Human Resource Services

Sacramento City Unified School District

Annual Employee Notifications

(All Employees, Substitutes, and Short-Term Temporary)

2014-15

Revised

Sacramento City Unified School District

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■ ANNUAL EMPLOYEE NOTIFICATIONS ■

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■ ANNUAL EMPLOYEE NOTIFICATIONS ■

NON-DISCRIMINATION IN EMPLOYMENT (BP/AR 4030)

The Governing Board prohibits unlawful discrimination, intimidation, bullying against and/or harassment of district employees and job applicants on the basis of actual or perceived race, color, national origin, ethnicity, nationality, ancestry, religious creed, religion, age, marital status, pregnancy, physical or mental disability, disability, gender identity, gender expression, medical condition, veteran status, genetics, gender or sexual orientation, sex, or association with a person or a group with one or more of these actual or perceived characteristics 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. Any district employee who engages in or permits unlawful discrimination or harassment shall be subject to disciplinary action up to and including dismissal. A district employee shall be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident of discrimination and/or harassment, whether or not the victim complains. Any employee or applicant for employment who feels that he/she or another individual in the district has been subjected to the above should immediately contact his/her supervisor, principal, other district administrator, or the Superintendent or designee (***Chief Human Resources Officer; West Area HR Director, Central Area HR Director, or East Area HR Director at (916) 643-9050***).

CHILD ABUSE REPORTING REQUIREMENTS (BP/AR 5141.4)

Section 11166 of the Penal Code requires any childcare custodian, health practitioner, fire fighter, animal control officer, or humane society officer, employee of a child protective agency or child visitation monitor, who has knowledge of or observes a child in his/her professional capacity or within the scope of his/her employment whom he/she knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse, to a child protective agency immediately or as soon as practically possible by telephone, and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. "Child care custodian" includes teachers; an instructional aide, a teacher's aide, or a teacher's assistant employed by any public or private school, who has been trained in the duties imposed by this article, if the school district has so warranted to the State Department of Education; a classified employee of any public school who has been trained in the duties imposed by this article, if the school has so warranted to the State Department of Education; administrative officers, supervisors of child welfare and attendance, or certificated pupil personnel employees of any public or private school; administrators of a public or private day camp; administrators and employees of public or private youth centers, youth recreation programs, and youth organizations; administrators and employees of public or private organizations whose duties require direct contact and supervision of children and who have been trained in the duties imposed by this article; licensees, administrators, and employees of licensed community care or child day care facilities; head start teachers; licensing workers or licensing evaluators; public assistance workers; employees of a child care institution including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities; social workers, probation officers, or parole officers; employees of a school district police or security department; any person who is an administrator or a presenter of, or a counselor in, a child abuse prevention program in any public or private school; a district attorney investigator, inspector, or family support officer unless the investigator, inspector, or officer is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor; or a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of this code, who is not otherwise described in this section. "Health practitioner" includes physicians and surgeons, psychiatrists, psychologists, dentists, residents, interns, podiatrists, chiropractors, licensed nurses, dental hygienists, optometrists, or any other person who is licensed under Division 2 (commencing with Section 500) of the Business and Professions Code; marriage, family, and child counselors; emergency medical technicians I or II, paramedics, or other persons certificated pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code; psychological assistants registered pursuant to Section 2913 of the Business and Professions Code; marriage, family, and child counselor trainees as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code; unlicensed marriage, family, and child counselor interns registered under Section 4980.44 of the Business and Professions E 5141.4(b) Code; state or county public health employees who treat minors for venereal disease or any other condition; coroners; paramedics; and religious practitioners who diagnose, examine, or treat children. "Child visitation monitor" means any person as defined in Section 11165.15.

EMPLOYEE USE OF TECHNOLOGY (BP/AR 4040)

Employees shall be responsible for the appropriate use of technology and shall use the district's electronic resources only for purposes related to their employment. Such use is a privilege that may be revoked at any time. Employees should be aware that computer files and communications over electronic networks, including e-mail and voice mail, are not private. This technology should not be used to transmit confidential information about students, employees, or district affairs. To ensure proper use, the Superintendent or designee may monitor the district's technological resources, including email and voice mail systems, at any time without advance notice or consent. If passwords are used, they must be known to the Superintendent or designee so that he/she may have system access when the employee is absent. The Superintendent or designee shall establish administrative regulations which outline employee obligations and responsibilities related to the use of technology. Employees who fail to abide by these regulations shall be subject to disciplinary action, revocation of the user account, and legal action as appropriate. The Superintendent or designee may establish guidelines and limits on the use of technological resources. He/she shall ensure that all employees using these resources receive copies of related policies, regulations, and guidelines. Employees shall be asked to acknowledge in writing that they have read and understood these policies, regulations, and guidelines. In the event that the use of an electronic resource affects the working conditions of one or more employees, the Superintendent or designee shall notify the employees' exclusive representative. Employees are authorized to use the district's on-line services in accordance with user obligations and responsibilities specified below:

1. The employee in whose name an on-line services account is issued is responsible for its proper use at all times. Users shall keep personal account numbers, home addresses, and telephone numbers private. They shall use the system only under their own account number.
2. ***Employees shall use the system only for purposes related to their employment with the district. Commer-***

cial, political, and/or personal use of the system is strictly prohibited, including computer games, personal email/banking, and personal on-line activities. The use of signature lines should include name, title, phone number, etc. Confidentiality notice/disclaimers are allowed. No taglines, slogans, or quotes are to be included in the signature lines or in the body of the message. The district reserves the right to monitor any on-line communications for improper use.

3. Users shall not use the system to promote unethical practices or any activity prohibited by law or district policy.
4. Users shall not transmit material that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religion, or political beliefs.
5. Users shall not download pictures, images, music files or videos, or host for uploading copyrighted files.
6. Copyrighted material may not be placed on the system without the author's permission. Users may download copyrighted material for their own use only and only in accordance with copyright laws.
7. Vandalism will result in the cancellation of user privileges. Vandalism includes uploading, downloading, or creating computer viruses and/or any malicious attempt to harm or destroy district equipment, materials, or the data of any other user.
8. Users shall not read other users' mail or files; they shall not attempt to interfere with other users' ability to send or receive electronic mail, nor shall they attempt to read, delete, copy, modify, or forge other users' mail.
9. Users are encouraged to keep messages brief.
10. Users shall report any security problem or misuse of the network to the Superintendent or designee.

SEXUAL HARASSMENT (BP/AR 4119.11)

The Governing Board prohibits sexual harassment in the working environment of district employees or applicants by any person in any form. Employees who permit or engage in such harassment may be subject to disciplinary action up to and including dismissal. Any employee or applicant for employment who feels that he/she or another individual in the district is being sexually harassed should immediately contact his/her supervisor, principal, other district administrator, or the Superintendent or designee (***Chief Human Resources Officer; West Area HR Director, Central Area HR Director, or East Area HR Director at (916) 643-9050***) in order to obtain procedures for reporting a complaint. Complaints of harassment can be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment. Any supervisor who receives a harassment complaint shall notify the Superintendent or designee, who shall ensure that the complaint is appropriately investigated. The district prohibits retaliatory behavior against any complainant or any participant in the complaint process. Each complaint of sexual harassment shall be promptly investigated in a way that respects the privacy of all parties concerned. Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature made by someone from or in the work or educational setting when:

1. Submission to the conduct is made either expressly or by implication in term or condition of any individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the individual.
3. The conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or of creating an intimidating, hostile, or offensive working or educational environment or of adversely affecting the student or employee's performance, evaluation, advancement, assigned duties, or any other condition of education, employment, or career development.
4. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

Other examples of sexual harassment, whether committed by a supervisor or any other employee, are:

1. Unwelcome leering, sexual flirtations, or propositions.
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions.
3. Graphic verbal comments about an individual's body, or overly personal conversation.
4. Sexual jokes, stories, drawings, pictures, or gestures.
5. Spreading sexual rumors.
6. Touching an individual's body or clothes in a sexual way.
7. Cornering or blocking of normal movements.
8. Displaying sexually suggestive objects in the educational or work environment.
9. Any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

Each principal and supervisor has the responsibility of maintaining an educational and work environment free of sexual harassment. This responsibility includes discussing the district's sexual harassment policy with his/her students and/or employees and assuring them that they are not required to endure sexually insulting, degrading, or exploitative treatment or any other form of sexual harassment. The District prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived ancestry, age, color, disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics.

DOMESTIC VIOLENCE

The Sacramento City Unified School District is committed to creating and maintaining a safe work environment free of all forms of harassment and violence, and charges every employee with the responsibility of contributing toward that environment. Domestic violence means intentionally or recklessly causing or attempting to cause injury or harm, or placing any family member, domestic partner, or cohabitant in reasonable fear of injury. Workers who must leave their jobs to protect themselves or their children from domestic violence – “good cause” under the law – are eligible for unemployment benefits. Victims of domestic violence are protected against discharge or discrimination for taking time off to seek protection orders or other judicial relief to help secure their own or their children’s safety or welfare. The employee must give reasonable notice, if feasible. The Sacramento City Unified School District may require certification of domestic violence: a police report, protection order, and documentation from court or from a medical professional,

domestic violence advocate, or counselor. To the extent the law allows, the Sacramento City Unified School District must maintain the employee's confidentiality. (*California Labor Code §230-230.1, as amended by 2000 Cal. Stat. 487)* The Sacramento City Unified School District declares that violent conduct of any kind will not be condoned or tolerated. Discipline up to and including termination of employment will occur to any employee who threatens or abuses others on work time or using work resources. Employees convicted of a crime as a result of domestic violence may be subject to corrective or disciplinary procedures, up to and including termination, when work performance or normal operation of the workplace is affected.

UNIFORM COMPLAINT (UC) PROCEDURES (BP/AR 1312.3)

The Governing Board recognizes that the district is responsible for complying with applicable state and federal laws and regulations governing educational programs. (T5 CCR 4620) The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination, harassment, intimidation, and/or bullying based on actual or perceived characteristics such as, age, sex, sexual orientation, or on the basis or a person's association with a person or group with one or more of these actual or perceived characteristics, gender, gender expression, gender identity, ethnic group identification, ethnicity, race, ancestry, nationality, national origin, religion, color, or mental or physical disability, or in any program or activity that receives or benefits from state financial assistance. Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education, consolidated categorical aid programs, migrant education, vocational education, child care and development programs, child nutrition programs, special education programs, federal school safety planning requirements and pertaining to prohibitive requirements to pay pupil fees for participation in an education activity. Additionally, the district shall use uniform complaint procedures to address complaints regarding insufficiency of instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and/or teacher vacancy or misassignment issues as provided in Administrative Regulation 1312.4. The Board encourages the early, informal resolution of complaints at the site level whenever possible. Upon receipt of a written complaint from an individual, public agency or organization, uniform complaint procedures shall be initiated. The Superintendent or designee shall distribute full information about these procedures. The Board acknowledges and respects every individual's right to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis. The Board prohibits retaliation in any form for participation in complaint procedures, including but not limited to the filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades or work assignments of the complainant. The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate mediation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

Responsibility for UC Procedures

The Chief Human Resources Officer, Human Resource Services, will receive and investigate complaints and ensure district compliance with the law. The Chief Human Resources Officer will also assist complainants in understanding that they may pursue other remedies including actions before civil court or other public agencies. (T5 CCR 4621, 4622) Procedures shall be available free of charge. (T5 CCR 4622)

Procedures

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with the T5 CCR 4632. All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Step 1 Filing of Complaint: Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the district. Complaints alleging unlawful discrimination may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. (T5 CCR 4632) The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, district staff shall help him/her to file the complaint. (T5 CCR 4600)

Step 2 Mediation: Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process. Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information. If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint. The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (T5 CCR 4631)

Step 3 Investigation of Complaint: The compliance officer shall make all reasonable efforts to hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally. The complainant and/or his/her representative and the district's representatives shall have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. (T5 CCR 4631)

Step 4 Response: Within 60 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step 5 below, unless the complainant agrees in writing to extend the time line. (T5 CCR 4631)

Step 5 Final Written Decision: The report of the district's decision shall be in writing and sent to the complainant. (T5 CCR 4631) The report of the district's decision shall be written in English and in the language of the complainant whenever feasi-

ble or required by law. If it is not feasible to write this report in the complainant's primary language, the district shall arrange a meeting at which a community member of the complainant's choosing will interpret it for the complainant. This report shall include:

1. The findings and disposition of the complaint, including corrective actions, if any. (T5 CCR 4631)
2. The rationale for the above disposition. (T5 CCR 4631)
3. Notice of the complainant's right to appeal the decision to the California Department of Education, and procedures to be followed for initiating such an appeal. (T5 CCR 4631)
4. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. (T5 CCR 4631; Education Code 262.3)
5. A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved.

If an employee is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

Note: In accordance with California Code of Regulations, Title 5, complaints alleging discrimination, harassment, intimidation and/or bullying must be filed within six (6) months from the date the alleged discrimination, harassment, intimidation and/or bullying complaint occurred.

Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. (T5 CCR 4652) When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the district's decision and must include a copy of the locally filed complaint and the district's decision. (T5 CCR 4652) The California Department of Education may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in T5 CCR 4650, exists. In addition, the California Department of Education may also intervene in those cases where the district has not taken action within 60 calendar days of the date the complaint was filed with the district.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with T5 CCR 4622.

COMPLAINTS CONCERNING DISCRIMINATION IN EMPLOYMENT (AR 4031)

The Governing Board designates the Associate Superintendent, Human Resource Services, as Coordinator(s) for Nondiscrimination in Employment. The following procedures shall be followed when an employee has a complaint alleging that a specific action, policy, procedure, or practice discriminates against him/her on any basis specified in the district's nondiscrimination policies.

1. The complaint must be initiated within 30 days after a complainant knew, or should have known, of the alleged discrimination.
2. All parties involved in allegations of discrimination shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made. The complainant also shall be notified of his/her right to appeal the decision to the next level.
3. When a complaint is brought against the individual responsible for the complaint process at any level, the complainant may address the complaint directly to the next appropriate level.
4. Meetings related to a complaint shall be held at times subject to the collective bargaining agreement and least likely to interfere with school schedules and operations.
5. For the protection of the complainant and the district, complaint proceedings shall be kept confidential insofar as appropriate.
6. All documents, communications, and records dealing with the complaint shall be placed in a district complaint file, which is a separate file from the district's personnel file.
7. No retaliation shall be taken in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in the complaint procedures. Such participation shall not in any way affect the status or work assignments of the complainant.
8. Time limits specified in these procedures may be revised only by written mutual agreement of all parties involved. A reasonable period of time to conduct an investigation will depend upon the quantity of witnesses and complexity of the investigation. If the district fails to respond within a specified or adjusted time limit, a complainant may proceed to the next level. If a complainant fails to take the complaint to the next step within the prescribed time, the complaint shall be considered settled at the preceding step.

Level I: The complainant shall first meet informally with the principal of the school or department where the allegedly discriminatory act occurred. A complaint regarding discrimination away from a school site should be discussed informally with an administrator selected by the Superintendent. If the complainant's concerns are not clear or cannot be resolved through informal discussion, the principal or other administrator shall prepare, within 10 working days, a written summary of his/her meeting(s) with the complainant. This report shall be available if requested by the nondiscrimination coordinator.

Level II: If a complaint cannot be satisfactorily resolved at Level I, the complainant may submit a formal written complaint to the district nondiscrimination coordinator within 10 days of his/her attempt to resolve the complaint informally. The written complaint shall include the following: (1) the complainant's signature or that of his/her representative; (2) the complainant's name, address, and telephone number; (3) the name and address of the district staff member who committed the alleged violation; (4) a description of the allegedly discriminatory act(s) or omission(s); (5) the discriminatory basis alleged; (6) a specific description of the time, place, nature, participants in, and wit-

nesses to the alleged violation; (7) other pertinent information which may assist in investigating and resolving the complaint.

The nondiscrimination coordinator shall assign a staff member to assist the complainant with this writing if such help is needed. The coordinator shall respond to the complainant in writing within a reasonable period of time. The coordinator shall conduct any investigation necessary to respond to the complaint, including discussion with the complainant, person(s) involved, appropriate staff members and students, and review of the Level I report and all other relevant documents.

Level III: If the complaint cannot be resolved at Level II, the complainant may present the complaint to the Superintendent or designee within 10 days. The Superintendent or designee shall review the Level II investigation file, including the written complaint and all responses from district staff, and may conduct a further investigation if he/she finds it necessary to do so. The Superintendent or designee shall respond to the complainant in writing within a reasonable period of time.

Level IV: If the matter is not resolved at Level III, the complainant may file a written appeal to the Board within 10 working days after receiving the Level III response. The Superintendent or designee shall provide the Board with all information presented at previous levels. The Board shall grant the hearing request for the next regular Board meeting for which it can be placed on the agenda. Any complaint against a district employee shall be conducted in closed session as a personnel matter. The Board shall render its decision within a reasonable period of time. The Board may appoint a hearing panel to review the complaint and previous decisions and make recommendations to the Board. The panel shall hear the appeal and render its decision within 10 working days.

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

ANIMALS ON DISTRICT PROPERTY

It has come to our attention that there is a need to clarify regulations regarding animals. With the exception of the following three items, no animals are allowed at school sites or administrative facilities: (1) seeing-eye dogs and service dogs, (2) Board Policy 6163.2, "*animals may be brought to school only for educational purposes, subject to rules and precautions specified in administrative regulations related to health, safety and sanitation*," and (3) dogs used for law enforcement purposes.

TOBACCO-FREE SCHOOLS (BP/AR 3513.3)

The Governing Board recognizes the health hazards associated with tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for students and staff. Employees are encouraged to serve as models for good health practices that are consistent with the district's instructional programs. In accordance with state and federal law, smoking is prohibited in all district facilities and vehicles. The Board further prohibits the use of tobacco products at all times on district grounds. This prohibition applies to all employees, students, and visitors at any activity or athletic event on property owned, leased, or rented by or from the district. The Superintendent or designee shall inform students, parents/guardians, employees, and the public about this policy and related procedures. Signs prohibiting the use of tobacco shall be prominently displayed at all entrances to school property. The Superintendent or designee shall maintain a list of clinics and other resources which may assist individuals who wish to stop using tobacco products.

Employee Notifications

The Superintendent or designee shall notify employees of the district's tobacco-free schools policy. The notification shall also inform them of:

1. Their need to abide by district policy as a condition of employment.
2. The dangers of tobacco use in the workplace, including its threat to the health and safety of employees, students, and the public.
3. Available resources which may help employees stop using tobacco.
4. Possible disciplinary actions in accordance with Board policy, state law, and applicable collective bargaining agreements.

Enforcement Procedures for Visitors

A visitor who smokes on district property shall be informed of the district's tobacco-free schools policy and asked to refrain from smoking. If the person fails to comply with this request, the following actions may ensue:

1. The matter may be referred to the Superintendent or designee responsible for the area or the event.
2. The Superintendent or designee may direct the person to leave school property.
3. If necessary, the Superintendent or designee may request local law enforcement assistance in removing the person from school premises.
4. If the person repeatedly violates the tobacco-free schools policy, the Superintendent or designee may prohibit him/her from entering district property for a specified period of time.

ENVIRONMENTAL SAFETY (BP/AR 3514)

The Governing Board believes that students and employees have the right to learn and work in a safe, clean, and healthy environment. The district has an obligation to locate and reduce or eliminate potential risks to health and the environment, to use environmental resources in a responsible way, and to educate students and staff about environmental issues. The Superintendent or designee shall establish regulations to guard against environmental hazards. Students and staff are encouraged to report any unsafe conditions they may observe.

Air Quality

The Board recognizes that clean air contributes to a favorable learning environment for students, productivity for staff, and the health of all school occupants. Adequate ventilation, appropriate housekeeping and maintenance procedures, and the removal of pollution sources are all necessary to achieve good indoor air quality. The Superintendent or designee shall ensure that staff implements measures that will maintain good air quality in classrooms and offices. Air quality shall be considered in the setting and architectural design of new or remodeled facilities and in the selection of building materials and furnishings.

The Superintendent or designee shall ensure that the following measures are taken in order to reduce indoor air contaminants:

1. Heating, ventilating, and air conditioning systems shall be operated, inspected, and maintained in accordance with law. School buildings shall be inspected annually to ensure they have adequate ventilation systems, properly

maintained so as to preclude the buildup of mold, mildew, and air contaminants. Filters shall be changed frequently.

2. Low-emission cleaning products shall be used whenever possible, and custodial duties that require polluting products shall be performed after classes are dismissed for weekends or vacations.
3. Paints, adhesives, and solvents shall be used and stored in well-ventilated areas; these items shall be purchased in small quantities to avoid storage exposure.
4. Exterior wall and foundation cracks and openings shall be sealed to control exposure to radon.
5. Water-damaged ceiling tiles, carpet, and other building materials shall be removed.

Pest Management

Sanitary measures shall be enforced and buildings regularly cleaned and repaired in order to prevent infestations, minimize the use of pesticides, and eliminate routine spraying. The Superintendent or designee shall ensure that the district follows integrated pest management procedures so as to use the most appropriate and least toxic method of control.

In determining when to control pests and whether to use mechanical, physical, chemical, cultural, or biological means, the district shall follow the principles of integrated pest management. Procedures shall include the following:

1. The choice of using a pesticide will be based on a review of all other available options and a determination that these options are not acceptable or not feasible. The full range of alternatives, including no action, will be considered.
2. Selected non-chemical pest management methods will be used whenever possible to provide the desired control. Cost or staffing considerations alone will not be adequate justification for use of chemical control agents.
3. The pest and the site of infestation shall be carefully identified. Strategies for managing the pest will be influenced by the pest species, and whether that species poses a threat to people, property, or the environment.
4. When it is determined that a pesticide must be used, the least hazardous material will be chosen and applied in accordance with law.
5. Staff, students, and parents/guardians shall receive information about the district's integrated pest management policy and procedures and notification of any upcoming pesticide treatments. Notice of upcoming pesticide treatments shall also be posted in areas designated by the Superintendent or designee. (Reference: Education Code 48980.3, 17612)
6. Records of pesticide use shall be maintained at a designated district office.
7. Pesticide purchases shall be limited to amounts authorized by the Superintendent or designee for use during the year. Pesticides shall be stored in a secure site not accessible to students or unauthorized staff; they shall be stored and disposed of in accordance with EPA-registered label directions and state regulations.
8. Persons applying pesticides shall follow label precautions and shall be trained in the principles and practices of integrated pest management.

Lead Exposure Reduction

The Board recognizes that exposure to lead is especially damaging to young children, and that hazardous levels of lead may sometimes be present in paint, soil, or drinking water. In order to minimize any harmful exposure, the district shall follow guidelines recommended by the Department of Health Services and specified in administrative regulations. In accordance with law, the Superintendent or designee shall inform school staff and parents/guardians of the results of any lead survey conducted by the Department of Health Services.

The following steps shall be taken to minimize potential exposure to lead:

1. Lead exposure hazards shall be evaluated before any renovation or remodeling is begun, and children shall not be allowed in or near buildings in which these activities may create lead dust. Contractors and workers shall comply with state and federal standards related to the handling and disposal of lead debris and the clean-up and containment dust within the construction area.
2. School drinking water fountains shall be monitored for the amount of lead in the water, and corrective action shall be taken when necessary.
3. The district shall provide parents/guardians and students with information about the prevention of lead poisoning, and may refer parents/guardians to their children's health care providers or local health department for blood lead testing of children six months through six years of age.
4. Remedial action to abate existing lead hazards shall be taken only by personnel qualified in accordance with law.

Asbestos Testing and Abatement

Maintenance staff shall be trained in the location, identification, proper cleaning, and ongoing maintenance of asbestos-containing materials and in the removal and decontamination of small amounts of such materials when needed to repair pipes or perform similar duties. Any more extensive asbestos abatement work shall be done by state-certified asbestos abatement contractors in compliance with state and federal standards. The district's complete, updated management plan for material containing asbestos in school buildings shall be available for inspection in district and school offices during normal business hours. Parent, teacher, and employee organizations shall annually be informed of the availability of this plan. (40 CFR 763.93)

Other Environmental Safety Precautions

Principals or their designees shall enforce school rules designed to:

1. Prevent the accumulation of flammable, noxious, or otherwise dangerous materials unless adequate safeguards are provided.
2. Keep all school facilities free of debris.
3. Keep walkways at all times open to pedestrian traffic and clear of obstructions.

HAZARDOUS SUBSTANCES (BP/AR 3514.1)

The Governing Board recognizes that potentially hazardous substances are used in the daily operations of our schools. The Superintendent or designee shall ensure these substances are inventoried, used, stored, and regularly disposed of in a safe and legal manner. Insofar as possible, the Superintendent or designee shall minimize the quantities of hazardous substances stored on school property and shall substitute less dangerous materials for hazardous substances.

HAZARDOUS SUBSTANCES DISPOSAL / HAZARD COMMUNICATION PROGRAM

The disposal of chemicals may be accomplished in accordance with removal and disposal systems established by the County Office of Education or by permission of the County Superintendent of Schools.

The Superintendent or designee shall develop, implement, and monitor a written hazard communication program in accordance with state law. As part of this program, he/she shall ensure that employees are fully informed about the properties and potential hazards of substances to which they may be exposed, and that Material Safety Data Sheets are readily accessible to them. Teachers shall instruct students about the importance of proper handling, storage, disposal, and protection when using any potentially hazardous substance.

Hazard Communication Program

The written hazard communication program shall be available upon request to all employees and their designated representatives. The following materials are exempted from the hazard communication program and this district regulation: hazardous wastes; tobacco products; wood and wood products; manufactured articles; food, drugs, and cosmetics intended for personal consumption by employees while in the workplace; and substances used in compliance with regulations issued by the Department of Pesticide Regulation pursuant to Food and Agriculture Code 12981.

1. Container Labeling: Except for consumer products, pesticides, alcoholic beverages, and food, drug, and additive products which are already labeled in compliance with federal law, no container of hazardous substance shall be accepted by schools or the district unless labeled by the supplier with the following information:
   a. Identity of the hazardous substance(s).
   b. Hazard warning statements.
   c. Name and address of the chemical manufacturer or importer.

   Whenever hazardous substances are transferred from their original containers to other containers, the secondary containers shall likewise be labeled with the identity and hazard warning statement.
2. Material Safety Data Sheets: Upon receiving a hazardous substance or mixture, the Superintendent or designee shall ensure that the manufacturer has also furnished a Material Safety Data Sheet (MSDS) as required by law. If the MSDS is missing or obviously incomplete, the Superintendent or designee shall request a new MSDS from the manufacturer and shall notify the California Occupational Safety and Health Division (Cal/OSHA) if a complete MSDS is not received. The Superintendent or designee shall maintain copies of the MSDS for all hazardous substances, and ensure that they are kept up-to-date and available to all affected employees during working hours. He/she shall review each incoming MSDS for new and significant health or safety information and shall disseminate this information to affected employees.
3. Employee Information and Training: Employees shall receive in-service training on hazardous substances in their work area at the time of their initial assignment and whenever a new hazard is introduced into their work area. This training shall include but is not limited to (8 CCR 5194):
   a. An overview of the requirements of California's Hazard Communication Regulation (Code of Regulations, Title 8, Section 5194), including employee rights described therein.
   b. The location, availability, and content of the district's written hazard communication program.
   c. Information as to any operations in the employees' work area where hazardous substances are present.
   d. The physical and health effects of the hazardous substances in the work area.
   e. Techniques and methods of observation that may determine the presence or release of hazardous substances in the work area.
   f. Methods by which employees can lessen or prevent exposure to these hazardous substances, such as appropriate work practices, use of personal protective equipment, and engineering controls.
   g. Steps the district has taken to lessen or prevent exposure to these substances.
   h. Instruction on how to read labels and review the MSDS for appropriate information.
   i. Emergency and first aid procedures to follow if exposed to the hazardous substance(s).
4. List of Hazardous Substances: For specific information about the hazardous substances known to be present in the district and schools, employees may consult the MSDS.
5. Hazardous Non-Routine Tasks: When employees are required to perform hazardous non-routine tasks, they shall first receive information about the specific hazards to which they may be exposed during this activity and the protective/safety measures which must be used. They shall also receive information about emergency procedures and the measures the district has taken to lessen the hazards, including ventilation, respirators, and the presence of another employee.
6. Hazardous Substances in Unlabeled Pipes: Before starting to work on unlabeled pipes, employees shall contact their supervisors for information as to the hazardous substance(s) contained in the pipes, the potential hazards, and safety precautions which must be taken.
7. Informing Contractors: To ensure that outside contractors and their employees work safely in district buildings and schools, the Superintendent or designee shall inform these contractors of hazardous substances which are present on the site and precautions that employees may take to lessen the possibility of exposure. It shall be the contractor's responsibility to disseminate this information to his/her employees and subcontractors.

EXPOSURE CONTROL PLAN FOR BLOOD-BORNE PATHOGENS (BP/AR 4119.42)

The Superintendent or designee shall meet state and federal standards for dealing with blood-borne pathogens and other potentially infectious materials in the workplace. The Superintendent or designee shall establish a written Exposure Control Plan designed to protect employees from possible infection due to contact with blood-borne viruses, including human immunodeficiency virus (HIV) and hepatitis B virus (HBV). The Governing Board shall determine which employees have occupational exposure to blood-borne 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. Any employee not identified as having occupational exposure in the district's exposure determination may petition to be included in the district's employee in-service and hepatitis B vaccination program. Any such petition should be submitted to the Superintendent or designee who shall evaluate the request and notify the petitioners of his/her decision. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with infectious material.

Definitions

Occupational Exposure means "reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties." Exposure Incident means "a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties." Parenteral contact means "piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, and abrasions."

Exposure Control Plan

The district's Exposure Control Plan shall contain at least the following components:

1. A determination of which employees have occupational exposure to blood or other potentially infectious materials.
2. A description of the schedule and method for implementing exposure control requirements, including but not be limited to:
   a. Universal precautions.
   b. Engineering and work practice controls.
   c. Personal protective equipment.
   d. Housekeeping schedules.
   e. Hepatitis B vaccination.
   f. Post-exposure evaluation and follow-up.
   g. Informing employees about biohazards, including:
      (1) Labels and signs.
      (2) Training.
   h. Maintenance of training and medical records.
3. The district's procedure for evaluating circumstances surrounding exposure incidents.

The Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary to:

1. Reflect new or modified tasks and procedures affecting occupational exposure.
2. Reflect new or revised employee positions with occupational exposure.
3. Review the exposure incidents which occurred since the previous update.

The district's Exposure Control Plan shall be accessible to employees in accordance with law. It also shall be made available to the Chief or Director of the National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services, or his/her designee, upon request for examination and copying.

Exposure Determination

The district's Exposure Determination shall be made without regard to the use of personal protective equipment and shall include:

1. All job classifications in which all employees have occupational exposure to blood-borne pathogens.
2. Job classifications in which some employees have occupational exposure.
3. All tasks and procedures or groups of closely related tasks and procedures in which occupational exposure occurs and which are performed by employees listed in item #2 above.

Hepatitis B Vaccination

Hepatitis B vaccinations shall be provided at no cost to those employees determined to have occupational exposure to blood and other potentially infectious materials. Employees who decline to accept the vaccination shall sign the hepatitis B declination statement as required by law. The district may exempt "designated first-aid providers" from the pre-exposure hepatitis B vaccine if:

1. Rendering first aid is not the primary job responsibility of the employee and is not performed on a regular basis.
2. The district's Exposure Control Plan provides that:
   a. Employees report all first-aid incidents involving the presence of blood or other potentially infectious materials before the end of the work shift during which the incident occurred.
   b. Designated first-aid providers participate in the blood-borne pathogens training program.
   c. The full hepatitis B vaccination series shall be made available to unvaccinated first-aid providers no later than 24 hours after they render assistance in any situation involving the presence of blood or other potentially infectious material regardless of whether an exposure incident occurred.
3. The district implements a procedure to ensure the above requirements are met.

Protective Equipment

The district shall provide appropriate personal protective equipment at no cost to the employee. The district shall maintain, repair, make accessible, and require employees to use and properly handle protective equipment.

Information and Training

The district shall provide a training program as specified by law to all employees in job classifications which have been determined to have some degree of occupational exposure. This program shall be offered at the time of initial assignment, annually thereafter, and whenever a change of tasks or procedures affects the employee's exposure. Employees who fall within the definition of designated first aid providers shall also receive training. Such training shall include the specifics of reporting first-aid incidents which involve blood or body fluids which are potentially infectious.

First-Aid Incidents

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

Exposure Incidents: Post-evaluation and Follow-up

All exposure incidents must be reported as soon as possible to the Superintendent or designee. Following a report of an exposure incident, the district shall provide the exposed employee

with a confidential medical evaluation and follow-up, as required by law. The district shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation.

Records

Medical and training records shall be kept in accordance with law. Medical records shall be maintained for the duration of employment plus 30 years. Training records shall be maintained for three years from the date of training. An employee's records shall be made available to that employee and to the National Institute for Occupational Safety and Health in accordance with law. Medical records for each employee with occupational exposure will be kept confidential as appropriate and transferred or made available in accordance with law.

Nondiscrimination in District Programs and Activities (BP 0410)

The Governing Board is committed to equal opportunity for all individuals in education. District programs and activities shall be free from discrimination based on race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

Annually, the Superintendent or designee shall review district programs and activities to ensure the removal of any barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities, including the use of facilities. He/she shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report his/her findings and recommendations to the Board after each review.

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employee organizations and sources of referral and applicants for admission and employment, about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in each announcement, bulletin, catalog, handbook or application form, or other materials distributed to these groups. (34 CFR 104.8, 106.9)

An individual filing a complaint of discrimination shall not be subjected to acts of retaliation for the purpose of interfering with any right secured by federal or state law. This includes acts of intimidation, threats, coercion, or discrimination.

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

Access for Individuals with Disabilities

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act and any implementing standards and/or regulations.

The Superintendent or designee shall ensure that the district provides appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, note-takers, written materials, taped text, and Braille or large print materials.

Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school-sponsored function, program, or meeting.

EMPLOYEES WITH INFECTIOUS DISEASE (BP 4119.41)

The Governing Board encourages each employee to inform the district as soon as possible if he/she contracts an infectious disease which creates a physical or mental disability. The Board will reasonably accommodate the needs of such individuals. The Board may reassign or grant disability leave to an employee who is unable to perform his/her job responsibilities because of illness or because the employee's illness significantly endangers his/her health or safety or the health or safety of others. 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. 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 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.

DRUG AND ALCOHOL-FREE WORKPLACE (BP 4020)

The Governing Board believes that the maintenance of drug and alcohol-free workplaces is essential to school and district operations. No employee shall unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any alcoholic beverage, drug, or controlled substance as defined in the Controlled Substances Act and Code of Federal Regula-

tions before, during, or after school hours at school or in any other district workplace. The Superintendent or designee shall:

1. Publish and give to each employee a notification of the above prohibitions. The notification shall specify the actions that will be taken against employees who violate these prohibitions. The notification shall also state that as a condition of employment, the employee will abide by the terms of this policy and notify the employer, within five days, of any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace. For the purpose of this policy, "conviction" shall mean a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged to determine violations of federal or state criminal drug or alcohol statutes.
2. Establish a drug and alcohol-free awareness program to inform employees about:
   a. The dangers of drug and alcohol abuse in the workplace.
   b. The district policy of maintaining drug and alcohol-free workplaces.
   c. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs.
   d. The penalties that may be imposed on employees for drug and alcohol abuse violations.
3. 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.
4. Initiate disciplinary action within 30 days after receiving notice of a conviction for a violation in the workplace from an employee or otherwise. Such action shall be consistent with state and federal law, the appropriate employment contract, the applicable collective bargaining agreement, and district policy and practices.
5. Make a good faith effort to continue maintaining a drug and alcohol-free workplace through implementation of Board policy. In taking disciplinary action, the Board shall require termination when termination is required by law. When termination is not required by law, the Board shall either take disciplinary action, up to and including termination, or shall 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. The Board's decision shall be made in accordance with relevant state and federal laws, employment contracts, collective bargaining agreements, and district policies and practices.

DRUG AND ALCOHOL-FREE WORKPLACE NOTICE TO EMPLOYEES

YOU ARE HEREBY NOTIFIED that it is a violation of Board policy for any employee at a school district workplace to unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any alcoholic beverage, drug, or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations. “School district workplace" is defined as any place where school district work is performed, including a school building or other school premises; 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, such as a field trip or athletic event, 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.

As a condition of your continued employment with the district, you will comply with the district's policy on Drug and Alcohol-Free Workplace and will, any time you are convicted of any criminal drug or alcohol statute violation occurring in the workplace, notify your supervisor of this conviction no later than five days after such conviction.

Pursuant to the federal Omnibus Transportation Employee Testing Act (OTETA) of 1991, school bus drivers and other employees defined in the OTETA as being in safety sensitive positions shall be subject to a drug and alcohol-testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

Pursuant to California Education Code 44836 and 45123, 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.

Pursuant to Education Code 45123, the district may employ for classified service a person who has been convicted of a controlled substance offense only if it determines, from evidence presented, that the person has been rehabilitated for at least five years. The Board shall determine the type and manner of presentation of the evidence, and the Board's determination as to whether or not the person has been rehabilitated is final.

Pursuant to Education Code 44425, whenever the holder of any credential issued by the State Board of Education or the Commission for Teacher Preparation and Licensing has been convicted of a controlled substance offense as defined in Education Code 44011, the commission shall forthwith suspend the credential. When the conviction becomes final or when imposition of sentence is suspended, the commission shall revoke the credential.

Pursuant to Education Code 44940, the district must immediately place on compulsory leave of absence any certificated employee charged with involvement in the sale, use, or exchange to minors of certain controlled substances.

Pursuant to Education Code 44940, the district may immediately place on compulsory leave of absence any certificated employee charged with certain controlled substance offenses.

Pursuant to Education Code 45304, the district must immediately place on compulsory leave of absence any classified employee charged with involvement in the sale, use, or exchange to minors of certain controlled substances.

Pursuant to Education Code 45304, the district may immediately place on compulsory leave of absence any classified employee charged with certain controlled substance offenses.

Drug and alcohol counseling, rehabilitation, and/or employee assistance programs are available locally. If you need a referral, please contact the Chief Human Resources Officer.

SOLICITING AND SELLING (BP 4135)

Employees shall not solicit district staff, students, or their families with the intent to sell general merchandise, books, equipment, or services. Staff shall not distribute promotional, political, controversial, or other non-instructional materials unless approved by the Superintendent or designee. Staff members shall not use their status as district employees to secure information such as names, addresses, and telephone numbers for use in

profit-making ventures. Educational tours may be promoted on school premises only if the district sponsors them. Employees engaged in planning, organizing, or leading tours as a private business shall make it clear that they do not represent the school or district. All activities related to such tours must be carried on outside of school hours and off school premises. Any classroom activity requiring students to bring money to school for any purpose must have the principal's approval. Staff participation in "flower funds," "sickness and bereavement funds," "anniversary funds," and the like shall be a matter of individual discretion.

TUTORING (BP 4137)

The Governing Board 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.

OVERTIME OR COMPENSATORY TIME OFF FOR NON-EXEMPT EMPLOYEES UNDER THE FAIR LABOR STANDARDS ACT (FLSA)

Employees should refer to their union contracts for specific language that has been negotiated in regard to overtime and compensatory time off. For employees who are non-exempt under the FLSA, prior written approval from the evaluating supervisor is required prior to working overtime either for pay or compensatory time off. The FLSA designation for each position is shown on the position description and in the Terms of Employment signed by new or promoted employees. Overtime worked MUST be reported on time sheets along with the supervisor's approval so that comprehensive records of compensatory time off, or overtime for pay, can be appropriately maintained by the District.

EXEMPT EMPLOYEES UNDER THE FAIR LABOR STANDARDS ACT (FLSA)

Exempt employees are NOT entitled to overtime or compensatory time off. They are considered to be bona fide executives, administrators, or professionals such as teachers, principals, managers, some confidential and supervisory positions, and others. The FLSA designation for each position is shown on the position description and in the Terms of Employment signed by new or promoted employees.

FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement: FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons: for incapacity due to pregnancy, prenatal medical care or child birth; to care for the employee's child after birth, or placement for adoption or foster care; to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or for a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements: The National Defense Authorization Act extends coverage for exigency leave to the family of all active-duty servicemembers who are deployed in a foreign country. Employees with a family member who is either in a regular component of the Armed Forces or a reserve component of the Armed Forces will be entitled to leave "because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty)" in a foreign country; may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

The act also extends coverage of "servicemember caregiver leave" to include caring for a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The caregiver would be able to take up to 26 weeks of leave to care for a veteran for up to five years after he or she leaves military service if the veteran suffered a qualifying injury or illness in the line of active duty (or had an existing injury or illness aggravated in the line of active duty). The injury or illness could manifest itself before or after the member became a veteran.

Benefits and Protections: During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements: Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition: A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave: An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave: Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA

leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities: Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities: Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers: FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement: An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

AMERICANS WITH DISABILITIES ACT (ADA) OF 1990

The ADA prohibits discrimination against any qualified individual with a disability because of that disability. The purpose of the ADA is to provide a clear and comprehensive mandate for the elimination of discrimination against individuals with disabilities. The Sacramento City Unified School District provides equal access and opportunity to all persons, including qualified individuals with a disability. Applicants and employees are provided opportunities for employment in all positions, with or without reasonable accommodation. For further information on the ADA, contact the Office of Risk Management and Employees Benefits at 643-9432.

VIETNAM-ERA ADJUSTMENT ACT OF 1974

School districts with $10,000 or more in federal funds must take affirmative action to hire disabled veterans of all wars and ALL veterans of the Vietnam War. A disabled veteran is one with 30% or more disability rating from the Veteran's Administration, or one who was discharged from active duty for service-connected disability. The Sacramento City Unified School District gives additional points in the screening, interview, and selection process for disabled veterans of the Vietnam War.

OMNIBUS TRANSPORTATION EMPLOYEES ACT (OTEA) OF 1991

This act mandates alcohol and drug testing for all employees in safety sensitive positions. It applies to every employee who drives a commercial motor vehicle requiring a commercial driver's license such as bus drivers, grounds keepers, and maintenance drivers. Employees who drive vehicles that transport 16 or more passengers, weigh 26,001 pounds, or carry hazardous materials are subject to drug and alcohol testing. Drug and alcohol tests include post-offer/pre-employment, post-accident resulting in a moving violation, reasonable suspicion, return to duty and follow-up, and random testing of 25% of identified employees each year.

EMPLOYEE ASSISTANCE PROGRAM

Most employees and eligible dependents are entitled to receive EAP services, administered by Mental Health Network (MHN). Eligible employees are entitled to receive seven sessions per benefit year. The spouse of an eligible employee is entitled to receive seven sessions, and the children of eligible employees are entitled in the aggregate to receive seven sessions per benefit year from July 1 through June 30. Services provided include clinical counseling and life management services, which include pre-retirement counseling, child care consultation, elder care consultation, Federal taxpayer consultation and representation service, organizing life's affairs, and other services. All services are confidential. Employees may call MHN 24 hours a day, seven days a week at 1-800-227-1060. The TDD number for the hearing impaired is 1-800-327-0801.

CODE OF ETHICS (BP 4119.21, BP 4219.21, BP 4319.21)

The Governing Board expects district employees to maintain the highest ethical standards, to follow district policies and regulations, and to abide by state and national laws. Employee conduct should enhance the integrity of the district and the goals of the educational program. The Board encourages district employees to accept as guiding principles the codes of ethics published by professional associations to which they may belong.

Certificated Employees (E 4119.21)

General Provisions

80331 (a) These rules are binding upon every person holding a credential or any license to perform educational services under the jurisdiction of the Commission on Teacher Credentialing, and the consequences of any willful breach may be revocation or suspension of the credential, or license, or private admonition of the holder.

(b) Nothing in these rules is intended to limit or supersede any provision of law relating to the duties and obligations of certificated persons or to the consequences of the violation of such duties and obligations. The prohibition of certain conduct in these rules is not to be interpreted as approval of conduct not specifically cited.

(c) These rules may be cited and referred to as "Rules of Conduct for Professional Educators."

(d) The Commission shall complete a study of the effect of these rules and present its findings to the Governor, the Legislature, and the State Board of Education no later than September 1, 1989.

(e) As used in these rules:

(1) "Certificated person" means any person who holds a certificate, permit, credential, or other license authoring the performance of teaching or education-related service in grades K through 12 in California public schools.

(2) "Professional employment" means the performance for compensation of teaching or other education-related employment in a position for which certification requirements are set by law.

(3) "Confidential information" means information made confidential by Section 35301 of the Education Code, or information which was provided to the certificated person solely for the purpose of facilitating his/her performance of professional services for or on behalf of the person or employer providing such information.

80332 (a) A certificated person shall not write or sign any letter or memorandum which intentionally omits significant facts, or which states as facts matters which the writer does not know of his/her own knowledge to be true relating to the professional qualifications or personal fitness to perform certificated services of any person whom the writer knows will use the letter or memorandum to obtain professional employment; nor shall he/she agree to provide a positive letter of recommendation which misrepresents facts as a condition of resignation or for withdrawing action against the employing agency.

Professional Candor and Honesty in Letters or Memoranda of Employment Recommendation

(b) This rule has no application to statements identified in the letter or memorandum as personal opinions of the writer, but does apply to unqualified statements as fact that which the writer does not know to be true, or to statements as fact that which the writer knows to be untrue.

Withdrawal from Professional Employment

80333 (a) A certificated person shall not abandon professional employment without good cause.

(b) "Good cause" includes, but is not necessarily limited to, circumstances not caused by or under the voluntary control of the certificated person.

Unauthorized Private Gain or Advantage

80334 A certificated person shall not:

(a) Use for his/her own private gain or advantage or to prejudice the rights or benefits of another person any confidential information relating to students or fellow professionals.

(b) Use for his/her own private gain or advantage the time, facilities, equipment, or supplies which are the property of his/her employer without the express or clearly implied permission of his/her employer.

(c) Accept any compensation or benefit or thing of value other than his/her regular compensation for the performance of any service which he/she is required to render in the course and scope of his/her certificated employment. This rule shall not restrict performance of any overtime or supplemental services at the request of the school employer; nor shall it apply to or restrict the acceptance of gifts or tokens of minimal value offered and accepted openly from students, parents, or other persons in recognition or appreciation of service.

80335 A certificated person shall not, after July 1,1989:

(a) Knowingly, accept an assignment to perform professional services if he or she does not possess a credential authorizing the service to be performed; unless he or she has first exhausted any existing local remedies to correct the situation, has then notified the County Superintendent of Schools in writing of the incorrect assignment, and the County Superintendent of Schools has made a determination, within 45 days of receipt of the notification, that the assignment was caused by extraordinary circumstances which make correction impossible, pursuant to the procedures referred to in Education Code Section 44258.9 (g) (2) and (3).

Performance of Unauthorized Professional Services

(b) Knowingly and willfully assign or require a subordinate certificated person to perform any professional service which the subordinate is not authorized to perform by his or her credential or which is not approved by appropriate governing board authorization, unless he or she has made reasonable attempts to correct the situation but has been unsuccessful, and has notified the County Superintendent of Schools of those attempts, and the County Superintendent of Schools has determined, within 45 days of being notified of the assignment, that the assignment was caused by extraordinary circumstances which make correction impossible.

(c) Neither (a) nor (b) shall be applicable in a situation where extraordinary circumstances make the correction of the misassignment impossible.

(d) There shall be no adverse action taken against a certificated person under this rule for actions attributable to circumstances beyond his or her control.

Performance with Impaired Faculties

80336 (a) A certificated person shall not:

(1) Perform or attempt to perform any duties or services authorized by his or her credential during any period in which he or she knows or is in possession of facts showing that his or her mental or intellectual faculties are substantially impaired for any reason, including but not limited to use of alcohol or any controlled substance.

(2) Assign or require or permit a subordinate certificated person to perform any duties authorized by his or her credential during any period in which the superior certificated person knows of his or her own knowledge, or is in possession of facts showing that the subordinate certificated person's mental or intellectual faculties are substantially impaired for any reason, including but not limited to use of alcohol or any controlled substance.

(b) For the purpose of this rule, substantial impairment means a visible inability to perform the usual and customary duties of the position in a manner that does not represent a danger to pupils, employees, or school property. It does not include or mean inability attributable to lack of, or inadequate, professional preparation or education.

Harassment and Retaliation Prohibited

80337 No certificated person shall directly or indirectly use or threaten to use any official authority or influence in any manner whatsoever which tends to discourage, restrain, interfere with, coerce, or discriminate against any subordinate or any certificated person who in good faith reports, discloses, divulges, or otherwise brings to the attention of the Governing Board of a school district, the Commission on Teacher Credentialing, or any other public agency authorized to take remedial action, any facts or information relative to actual or suspected violation of any law regulating the duties of persons serving in the public school system, including but not limited to these rules of professional conduct.

Discrimination Prohibited

80338 A certificated person shall not, without good cause, in the course and score of his of her certificated employment and solely because of race, color, creed, gender, national origin, handicapping condition, or sexual orientation, refuse or fail to perform certificated services for any person.

Classified Employees (E 4219.21)

School employees who are in daily contact with many phases of educational work should be persons whose conduct is beyond reproach and who sincerely believe in the advancement of education and the betterment of working conditions.

As a school employee I will:

1. Be proud of my vocation in order that I may use my best endeavors to elevate the standards of my position so that I may merit a reputation for high quality of service -- to the end that others may emulate my example.
2. Be a person of integrity, clean speech, desirable personal habits, and physical fitness.
3. Be just in my criticism and be generous in my praise; to improve and not destroy.
4. At all times be courteous in my relations with students, parents, teachers, and others.
5. Be a resourceful person who readily adapts himself to different kinds of work and changed conditions, and finds better ways to do things.
6. Conduct myself in a spirit of friendly helpfulness to my fellow employees to the end that I will consider no personal success legitimate or ethical which is secured by taking unfair advantage of another.
7. Associate myself with employees of other districts for the purpose of discussing school problems and cooperating in the improvement of public school conditions.
8. Always uphold my obligations as a citizen to my nation, my state, my school district, and my community, and give them unswerving loyalty.

Management, Supervisory, and Confidential Employees (E 4319.21)

A management, supervisor, or confidential school employee's behavior must conform to an ethical code. The code must be idealistic and at the same time practical, so that it can apply reasonably to all. The professional acknowledges that the schools belong to the public they serve for the purpose of providing educational opportunities to all and provides professional leadership in the school and community. This responsibility requires standards of exemplary professional conduct. It must be recognized that the professional's actions will be viewed and appraised by the community, associates, and students. To these ends, the professional subscribes to the following statements of standards. The management, supervisory, confidential school employee:

1. Makes the well-being of students the fundamental element in all decision-making and actions.
2. Fulfills professional responsibilities with honesty and integrity.
3. Supports the principle of due process and equal treatment under the law.
4. Obeys local, state, and national laws and does not knowingly join or support organizations that advocate, directly or indirectly, the overthrow of the government.
5. Implements the Governing Board of Education's policies and administrative rules and regulations.
6. Pursues appropriate measures to correct those laws, policies, and regulations that are not consistent with sound educational goals.
7. Avoids using positions for personal gain through political, social, religious, economic, or other influence.
8. Accepts academic degrees or professional certification used in relationship with professional responsibilities only from duly accredited institutions.
9. Maintains the standards and seeks to improve the effectiveness of the profession through research and continuing professional development.
10. Honors all contracts until fulfillment or release.
11. Seeks to involve the public and keep them honestly informed.
12. Recommends the employment, development, promotion, and retention of the best possible personnel to assure a quality educational program.
13. Affirms duty of loyalty to carry out the goals, objectives, programs, and policies of the Board and the district.

GIFTS TO PERSONNEL (BP 5133)

The intent of this Board Policy is directed at **all employees** of the district.

The Governing Board recognizes that a certificated employee shall not accept any compensation or benefit or thing of value for the performance of any service which he/she is required to render in the course of his/her certificated employment.

This shall not apply to or restrict the acceptance of gifts or tokens of minimal value offered and accepted openly from students, parents/guardians or other persons in recognition or appreciation of service.

VERIFICATION OF EMPLOYMENT: THE WORK NUMBER

The Work Number® is an automated service that provides instant employment and income verification. This fast, secure service is used when applying for a mortgage or loan, for reference checking, leasing an apartment, or any other instance where proof of employment or income is needed. You benefit from having control of the process – authorizing others access to your information. The Work Number can be used anytime, anywhere, and is available 24 hours a day, 7 days a week.

Provide Proof of Employment

Give the person seeking your proof of employment, the verifier, the following information:

1. The Work Number Access Options:
   - **www.theworknumber.com**
   - **1-800-367-5690**
2. SCUSD Employer Code: 11367
3. Your Social Security Number

Sacramento City Unified School District

The Work Number Client Service Center
(Monday through Friday, 7:00 a.m. – 8:00 p.m.)
1-800-996-7566 (Voice) 1-800-424-0253 (TTY – Deaf)

Provide Proof of Employment & Income

1. Visit www.theworknumber.com/employees or call 1-800-367-2884
2. **Enter: SCUSD Employer Code: 11367**
   a. Your Social Security Number
   b. Your PIN # (the last four digits of your social security number)
3. Select to obtain a Salary Key – Write down the Salary Key
4. Give the person seeking proof of your employment & income:
5. The Work Number Access Options: www.theworknumber.com
   - SCUSD Employer Code: 11367 1-800-367-5690
   - Your Social Security Number
   - Your Salary Key

The Work Number Client Service Center
(Monday through Friday, 7:00 a.m. – 8:00 p.m.)
1-800-996-7566 (Voice) 1-800-424-0253 (TTY – Deaf)

Risk-Based Authentication - Enhanced Security Enrollment

Security Enrollment is the process by which you provide the Work Number with information that will be used to verify your identity in the future. This is an innovative way to both protect your identity and to add a new layer of protection to your online account. After you complete this simple process, you'll know you're at an authentic site because you'll see your security image, which you chose during enrollment. The Work Number will know it's really you because they can validate your identity against the information you have provided to them during enrollment.

You will only have to enroll once, and continue to use the same PIN/Password you previously used. You will choose your personal security image during enrollment, and you can change it any time. The Work Number uses security questions to verify your identity on occasions when they can't verify your identity. You will choose your security questions during enrollment, and you can change them at any time.

Revised: 03-02-15

Sacramento City Unified School District

HUMAN RESOURCES & EMPLOYEE COMPENSATION SERVICES
P.O. Box 246870 • Sacramento, CA 95824-6870
(916) 643-9050 • FAX (916) 399-2016

José L. Banda, Superintendent
Cancy McArn, Assistant Superintendent

SUBJECT: **TITLE IX / SEXUAL HARASSMENT** **HR-04**

TO: All Employees, Substitutes, and Short-Term Temps

DATE: August 2014

PREPARED BY: Clarissa Ramirez **DEPARTMENT:** Human Resources & Employee Compensation Services

REVIEWED BY: Monica Garland **APPROVED:**

Sexual harassment violates federal and state law as well as the Sacramento City Unified School District's Board Policies and Administrative Regulations - *4119.11(a) and 5145.7(a).* By definition, *"sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature made by someone from or in the work or educational setting."*

Examples of types of conduct which may constitute sexual harassment include, but are not limited to: (1) unwelcome leering, sexual flirtations, or propositions; (2) sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions; (3) graphic verbal comments about an individual's body, or overly personal conversation; (4) sexual jokes, notes, stories, drawings, pictures, or gestures; (5) spreading sexual rumors; (6) touching an individual's body or clothes in a sexual way; (7) purposefully cornering or blocking normal movements; (8) displaying sexually suggestive objects in the educational or work environment.

If you believe that your rights under this policy have been violated, the following courses of action may be taken without retaliation:

- Report the alleged violation to your immediate supervisor or site administrator for initial attempts at resolution, or contact District Title IX Compliance Coordinators: Student Related Issues: Stephan Brown, Director, Student Services/Alternative Education, at (916) 643-9425, or Employee Related Issues: Cancy McArn, Assistant Superintendent, Human Resources & Employee Compensation Services, at (916) 643-7474.
- Make an appointment to report your grievance to the State Department of Fair Employment and Housing via the Internet, www.dfeh.ca.gov, or by phone: 1-(800) 884-1684. Walk-ins are generally not seen without an appointment (2218 Kausen Drive, Suite 100, Elk Grove, CA 95758).
- File your charges or complaints directly with: Equal Employment Opportunity Commission; San Francisco District Office; 350 The Embarcadero, Suite 500; San Francisco, CA 94105-1260. Phone: 1-(800) 669-4000 (www.eeoc.gov); Fax: 1-(415) 625-5609. Please call first to obtain information or schedule an appointment.
- If you are a classified employee, you may also file a grievance with your union representative.
- If you are a certificated/non-management employee, you may also contact your SCTA representative for counseling and guidance in this matter.

The site administrator will post a copy of the Title IX (Non-Discrimination on the Basis of Sex) Flyer in all classrooms and offices. The Department of Fair Employment and Housing: Harassment or Discrimination in Employment notice will be posted on staff bulletin boards.

If you have questions or need assistance regarding Title IX law and sexual harassment, please refer to the numbers listed above and call the appropriate District's Title IX Compliance Coordinator.

PROCESS OF INVESTIGATION OF

EMPLOYEE HARASSMENT OR DISCRIMINATION IN EMPLOYMENT

Confidentiality Rule: *Do not delegate calling to anyone else. Do not leave messages that are detailed. Mark all information regarding this matter CONFIDENTIAL.*

STEP I

Principal or Direct Supervisor

1. Complaint (Form or Verbal Complaint Put Into Writing by Principal/ Direct Supervisor)
2. Principal or Direct Supervisor to Investigate and Document
3. Make Finding and Recommendation to Resolve
4. Copy of Written Finding to be Kept at Site; cc: to Human Resource Services Office Within 10 Days

Fill Out PSL-F088 Title IX Grievance Request

STEP II

Director, Human Resource Services

1. Appropriate Human Resource Services Director to Investigate and Document
2. Make Finding and Recommendation to Resolve
3. Written Finding to be Kept in Human Resource Services Office; cc: to Assistant Superintendent, HR & Employee Compensation

Appeal

STEP III

Assistant Superintendent, Human Resources & Employee Compensation

1. Investigate and Confer With Superintendent and Legal Counsel
2. Make Finding and Proposed Resolution
3. Make Recommendation to Superintendent and Board of Education if Necessary

Sacramento City Unified School District

Human Resources & Employee Compensation Services

Process of Investigation of Student-to-Student Harassment or Discrimination

Confidentiality Rule: *Do not delegate calling to anyone else. Do not leave messages that are detailed. Mark all information regarding this matter CONFIDENTIAL.*

Important Note: At any time during the process, the parent/guardian or student may contact and work directly with the Title IX Officer (Director, Student Services/Alternative Education).

STEP I: School Site

a) Parent/guardian or student submits a complaint either verbal or in writing to the Principal, Assistant Principal, Counselor, Teacher, Activities Advisor, or any other staff member.

b) The Principal or Direct Supervisor is responsible for investigating and documenting the process.

c) The Principal or Direct Supervisor makes a finding and recommendation to resolve the complaint.

d) A copy of the written findings must be kept at the site and a copy must be sent to the Title IX Officer (Director, Student Services/Alternative Education) within 10 days of resolution.

At any time during the process, please do not hesitate to contact the Title IX Officer at 643-9425.

STEP II: Title IX Officer

a) The Title IX Officer (Director, Student Services/Alternative Education) receives a Title IX Complaint. The Title IX Officer investigates documenting the process.

b) The Title IX Officer makes a finding and recommendation to resolve the complaint.

c) A written finding is filed in the Student Services Office and a copy is sent to the school site and parent.

STEP III: Appeal Process

a) Appeals can be made directly to the Chief Accountability Officer.

b) Make final recommendation to the Superintendent.

Revised: 08-05-13

TITLE IX (NON-DISCRIMINATION ON THE BASIS OF SEX)

Includes Nondiscrimination & Sexual Harassment (BP/AR 0410, 4119.11 & 4030)

The Governing Board prohibits unlawful discrimination, intimidation, bullying against and/or harassment of district employees, job applicants, and District programs & activities on the basis of actual or perceived race, color, national origin, nationality, ancestry, ethnicity, ethnic group identification, religious creed, religion, age, marital status, pregnancy, physical or mental disability, disability, medical condition, veteran status, gender, gender identity, gender expression, sex, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics 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. Any district employee who engages in or permits unlawful discrimination or harassment shall be subject to disciplinary action up to and including dismissal. A district employee shall be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident of discrimination and/or harassment, whether or not the victim complains. Unlawful harassment includes, but is not limited to:

- ✓ Slurs, epithets, threats, or verbal abuse.
- ✓ Derogatory or degrading comments, descriptions, drawings, pictures, or gestures.
- ✓ Unwelcome jokes, stories, or teasing.
- ✓ Any other verbal, visual, or physical conduct which adversely affects employment, interferes with work performance, or creates an intimidating, hostile, or offensive work environment.

(Harassment may arise not only as a result of the offender's intention, but also as a result of the offended person's perception of the conduct.)

Title IX Policy on Sexual Harassment 4119.11(a) and 5145.7(a)

The Governing Board is committed to maintaining a learning environment that is free of harassment. The Board prohibits the unlawful sexual harassment of any student by an employee, student, or other person at school or at any school-related activity.

- ✓ Any student who engages in the sexual harassment of anyone at school or a school-related activity shall be subject to disciplinary action.

The Governing Board prohibits sexual harassment in the working environment of District employees or applicants by any person in any form.

- ✓ Employees who permit, engage, or participate in such harassment may be subject to disciplinary action up to and including dismissal.

Report Violations to:

1. Your supervisor or site administrator for initial attempts at resolution, or
2. Contact District Title IX Compliance Coordinators:

   Student Related Issues:

   Stephan Brown, Director II, Student Services/Alternative Education, (916) 643-9425, OR

   Employee Related Issues:

   Cancy McArn, Chief Human Resources Officer, (916) 643-7474.

Human Resource Services

Title IX Grievance Review Request

CONFIDENTIAL

Instructions: Individuals alleging Title IX discrimination and requesting review are required to complete this form and submit it to the appropriate Title IX Compliance Coordinator:

Student Related Issues: Director of Student Services/Alternative Education OR

Employee Related Issues: Assistant Superintendent, Human Resources & Employee Compensation

5735 47th Avenue, Sacramento, CA 95824 ● P.O. Box 246870, Sacramento, CA 95824-6870

1. **Name of Grievant:** _____

_____

Home Address Zip Home Telephone

School/Office: _____

2. **Nature of Your Grievance:** Please describe the action you believe may be in violation of Title IX, and identify any person(s) you believe may be responsible. (Attach additional sheets if necessary.)

_____

_____

_____

_____

_____

_____

_____

_____

3. Have you discussed your grievance with any Sacramento City Unified School District personnel?

❒ Yes ❒ No

If yes, to whom have you spoken? Date: _____

4. What was the result of the discussion(s): _____

_____

_____

_____

_____

_____

PLEASE ATTACH ANY STATEMENTS, NAMES OF WITNESSES, REPORTS, OR OTHER DOCUMENTS WHICH YOU FEEL ARE RELEVANT TO YOUR GRIEVANCE.

I certify that the foregoing is true and correct.

_____ _____ _____

Print Name Signature Date

FOR HUMAN RESOURCE SERVICES USE ONLY: Date Received:_____ Initial_____

Human Resource Services

Uniform Complaint Procedure

Extracted From AR 1312.3 Community Relations

Compliance Officers

The Governing Board designates the following compliance officers to receive and investigate complaints and ensure district compliance with law:

Chief Human Resources Officer
5735 - 47th Avenue
Sacramento, CA 95824
(916) 643-9050

The Assistant Superintendent, Human Resource Services, shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with applicable state and/or federal laws and regulations and/or alleging discrimination in adult education, consolidated categorical aid programs, migrant education, career technical education and training programs, child care and development programs, child nutrition programs, special education programs, and federal school safety planning requirements. (Title 5 California Code of Regulations (T5CCR) 4610)

The District shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination based on, actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age, or on the basis or a person's association with a person or group with one or more of these actual or perceived characteristics, or any program or activity that receives or benefits from state financial assistance. [Government Code 11135, Education Code 200, Education Code 220, T5CCR 4610]

The District shall have the primary responsibility to insure compliance with applicable state and federal laws and regulations. [T5CCR 4620]

The District shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, and seek to resolve those complaints in accordance with the District's Uniform Complaint Procedures. [T5CCR 4610, 4620, and 4621]

There will be annual dissemination of a written notice of the District's complaint procedures to students, employees, parents or guardians of its students, school and district advisory committees, appropriate private school officials or representatives, and other interested parties. [T5CCR 4622]

Additionally, the district shall use uniform complaint procedures to address complaints regarding insufficiency of instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and/or teacher vacancy or misassignment issues as provided in Administrative Regulation 1312.4.

Notifications

The Assistant Superintendent, Human Resource Services, shall meet the notification requirements of Title 5 California Code of Regulations 4622, including the annual dissemination of district complaint procedures and information about available appeals, civil law remedies and conditions under which a complaint may be taken directly to the California Department of Education. The Assistant Superintendent, Human Resource Services, shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies.

Complainants will receive written acknowledgement identifying the person(s), employee(s), or agency positions(s), or unit(s) responsible for receiving complaints, investigating complaints and ensuring District compliance. The written acknowledgement will also include a statement that ensures that such person(s), employee(s), position(s), or unit(s) responsible for compliance and/or investigation shall be knowledgeable about the laws/programs that he/she is assigned to investigate. [T5CCR 4621, 4631]

Procedures

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with the Title 5 California Code of Regulations 4632.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled and when a decision or ruling is made.

Step 1: Filing of Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the district.

Complaints alleging unlawful discrimination may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. [T5 CCR 4630]

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, district staff shall help him/her to file the complaint. [T5 CCR 4600]

Step 2: Mediation

The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate mediation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

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

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. [T5 CCR 4631]

Step 3: Investigation of Complaint

The compliance officer shall make all reasonable efforts to hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative and the district's representatives shall have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. [T5 CCR 4631]

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstructions of the investigation, may result in the dismissal of the complaint because of lack of evidence to support the allegations. [T5CCR 4631]

Refusal by the District to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail to refuse or cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. [T5CCR 4631]

Step 4: Response

Within 60 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #5 below unless the complainant agrees in writing to an extension of time. [T5 CCR 4631]

Step 5: Final Written Decision

The report of the district's decision shall be in writing and sent to the complainant. [T5 CCR 4631]

The report of the district's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the district shall arrange a meeting at which a community member of the complainants choosing will interpret it for the complainant.

The report will contain the following elements [T5CCR 4631]:

1. The findings of fact based on the evidence gathered.
2. Conclusion of law.
3. Disposition of the complaint.
4. The rationale for such a disposition.
5. Corrective actions, if any are warranted.
6. Notice of the complainant's right to appeal the District’s decision to the California Department of Education (CDE).
7. Procedures to be followed for initiating an appeal to CDE.

If an employee is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. The District ensures that complainants are protected from retaliation and that the identity of a complainant alleging discrimination will remain confidential as appropriate, except to the

extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis. [T5CCR 4621]

The Board prohibits retaliation in any form for participation in complaint procedures, including but not limited to the filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. [T5 CCR 4652]

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the district's decision and must include a copy of the locally filed complaint and the district's decision. [T5 CCR 4652]

The California Department of Education may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists. In addition, the California Department of Education may also intervene in those cases where the district has not taken action within 60 calendar days of the date the complaint was filed with the district.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with Title 5 California Code of Regulations 4622.

Program Administrators

Olivine Roberts, Chief Academic Officer (916) 643-9086	Wanda Roundtree, Interim Director Child Development (916) 643-7800	Becky Bryant, Director Special Education (916) 643-9163
Lisa Hayes, Director State and Federal Programs 643-9051	Chuck Ernst, Director Distribution Services (916) 277-6715/6475	Barry Evpak, Director, Facilities and Maintenance (916) 264-4075, Ext. 1008

To obtain further information and forms regarding Uniform Compliant Procedures, please contact: Compliance Officer: Cancy McArn, Chief Human Resources Officer, Human Resources, Sacramento City Unified School District, 5735 47th Avenue, Sacramento, CA 95824, (916) 643-9050. The form (PSL-F089) may be downloaded from the district web page, www.scusd.edu, Human Resources, Uniform Complaint Procedures (left-hand side).

UNIFORM COMPLAINT (UC) PROCEDURES SHALL BE AVAILABLE FREE OF CHARGE: Contact Student Hearing and Placement Department (916) 643-9425 (Student Complaints) OR Human Resource Services, (916) 643-9050 (All Other Complaints). (T5 CCR 4622)

(Revised: 03-02-15)

HUMAN RESOURCE SERVICES
P.O. Box 246870 ● Sacramento, CA 95824-6870
(916) 643-9050 ● FAX (916) 399-2016
José L. Banda, *Superintendent*
Cancy McArn, *Chief Human Resources Officer*

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ANNUAL NOTIFICATION OF THE UNIFORM COMPLAINT PROCEDURES (UCP)
March 2, 2015

For students, employees, parents or guardians of its students, school and district advisory committees, appropriate private school officials or representatives, and other interested parties

The Sacramento City Unified School District (SCUSD) has the primary responsibility to insure compliance with applicable state and federal laws and regulations and has established procedures to address allegations of unlawful discrimination, harassment, intimidation and/or bullying complaints alleging violation of state or federal laws governing educational programs.

SCUSD shall investigate and seek to resolve complaints using policies and procedures known as the Uniform Complaint Procedures (UCP) adopted by our local board to address unlawful discrimination, harassment, intimidation, and/or bullying regarding or based on, actual or perceived characteristics such as, age, ancestry, color, ethnic group identification, gender expression, gender identity, gender, mental or physical disability, nationality, national origin, race or ethnicity, religion, sex, or sexual orientation, or on the basis or a person's association with a person or group with one or more of these actual or perceived characteristics, or in any program or activity that receives or benefits from state financial assistance. The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in Adult Education, Consolidated Categorical Aid Programs, Migrant Education, Career Technical and Technical Education and Training Programs, Child Care and Developmental Programs, Child Nutrition Programs, Special Education Programs, Federal Safety Planning Requirements, and pertaining to prohibitive requirements to pay pupil fees for participation in an educational activity.

Complaints must be filed in writing with the following compliance officer(s):

	Student related:
Cancy McArn Chief Human Resources Officer 5735 47th Avenue Sacramento, CA 95824 Phone: (916) 643-9050 Fax: (916) 399-2016	Stephan Brown Director, Student Hearing &Placement Department 5735 47th Avenue Sacramento, CA 95824 Phone: (916) 643-9425 Fax: (916) 399-2029

Complaints alleging discrimination, harassment, intimidation and/or bullying must be filed within six (6) months from the date the alleged discrimination, harassment, intimidation and/or bullying complaint occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation and/or bullying, unless the time for filing is extended by the superintendent or his or her designee.

Complaints will be investigated and a written Decision or report will be sent to the complainant within sixty (60) days from the receipt of the complaint. This sixty (60) day time period may be extended by written agreement of the complainant. SCUSD's person responsible for investigating the complaint shall conduct and complete the investigation in accordance with Title 5 Code of Regulations (T5CCR) sections 4680-4687 and in accordance with local procedures adopted under section 4621 (T5CCR).

The complainant has a right to appeal SCUSD's Decision to the California Department of Education (CDE) by filing a written appeal within 15 days of receiving SCUSD's Decision. The appeal must include a copy of the complaint filed with SCUSD and a copy of SCUSD's Decision.

Civil law remedies may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable. In appropriate cases, an appeal may be filed pursuant to Education Code Section 262.3. A complainant may pursue available civil law remedies outside of SCUSD's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

Pupil Fees:

A pupil enrolled in a District school shall not be required to pay a pupil fee for participation in an educational activity. Complaints alleging pupil fees shall be filed no later than one year from the date the alleged violation occurred. (5 CCR §4630(c) (2))

All of the following requirements apply to the prohibition identified above:

- All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge.
- A fee waiver policy shall not make a pupil fee permissible.
- The District shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard that pupils may only obtain through payment of a fee or purchase of additional supplies that the school district or school does not provide.
- The District shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil's parents or guardians, and a school district or school shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the school district or school.

The District shall not be prohibited solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or school districts, schools, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities.

This is declarative of existing law and shall not be interpreted to prohibit the imposition of a fee, deposit, or other charge otherwise allowed by law.

A complaint of noncompliance with the requirements of this pupil fee law may be filed with the principal of a school under the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements.

A complainant not satisfied with the decision of a District has a right to appeal the decision to the California Department of Education by filing a written appeal within 15 days of receiving SCUSD's Decision. The appeal must include a copy of the complaint filed with SCUSD and a copy of SCUSD's Decision.

Civil law remedies may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and of the appeal pursuant to Education Code Section 262.3. (EC §§234.1, 262.3, 49013; 5 CCR §4622)

If the District finds merit in a complaint, or the California Department of Education finds merit in an appeal, the District shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the District to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.

Information regarding the requirements of this pupil fee law shall be included in the annual notification distributed to pupils, parents and guardians, employees, and other interested parties pursuant to Section 4622 of Title 5 of the California Code of Regulations.

The District shall establish local policies and procedures to implement the provisions of this law. (cf. Education Code 49011—49013)

A copy of SCUSD's UCP policy and complaint procedures shall be available free of charge and via the District website www.scusd.edu .

(Revision 03/2015)

Human Resource Services

Williams Uniform Complaint Procedure

Extracted From AR 1312.4 Community Relations

Types of Williams Complaints

The district shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred: (Education Code 35186)

1. Instructional Materials

   a. A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.

   b. A pupil does not have access to instructional materials to use at home or after school in order to complete required homework assignments.

   c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

2. Teacher Vacancy or Misassignment

   a. A semester begins and a certificated teacher is not assigned to teach the class.

      Vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester. (Education Code 33126)

   b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class.

   c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

   Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code 35186)

3. Facilities

   A condition poses an emergency or urgent threat to the health or safety of pupils or staff.

   Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of pupils or staff while at school, including but not limited to gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff; or structural damage creating a hazardous or uninhabitable condition. (Education Code 17592.72 paragraph (1) of subdivision (c))

Filing of Complaint

A complaint alleging any condition(s) specified above shall be filed with the principal of the school or his or her designee, in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee within 10 working days. (Education Code 35186)

The school shall have a complaint form available for such Williams Complaints. (Education Code 35186(a)(1), Title 5 California Code of Regulations (T5CCR) 4680):

The complainant need not use the Williams Complaint form to file a complaint.

The Williams Complaint form shall identify the place for filing the complaint.

The Williams Complaint form will include a space to indicate whether a response is requested.

The principal or designee shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186)

The Williams complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to his/her complaint, the principal or designee shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. At the same time, the principal or designee shall report the same information to the Superintendent or designee. (Education Code 35186)

Upon receipt of a written complaint from an individual, public agency or organization, Williams's complaint procedures shall be initiated. The Superintendent or designee shall distribute full information about these procedures.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstructions of the investigation, may result in the dismissal of the complaint because of lack of evidence to support the allegations. (T5CCR 4631)

Refusal by the District to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail to refuse or cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (T5CCR 4631)

The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with Williams's complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate mediation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

If a complainant is not satisfied with the resolution of the complaint, he/she may describe the complaint to the Governing Board at a regularly scheduled hearing. (Education Code 35186)

For complaints concerning a facility condition that poses an emergency or urgent threat to the health or safety of pupils or staff as described in item #3 above, a complainant who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the State Superintendent of Public Instruction within 15 days of receiving the report. (T5CCR 4687)

Reports

The Superintendent or designee shall report summarized data on the nature and resolution of all complaints to the Board and the County Superintendent of Schools on a quarterly basis. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. These summaries shall be publicly reported on a quarterly basis at a regularly scheduled Board meeting. (Education Code 35186, T5CCR 4686)

If a response is requested, the response shall be made to the mailing address of the complainant indicated on the complaint. (Education Code 35186(a)(1), T5CCR 4680)

If Section 48985 if the Education Code is applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed. (Education Code 5186(a)(1))

Complaints and written responses shall be public records. (Education Code 35186)

The complainant shall comply with the appeal requirements of Title 5 California Code of Regulations 4632 and 4687.

Forms and Notices

The Superintendent or designee shall ensure that the district's complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. (Education Code 35186)

The Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186.

Program Administrators

Olivine Roberts, Chief Academic Officer (916) 643-9086	Wanda Roundtree, Interim Director Child Development (916) 643-7800	Becky Bryant, Director Special Education (916) 643-9163
Lisa Hayes, Coordinator State and Federal Programs 643-9051	Chuck Ernst, Director Distribution Services (916) 277-6715/6475	Barry Evpak, Director, Facilities and Maintenance (916) 264-4075, Ext. 1008

To obtain further information and forms regarding Williams Uniform Compliant Procedures, please contact: Compliance Officer: Cancy McArn, Assistant Superintendent, Human Resources, Sacramento City Unified School District, 5735 47th Avenue, Sacramento, CA 95824, (916) 643-9050. The form (PSL-F089) may be downloaded from the district web page, www.scusd.edu, Human Resources, Uniform Complaint Procedures (left-hand side).

UNIFORM COMPLAINT (UC) PROCEDURES SHALL BE AVAILABLE FREE OF CHARGE: Contact Student Hearing and Placement Department (916) 643-9425 (Student Complaints) OR Human Resource Services, (916) 643-9050 (All Other Complaints). (T5 CCR 4622)

(Revised: 08-19-13)

Elementary and Middle Schools

HUMAN RESOURCE SERVICES
P.O. Box 246870 ● Sacramento, CA 95824-6870
(916) 643-9050 ● FAX (916) 399-2016

José L. Banda, *Superintendent*
Cancy McArn, *Chief Human Resources Officer*

Williams Uniform Complaint Procedures
Community Relations E 1312.4
Notice to Parents/Guardians, Pupils, Teachers: Complaint Rights

Parents/Guardians, Pupils, and Teachers:

Education Code 35186 requires that the following notice be posted in each classroom:

1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials, each pupil, including English learners, must have a textbook, or instructional materials, or both, to use in class to take home to complete required homework assignments.

2. School facilities must be clean, safe, and maintained in good repair. Good repair means that the facility is maintained in a manner that assures that it is clean, safe, and functional as determined by the Office of Public School Construction.

3. There should be no teacher vacancies or Misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners if present.

   Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

   Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

4. If you do not think these requirements are being met, a Uniform Complaint form (PSL-F089 Complaint Form) may be obtained at the school office, district office, or download from the Sacramento City Unified School District website.

You may also download a copy of the California Department of Education complaint form from the following web site: http://www.cde.ca.gov/re/cp/uc

If you have other questions, please contact the following Administrators:
Iris Taylor, Assistant Superintendent, Curriculum and Instruction at (916) 643-9120, or Area Assistant Superintendents: Tu Moua-Carroz at (916) 643-9411, Doug Huscher at (916) 643-9162, & Mary Hardin Young at (916) 643-9009 or Lisa Allen, Interim Deputy Superintendent at 643-9191.

Sacramento City Unified School District

High Schools
HUMAN RESOURCE SERVICES
P.O. Box 246870 ● Sacramento, CA 95824-6870
(916) 643-9050 ● FAX (916) 399-2016

José L. Banda, *Superintendent*
Cancy McArn, *Chief Human Resources Officer*

Williams Uniform Complaint Procedures
Community Relations E 1312.4
Notice to Parents/Guardians, Pupils, Teachers: Complaint Rights

Education Code 35186 requires that the following notice be posted in each classroom:

1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials, each pupil, including English learners, must have a textbook, or instructional materials, or both, to use in class to take home to complete required homework assignments.

2. School facilities must be clean, safe, and maintained in good repair. Good repair means that the facility is maintained in a manner that assures that it is clean, safe, and functional as determined by the Office of Public School Construction.

3. There should be no teacher vacancies or Misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners if present.

   Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

   Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

4. Pupils, including English learners, who have not passed one or both parts of the high school exit examination by the end of the grade 12, are to be provided the opportunity to receive intensive instruction and services for up to two consecutive academic years after the completion of grade 12.

5. If you do not think these requirements are being met, a Uniform Complaint form (PSL-F089 Complaint Form) may be obtained at the school office, district office, or download from the Sacramento City Unified School District website.

   You may also download a copy of the California Department of Education complaint form from the following web site: http://www.cde.ca.gov/re/cp/uc

If you have other questions, please contact the following Administrators:
Iris Taylor, Assistant Superintendent, Curriculum and Instruction at (916) 643-9120, or Area Assistant Superintendents: Tu Moua-Carroz at (916) 643-9411, Doug Huscher at (916) 643-9162, & Mary Hardin Young at (916) 643-9009 or Lisa Allen, Interim Deputy Superintendent at 643-9191.

Human Resource Services

Student Eligibility Notice

Valenzuela/CAHSEE Intensive Instruction and Services Program Lawsuit Settlement

Note: Education Code Section 37254 requires that the following notice be posted in the **school office of each school serving students in grades 10-12**, **the district office**, **and on the Internet website of the school district**. The notice must comply with the translation requirements of Education Code Section 48985.

NOTICE TO PARENTS/GUARDIANS AND PUPILS:
STUDENT ELIGIBILITY FOR ASSISTANCE IN PREPARING FOR THE CALIFORNIA HIGH SCHOOL EXIT EXAM AFTER GRADE 12

Parents/Guardians and Pupils:

Pursuant to California Education Code section 37254, you are hereby notified that:

1. Pupils, including English learners, who have not passed one or both parts of the California High School Exit Examination (CAHSEE) by the end of grade 12 are entitled to receive intensive instruction and services for up to two consecutive academic years after completion of grade 12 or until they pass both parts of the CAHSEE, whichever comes first;

2. English learners, who have not passed one or both parts of the CAHSEE by the end of grade 12, are entitled to receive services to improve English proficiency as needed to pass those parts of the CAHSEE not yet passed for up to two consecutive academic years after completion of grade 12 or until they pass both parts of the CAHSEE, whichever comes first; and

3. Pupils, who have not passed one or both parts of the CAHSEE by the end of grade 12, have the right to file a complaint regarding intensive instruction and services under the Uniform Complaint Procedures if he or she was not provided the opportunity to receive intensive instruction and services for up to two consecutive academic years after completion of grade 12 or until they pass both parts of the CAHSEE, whichever comes first.

If you have any questions about eligibility for services, wish to obtain services, or wish to file a complaint regarding services, please contact Lisa Allen at (916) 643-9162.

(Revised 01-20-11 JH-Hum Res)

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Human Resource Services

Complaint Form

For Office Use Only

Case #:

Check One

☐ Employee ☐ Applicant ☐ Parent/Guardian ☐ Public ☐ Student* ☐ Anonymous

Date (mm/dd/yy): / / Response Requested: ☐ Yes ☐ No

Site/Location: Administrator:

Course or Grade Level: Room Number or Location:

Site/Location Address: Email address:

Name of Complainant (Print):

Complainant Address:

Complainant Home/Work Phone: Location:

Please indicate the type of complaint below: (BP refers to Board Policy; E refers to Exhibit.)

Employee/Applicant: Employment Discrimination/Harassment *(BP 1312.3, 4144)*

☐ Age ☐ Sex ☐ Sexual Orientation ☐ Ethnic Group Identification

☐ Race ☐ Ancestry ☐ National Origin ☐ Mental or Physical Disability

☐ Religion ☐ Color ☐ Other: ☐ Employee Complaint *(BP 4144)*

Student *

☐ Student Complaint *(BP 5144, 5145.7)*

Parent/Public

☐ Complaint Concerning Schools *(BP 1312)* ☐ Complaint Concerning District Employee(s) *(BP 1312.1)*

☐ Discrimination in Programs *(BP 4144)* ☐ Complaint Concerning Instructional Material *(BP 1312.2)*

Parent/Public: Williams Case Complaint Concerning Deficiencies Related to *(BP 1312.4, E[1] 1312.4):*

Instructional Materials

☐ A pupil, including an English Learner, does not have standards-aligned textbooks or instructional materials or state-adopted textbooks or other required instructional materials to use in class. *(EC 35186[e][1][A], T5CCR 4681)*

☐ A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials. *(EC 35186[e][1][B], T5CCR 4681)*

☐ Textbooks or instructional materials are in poor or unusable condition, having missing pages, or are unreadable due to damage. *(EC 35186[e][1][C], T5CCR 4681)*

☐ A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials. *(T5CCR 4681)*

(Continued on the following page)

Parent/Public: Williams Case Complaint Concerning Deficiencies Related to: *(BP 1312.4, E[1] 1312.4)*: (continued)

Teacher Vacancy or Misassignments	☐ A semester begins and a teacher vacancy exists. (A position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.) *(EC 35186[e][2][A], T5CCR 4682)* ☐ A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20% English learner pupils in the class. *(EC 35186[e][2][B], T5CCR 4682)* ☐ A teacher assigned to teach a class for which the teacher lacks a subject matter competency. *(EC 35186[e][2][C], T5CCR 4682)*
Conditions of Facilities	☐ A condition poses an urgent or emergency threat to the health or safety of pupils or staff, including: gas leaks, nonfunctioning heating, ventilation, fire sprinklers or air-conditioning systems, electrical power failure, major sewer line stoppage, major pest or vermin infestation, broken windows or exterior doors or gates that will not lock and that pose a security risk, abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions the school district determines appropriate. *(EC 17592.72, T5CCR 4683)* ☐ A school restroom has not been maintained or cleaned regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers. *(EC 35292.5[a][1])* ☐ The school has not kept restrooms open during school hours when pupils are not in classes, and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when temporary closing of the restroom is necessary for pupil safety or to make repairs. *(EC 35292.5)*
Intensive Instruction and Services Provided to Students Who Have Not Passed One or Both Parts of CAHSEE After the Completion of 12th Grade	☐ Intensive instruction and services were not provided pursuant to Education Code Section 37254 to pupils who have not passed one or both parts of the high school exit examination after the completion of grade 12. *(EC 35186[a][4], EC 35186[e][4]), EC 35186[f][4])*

(Continued on the following page)

Person(s) Involved in Complaint:	1.			
	2.			
Date of Occurrence (mm/dd/yy): / /		Time:	Witness:	
Ethnicity (if applicable):	Age (if applicable):		Sex: ☐ Male	☐ Female

Describe the Specific Nature of the Complaint: (Include as much information you feel is necessary. Attach additional pages, if necessary.)

Complainant's Requested Remedy:

*Return student complaints to: Student Hearing and Placement Department, 5735 47th Avenue, Sacramento, CA 95824, through District Mail to Box Number 760, fax to (916) 399-2029, phone (916) 643-9425.
Return all other complaints to: Human Resource Services, 5735 47th Avenue, Sacramento, CA 95824, through District Mail to Box Number 770, fax to (916) 399-2016, phone (916) 643-9050.

Note: If dissatisfied with the District's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. (CCR 4652)

**UNIFORM COMPLAINT PROCEDURES SHALL BE AVAILABLE FREE OF CHARGE.
PHONE NUMBERS ARE LISTED ABOVE TO REQUEST COPIES OF THE PROCEDURE.**