

# **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. 7<sup>th</sup> Street  
Chico, CA 95928  
(530) 891-3000  
Or Online at:  
[www.chicousd.org](http://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.***

#### **CONSENT CALENDAR**

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.

#### **STUDENT PARTICIPATION**

At the discretion of the Board President, student speakers may be given priority to address items to the Board.

#### **PUBLIC PARTICIPATON FOR ITEMS ON THE AGENDA**

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.

- Speakers will identify themselves and will direct their comments to the Board.
- Each speaker will be allowed five (5) minutes to address the Board.
- In case of numerous requests to address the same item, the Board may select representatives to speak on each side of the item.

#### **PUBLIC PARTICIPATON FOR ITEMS NOT ON THE AGENDA**

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.

- Public comments for items not on the agenda will be limited to one hour in duration.
- Initially, each general topic will be limited to 3 speakers.
- Speakers will identify themselves and will direct their comments to the Chair.
- Each speaker will be given five (5) minutes to address the Board.
- Once 2 speakers have shared a similar viewpoint, the Chair will ask for a differing viewpoint. If no other viewpoint is represented then a 3<sup>rd</sup> speaker may present.
- Speakers will not be allowed to yield their time to other speakers.
- After all topics have been heard, the remainder of the hour may be used by additional speakers to address a previously raised issue.

#### **WRITTEN MATERIAL:**

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.

#### **COPIES OF AGENDAS AND RELATED MATERIALS:**

- Available at the meeting
- Available on the website: [www.chicousd.org](http://www.chicousd.org)
- Available for inspection in the Superintendent's Office prior to the meeting
- Copies may be obtained after payment of applicable copy fees

#### **AMERICANS WITH DISABILITIES ACT**

Please contact the Superintendent's Office at 891-3000 ex. 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.

**CHICO UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION**

**Special Session Meeting – January 16, 2008**

**Closed Session – 6:00 p.m.**

**Regular Session – 7:00 p.m.**

**Chico City Council Chambers  
421 Main Street, Chico, CA 95928**

**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: 2<sup>nd</sup> 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:  
1<sup>st</sup> Reading: Board Policies 4000 Series – Personnel.

**8. ITEMS FROM THE FLOOR**

**9. ANNOUNCEMENTS**

**10. ADJOURNMENT**

# DONATIONS/GIFTS

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Donor	Item	Recipient
Barnes & Noble	10 Copies: 1st 1000 Words	Chapman
Towne Carpet	Carpet	Chapman - ACE Program
Gregory Fischer	\$250.00	Chapman - Woodleaf
Soroptimist International	\$100.00	ChicoReads - Purchase Books
Ken Grossman	\$1,000.00	ChicoReads - Purchase Books
Rosedale PTA	\$300.00	ChicoReads - Purchase Books
John McManus PTA	\$150.00	ChicoReads - Purchase Books
Steve & Kristin Detiveaux	Clarinet	CJHS - Music
Big Brothers/Big Sisters/Andrea Thompson	\$681.25	District Office General Fund
Chico News Agency	Storage for Textbooks	Elementary Schools
Emma Wilson PTA	\$18,706.99	Emma Wilson
Emma Wilson PTA	Thermometer	Emma Wilson
For Sale by Owner Realty	Computers, Keyboards	Emma Wilson
For Sale by Owner Realty	Mouse, Monitors, Speakers	Emma Wilson
Nona Nahalea	Computer/Notebook	Emma Wilson - Classroom Supplies
Liz Albert	\$100.00	Emma Wilson - Ms. Skadal
Emma Wilson PTA	Classroom Supplies	Emma Wilson Teachers
Greg & June McLaughlin	\$50.00	Neal Dow - Room 18
PG&E Fdn. - by R. Leppard/J. Walther	\$327.00	PVHS
PG&E Fdn. - by R. Leppard/J. Walther	\$327.00	PVHS
PVHS Sports Boosters	\$120.00	PVHS - Athletics - Donations
Linda Elliott	VCR, DVD Players	PVHS - Library
Jean & Bob Delgado	Computer	PVHS - Room S3 Mr. Barber
Norfield Inds. Dan Bird	Index Verticle Mill	PVHS - Welding/ROP Class
Winona Carlisle	Computer/Notebook	PVHS-ASB
PVHS Boys Volleyball Parent Donations	\$230.00	PVHS-Athletics-Boys Volleyball
Pam Crawford	HP Desk Jet & Cartridge	Shasta
Shasta PTO (from Cookie Dough Sales)	\$22,159.32	Shasta
Shasta PTO	\$500.00	Shasta - Admin.
Shasta PTO	\$500.00	Shasta - Admin.
Mark & Kim Nelson	Flat Panel Speaker Bar	Shasta - Mrs. Arthur's class
Terrace Pharmacy	Bags	Sierra View
Tahoe Pure	Printed T-Shirts	Sierra View

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 1<sup>st</sup> 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 3<sup>rd</sup>... In 2007 we placed 2<sup>nd</sup>... We're goal setting and building !

FIELD TRIP REQUEST

TO: CUSD Board of Education

Date: 12/12/07

FROM: Priscilla Burns

School/Dept.: PVHS /Culinary

SUBJECT: Field Trip Request

Request is for Culinary Art - Prostart team/ grade 11th and 12th  
(grade/class/group)

Destination: Sacramento, CA 95814

Activity: California Prostart Competition

from 03/07/08 / TBA  
(dates) / (times)

to 3/9/08 / TBA  
(dates) / (times)

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:

Fees \$ 500 Substitute Costs \$ 75 Meals \$ 100

Lodging \$ 400 Transportation \$ 0 Other Costs \$

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

Name ASB Acct. #: FHA-HERO #249 \$ 700

Name Perkins Acct. #: 3550 \$ 375

Requesting Party

Date

Site Principal

Date

Director of Transportation

Date



Approve/Minor



Do not Approve/Minor

or

Recommend/Major

or

Not Recommended/Major

(If transporting by bus or Charter)

IF MAJOR FIELD TRIP

Director of Educational Services

Date



Recommend



Not Recommended



Approved



Not Approved

Board Action

Date

Agenda Item: \_\_\_\_\_

PROPOSED AGENDA ITEM: Fund Raising Request from CHS

Prepared by: \_\_\_\_\_

XXX Consent  
\_\_\_\_\_ Information Only  
\_\_\_\_\_ Discussion/Action

Board Date: January 16, 2008

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

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## 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 \$ + \$5000.00

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

HOMECOMING DANCE + DINNER - NO STUDENT INVOLVEMENT  
OPEN TO PARENTS, STAFF + COMMUNITY. 2<sup>ND</sup> 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 DATE SEPTEMBER 20, 2008 ENDING DATE SEPTEMBER 20, 2008

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 \_\_\_\_\_ CHS Director of Activity Signature \_\_\_\_\_

Date 12/6/07 \_\_\_\_\_ Principal's Signature \_\_\_\_\_

Date 12-1-07 \_\_\_\_\_ Assistant Superintendent's Signature \_\_\_\_\_

Approved by Council:

(Date of Minutes)

Club: \_\_\_\_\_

By: \_\_\_\_\_

(Secretary)

ASB: \_\_\_\_\_

By: \_\_\_\_\_

(Secretary)

Approval Recommend

Minor Major

Yes No Yes No

[X] [ ] [✓] [ ]

Recommend: Major

Yes [ ] No [ ]

Date - Approved by Board of Education

Agenda Item: \_\_\_\_\_

PROPOSED AGENDA ITEM: Fund Raising Request from CHS

Prepared by: \_\_\_\_\_

XXX Consent  
\_\_\_\_\_ Information Only  
\_\_\_\_\_ Discussion/Action

Board Date: January 16, 2008

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

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RECEIVED

Chico High School  
FUND RAISING REQUEST

DEC - 3 2007

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 SchoolCLUB 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 \$

[X] Major: Estimated Gross \$ 17,000Estimated Net \$ 8600

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

Dance - Prom

[X] 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 4/26/2008ENDING DATE 4/26/2008BEGINNING TIME 8:00 PMENDING TIME 12 AMLOCATION Manzanita PlaceNUMBER OF STUDENTS TO BE INVOLVED 800 +10/22/07

Date

RECOMMENDED

Student Officer's Signature (if applicable)

10/22/07

Date

Advisor's Signature

10/23/07

Date

CHS Director of Activity Signature

11/30/07

Date

Principal's Signature

12-4-07

Date

Assistant Superintendent's Signature

Approved by Council:

(Date of Minutes)

Club: \_\_\_\_\_

By: \_\_\_\_\_

(Secretary)

ASB: 11-28-07By: Maria Camacho

(Secretary)

Approval Recommend

Minor

Major

Yes No

Yes No

[ ] [ ]

[X] [ ]

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 W9 "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/POB: 1457 West Lindo Avenue  
City, State, Zip Code: Chico, CA 95926  
Phone: 530-342-8860 FAX 530-342-8022

Taxpayer ID/SSN:

This agreement will be in effect from: 10/01/07

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 \$3,300.00  
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)	55.00	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:

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
Total for Addit'l Expenses 0.00  
\$ 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 Employee - See BS10a)

Business Services Use Only

CA# \_\_\_\_\_

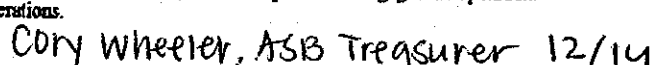
V# \_\_\_\_\_

RCF# \_\_\_\_\_


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 subcontractors 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, Consultant's business, equipment and personnel engaged in operations covered by this Agreement or occurring out of the performance of such operations.

**11. AGREED TO AND ACCEPTED:**
  
 (Signature of Consultant)


  
 (Print Name)

  
 (Date)
**12. RECOMMENDED:**
  
 (Signature of Originating Administrator)

  
 (Print Name)

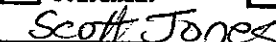
  
 (Date)
**13. APPROVED:**
  
 (Signature of District Administrator, or Director of Categorical Programs)


  
 (Print Name)

  
 (Date)
**APPROVED:**
  
 (Signature of Asst. Supt. - Business Services)

☐ Consultant

☐ Contract Employee

  
 (Print Name)

  
 (Date)
**14. 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:**  
(check released upon completion of services)
☐ Send to Site Administrator: \_\_\_\_\_  
 (Date check required)

☐ Mail to Consultant
**(c).**

\$ \_\_\_\_\_

(Amount)

(Originating Administrator Signature - Use Blue Ink)

(Date)

CHICO UNIFIED SCHOOL DISTRICT  
1163 EAST SEVENTH STREET  
CHICO, CALIFORNIA 95928

6.D.1  
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January 16, 2008

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

Name	Assignment	Effective	Comment
<b><u>Temporary Appointments 2007/08</u></b>			
Eller, Alisha	0.2 FTE Secondary	2007/08 (Effective 01/07/08)	Temporary Appointment (Increase to .6 FTE)
Ford, Greg	0.8 FTE Secondary	2007/08 (Effective 01/07/08)	Temporary Appointment
Ford, Matt	0.6 FTE Secondary	2007/08 (Effective 01/07/08)	Temporary Appointment (Change from .4 FTE to .6 FTE)
Gephart, Heather	0.7 FTE Elementary	2007/08 (Effective 1/14/08)	Temporary Appointment
Knox, Marlo	0.2 FTE Elementary	2007/08 (Effective 12/5/07)	Temporary Appointment (Increase to .95 FTE)
Nevens, Gretchen	0.4 FTE Secondary	2007/08 (Effective 1/07/08)	Temporary Appointment (Increase/change to .6 FTE)
Neves-Dean, Michelle	0.2 FTE School Nurse	2007/08 (Effective 12/07-12/20/07)	Temporary Appointment
Riedlinger, Katherine	0.2 FTE Speech Therapist	2007/08 (Effective 1/07/08)	Temporary Appointment (Increase to .3 FTE)
Umpleby, Abby	1.0 FTE Elementary	2007/08 (Effective 1/10/08)	Temporary Appointment (Change from 0.7 FTE to 1.0 FTE)
<b><u>Part-Time Leave Request(s) for 2007/08</u></b>			
Godbold, Vanessa	Elementary	2 <sup>nd</sup> Semester 2007/08	0.5 FTE Leave (correction of leave effective dates to 1/7/08 - 2/29/08)
Holman, Melissa	Elementary	2 <sup>nd</sup> Semester 2007/08	0.4 FTE Leave
Niles, Sara	Secondary	2 <sup>nd</sup> Semester 2007/08	0.2 FTE Leave
<b><u>Full-Time Leave Request(s) for 2007/08</u></b>			
Daniels, Lance	Secondary	2 <sup>nd</sup> Semester 2007/08 (Effective 1/24 - 6/5/08)	1.0 FTE Leave
Jarmush, Nicole	Speech Therapist	2 <sup>nd</sup> Semester 2007/08 (Effective 2/26 - 4/8/08)	1.0 FTE Leave
<b><u>Retirement(s)/Resignation(s)</u></b>			
Knippen, Audrey	Psychologist	1/25/08	Retirement
Talley, Judith jm-1/10/08	Speech Therapist	1/30/08	Retirement

CHICO UNIFIED SCHOOL DISTRICT  
1163 EAST SEVENTH STREET  
CHICO, CA 95928-5999

6.D.2  
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January 16, 2008

MEMORANDUM TO: Board of Education

FROM: Kelly Staley, Interim Superintendent

SUBJECT: Classified Human Resources Actions

<u>NAME</u>	<u>CLASS/LOCATION/ASSIGNED HOURS</u>	<u>EFFECTIVE</u>	<u>COMMENTS/FUND</u>
<b>APPOINTMENTS</b>			
Alexander, Jennifer	IA-Special Education/AFC/.7	11/30/07	New Position/ Grant Fund
Brewer, Jeralyn	Parent Classroom Aide-Restr/ CJHS/3.3	12/10/07	New Position/ Grant Fund
Casey, Leticia	IA-Elementary Guidance/McManus/3.0	11/30/07	Vacated Position/ Grant Fund
Currlin, Eugenia	Health Care Asst Specialized/ Loma Vista/5.0	01/07/08	Vacated Position/ Special Education
DeLey, Thora	IPS-Classroom/CHS/3.5	01/08/08	Vacated Position/ Special Education
Evenson, Priscilla	LT Sr Office Assistant/ Education Services/8.0	12/18/07- 02/29/08	New LT Position
Hogan, Frances	IA-Special Education/BJHS/.5	01/08/08	New Position/ Categorical Fund
Kelly, Mary	LT IA-Special Education/Citrus/6.0	12/04/07- 03/17/08	New LT Position/ Special Education
Lauterio, Tami	LT Instructional Asst/Parkview/.9	12/18/07- 03/10/08	New LT Position/ Grant Fund
Martin, Sandra	Sr Library Media Assistant/BJHS/1.2	11/28/07	New Position/ Grant Fund
McCune, Terry	IA-Computers/Neal Dow/3.0	12/03/07	New Position/ Grant Fund
Murphy, Sarah	Instructional Assistant/Parkview/1.0	12/19/07	New Position/ Categorical Fund
Nevel, Stephen	LT IA-Special Education/BJHS/1.0	01/07/08- 06/04/08	Extend LT Position/ Special Education
Nhan, Johnny	IPS-Healthcare/PVHS/6.0	11/28/07	Vacated Position/ Special Education
Paugh, Betty	Health Assistant/PVHS/2.0	12/12/96	Vacated Position
Ravetz, Angela	LT IA-Special Education/CJHS/.2	12/10/07- 01/31/08	New LT Position/ Grant Fund
Ruiz, Julie	Parent Classroom Aide-Restr/ Emma Wilson/4.0	11/30/07	Vacated Position/ Categorical Fund
Ruiz, Julie	Parent Classroom Aide-Restr/ Emma Wilson/.8	11/30/07	Vacated Position/ Categorical Fund
Scafani, Marina	IA-Special Education/Rosedale/5.7	12/11/07	New Position/ Special Education
Steadman, Sonya	Health Assistant/Chapman/4.0	12/11/07	Vacated Position
Stoner, Marian	Office Asst Elementary Attendance/ Hooker Oak/4.0	01/08/08	Vacated Position



Voluntad, Frank	IPS-Classroom/Hooker Oak/2.0	01/08/08	Vacated Position/ Special Education
Watson, Valya	Parent Classroom Aide-Restr/ CJHS/3.0	12/10/07	New Position/ Categorical Fund
White, Shannon	IPS-Healthcare/Loma Vista/6.0	01/07/08	Vacated Position/ Special Education
Whitehead, Sofia	IA-Bilingual/CHS/1.0	01/08/08	New Position/ Categorical Fund
Williamson, Andrea	Parent Classroom Aide-Restr/ Sierra View/2.0	11/29/07	Vacated Position/ Categorical Fund
Yates, Elsie	LT Cafeteria Cook-Necessary Small School/Cohasset/6.0	01/07/08- 05/08/08	During Absence of Incumbent
<b><u>Increase in Hours</u></b>			
Horn, Ray	Campus Supervisor/BJHS/3.0	01/07/08	Vacated Position
Jones, Brett	Instructional Assistant/Rosedale/3.9	12/11/07	Existing Position/ Categorical Fund
Rodgers, Robin	IPS-Classroom/Rosedale/5.5	12/13/07	Vacated Position/ Special Education
<b><u>Transfer w/Increased Hours</u></b>			
Stoner, Wendee	IPS-Healthcare/Sierra View/6.0	01/07/08	Vacated Position/ Special Education
<b><u>Promotion</u></b>			
Bruggman, Darci	Maintenance & Operations Coord/ M & O/8.0	12/17/07	Vacated Position
Jones, Corey	Sr Grounds Worker/M & O/8.0	01/04/08	Vacated Position
Mathiesen, Becki	Sr Office Assistant/CHS/8.0	01/10/08	Vacated Position
<b><u>Leave of Absence</u></b>			
Dean, Sandra	Custodian/MJHS/8.0	11/27/07- 01/28/08	Per CBA 5.3.3
Gentry, Heidi	IPS-Healthcare/Sierra View/6.0	01/07/08- 03/07/08	Per CBA 5.12
Sullivan, Lori	Computer Technician/CJHS/5.0	11/02/07- 12/20/07	Per CBA 5.12
<b><u>RESIGNATIONS</u></b>			
<b><u>Resigned Only Position Listed</u></b>			
Bruggman, Darci	Construction Records Tech/ Facilities/8.0	12/16/07	Promotion
Horn, Ray	Campus Supervisor/CJHS/1.5	01/06/08	Increase in Hours
Jones, Brett	Instructional Assistant/Rosedale/3.8	12/10/07	Increase in Hours
Jones, Corey	Grounds Worker/M & O/8.0	01/03/08	Promotion
Mathiesen, Becki	Office Asst Elementary Attendance/ Marigold/4.0	01/10/08	Promotion
Nhan, Johnny	IPS-Classroom/PVHS/6.0	11/27/07	Voluntary Resignation
Rodgers, Robin	IPS-Classroom/Rosedale/3.5	12/12/07	Increase in Hours
Stoner, Wendee	IPS-Classroom/Rosedale/3.0	01/06/08	Trans w/Increased Hours

**Resignation/Termination**

McGee, Kay	Cafeteria Assistant/CJHS/5.0	01/07/08	PERS Retirement
Todd, Jessica	IPS-Healthcare/Nord/5.0	12/06/07	Voluntary Resignation
Weber, Glenys	Health Care Asst-Specialized/ Loma Vista/6.0	12/20/07	Voluntary Resignation
Xiong, Lee	Impacted Language Liaison-Hmong/ McManus/3.0	12/19/07	Voluntary Resignation

**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).



**Administrative Offices**  
1163 E. Seventh Street  
Chico, CA 95928-5999

7.A.1

Page 2 of 5

530/891-3000

fax 891-3220

[www.ChicoUSD.org](http://www.ChicoUSD.org)

## **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 11<sup>th</sup> 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

☐ Consent  
☒ Information Only  
☐ Discussion/Action

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 Districts ongoing efforts to reduce energy consumption and operating expenses at its facilities.

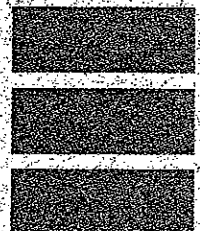
Based on conversations to date, our understanding is that the Chico Unified School District expects the energy services program we develop and present will accomplish the following goals:

**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 Districts 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 that Proposal, it will compensate ELD \$100.00 per hour for the time ELD expends to design and engineer 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: \_\_\_\_\_

Interim Superintendent, Ms. Kelly Staley

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

1-8-08

## EXAMPLE ONLY

## 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

Initial Buydown Amount: \$0  
 Financed Amount: \$835,000  
 Finance Term (Years): 15  
 Finance Rate: 4.35%  
 Annual Loan Payment: \$75,886

Energy Savings Inflation Rate: 2.0%  
 Maintenance Savings Inflation Rate: 2.0%  
 Actual Payback: 5.4  
 Internal Rate of Return: 19.3%

YEAR	LEASE PAYMENT	ENERGY SAVINGS	MAINTENANCE SAVINGS	CASH FLOW	ACCUM. CASH FLOW
1	\$75,886	\$147,000	\$7,500	\$78,614	\$78,614
2	\$75,886	\$149,940	\$7,650	\$81,704	\$160,317
3	\$75,886	\$152,939	\$7,803	\$84,855	\$245,173
4	\$75,886	\$155,998	\$7,959	\$88,070	\$333,243
5	\$75,886	\$159,118	\$8,118	\$91,349	\$424,592
6	\$75,886	\$162,300	\$0	\$86,413	\$511,006
7	\$75,886	\$165,546	\$0	\$89,659	\$600,665
8	\$75,886	\$168,857	\$0	\$92,970	\$693,635
9	\$75,886	\$172,234	\$0	\$96,348	\$789,983
10	\$75,886	\$175,679	\$0	\$99,792	\$889,775
11	\$75,886	\$179,192	\$0	\$103,306	\$993,081
12	\$75,886	\$182,776	\$0	\$106,890	\$1,099,970
13	\$75,886	\$186,432	\$0	\$110,545	\$1,210,516
14	\$75,886	\$190,160	\$0	\$114,274	\$1,324,789
15	\$75,886	\$193,963	\$0	\$118,077	\$1,442,866
16	\$0	\$197,843	\$0	\$197,843	\$1,640,709
17	\$0	\$201,799	\$0	\$201,799	\$1,842,508
18	\$0	\$205,835	\$0	\$205,835	\$2,048,344
19	\$0	\$209,952	\$0	\$209,952	\$2,258,296
20	\$0	\$214,151	\$0	\$214,151	\$2,472,447

# ATTACHMENT A

## 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

Initial Buydown Amount: \$100,000  
 Financed Amount: \$735,000  
 Finance Term (Years): 15  
 Finance Rate: 4.35%  
 Annual Loan Payment: \$66,798

Energy Savings Inflation Rate: 2.0%  
 Maintenance Savings Inflation Rate: 2.0%  
 Actual Payback: 5.4  
 Internal Rate of Return: 22.1%

EXAMPLE ONLY

YEAR	LEASE PAYMENT	ENERGY SAVINGS	MAINTENANCE SAVINGS	CASH FLOW	ACCUM. CASH FLOW
1	\$66,798	\$147,000	\$7,500	\$87,702	\$87,702
2	\$66,798	\$149,940	\$7,650	\$90,792	\$178,494
3	\$66,798	\$152,939	\$7,803	\$93,944	\$272,437
4	\$66,798	\$155,998	\$7,959	\$97,158	\$369,596
5	\$66,798	\$159,118	\$8,118	\$100,438	\$470,033
6	\$66,798	\$162,300	\$0	\$95,502	\$565,535
7	\$66,798	\$165,546	\$0	\$98,748	\$664,282
8	\$66,798	\$168,857	\$0	\$102,059	\$766,341
9	\$66,798	\$172,234	\$0	\$105,436	\$871,777
10	\$66,798	\$175,679	\$0	\$108,880	\$980,657
11	\$66,798	\$179,192	\$0	\$112,394	\$1,093,051
12	\$66,798	\$182,776	\$0	\$115,978	\$1,209,029
13	\$66,798	\$186,432	\$0	\$119,633	\$1,328,662
14	\$66,798	\$190,160	\$0	\$123,362	\$1,452,024
15	\$66,798	\$193,963	\$0	\$127,165	\$1,579,189
16	\$0	\$197,843	\$0	\$197,843	\$1,777,032
17	\$0	\$201,799	\$0	\$201,799	\$1,978,831
18	\$0	\$205,835	\$0	\$205,835	\$2,184,667
19	\$0	\$209,952	\$0	\$209,952	\$2,394,619
20	\$0	\$214,151	\$0	\$214,151	\$2,608,770

EXAMPLE ONLY

<i>Fuel Not Burned</i>		<i>Pollution Prevented</i>	
1,824.8	760.3	5,880.0	2,534.5
	0.0	0.0	0.0
	760.3	5,880.0	2,534.5
<i>In addition:</i>		pounds	pounds
294.0		12,963.0	5,587.5
141.9			

**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.



**Chico Unified School District**  
1163 East Seventh Street, Chico, CA 95928-5999  
(530) 891-3000

Board Policy: #5030

Section: 5000      Students  
Page 1 of 6

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## 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 1751 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





**Chico Unified School District**  
1163 East Seventh Street, Chico, CA 95928-5999  
(530) 891-3000

Board Policy: #5030

Section: 5000 Students

Page 2 of 6

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



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(cf. 6142.7 - Physical Education)  
(cf. 6145 - Extracurricular and Co-curricular Activities)  
(cf. 6145.2 - Athletic Competition)

#### **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)

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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.



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(cf. 3312 - Contracts)  
(cf. 3550 - Food Service/Child Nutrition Program)  
(cf. 3554 - Other Food Sales)  
(cf. 5148 - Child Care and Development)  
(cf. 6300 - Preschool/Early Childhood Education)

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.

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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.



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### 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



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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**

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2005

**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

Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000

**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>

U.S. Department of Agriculture: [http://www.fns.usda.gov/tn/Healthy/wellnesspolicy\\_steps.html](http://www.fns.usda.gov/tn/Healthy/wellnesspolicy_steps.html)

**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)**

**NEGOTIATIONS/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 EERA, 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.

**4000 - Personnel**  
**1st Reading**  
**January 16, 2008**

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			Combined with BP
4000	BP	Concepts And Roles	
4020	BP	Drug And Alcohol-Free Workplace	
4030	BP	Nondiscrimination In Employment	
4040	BP	Employee Use Of Technology	
4100	BP	Certificated Personnel	
4111	BP	Recruitment And Selection	
4111.2	BP	Legal Status Requirement	
4112.2	BP	Certification	
4112.21	BP	Interns	
4112.24	BP	Teacher Qualifications Under The No Child Left Behind Act	
4112.41	BP	Employee Drug Testing	
4112.42	BP	Drug And Alcohol Testing For School Bus Drivers	
4112.61	BP	Employment References	
4112.8	BP	Employment Of Relatives	
4113	BP	Assignment	
4113.4	BP	Temporary Modified/Light-Duty Assignment	
4115	BP	Evaluation/Supervision	
4116	BP	Probationary/Permanent Status	
4117.11	BP	Preretirement Part-time Employment	
4117.13	BP	Early Retirement Option	
4117.2	BP	Resignation	
4117.3	BP	Personnel Reduction	
4118	BP	Suspension/Disciplinary Action	
4119.1	BP	Civil And Legal Rights	
4119.11	BP	Sexual Harassment	
4119.21	BP	Professional Standards	
4119.22	BP	Dress And Grooming	
4119.23	BP	Unauthorized Release Of Confidential/Privileged Information	
4119.25	BP	Political Activities Of Employees	
4119.41	BP	Employees With Infectious Disease	
4119.42	BP	Exposure Control Plan For Bloodborne Pathogens	
4119.43	BP	Universal Precautions	
4127	BP	Temporary Athletic Team Coaches	
4131	BP	Staff Development	
4131.1	BP	Beginning Teacher Support/Induction	
4132	BP	Publication or Creation of Materials	
4135	BP	Soliciting And Selling	
4136	BP	Nonschool Employment	
4137	BP	Tutoring	
4139	BP	Peer Assistance And Review	
4140	BP	Bargaining Units	
4141	BP	Collective Bargaining Agreement	
4141.6	BP	Concerted Action/Work Stoppage	
4143	BP	Negotiations/Consultation	
4143.1	BP	Public Notice - Personnel Negotiations	
4144	BP	Complaints	
4151	BP	Employee Compensation	
4154	BP	Health And Welfare Benefits	

**4000 - Personnel**  
**1st Reading**  
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4156.2	BP	Awards and Recognition	
4156.3	BP	Employee Property Reimbursement	
4157	BP	Employee Safety	
4157.1	BP	Work-Related Injuries	
4158	BP	Employee Security	
4159	BP	Employee Assistance Programs	
4161	BP	Leaves	
4161.9	BP	Catastrophic Leave Program	
4200	BP	Classified Personnel	
4211.2	BP	Legal Status Requirement	4111.2
4212.41	BP	Employee Drug Testing	4112.41
4212.42	BP	Drug And Alcohol Testing For School Bus Drivers	4112.42
4212.61	BP	Employment References	4112.61
4212.8	BP	Employment Of Relatives	4112.8
4213.4	BP	Temporary Modified/Light-Duty Assignment	4113.4
4215	BP	Evaluation/Supervision	
4216	BP	Probationary/Permanent Status	
4217.2	BP	Resignation	4117.2
4219.1	BP	Civil And Legal Rights	4119.1
4219.11	BP	Sexual Harassment	4119.11
4219.21	BP	Professional Standards	4119.21
4219.23	BP	Unauthorized Release Of Confidential/Privileged Information	4119.23
4219.25	BP	Political Activities Of Employees	4119.25
4219.41	BP	Employees With Infectious Disease	4119.41
4219.42	BP	Exposure Control Plan for Bloodborne Pathogens	4119.42
4219.43	BP	Universal Precautions	4119.43
4222	BP	Teacher Aides/Paraprofessionals	
4227	BP	Temporary Athletic Team Coaches	4127
4231	BP	Staff Development	
4232	BP	Publication or Creation of Materials	4132
4235	BP	Soliciting And Selling	4135
4236	BP	Nonschool Employment	4136
4240	BP	Bargaining Units	4140
4241	BP	Collective Bargaining Agreement	4141
4241.6	BP	Concerted Action/Work Stoppage	4141.6
4243	BP	Negotiations/Consultation	4143
4243.1	BP	Public Notice - Personnel Negotiations	4143.1
4244	BP	Complaints	4144
4251	BP	Employee Compensation	4151
4254	BP	Health And Welfare Benefits	4154
4256.2	BP	Awards and Recognition	4156.2
4256.3	BP	Employee Property Reimbursement	4156.3
4257	BP	Employee Safety	4157
4257.1	BP	Work-Related Injuries	4157.1
4258	BP	Employee Security	4158
4259	BP	Employee Assistance Programs	4159
4261	BP	Leaves	4161
4261.9	BP	Catastrophic Leave Program	4161.9

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4300	BP	Administrative and Supervisory Personnel	
4311	BP	Recruitment And Selection	4111
4311.2	BP	Legal Status Requirement	4111.2
4312.1	BP	Contracts	
4312.41	BP	Employee Drug Testing	4112.41
4312.42	BP	Drug And Alcohol Testing For School Bus Drivers	4112.42
4312.61	BP	Employment References	4112.61
4312.8	BP	Employment Of Relatives	4112.8
4313.2	BP	Demotion//Reassignment	
4313.4	BP	Temporary Modified/Light-Duty Assignment	4113.4
4314	BP	Transfers	
4315	BP	Evaluation/Supervision	
4315.1	BP	Staff Evaluating Teachers	
4317.11	BP	Preretirement Part-time Employment	4117.11
4317.13	BP	Early Retirement Option	
4317.2	BP	Resignation	4117.2
4319.1	BP	Civil And Legal Rights	4119.1
4319.11	BP	Sexual Harassment	4119.11
4319.21	BP	Professional Standards	4119.21
4319.22	BP	Dress And Grooming	4119.22
4319.23	BP	Unauthorized Release Of Confidential/Privileged Information	4119.23
4319.25	BP	Political Activities Of Employees	4119.25
4319.41	BP	Employees With Infectious Disease	4119.41
4319.42	BP	Exposure Control Plan for Bloodborne Pathogens	4119.42
4319.43	BP	Universal Precautions	4119.43
4327	BP	Temporary Athletic Team Coaches	4127
4331	BP	Staff Development	
4332	BP	Publication or Creation of Materials	4132
4335	BP	Soliciting And Selling	4135
4336	BP	Nonschool Employment	4136
4344	BP	Complaints	4144
4351	BP	Employee Compensation	4151
4354	BP	Health And Welfare Benefits	4154
4356.2	BP	Awards and Recognition	4156.2
4356.3	BP	Employee Property Reimbursement	4156.3
4357	BP	Employee Safety	4157
4357.1	BP	Work-Related Injuries	4157.1
4358	BP	Employee Security	4158
4359	BP	Employee Assistance Programs	4159
4361	BP	Leaves	
4361.9	BP	Catastrophic Leave Program	4161.9
4740	BP	Medical Benefits for Retired Personnel	



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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.

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**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:**



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## 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:



**Chico Unified School District**  
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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:





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### 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)

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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

12900-12996 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

Carter v. California Department of Veterans Affairs (2003) 2003 Cal.LEXIS 5694

Shephard v. Loyola Marymount (2002) 102 CalApp.4<sup>th</sup> 837

### 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:



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### **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.

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

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

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

### **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.

(cf. 3542 - School Bus Drivers)  
(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

#### **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

6751-6777 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>

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

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

Policy Adopted:



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### **Certificated Personnel**

#### **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



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## 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:



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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

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

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>



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### **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:





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### **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:



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44305-44308 Pre-internship teaching certificates  
44325-44329 District interns  
44330-44355 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; Stull Act review  
44735 Teaching as a priority block grant  
44751 Recruitment centers  
44830-44929 Employment of certificated persons; requirement of proficiency in basic skills  
56060-56063 Substitute teachers in special education  
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

Association of Mexican-American Educators et. al. v. State of California and the Commission on Teacher Credentialing, (1993) 836 F.Supp. 1534

### Management Resources:

#### CSBA PUBLICATIONS

Maximizing School Board Leadership: Human Resources, 1996

#### 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>

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

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



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## 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  
44305-44308 Pre-Internship Teaching Program  
44314 Diversified or liberal arts program  
44321 CTC approval of internship programs

Policy Adopted:



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44325-44329 District interns  
44450-44468 Teacher Education Internship Act of 1967 (university interns)  
44830.3 Employing district interns  
44885.5 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

03-0006 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:



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## 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

44662 Performance evaluation; Stull 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:



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### **Management Resources:**

#### **CSBA ADVISORIES**

California's Implementation of the No Child Left Behind Act, July 2003

#### **CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

NCLB Teacher Requirements Resource Guide, March 2004

#### **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>

U.S. Department of Education, No Child Left Behind: <http://www.ed.gov/nclb>

Policy Adopted:



**Chico Unified School District**  
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## 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

44839 Medical certificate; periodic medical examination

45122 Physical examinations

##### GOVERNMENT CODE

8350-8357 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

Loder v. City of Glendale, (1997) 14 Cal. 4th 846

Vernonia School District 47J v. Acton, (1995) 115 S.Ct. 2386

International Brotherhood of Teamsters v. Department of Transportation, (1991) 932 F.2d 1292

Skinner v. Railway Labor Executives' Assn., (1989) 489 U.S. 602

National Treasury Employees Union v. Von Raab, (1989) 109 S.Ct. 1384

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## 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

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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>

U.S. Department of Transportation, Office of Drug and Alcohol Policy and Compliance: <http://www.dot.gov/ost/dapc>

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### **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

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



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## 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:



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## 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. 4141/4241- 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

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**Board Policy:**

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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>

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## 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:



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## 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>

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## 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





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## 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

Policy Adopted:



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### 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

United Teacher of Los Angeles v. Los Angeles Unified School District (1994) 24 Cal.App. 4th 1510

#### 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:



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## All Personnel

### RESIGNATION

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

44242.5 Reports of change in employment status, alleged misconduct

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

44433 Unauthorized departure from service as unprofessional conduct

44930 Acceptance and date of resignation

45201 Power to accept resignation

##### CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status

80304 Notice of sexual misconduct

##### COURT DECISIONS

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

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

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

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

(cf. 4113 - Assignment)

(cf. 4115 - Evaluation/Supervision)

(cf. 4117.4 - Dismissal)

#### Legal Reference:

##### EDUCATION CODE

44830 Employment of certificated persons

44949 Dismissal of probationary employees

44955 Reduction in number of permanent employees

44955.5 Termination of certificated employees

44956-44959.5 Rights of employees

##### GOVERNMENT CODE

3543.2 Scope of representation

##### COURT DECISIONS

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

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

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

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

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## 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. 4119.11/4219.11/4319.11 - Sexual Harassment)

#### Legal Reference:

##### EDUCATION CODE

44009 Conviction of specified crimes  
44010 Sex offense - definitions  
44011 Controlled substance offense - definitions  
44660-44665 Evaluation and assessment of performance of certificated employees  
44830.1 Criminal record summary certificated employees  
44932 Grounds for dismissal of permanent employee  
44933 Other grounds for dismissal  
44938 Unprofessional conduct or unsatisfactory performance; notice of charges  
44940 Sex offenses and narcotic offenses; compulsory leave of absence  
44940.5 Compulsory leave of absence; procedures; extension; compensation; bond or security; reports  
44942 Suspension or transfer of certificated employee on grounds of mental illness  
44944 Conduct of hearing  
44948.3 Dismissal of employees on probation  
45055 Drawing of warrants for teachers  
51530 Advocacy or teaching of communism

##### GOVERNMENT CODE

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##### HEALTH AND SAFETY CODE

11054 Schedule I; substances included  
11055 Schedule II, substances included  
11056 Schedule III, substances included  
11357-11361 Marijuana  
11363 Peyote  
11364 Opium  
11370.1 Possession of controlled substances with a firearm

##### PENAL CODE

667.5 Prior prison terms, enhancement of prison terms  
1192.7 Plea bargaining limitation

##### COURT DECISIONS

Crowl v. Commission on Professional Competence (1990) 225 Cal. App. 3d 334 (275 Cal.Rptr. 86)

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## 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

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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

3540.1 Public employment definitions

3543.5 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

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

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

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

12101-12213 Americans with Disabilities Act

### Management Resources:

#### WEB SITES

California Attorney General: <http://caag.state.ca.us>

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## **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)*

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

### **Legal Reference:**

#### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

#### GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

#### LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

#### CODE OF REGULATIONS, TITLE 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.4<sup>th</sup> 1026

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

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

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

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

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

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

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

### **Management Resources:**

#### OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

*Protecting Students from Harassment and Hate Crime*, January, 1999

#### WEB SITES

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

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office of Civil Rights: <http://www.ed.gov/offices/OCR>

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## 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>

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## 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 # 167 (7th Cir. 1974) 495 F.2d 658

##### PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

Inglewood Unified School District (1985) PERB 1700



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### 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.

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(cf. 4112.6/4212.6/4312.6 - Personnel Files)  
(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)  
(cf. 4143/4243 - Negotiations/Consultation)  
(cf. 5125 - Student Records)  
(cf. 5125.1 - Release of Directory Information)  
(cf. 5141.4 - Child Abuse Reporting Procedures)  
(cf. 6164.2 - Guidance/Counseling Services)

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

### **Legal Reference:**

#### **EDUCATION CODE**

35010 Control of district; prescription and enforcement of rules  
35146 Closed sessions  
35160 Authority of governing boards  
44031 Personnel file contents and inspection  
44932 Grounds for dismissal of permanent employees  
44933 Other grounds for dismissal  
45113 Rules and regulations for classified service  
49060-49079 Pupil records

#### **GOVERNMENT CODE**

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

#### **UNITED STATES CODE, TITLE 20**

1232g Family Education Rights and Privacy Act

### **Management Resources:**

#### **WEB SITES**

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

**Policy Adopted:**



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### 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

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

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

##### ATTORNEY GENERAL OPINIONS

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

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

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

##### PERB RULINGS

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

#### Management Resources:

##### CSBA PUBLICATIONS

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

##### WEB SITES

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

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

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

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### 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. 4161.1/4361.1 - Personal Illness/Injury Leave)  
(cf. 4261.1 - Personal Illness/Injury Leave)

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

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

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

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

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

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

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

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

### Confidentiality

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

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**Legal Reference:**

CIVIL CODE

56-56.37 Confidentiality of medical information

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE

120975-121020 Mandated blood testing and confidentiality to protect public health

CODE OF REGULATIONS, TITLE 2

7293.5 et seq.

UNITED STATES CODE, TITLE 29

701 et seq. Rehabilitation Act

UNITED STATES CODE, TITLE 42

12101-12213 Americans With Disabilities Act

COURT DECISIONS

School Board of Nassau County, Fla. v. Arline, 408 U.S. 273 (1987)

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### 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](http://www.dir.ca.gov/occupational_safety.html)

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



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#### **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

117600-118360 Handling and disposal of regulated waste

120875 Providing information to school districts on AIDS, AIDS-related conditions and Hepatitis B

120880 Information to employees of school district

##### CODE OF REGULATIONS, TITLE 8

5193 California bloodborne pathogens standard

##### CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 OSHA bloodborne pathogens standards

#### **Management Resources:**

##### CDE PROGRAM ADVISORIES

1016.89 Guidelines for Informing School Employees about Preventing the Spread of Infectious Diseases, including Hepatitis B and AIDS/HIV Infections and Policies for Dealing with HIV-Infected Persons in School Settings

##### WEB SITES

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

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### 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

CTA v. Rialto Unified School District, (1997) 14 Cal. 4th 627  
San Jose Teachers Association, CTA, NEA v. Barozzi, (1991) 230 Cal. App. 3d 1376, 281 Cal. Rptr. 724

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## **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:



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(cf. 5141.4 - Child Abuse Reporting Procedures)  
(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5145.7 - Sexual Harassment)  
(cf. 5149 - At-Risk Students)

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

(cf. 6111 - School Calendar)

The Superintendent or designee shall 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
- 44259.5 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)
- 44560 Inservice preparation in ethnic backgrounds
- 44570-44578 Inservice training - personnel, secondary education
- 44579-44579.5 Instructional Time and Staff Development Reform Program
- 44580-44591 Inservice training - personnel, elementary teachers
- 44630-44643 Professional Development and Program Improvement Act of 1968
- 44670.1-44680.8 School personnel staff development and resource centers

Policy Adopted:



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

### GOVERNMENT CODE

3543.2 Scope of representation of employee organization

### CODE OF REGULATIONS, TITLE 5

6000-6002 Instructional time and staff development reform program

13025-13044 Professional development and program improvement programs

### UNITED STATES CODE, TITLE 20

6101-6251 School-to-Work Opportunities Act of 1994

6601-6702 Dwight D. Eisenhower Professional Development Program

### PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

San Mateo City School District, (1984) PERB Dec. No. 375, 8 PERC 15021

Jefferson School Districts, (1980) PERB Dec. No. 133, 4 PERC 11117

### Management Resources:

#### CTC PUBLICATIONS

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

#### LABOR LAW REPORTER

Public Sector Labor Relations, Matthew Bender & Co., Inc. Rel. 2-5/91, Pub. 176, Section 11.05[14]

#### WEB SITES

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



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## 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)

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**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

44279.1-44279.7 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

Final Report on the Individual Implementation of the Beginning Teacher Support and Assessment Program, 2003

Standards of Quality and Effectiveness for Professional Teacher Induction Programs (SB 2042), March 2002

California Standards for the Teaching Profession, 1997

**CDE PUBLICATIONS**

NCLB Teacher Requirements Resource Guide, March 2004

**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:





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## 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 60076, 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



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## 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

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**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 inimical 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



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## 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



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### **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:



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## **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)

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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>



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## 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:





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## 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. 9000 - 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

Konocti Unified School District, 1982, PERB Dec. No. 217, 6 PERC 13152

Policy Adopted:



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**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>



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## **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. 4119.23/4219.23/4319.23 - 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

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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/csmcs/smcs.html>



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## **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.

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**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

Public Notice and Disclosure, Resource Guide for Employment Relations, December 1996

**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.fcmat.org>

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

School Services of California: <http://www.sscal.com>

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## 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



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## 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

Policy Adopted:





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## 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  
44986 Leave of absence for disability allowance applicant  
45136 Benefits for classified

##### GOVERNMENT CODE

22156 Medicare coverage for school district employees  
22751-22883 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

4980B 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:



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## **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 - Commendations and Awards)

(cf. 3300 - Expenditures/Expending 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:**



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## 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:



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### **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:



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**DHHS PUBLICATIONS**

Preventing Occupational Hearing Loss - A Practical Guide, June 1996, Department of Health and Human Services  
(National Institute for Occupational Safety and Health)

**WEB SITES**

OSHA: <http://www.osha.gov>

Cal/OSHA: [http://www.dir.ca.gov/occupational\\_safety.html](http://www.dir.ca.gov/occupational_safety.html)

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

National Institute for Occupational Safety and Health: <http://www.cdc.gov/niosh>

National Hearing Conservation Association: <http://www.hearingconservation.org>



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### **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:



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### **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))

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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:





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### **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

44962 Leaves of absence for certificated employees

44964 Power to grant leaves of absence for accident, illness or quarantine

45190-45209 Resignations and leaves of absence for classified employees

##### GOVERNMENT CODE

8355 Certification to contracting or granting agency; requisites

##### HEALTH AND SAFETY CODE

104420 Providing information re: smoking cessation program

##### UNITED STATES CODE, TITLE 41

701-707 Drug-Free Workplace Act

Policy Adopted:



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### **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:



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### **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



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**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

Policy Adopted:



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### **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>



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## Classified Personnel

### 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>

Policy Adopted:



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**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. 4218 - 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:



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### **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:





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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>

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

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:



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### **Classified Personnel**

#### **STAFF DEVELOPMENT**

Classified staff shall have opportunities to participate in staff development activities in order to improve job skills, retrain to meet changing conditions in the district, and/or enhance personal growth.

(cf. 4261.3 - Professional Leaves)

The Superintendent or designee shall develop a program of ongoing staff development 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:



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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**

3543.2 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>

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## 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

Auer v. Robbins, (1997) 117 S.Ct. 905



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## 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



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### **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  
44850.1 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  
44951 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  
52055.650 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**

Jefferson v. Compton Unified School District, (1993) 14 Cal. App. 4th 32  
Schultz v. Regents of the University of California, (1984) 160 Cal. App. 3d 768  
Ellerbroek v. Saddleback Valley Unified School District, (1981) 125 Cal. App 3d 348  
Skelly v. California Personnel Board, (1975) 15 Cal.3d 194  
Hentschke v. Sink, (1973) 34 Cal. App. 3d 19

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## 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



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## **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:





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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)

**Policy Adopted:**



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**Management, Supervisory and Confidential Personnel**

**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

44681-44689 Administrator training and evaluation

**GOVERNMENT CODE**

3543.2 Scope of representation (re evaluation procedures)

Policy Adopted:



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### **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

United Teacher of Los Angeles v. Los Angeles Unified School District (1994) 24 Cal.App. 4th 1510

#### **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:



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## 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

44681-44689.2 Administrator training and evaluation

#### Management Resources:

##### CDE PUBLICATIONS

California Professional Standards for Educational Leaders, 2001

##### WEB SITES

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

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

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

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



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## 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 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:



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**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**

3543.2 Scope of representation

Policy Adopted:



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## 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:



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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.

Policy Adopted: