with law a joint teacher-administrator peer review panel to manage the program.

Board decisions regarding the continued employment of an individual participating teacher shall include consideration of the results of the individual's participation in the peer assistance and review program and the recommendations of the consulting teacher and review panel.

(cf. 4115 - Evaluation/Supervision)
(cf. 4117.4 - Dismissal)

Legal Reference:
EDUCATION CODE
44279.1-44279.7 Beginning teacher support and assessment
44305-44308 Pre-internship teaching program
44325-44328 District intern program
44490-44497 Mentor teacher program
44500-44508 Peer assistance and review program
44662 Evaluation of certificated employees
44664 Evaluation

Management Resources:
WEB SITES
CSBA: http://www.csba.org
CDE: http://www.cde.ca.gov
California Commission on Teacher Credentialing: http://www.ctc.ca.gov
California Teachers Association: http://www.cta.org
California Federation of Teachers: http://www.cft.org

Policy Adopted:
Certificated and Classified Personnel

BARGAINING UNITS

The Governing Board recognizes the right of public school employees to form bargaining units, select an employee organization as the exclusive representative of their unit, and be represented by that organization in their employment relationship with the district. The Board is committed to negotiating in good faith with the employee organizations and respecting the rights of employees and employee organizations.

(cf. 4141/4241 - Collective Bargaining Agreement)
(cf. 4143/4243 - Negotiations/Consultation)

The Board shall negotiate only with the exclusive representative of each bargaining unit. (Government Code 3543.3)

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

Neither the district nor the employee organization shall impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3543.6)

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

Management and Supervisory Employees

Employees serving in a management, senior management, or confidential position shall not be represented by an exclusive representative. Such employees may represent themselves individually or may be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions, but that organization shall not meet and negotiate with the district. (Government Code 3543.4)

However, the district may recognize a bargaining unit of supervisors if that unit includes all supervisory employees and if the unit does not represent the employee whom the supervisors supervise. (Government Code 3545)

Management, supervisory, and confidential positions shall be classified as follows: (Government Code 3540.1)

1. Management employee means any employee who has significant responsibilities for formulating district policies or administering district programs, and whose position is designated as a management position by the Board.

2. Supervisory employee means any employee, regardless of job description, having the authority, in the interest of the district, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, discipline, assign work, direct, adjust grievance of other employees, or effectively recommend that action. The exercise of this authority shall not be merely routine or clerical in nature, but shall require the use of independent judgment.

(cf. 2220 - Administrative Staff Organization)

Policy Adopted:
3. Confidential employee means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions.

Legal Reference:

**EDUCATION CODE**
- 45060-45061.5 Deduction of fees from salary or wage payment, certificated employees
- 45168 Deduction of fees from salary or wage payment, classified employees
- 45220-45320 Merit system, classified employees

**GOVERNMENT CODE**
- 3540-3549.3 Educational Employment Relations Act

**CODE OF REGULATIONS, TITLE 8**
- 33015-33490 Recognition of exclusive representative; proceedings
- 33700-33710 Severance of established unit

- 34020 Petition to rescind organizational security arrangement
- 34055 Reinstatement of organizational security arrangement

Management Resources:

**CSBA PUBLICATIONS**
- Collective Bargaining DVD-ROM
- Maximizing School Board Governance: Collective Bargaining
- Before the Strike: Planning Ahead in Difficult Negotiations, 1996

**WEB SITES**
- CSBA: http://www.csba.org
- California Federation of Teachers: http://www.cft.org
- California School Employees Association: http://www.csea.com
- California Teachers Association: http://www.cta.org
- Public Employment Relations Board: http://www.perb.ca.gov

Policy Adopted:
Certificated and Classified Personnel

COLLECTIVE BARGAINING AGREEMENT

The Governing Board recognizes that collective bargaining agreements are legally binding, bilateral agreements with the exclusive representatives of employees pertaining to terms and conditions of employment. The Board is committed to carrying out the provisions of each agreement and expects the agreements to be consistently and uniformly administered.

(cf. 4140/4240 - Bargaining Units)
(cf. 4143/4243 - Negotiations/Consultation)

Following adoption of the collective bargaining agreement, the Superintendent or designee shall review related Board policies and recommend to the Board any action needed to maintain consistency with the agreement. Whenever a Board policy conflicts with a provision in the collective bargaining agreement, the agreement shall be binding for those employees covered by the terms of the agreement.

(cf. 9310 - Board Policies)

Upon request by the Public Employment Relations Board, the Superintendent or designee shall provide, within 15 days of the request, a copy of the written agreement and any amendments. (8 CCR 32120)

Legal Reference:

EDUCATION CODE
35035 Additional powers and duties of superintendent, transfer authority
35036 Voluntary transfers
35160 Authority of governing boards
35160.1 Broad authority of school districts
45220-45320 Merit system, classified employees

GOVERNMENT CODE
3540-3549.3 Educational Employment Relations Act

CODE OF REGULATIONS, TITLE 8
31001-32997 Regulations of employee relations boards

Management Resources:

CSBA PUBLICATIONS
Collective Bargaining DVD-ROM
Maximizing School Board Governance: Collective Bargaining

WEB SITES
CSBA: http://www.csba.org
California Public Employee Relations: http://cper.berkeley.edu
Center for Collaborative Solutions: http://www.ccscenter.org
Public Employment Relations Board: http://www.perb.ca.gov
State Mediation and Conciliation Service (SMCS): http://www.dir.ca.gov/csmcs/smcs.html

Policy Adopted:
Certificated and Classified Personnel

CONCERTED ACTION/WORK STOPPAGE

The Governing Board recognizes the importance of maintaining ongoing positive relations with employees and engaging in fair, respectful negotiations with employee organizations. The Board desires to reach agreement on employment contracts in a manner that does not disrupt school operations or impact student achievement.

(cf. 4141/4241 - Collective Bargaining Agreement)
(cf. 4143/4243 - Negotiations/Consultation)

The Board recognizes that advance planning is necessary to ensure that students receive the education to which they are entitled in the event of a work slowdown, sickout, strike, or other concerted activity by employees. The Superintendent or designee shall develop a written plan which shall include strategies for the provision of internal and external communications, preservation of student and staff safety, maintenance of district operations, and appropriate student instruction and supervision during a work slowdown or stoppage.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 1100 - Communications with the Public)
(cf. 1112 - Media Relations)
(cf. 8000 - Role of the Board)

If an employee organization gives notice that it intends to strike, the Superintendent or designee shall notify the Public Employment Relations Board, Employment Development Department, employees in the striking unit, employees in the nonstriking unit, parents/guardians, students, law enforcement, the media, and others as appropriate.

Employees should be held accountable for their behavior during any labor dispute. The district may take disciplinary action against any employee who engages in an unlawful concerted action or in unlawful behavior in an otherwise protected activity, taking into account the seriousness of the behavior and the district's efforts to rebuild relations following the withholding of services by employees.

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)
(cf. 4218 - Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE
35204 Contract with attorney in private practice
35205 Contract for legal services
37200-37202 Instructional days
GOVERNMENT CODE
3540-3549.3 Educational Employment Relations Act, especially:
3543.5-3543.6 Unfair labor practices
3548-3548.8 Impasse procedures
INSURANCE CODE
10116 Employee continuation of insurance coverage
UNITED STATES CODE, TITLE 29
1161-1169 Continuation coverage and additional standards for group health plan
PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS
Fresno Unified School District, 1982, PERB Dec. No. 208, 6 PERC 13110

Policy Adopted:
Management Resources:

CSBA PUBLICATIONS
Collective Bargaining DVD-ROM
Maximizing School Board Governance: Collective Bargaining
Political Activities of School Districts: Legal issues, rev. 2001
Before the Strike: Planning Ahead in Difficult Negotiations, 1996
WEB SITES
CSBA: http://www.csba.org
Public Employment Relations Board: http://www.perb.ca.gov
State Mediation and Conciliation Service (SMCS): http://www.dir.ca.gov/csmcs/smcs.html

Policy Adopted:
Certificated and Classified Personnel

NEGOTIATIONS/CONSULTATION

The Governing Board recognizes its responsibility to represent the public's interests in the collective bargaining process. In negotiating agreements on employee contracts, the Board shall balance the needs of staff and the priorities of the district in order to provide students with a high-quality instructional program based on a sound, realistic budget.

(cf. 0200 - Goals for the School District)
(cf. 3100 - Budget)
(cf. 4140/4240 - Bargaining Units)
(cf. 4141/4241 - Collective Bargaining Agreement)

The Board shall negotiate in good faith with exclusive employee representatives on wages, hours of employment, and other terms and conditions of employment identified in law as being within the scope of representation. (Government Code 3543.2)

The Board believes that effective negotiations require the input of all levels of the administration. The Board shall establish a bargaining team to assist in analyzing contract provisions and conducting contract negotiations.

The Board and Superintendent shall provide its negotiator(s) with expected outcomes and clear parameters for acceptable contract provisions which promote the realization of district goals and priorities.

In consultation with the Superintendent and employee organization, the Board shall determine the collective bargaining approach or method to be used.

The Board with its bargaining team shall establish standards of conduct pertaining to the negotiations process for individual Board members and members of the bargaining team. Certain meetings related to negotiations shall be held in closed session in accordance with Government Code 3549.1 when not required by state open meeting laws (the Brown Act) to be held in public. Matters discussed in these meetings shall be kept in strict confidence.

(cf. 4119.23/4219.23/34319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 9010 - Public Statements)
(cf. 9011 - Disclosure of Confidential/Privileged Information)
(cf. 9321 - Closed Session Purposes and Agendas)

The Board and its negotiator(s) shall not knowingly provide the employee organization with inaccurate information regarding the financial resources of the district. (Government Code 3543.5)

The Board shall closely monitor the progress of negotiations and carefully consider how proposed contract provisions would affect the district's short- and long-term fiscal, programmatic, instructional, and personnel goals.

(cf. 3100 - Budget)

The Board and/or Superintendent shall keep the public informed about the progress of negotiations and the ways in which negotiations may affect district goals.

(cf. 4143.1/4243.1- Public Notice - Personnel Negotiations)

Whenever the district has a qualified or negative certification on an interim fiscal report, it shall allow the county office of education at least 10 working days to review and comment on any proposed agreement with exclusive representatives of employees. The district shall provide the County Superintendent of Schools with all information.

Policy Adopted:
relevant to gain an understanding of the financial impact of any final collective bargaining agreement. (Government Code 3540.2)

(cf. 3460 - Financial Reports and Accountability)

Once the final terms of the agreement have been ratified by the membership of the employee organization, the contract shall be presented to the Board at a public meeting for acceptance.

Any agreement adopted by the Board may be for a term not to exceed three years. (Government Code 3540.1)

In the event of an impasse in negotiations, the Board shall participate in good faith in state mediation and fact finding procedures pursuant to Government Code 3548-3548.8. (Government Code 3543.5)

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

Following adoption of the collective bargaining agreement, any subsequent amendments shall be executed in writing by the Board and the employees' exclusive representative.

Consultation

The exclusive representative of certificated staff may consult with the Board on the definition of educational objectives, the determination of the content of courses and curriculum, and the selection of textbooks.

(cf. 6011 - Academic Standards)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 9310 - Board Policies)

Legal Reference:

GOVERNMENT CODE
3540-3549.3 Educational Employment Relations Act

Management Resources:

CSBA PUBLICATIONS
Collective Bargaining DVD-ROM
Maximizing School Board Governance: Collective Bargaining
Before the Strike: Planning Ahead in Difficult Negotiations, 1996

WEB SITES
CSBA: http://www.csba.org
California Public Employee Relations: http://cper.berkeley.edu
Center for Collaborative Solutions: http://www.ccscenter.org
Public Employment Relations Board: http://www.perb.ca.gov
State Mediation and Conciliation Service (SMCS): http://www.dir.ca.gov/csms/cmsc.html

Policy Adopted:
Certificated and Classified Personnel

PUBLIC NOTICE - PERSONNEL NEGOTIATIONS

Because the Governing Board has a responsibility to represent the public's interest in negotiations with employee organizations, the Board is committed to keeping the public informed about issues being negotiated, providing members of the public an opportunity to express their views, and disclosing the position of each Board member in accordance with the law.

(cf. 1112 - Media Relations)
(cf. 4141/4241 - Collective Bargaining Agreement)
(cf. 4143/4243 - Negotiations/Consultation)
(cf. 9000 - Role of the Board)
(cf. 9010 - Public Statements)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

Public Notice/Sunshining of Initial Proposals
All initial contract proposals of the Board and an employee organization which relate to matters within the scope of representation shall be presented at a public Board meeting and shall thereafter be public records. (Government Code 3547)

(cf. 1340 - Access to District Records)
(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)

Meeting and negotiating between district and employee organization representatives shall not take place on these initial proposals until a reasonable time has elapsed after the submission of these proposals to enable the public to become informed and to express itself regarding the proposals at a public Board meeting. (Government Code 3547)

After the public has had an opportunity to provide input, the Board shall adopt its initial proposal at a public meeting. (Government Code 3547)

New subjects of meeting and negotiating arising after the presentation of initial proposals shall be made public within 24 hours. If a vote is taken on any such subject by the Board, each Board member's vote also shall be made public within 24 hours. (Government Code 3547)

Public Disclosure of Proposed Agreement
Before entering into a written agreement covering matters within the scope of representation, the Board shall disclose, at a public meeting, the major provisions of the agreement, including, but not limited to, the costs that would be incurred by the district under the agreement for the current and subsequent fiscal years. (Government Code 3547.5)

The Superintendent and chief business official shall certify, in writing, that any costs incurred by the district under the agreement can be met by the district during the term of the agreement and shall submit the certification to the Board prior to the Board's approval of the agreement. The certification shall itemize any budget revision necessary to meet the costs of the agreement in each year of its term. (Government Code 3547.5)

(cf. 3460 - Financial Reports and Accountability)

A copy of the proposed agreement shall be made available to the public prior to the day of the Board meeting.

The Superintendent or designee shall prepare a summary of the major provisions and changes in the proposed agreement.

Policy Adopted:
Legal Reference:
EDUCATION CODE
42130-42134 Financial reports and certifications
GOVERNMENT CODE
3540.2 Meeting and negotiating in public educational employment
3547 Proposals relating to representation; informing public
3547.5 Major provisions of agreement with exclusive representative
CODE OF REGULATIONS, TITLE 8
32075 PERB regional office defined

Management Resources:
CSBA PUBLICATIONS
Collective Bargaining DVD-ROM
Maximizing School Board Governance: Collective Bargaining
CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES
0515.92 Public Disclosure of Collective Bargaining Agreements, 92-01
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
Fiscal Crisis and Management Assistance Team: http://www.fomat.org
Public Employment Relations Board: http://www.perb.ca.gov
School Services of California: http://www.sscal.com

Policy Adopted:
All Personnel

COMPLAINTS

The Board of Education recognizes the need for providing employees with a complaint process.

The Board expects that employees and supervisors will make every effort to resolve employee complaints and disagreements informally before resorting to formal complaint procedures.

The Superintendent or designee shall establish complaint procedures which allow employees to appeal to the Board.

(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4141/4241 - Collective Bargaining Agreement)

Legal Reference:

GOVERNMENT CODE
3543 Public school employees' rights
3543.1 Rights of employee organizations
53296 Definitions
53297 Filing complaint
53298 Reprisals
53298.5 Violations; punishment
All Personnel

EMPLOYEE COMPENSATION

In order to secure and hold staff committed to student learning, the Board of Education recognizes the importance of an attractive compensation package which includes salaries, health benefits and other amenities.

The Board shall adopt separate salary schedules for certificated, classified, and management/supervisory/confidential personnel. These schedules shall comply with law and negotiated agreements and shall be printed and made available for inspection at the district office. Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.

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

Legal Reference:

EDUCATION CODE
44492-44494 Mentor teacher stipends
44977 Salary deductions during absence
45022-45061 Salaries, especially:
45023 Availability of salary schedule
45028 Salary schedule for certificated employees
45030 Salary schedule for substitutes
45032 Power of governing board to increase salaries
45160-45169 Salaries for classified employees
45268 Salary schedule for classified service in merit system districts

GOVERNMENT CODE
3540-3549 Meeting and negotiating, especially:
3543.2 Scope of representation
3543.7 Duty to meet and negotiate in good faith
All Personnel

HEALTH AND WELFARE BENEFITS

The district shall provide health and welfare benefits for certificated and classified employees in bargaining units in accordance with state and federal law and subject to negotiated employee agreements.

(cf. 4140/4240 - Bargaining Units)
(cf. 4141/4241 - Collective Bargaining Agreement)

Employees who are not in bargaining units shall receive benefits as specified in Board policy and administrative regulation.

Retired Employees

Retired employees and other qualified persons may continue to participate in the district’s group health and welfare benefit plan and dental care benefit plan in accordance with state and federal law. The Superintendent or designee shall advise all employees of their rights and responsibilities related to continuing their health insurance benefits when their eligibility changes. (See Board Policy 4740)

Legal Reference:

EDUCATION CODE
7000-7008 Health and welfare benefits, retired certificated employees
35208 Liability insurance
35214 Liability insurance (self-insurance)
44041 Deductions in salary payment as requested by employee
44042 Payroll deduction for collection of insurance premium
44866 Leave of absence for disability allowance applicant
45136 Benefits for classified
GOVERNMENT CODE
22158 Medicare coverage for school district employees
22751-22833 Public Employees’ Medical and Hospital Care Act
22858 Application of education code provisions relating to mandatory inclusion of certain retirees in local health and welfare benefit plans
22859 Participation in Medicare reimbursement program
53200-53210 Group insurance, especially:
53200 Definitions: group insurance, local agency; health and welfare benefits, employees
HEALTH AND SAFETY CODE
1366.20-1366.28 Cal-COBRA program, health insurance
1373.621 Continuation coverage, age 60 or older after five years with district
INSURANCE CODE
10116.5 Continuation coverage, age 60 or older after five years with district
10128.50-10128.58 Cal-COBRA program, disability insurance
12670-12692.5 Conversion Coverage
LABOR CODE
2800.2 Notification of conversion and continuation coverage
UNEMPLOYMENT INSURANCE CODE
2613 Education program; notice of rights and benefits
UNITED STATES CODE, TITLE 26
49808 Failure to satisfy continuation coverage
UNITED STATES CODE, TITLE 29
1161-1168 COBRA continuation coverage
UNITED STATES CODE, TITLE 42
1395-1395g Medicare benefits

Policy Adopted:
All Personnel

AWARDS AND RECOGNITION

The Board of Education believes the district's employees are its most valuable resource and encourages recognition of the services they provide. The Superintendent or designee may issue service pins, certificates, plaques or other mementos in accordance with Board policy and administrative regulations.

(cf. 1150 - Commissions and Awards)
(cf. 3300 - Expenditures/Expenditure Authority)

The Board authorizes awards to employees who: (Education Code 44015)

1. Propose ideas or procedures which eliminate or reduce district expenditures or improve district operations
2. Perform special acts or services in the public interest
3. By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in district operations

The Superintendent or designee may appoint a merit awards committee to recommend such awards to the Board.

The Superintendent or designee shall establish regulations governing employee awards.

Legal Reference:

EDUCATION CODE
35160 Authority of governing boards
35160.1 Broad authority of school districts
35161 Powers and duties generally
44015 Awards to Employees

Policy Adopted:
All Personnel

EMPLOYEE PROPERTY REIMBURSEMENT

The Board of Education does not authorize payment for the reimbursement of employee personal property which may be stolen or intentionally destroyed or damaged while being used for work-related purposes.

No reimbursement shall be made for accidental damage or for any loss due to lack of personal supervision or failure to keep property in a secured area.

The maximum payment shall be the amount specified by the district’s insurance carrier for such loss or the amount specified in the applicable collective bargaining agreement, whichever is less.

(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 5131.5 - Vandalism, Theft and Graffiti)

Reimbursement for personal items used for work-related purposes shall be made only if: (Education Code 35213)

1. Use of the personal property was approved by the principal, site supervisor or designee before the property was brought to school or district premises

2. At that time, the employee and district representative agreed on the value of the property

Legal Reference:

EDUCATION CODE
35213 Reimbursement for loss, destruction or damage of personal property
48904 Liability of parent/guardian for willful misconduct; withholding of grades, diplomas and transcripts
CIVIL CODE
1714.1 Liability of parent or guardian for act of willful misconduct by a minor

Policy Adopted:
All Personnel

EMPLOYEE SAFETY

The Board of Education is committed to maximizing employee safety and believes that safety is every employee's responsibility. Working conditions and equipment shall be maintained in compliance with standards prescribed by federal, state and local laws and regulations.

No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful. (Labor Code 6402)

The Board expects all employees to use safe work practices and to correct any unsafe conditions which may occur. If an employee is unable to correct an unsafe condition, he/she shall immediately report the problem to the Superintendent or designee.

The Superintendent or designee shall promote safety and correct any unsafe work practice through education, training and enforcement.

The Superintendent or designee shall establish and implement a written injury and illness prevention program in accordance with law. (Labor Code 6401.7)

(cf. 3514 - Environmental Safety)
(cf. 3514.1 - Hazardous Substances)
(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)
(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)
(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)
(cf. 4157.2/4257.2/4357.2 - Ergonomics)
(cf. 4158/4258/4358 - Employee Security)

The Board shall ensure that the Superintendent or designee provides eye protective devices as specified in law and administrative regulation.

No employee shall be discharged or discriminated against for making complaints, instituting proceedings or testifying with regard to employee safety or health, or for participating in any occupational health and safety committee established pursuant to Labor Code 6401.7. (Labor Code 6310)

Legal Reference:

EDUCATION CODE
32066 Safety: public and private institutions

LABOR CODE
6305 Occupational safety and health standards; special order
6310 Retaliation for filing complaint prohibited
6401.7 Injury prevention programs
6400-6413.5 Responsibilities and duties of employers and employees

CODE OF REGULATIONS, TITLE 8
3203 Injury and illness prevention program
5095-5100 Control of noise exposure

CODE OF FEDERAL REGULATIONS, TITLE 29
1910.95 Noise standards

Management Resources:

CAL/OSHA PUBLICATIONS
Guide to Developing Your Workplace Injury and Illness Prevention Program, revised April 1998

Policy Adopted:
DHHS PUBLICATIONS

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
National Institute for Occupational Safety and Health: http://www.cdc.gov/niosh
National Hearing Conservation Association: http://www.hearingconservation.org

Policy Adopted:
All Personnel

WORK-RELATED INJURIES

The Board of Education desires to provide its employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process in order to reduce costs and facilitate employee recovery.

(cf. 3320 - Claims and Actions Against the District)
(cf. 4032 - Reasonable Accommodation)
(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)
(cf. 4154/4254/4354 - Health and Welfare Benefits)
(cf. 4157/4257/4357 - Employee Safety)
(cf. 4157.2/4257.2/4357.2 - Ergonomics)
(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)
(cf. 4261.11 - Industrial Accident/Illness Leave)

An employee shall report any work-related injury or illness to his/her supervisor as soon as practicable. Upon learning of an injury, a supervisor shall promptly report the incident to the Superintendent or designee and the insurance carrier as appropriate.

The Superintendent or designee shall ensure that every new employee is notified of his/her right to receive workers' compensation if injured at work and that injured employees are given notice of rights in accordance with law.

The Superintendent or designee shall ensure that notifications regarding workers' compensation are posted in accordance with law.

Legal Reference:

EDUCATION CODE
44984 Industrial accident and illness leaves, certificated employees
45192 Industrial accident and illness leaves, classified employees

LABOR CODE
3200-4855 Workers' compensation, especially:
3550-3553 Employee notice
3600-3605 Conditions of liability
3760 Report of injury to insurer
4600 Provision of medical and hospital treatment by employer
4906 Disclosures and statements
5400-5413 Notice of injury or death
6409.1 Reports

CODE OF REGULATIONS, TITLE 8
15596 Notice of employee rights

Management Resources:

WEB SITES
California Department of Industrial Relations: http://www.dir.ca.gov

Policy Adopted:
All Personnel

EMPLOYEE SECURITY

The Board of Education desires to provide a safe, orderly working environment for all employees. As part of the district's comprehensive school safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for assisting them in the event of an emergency situation.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515 - Campus Security)
(cf. 5131.4 - Campus Disturbances)

The Superintendent or designee shall ensure that employees are informed, in accordance with law, regarding crimes and offenses by students who may pose a danger in the classroom.

When violence is directed against an employee by any individual and the employee so notifies the Superintendent or designee, the Superintendent or designee shall take steps to ensure that appropriate legal measures are instituted. When the employee notifies the Superintendent or designee of a threat of bodily harm, the district shall take appropriate measures to enable the employee to request assistance if a threat occurs on school grounds.

The Superintendent or designee shall ensure that employees are trained in crisis prevention and intervention techniques in order to protect themselves and students. Staff development may include training in classroom management, effective communication techniques and crisis resolution.

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

The Board recognizes that access to two-way communications devices allows employees to call for assistance from their supervisor or law enforcement in the event of a threat of violence or medical emergency. The district shall provide such communications devices in classrooms to the extent possible.

(cf. 5141 - Health Care and Emergencies)

Reporting of Injurious Objects

The Board requires school employees to take immediate action upon being made aware that any person is in possession of an injurious object on school grounds or at a school-related or school-sponsored activity. The employee shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately notify the local law enforcement agency and the principal

(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5144. - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Policy Adopted:
When informing the principal about the possession or seizure of a weapon or dangerous device, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

Legal Reference:
EDUCATION CODE
32210-32212 Willful disturbance, public schools or meetings
32225-32226 Communication devices
35204 Contract with attorney in private practice or use of administrative advisor
35205 Contract for legal services
35208 Liability insurance
35213 Reimbursement for loss, destruction or damage of school property
44014 Report of assault by pupil against school employee
44807 Duty concerning conduct of students
48201 Transfer of student records
48900-48926 Suspension or expulsion Grounds for suspension or expulsion
49079 Notification to teacher; student who has engaged in acts constituting grounds for suspension or expulsion
49330-49335 Injurious objects
CIVIL CODE
51.7 Freedom from violence or intimidation
CODE OF CIVIL PROCEDURE
527.8 Workplace violence safety act
GOVERNMENT CODE
995-996.4 Defense of public employees
3543.2 Scope of representation
PENAL CODE
71 Threatening public officers and employees and school officials
240 Definition of assault
241.2 Assault on school or park property against any person
241.3 Assault against school bus drivers
241.6 Assault on school employee includes board member
242 Definition of battery
243 Battery; definition of "injury" and "serious bodily injury"
243.2 Battery on school or park property against any person
243.3 Battery against school bus drivers
243.6 Battery against school employee includes board member
245.5 Assault with deadly weapon; school employee includes board member
290 Registration of sex offenders
601 Trespass by person making credible threat
626.9 Gun-Free School Zone Act of 1995
626.10 Exceptions to bringing weapons on school grounds
646.9 Stalking
12403.7 Weapons approved for self defense
WELFARE AND INSTITUTIONS CODE
827 Juvenile court proceedings; reports; confidentiality
828.1 District police or security department, disclosure of juvenile records

Management Resources:
CDE CORRESPONDENCE
0401.01 Protecting Student Identification In Reporting Injurious Objects
WEB SITES
CDE, Safe Schools and Violence Prevention Office: http://www.cde.ca.gov/spbranch/safety/safetyhome
CSBA: http://www.csba.org

Policy Adopted:
All Personnel

EMPLOYEE ASSISTANCE PROGRAMS

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

Members of employee groups that have agreements with the Board regarding an employee assistance program shall have confidential access to information about the district's employee assistance program. This information shall be available to all eligible employees and their spouses and dependents.

(cf. 3513.3 - Tobacco-Free Schools)
(cf. 4020 - Drug and Alcohol-Free Workplace)
(cf. 5131.62 - Tobacco)

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

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

(cf. 4032 - Reasonable Accommodation)
(cf. 4115 - Evaluation/Supervision)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4161/4261 - Leaves)
(cf. 4161.1/4261.1 - Personal Illness/Injury Leave)
(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)
(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)
(cf. 4215 - Evaluation/Supervision)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 4315 - Evaluation/Supervision)
(cf. 4361 - Leaves)
(cf. 4361.1 - Personal Illness/Injury Leave)

Legal Reference:

EDUCATION CODE
35160 Authority of governing board
35160.1 Broad authority of school districts
44952 Leaves of absence for certificated employees
44954 Power to grant leaves of absence for accident, illness or quarantine
45190-45209 Resignations and leaves of absence for classified employees

GOVERNMENT CODE
8355 Certification to contracting or granting agency; requisites

HEALTH AND SAFETY CODE
104420 Providing information re: smoking cessation program

UNITED STATES CODE, TITLE 41
701-707 Drug-Free Workplace Act

Policy Adopted:
Certificated and Classified Personnel

LEAVES

The Governing Board shall provide for paid and unpaid employee leaves of absence in accordance with law, Board policy, administrative regulation and collective bargaining agreements.

The Board recognizes the following justifiable reasons for absence as provided by law:

1. Personal illness or injury
2. Industrial accident or illness
3. Childbirth and recovery, care of newborn, placement of a child with the employee for foster care or adoption of a child
4. Military service
5. Family illness or accident; bereavement; fire, flood or other immediate danger to the employee’s home or property; and other personal emergencies
6. Vacations for classified staff and certificated management staff, as applicable
7. Jury duty or required court appearances
8. Religious observances
9. Participation in child's school or day care activities
10. For certificated staff, sabbaticals for purposes of study or travel
11. Attendance at work-related meetings and staff development opportunities
12. Compulsory leave

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4131 - Staff Development)
(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)
(cf. 4161.11/4361.11 - Industrial Accident/ILLNESS Leave)
(cf. 4161.2/4261.2/4361.2 - Personal Leaves)
(cf. 4161.3 - Professional Leaves)
(cf. 4161.5/4261.5/4361.5 - Military Leave)
(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 4231 - Staff Development)
(cf. 4261.1 - Personal Illness/Injury Leave)
(cf. 4261.11 - Industrial Accident/Illness Leave)
(cf. 4261.3 - Professional Leaves)
(cf. 4331 - Staff Development)
(cf. 4361 - Leaves)

Policy Adopted:
Long-Term Leaves

With Board approval, employees may receive a long-term leave of absence without pay and without increment, seniority or service credit, for a period of up to one school year or longer if specified in the collective bargaining agreement. Applications for long-term leave shall be made in writing and shall state the purpose for which leave is requested. All long-term leave agreements shall be in writing and shall state the terms and conditions of the leave, including the conditions governing the employee’s return.

At the end of a long-term leave, the employee shall be reinstated in a position at the same level as that held at the time leave was granted, unless otherwise agreed upon.

The Board shall consider any written request by an employee to return to work prior to the expiration date of the unpaid leave.

Legal Reference:

EDUCATION CODE
44036 Leaves of absence for judicial and official appearances
44037 Unlawful to encourage exemption from jury duty
44842 Failure to provide notice or to report to work
44940 Sex offenses and narcotic offenses; compulsory leave of absence
44962-44988 Leaves of absence (certificated)
45190-45210 Leaves of absence (classified)
GOVERNMENT CODE
3543.2 Scope of representation

Policy Adopted:
All Personnel

CATASTROPHIC LEAVE PROGRAM

When a catastrophic illness or injury incapacitates an employee or a member of his/her family for an extended period of time and the employee has exhausted all paid leaves of absence, other employees may donate accrued sick leave credits to that employee under the specific requirements of the district’s catastrophic leave program.

Donations made under the catastrophic leave program shall be strictly voluntary.

(cf. 4161/4261 - Leaves)
(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)
(cf. 4261.1 - Personal Illness/Injury Leave)
(cf. 4361 - Leaves)

Legal Reference:
EDUCATION CODE
44043.5  Catastrophic leave
Classified Personnel

CLASSIFIED PERSONNEL

The Board of Education shall fill each of its classified positions with qualified persons, consistent with position requirements. The primary role of classified personnel is to provide services that support and enhance the district's educational program.

(cf. 0200 - Goals for the School District)
(cf. 4211 - Recruitment and Selection)

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

(cf. 4215 - Evaluation/Supervision)

Assignment

Classified employees shall be assigned by their immediate supervisors with the approval of the Superintendent or designee. They shall be required to perform those duties prescribed by the Board for the position the employee holds, in accordance with applicable job descriptions and collective bargaining agreements.

(cf. 4119.3/4219.3/4319.3 - Duties of Personnel)
(cf. 4141/4241 - Collective Bargaining Agreement)

Legal Reference:
EDUCATION CODE
45100-45139 Employment of classified staff
45160-45169 Salaries and differential compensation
45190-45210 Resignation and leaves of absence
45220-45320 Merit system
49406 Examination for tuberculosis
51760-51769.5 Work experience education

Management Resources:
WEB SITES
California School Employees Association: http://www.csea.com

Policy Adopted:
EVALUATION/SUPERVISION

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

(cf. 4141/4241 - Collective Bargaining Agreement)

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

(cf. 4219.21 - Code of Ethics)

The Superintendent or designee shall ensure that evaluation ratings have uniform meaning throughout the district.

Evaluations shall be used to recognize the exemplary skills and accomplishments of staff and to identify areas needing improvement. When the evaluation indicates areas needing improvement, the Board expects employees to accept responsibility and take initiative to improve their performance. The Superintendent or designee shall assist employees in obtaining needed job skills.

(cf. 4231 - Staff Development)

The evaluation shall be dated and signed by both the employee and the supervisor.

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

The Superintendent or designee shall ensure that classified employees have access to rules and procedures related to performance evaluations.

Legal Reference:

EDUCATION CODE
45113 Rules and regulations for the classified service in districts not incorporating the merit system
45261 Subjects of rules (merit system districts)
45262 Distribution of rules
GOVERNMENT CODE
3543.2 Scope of representation

Management Resources:

WEB SITES
CSBA: http://www.csba.org
California School Employees Association: http://www.csea.com
Classified Personnel

PROBATIONARY/PERMANENT STATUS

Employees newly hired for regular positions in the classified service covered under a collective bargaining agreement shall be considered probationary employees until they have satisfactorily completed six (6) months of probationary service. Upon satisfactorily completing this period, they shall become permanent classified employees of the district.

Probationary employees shall receive written performance evaluations by their supervisor during the probationary period. These evaluations shall indicate whether the evaluator is satisfied or not satisfied with the employee’s ability, performance, and compatibility with the job.

(cf. 4215 - Evaluation/Supervision)

The Superintendent or designee may dismiss an employee during the initial probationary period.

(cf. 4216 - Dismissal/Suspension/Disciplinary Action)

Permanent employees promoted to a higher classification shall be considered probationary in their new position until they have satisfactorily completed six (6) months of service in that position.

A permanent employee who accepts a promotion and fails to complete the probationary period for that promotional position shall be employed in the classification from which he/she was promoted. (Education Code 45113)

This policy shall be made available to classified employees and the public. (Education Code 45113)

Legal Reference:

EDUCATION CODE
45113  Rules and regulations for classified service in districts not incorporating the merit system
45240-45320  Merit system

Management Resources:

WEB SITES
California School Employees Association:  http://www.csea.org

Policy Adopted:
Classified Personnel

TEACHER AIDES/PARAPROFESSIONALS

The Governing Board recognizes that paraprofessionals support student learning by providing valuable assistance to teachers and other certificated personnel and enabling greater individualized instruction and supervision of students. Such employees may perform instructional and/or administrative tasks in accordance with law, Board policy and administrative regulation.

(cf. 1240 - Volunteer Assistance)
(cf. 4200 - Classified Personnel)
(cf. 6171 - Title I Programs)

The Superintendent or designee shall ensure that paraprofessionals possess the qualifications required by law for their positions.

Paraprofessionals shall be under the direction of certificated personnel.

In determining the assignment of paraprofessionals, the Superintendent or designee shall consider the greatest benefit to students based on such factors as class size, grade levels, student needs, subject matter and teacher workload.

Each paraprofessional shall be provided with a clear definition of his/her roles and responsibilities.

The Superintendent or designee shall ensure that all paraprofessionals receive ongoing support and regular performance assessments. Teachers shall receive training in how to collaborate effectively with an assistant and are expected to assign duties consistent with written job descriptions for paraprofessionals.

(cf. 4131 - Staff Development)
(cf. 4212 - Appointment and Conditions of Employment)
(cf. 4215 - Evaluation/Supervision)
(cf. 4231 - Staff Development)

The Board encourages qualified paraprofessionals to pursue opportunities that lead to attainment of a teaching credential and enable them to increase their skills and experience in the classroom.

(cf. 4112.2 - Certification)
(cf. 4112.21 - interns)

Legal Reference:

EDUCATION CODE
44390-44393 California School Paraprofessional Teacher Training Program
44833 Postsecondary students as nonteaching aides
44835 Duties of nonteaching work study aides
45330 Paraprofessionals
45340-45349 Instructional aides
45350-45354 Teacher assistants
45360-45367 Teacher aides
54480-54486 Special Teacher Employment Programs

CODE OF REGULATIONS, TITLE 5
12065-12070 Teacher aides for Special Teacher Employment Programs

UNITED STATES CODE, TITLE 20
6311 State plans
6314 Schoolwide programs

Policy Adopted:
6315 Targeted assistance schools
6318 Parent involvement
6319 Qualifications for teachers and paraprofessionals

CODE OF FEDERAL REGULATIONS, TITLE 34
200.58-200.59 Qualifications and duties of paraprofessionals

Management Resources:

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Roles for Education Paraprofessionals in Effective Schools, 1997
Title 1 Paraprofessionals, Non-Regulatory Guidance, March 1, 2004

WEB SITES
CTC Paraprofessional Teacher Training Program: http://www.ctc.ca.gov/para
CDE: http://www.cde.ca.gov
CSBA: http://www.csba.org
California School Employees Association: http://www.csea.com
National Resource Center for Paraprofessionals: http://www.nrcpara.org
National Clearinghouse for Paraeducator Resources: http://www.usc.edu/dept/education/CMMR/Clearinghouse.html

Policy Adopted:
Classified Personnel

STAFF DEVELOPMENT

Classified staff shall have opportunities to participate in staff development activities in order to improve job skills, refrain to meet changing conditions in the district, and/or enhance personal growth.

(cf. 4261.3 - Professional Leaves)

The Superintendent or designee shall develop a program of ongoing staff development which may include, but not be limited to, activities related to:

1. General workplace skills and/or skills and knowledge specific to the duties of each classified position

(cf. 1340 - Access to District Records)
(cf. 3515.3 - District Police/Security Department)
(cf. 3542 - School Bus Drivers)
(cf. 4200 - Classified Personnel)
(cf. 4222 - Teacher Aides/Paraprofessionals)
(cf. 5148 - Child Care and Development)
(cf. 6300 - Preschool/Early Childhood Education)

2. The role of classified staff in achieving district goals and promoting student achievement

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)
(cf. 6010 - Goals and Objectives)

3. The use of technologies to improve job performance

(cf. 0440 - District Technology Plan)

4. Effective communication and interaction with other staff, students, parents/guardians, and community members

(cf. 6020 - Parent Involvement)
(cf. 6171 - Title I Programs)

5. Topics related to student health, safety, and welfare

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515.5 - Sex Offender Notification)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.63 - Steroids)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5146.9 - Hate-Motivated Behavior)
(cf. 5145.7 - Sexual Harassment)
(cf. 5149 - At-Risk Students)

6. Topics related to employee health, safety, and security

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)
(cf. 4157/4257/4357 - Employee Safety)
(cf. 4158/4258/4358 - Employee Security)

Policy Adopted:
7. For classroom instructional aides, staff development activities may also include academic content of the core curriculum; teaching strategies; classroom management; or other training designed to improve student performance, conflict resolution, and intolerance and hatred prevention.

(cf. 4131 - Staff Development)

The Superintendent or designee shall involve classified staff, site and district administrators, and others, as appropriate, in the development of the district's staff development program. He/she shall ensure that the district's staff development program is aligned with district goals, school improvement objectives, and school plans.

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)
(cf. 0420 - School Plans/Site Councils)
(cf. 0420.1 - School-Based Program Coordination)
(cf. 0520 - Intervention for Underperforming Schools)
(cf. 0520.1 - High Priority Schools Grant Program)
(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)

The district's staff evaluation process may be used to recommend additional staff development for individual employees.

(cf. 4215 - Evaluation/Supervision)

The Governing Board may budget for actual and reasonable expenses incurred by classified staff who participate in staff development activities.

(cf. 3350 - Travel Expenses)

The Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development activities to staff and the district and shall regularly report to the Board regarding the effectiveness of the staff development program.

(cf. 0500 - Accountability)
(cf. 9000 - Role of the Board)

Legal Reference:

EDUCATION CODE
41530-41532 Professional Development Block Grant
44032 Travel expense payment
44390-44393 California School Paraprofessional Teacher Training Program
45380-45387 Retraining and study leave (classified)
56240-56245 Staff development: service to persons with disabilities
REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS
44579-44579.6 Instructional Time and Staff Development Reform Program
GOVERNMENT CODE
35432.2 Scope of representation of employee organization
PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS
United Faculty of Contra Costa Community College District v. Contra Costa Community College District, (1990) PERB Order No. 804, 14 PERC P21, 085

Management Resources:

WEB SITES
California Association of School Business Officials: http://www.casbo.org
California School Employees Association: http://www.csea.com

Policy Adopted:
Management

Administrative and Supervisory Personnel

The Governing Board recognizes that effective management is vital to the success of district students and programs. Management personnel are expected to demonstrate initiative and good judgment in the development, implementation, and oversight of district programs. Supervisors shall promote the productivity, professional growth, and teamwork of district staff.

(cf. 4000 - Concepts and Roles)

The Board shall adopt policies related to administrative and supervisory personnel insofar as they are needed to comply with law and describe terms of employment within the district.

The Board may, by resolution, establish or abolish any or all positions of the senior management of the classified service. Any employee occupying a senior management position abolished by Board action shall become a member of the classified or certificated service in a position to which he/she would otherwise be entitled if he/she had not been in a senior management position. (Education Code 45104.5)

Legal Reference:

EDUCATION CODE
35031 Term of employment
45100.5 Senior management positions
45104.5 Abolishment of senior classified management positions
45108.5 Definitions of senior classified management employees
45108.7 Waiver of provisions of 45108.5
45128 Overtime
45130 Exclusion from overtime provisions
45256.5 Designation of certain positions

GOVERNMENT CODE
3540 Purpose
3540.1 Definitions
3543.4 Management position; representation
3545 Appropriateness of unit; basis

COURT DECISIONS
Management, Supervisory and Confidential Personnel

CONTRACTS

In order to attract and retain qualified staff, the Governing Board may employ certificated administrators and supervisors and senior management of the classified staff on a contract basis.

(cf. 4313.1 - Load/Scheduling/Hours of Employment)
(cf. 4313.2 - Promotion/Demotion/Reassignment)
(cf. 4314 - Transfers)

Contracts with the Superintendent and, if any, with the deputy, assistant or associate superintendent shall be ratified at an open Board meeting and reflected in the Board's minutes. Copies of the contracts shall be available to the public upon request. Contracts with these administrators may not be for more than four years. (Education Code 35031; Government Code 53262)

(cf. 2121 - Superintendent's Contract)

The Board shall not offer multiyear contracts to certificated supervisors or administrators other than the Superintendent or deputy, assistant or associate superintendent.

Employee contracts shall include a provision specifying the legal maximum cash settlement that the employee may receive upon termination of the contract. (Government Code 53260)

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

If the Board decides not to reelect or reemploy the Superintendent, a deputy, associate or assistant superintendent, or a senior manager of the classified service upon the expiration of his/her term, it shall notify the employee in writing 45 days prior to the expiration of the term of the contract. (Education Code 35031)

Legal Reference:

EDUCATION CODE
35030 Title of deputy, associate or assistant superintendent for certain positions
35031 Term of employment
44842 Automatic declining of employment
44843 Notice of employment (to county superintendent)
44929.20 Continuing contract
44951 Continuation in position unless notified

GOVERNMENT CODE
53260-53264 Employment contracts

Policy Adopted:
Management, Supervisory and Confidential Personnel

Demotion/Reassignment

The Governing Board may authorize the demotion or reassignment of any administrative or supervisory employee upon the recommendation of the Superintendent or designee and when such action is determined to be in the best interest of the district.

(cf. 0520 - Intervention for Underperforming Schools)
(cf. 0520.1 - High Performing Schools Grant Program)
(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)
(cf. 4300 - Administrative and Supervisory Personnel)
(cf. 4312.1 - Contracts)
(cf. 4314 - Transfers)

The Superintendent or designee shall ensure that the district complies with all applicable statutory deadlines and due process procedures when an employee is to be demoted or reassigned.

Legal Reference:

EDUCATION CODE
35031  Senior management employee in the classified service: nonreelection
44660-44665  Evaluation and assessment of performance of certificated employees
44800.1  No tenure in administrative or supervisory positions
44896  Transfer of administrator or supervisor to teaching position
44897  Classification of administrator or supervisor to a teaching position
44851  Continuation in position unless notified
45101  Definitions (including disciplinary action, cause)
45113  Rules for classified service in districts not incorporating the merit system
52055.5  Meeting or exceeding growth requirements
52055.550  Review by state board
52055.57  Districts identified or at risk of identification for program improvement
UNITED STATES CODE, TITLE 20
6316 School and district improvement

COURT DECISIONS
Skelly v. California Personnel Board, (1975) 15 Cal.3d 194
Hentschke v. Sink, (1973) 34 Cal. App. 3d 19

Policy Adopted:
Management, Supervisory and Confidential Personnel

TRANSFERS

The Superintendent or designee shall assess the needs of the district and place management personnel in positions which will meet those needs.

Voluntary Transfer

The Board of Education recognizes that management employees may wish to request transfers to vacant positions for which they are qualified in order to promote their professional growth and broaden their management background. The Superintendent or designee shall establish procedures for the transfer of management personnel.

Involuntary Transfer

Involuntary transfers within an administrator’s classification (same job title) shall be initiated at the recommendation of the Superintendent or designee in the best interests of the district.

Administrators in identical positions shall be subject to rotation of assignments on a lateral basis.

(cf. 4312.1 - Contracts)

Legal Reference:

EDUCATION CODE
35035 Additional powers and duties of superintendent
COURT DECISIONS
Hentschke v. Sink (1973) 34 Cal.App. 3d 19

Policy Adopted:
Management, Supervisory and Confidential Personnel

EVALUATION/SUPERVISION

Certificated Management

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

1. The administrator's progress toward agreed-upon goals, objectives and tasks
2. General expectations of performance which recognize professional responsibility, accountability and attitude
3. The fulfillment of responsibilities contained in the specific job descriptions adopted by the Board
4. Additional factors as determined by the Superintendent or designee

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

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

Formal management evaluations shall be recorded in writing on a form prescribed by the Superintendent or designee. The evaluation shall include recommendations for improvement if needed. Assistance shall be provided by the district to this end.

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

A copy of the report shall be given to the administrator within five (5) working days following the evaluation and no later than 30 days before the last scheduled school day. The employee may make a written response to the evaluation at any time up to ten (10) days after receiving a copy of the evaluation. The response shall be attached to the evaluation and permanently placed in the employee's personnel file.

For 12-month employees, the written evaluation report shall be given to the administrator no later than June 30 and a discussion of the evaluation shall be held no later than July 30 of the year in which the evaluation takes place. (Education Code 44663)

The Superintendent or designee shall develop regulations and procedures for the evaluation of all administrative and supervisory personnel. These written regulations and procedures shall be available to administrative and supervisory personnel. (Education Code 35171)

Classified Management Employees

Classified management personnel will be evaluated according to the procedures developed by the Superintendent or designee and approved by the Board. The evaluation shall include recommendations for improvement if needed. Assistance shall be provided by the district to this end.

Policy Adopted:
The evaluation form must be signed by both the person being evaluated and the supervisor making the evaluation. The signature of the evaluated management employee shall not show agreement with the evaluation unless so indicated above the signature of the employee. The employee may make written response to the evaluation at any time up to ten (10) days after receiving a copy of the evaluation. The response shall be attached to the evaluation and placed in the employee’s personnel file.

Confidential Personnel

The Superintendent or designee shall develop appropriate procedures for the evaluation of confidential personnel. Evaluations shall be administered in the same manner and time schedule as classified employees who have similar but nonconfidential positions with the district.

Legal Reference:

EDUCATION CODE
33039 State guidelines for teacher evaluation procedures
35171 Availability of rules and regulations for evaluation of performance
44660-44665 Evaluation and assessment of performance of certificated employees
45113 Rules and regulations for the classified service in districts not incorporating the merit system

GOVERNMENT CODE
3543.2 Scope of representation (re evaluation procedures)
STAFF EVALUATING TEACHERS

The Board of Education expects that administrators assigned to evaluate teachers shall:

1. Possess a valid administrative credential
2. Be competent in the instructional methodologies used by the teachers they evaluate
3. Be skilled in the supervision of instruction and in techniques and procedures related to the evaluation of instruction
4. Be familiar with district curriculum priorities, policies and practices, district standards for student progress, and district policies and procedures related to personnel supervision, performance evaluation and staff development

(cf. 4115 - Evaluation/Supervision)
(cf. 4131 - Staff Development)
(cf. 4131.5 - Professional Growth)
(cf. 4331 - Staff Development)
(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 6011 - Academic Standards)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

The Superintendent or designee shall ensure that administrators who evaluate teachers meet the above criteria and shall observe each administrator while he/she is conducting a teacher evaluation. This observation shall be a factor in the subsequent evaluation of the administrator. The Superintendent or designee also shall discuss his/her observations with the administrator and may develop and implement an appropriate professional improvement program for the administrator.

(cf. 4315 - Evaluation/Supervision)

Legal Reference:

EDUCATION CODE
33039 Guidelines for teacher evaluation
44660-44665 Evaluation and assessment of performance of certificated employees
44661-44689 Administrator training and evaluation

GOVERNMENT CODE
3543.2 Scope of representation (re evaluation procedures)

Policy Adopted:
Management, Supervisory and Confidential Personnel

EARLY RETIREMENT OPTION

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

2 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 and the ability to satisfy federal requirements for highly qualified teachers pursuant to 20 USC 6319.

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

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.

2+2 Retirement Incentive: 2 Years of Service Credit + 2 Years of Age Credit
As an incentive to early retirement for certificated employees participating in the State Teachers' Retirement System, the Board may offer an additional two years of service credit and two years of age credit to employees who retire within the “window period” established by the Board in a Memorandum of Understanding or by Board action prior to January 1, 2005 pursuant to repealed Education Code 22714.5.

(cf. 4117.12/4317.12 - Retirement Consultancy Contracts)

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:
Management, Supervisory and Confidential Personnel

STAFF DEVELOPMENT

The Board of Education recognizes that professional development opportunities enhance employee effectiveness and contribute to personal growth. Staff development for management, supervisory and confidential personnel shall be designed to guide instructional improvement, build leadership skills, and enhance overall management efficiency.

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

The Superintendent or designee shall develop a plan for administrator support and development activities based on a systematic assessment of the needs of district students and staff and aligned to the district's vision and goals. The Board desires that all administrators participate in planning activities that are pertinent to their specific areas of responsibility.

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)
(cf. 6010 - Goals and Objectives)

Within budget parameters, the Superintendent or designee may approve participation in activities that will benefit individual administrators and enhance their contributions to the district.

(cf. 3350 - Travel Expenses)

The Superintendent or designee shall evaluate the benefit to staff and students of professional development activities.

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE
44510-44517. Principal training program
44681-44680.2 Administrator training and evaluation

Management Resources:
CDE PUBLICATIONS
California Professional Standards for Educational Leaders, 2001
WEB SITES
CTC: http://www.ctc.ca.gov
CDE: http://www.cde.ca.gov
Association of California School Administrators: http://www.acsa.org
California School Leadership Academy: http://www.csla.org

Policy Adopted:
Management, Supervisory and Confidential Personnel

LEAVES

The Board of Education shall provide for paid and unpaid employee leaves of absence in accordance with law, Board policy, administrative regulation and collective bargaining agreements.

The Board recognizes the following justifiable reasons for absence as provided by law:

1. Personal illness or injury
2. Industrial accident or illness
3. Childbirth and recovery, care of newborn, placement of a child with the employee for foster care or adoption of a child
4. Military service
5. Family illness or accident; bereavement; fire, flood or other immediate danger to the employee’s home or property; and other personal emergencies
6. Vacations for classified staff and certificated management staff, as applicable
7. Jury duty or required court appearances
8. Religious observances
9. Participation in child’s school or day care activities
10. For certificated staff, sabbaticals for purposes of study or travel
11. Attendance at work-related meetings and staff development opportunities
12. Compulsory leave

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4131 - Staff Development)
(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)
(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)
(cf. 4161.2/4261.2/4361.2 - Personal Leave)
(cf. 4161.3 - Professional Leave)
(cf. 4161.5/4261.5/4361.5 - Military Leave)
(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 4231 - Staff Development)
(cf. 4261.1 - Personal Illness/Injury Leave)
(cf. 4261.11 - Industrial Accident/Illness Leave)
(cf. 4261.3 - Professional Leave)
(cf. 4331 - Staff Development)
(cf. 4361 - Leaves)

Policy Adopted:
Long-Term Leaves

With Board approval, employees may receive a long-term leave of absence without pay and without increment, seniority or service credit, for a period of up to one school year. Applications for long-term leave shall be made in writing and shall state the purpose for which leave is requested. All long-term leave agreements shall be in writing and shall state the terms and conditions of the leave, including the conditions governing the employee's return.

At the end of a long-term leave, the employee shall be reinstated in a position at the same level as that held at the time leave was granted, unless otherwise agreed upon.

The Board shall consider any written request by an employee to return to work prior to the expiration date of the unpaid leave.

Legal Reference:

EDUCATION CODE
44036 Leaves of absence for judicial and official appearances
44037 Unlawful to encourage exemption from jury duty
44842 Failure to provide notice or to report to work
44940 Sex offenses and narcotic offenses; compulsory leave of absence
44962-44988 Leaves of absence (certificated)
45190-45210 Leaves of absence (classified)
GOVERNMENT CODE
3843.2 Scope of representation
Certificated/Classified Personnel

MEDICAL BENEFITS FOR RETIRED PERSONNEL

To be eligible for retiree medical benefits, the retiree must:

A. Have served in the District as an employee for a minimum of five (5) years
B. Be at least 55 years of age at the time of resignation
C. Be actively serving as an employee or be on approved leave during the year prior to retirement
D. Be currently enrolled in the CUSD medical plan in order to apply for extended medical coverage prior to the end of employment
E. Qualify and be in the process of receiving retirement benefits under the State Teachers Retirement System (STRS) and/or the Public Employees Retirement System (PERS) for the year that she/he retires
F. Be under 65 years of age in order to receive District-paid medical benefits

If all of the above conditions are satisfied, the District shall pay the total cost of the medical insurance premium for the District group plan appropriate for the retiree and eligible dependent(s), as selected by the District.

Exceptions to District payment shall be in cases of those retirees and eligible dependent(s) who have comparable medical insurance coverage or who qualify for Medicare. The intent of this benefit is to provide coverage until Medicare or some similar plan provides for it.

A staff member who has served in the District for a minimum of five (5) years and is actively serving as an employee or has been on approved leave and who goes on STRS or PERS disability retirement prior to 55 years of age shall be offered the opportunity to remain on the District’s medical insurance by paying the premium to the District. Upon reaching 55 years of age, the retiree may be eligible to receive District-paid medical benefits as outlined in this policy.

Any employee who has served in the District as an employee for a minimum of five years and who retires between the ages of 50 and 55 may continue to receive medical, dental and/or vision insurance in effect at the time of retirement by paying the premiums to the District until he or she reaches the age of 55, at which time the Chico Unified School District would pay the premiums for said health insurance as per this policy.

Any employee who has served in the District as an employee for a minimum of five years and who retires between the ages of 55 and 65 may continue to receive dental and/or vision insurance in effect by paying the premiums to the District.

District-paid medical benefits for part-time employees who elect to continue medical insurance coverage upon retirement shall be paid on a basis equal to the proportional amount paid for the medical insurance during the last year of employment in the District. However, if the employee had served a minimum of five (5) years as a full-time employee prior to becoming a part-time employee, all of the insurance premium shall be paid by the District;

Retirees age 65 who have an eligible dependent(s) under the age of 65 shall be entitled to continued medical insurance benefits. The premium for the insurance shall be fully paid by the retiree.

Policy Adopted:
When a retiree reaches the age of 65, the retiree shall be responsible for his/her own medical coverage, except that retirees who retire effective June 30, 1988, during the 1988-89 school year, and subsequent years, who do not have Medicare coverage, may participate in the following program:

When a retiree reaches 65 years of age, the District shall contribute a maximum of $200 per month on a dollar-for-dollar match for Medicare A and B or successor Medicare plans. The District's maximum contribution shall be $2,400 per year.

The Board of Education reserves the right to cancel or revise this policy during any given school year, with the understanding that all employees previously covered will continue to receive the coverage. This could include any change of regulations by the insurance carrier.