

***WEST SONOMA COUNTY UNION
HIGH SCHOOL DISTRICT***

ANNUAL NOTIFICATION

2015-2016

Equal Opportunity Employer

NOTICE OF NON-DISCRIMINATION

West Sonoma County Union High School District policy prohibits discrimination and/or harassment of students, employees and job applicants at any district site or activity on the basis of actual or perceived race, color, national origin, ancestry, ethnic group identification, medical condition, genetic condition, genetic information, disability, gender, gender identity, gender expression, sex, sexual orientation, age, political affiliation, organizational affiliation, veteran status, marital status, or parental status.

Please direct inquiries regarding the District's non-discrimination policies to any school or district administrator.

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Community Relations

UNIFORM COMPLAINT PROCEDURES

The Board recognizes that the district has primary responsibility for insuring that it complies with applicable state and federal laws and regulations governing educational programs. The district shall investigate and seek to resolve complaints. Alleging failure to comply with such laws and/or alleging unlawful discrimination, harassment, intimidation, or bullying in accordance with the uniform complaint procedures.

The district shall use the uniform complaint procedures to resolve any complaint alleging unlawful discrimination, harassment, intimidation, or bullying in district programs and activities based on actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information or any other characteristics identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics.

Uniform complaint procedures shall also be used to address any complaint alleging the district's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, the requirements for the development and adoption of a school safety plan, and state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child nutrition programs, and special education programs.

The Board prohibits any form of retaliation against any complainant in the complaint process. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant.

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

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

In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected. As appropriate for any complaint alleging discrimination, harassment, intimidation, or bullying, the Superintendent or designee may keep the identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed.

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

(cf. 1312.1 – Complaints Concerning District Employees)

(cf. 1312.2 – Complaints Concerning Instructional Materials)

(cf. 3553 - School Nutrition Programs)

(cf. 4031 – Complaints Concerning Discrimination in Employment)

(cf. 6159 – Individualized Education Program)

(cf. 6171 - Title I Programs)

(cf. 6174 - Education for Students of Limited English Proficiency)

(cf. 6175 - Migrant Education Program)

(cf. 6178 - Vocational Education)

(cf. 6200 – Adult Education)

The District’s Williams uniform complaint procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to the following:

1. Sufficiency of textbooks or instructional materials
2. Emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff
3. Teacher vacancies and misassignments
4. Deficiency in the District’s provision of instruction and/or services to any student who, by the completion of grade 12, has not passed on or both parts of the high school exit exam.

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

(cf. 5125 – Student Records-Confidentiality)

(cf. 9011 – disclosure of Confidential/Privileged Information)

Legal Reference

EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices in language other than English

49060-49079 Student records

8500-8538 Adult basic education

8200-8498 Child care and development programs

18100-18203 School libraries

32289 School safety plan, uniform complaint procedure

35186 Williams uniform complaint procedure

41500-41513 Categorical education block grants

49490-49590 Child nutrition programs

52160-52178 Bilingual education programs

52300-52499.6 Vocational education

52500-52616.24 Adult schools

52800-52870 School-based coordinated programs

54000-54041 Economic impact aid programs

54100-54145 Miller-Unhurt Basic Reading Act

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs

56000-56885 Special education programs

59000-59300 Special schools and centers

64000-64001 Consolidated application process

CODE OF REGULATIONS, TITLE 5

3080 Application of section 4600-4671

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

PENAL CODE

422.6 Interference with constitutional right or privilege

UNITED STATES CODE, TITLE 20

6301-6577 Title I basic programs

6601-6777 Title II preparing and recruiting high quality teachers and principals

6801-6871 Title III language instruction for limited English proficient and immigrant students

7101-7184 Safe and Drug-Free Schools and Communities Act

7201-7283g Title V promoting informed parental choice and innovative programs

7301-7372 Title V rural and low-income school programs

Management Resources

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

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

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Revised: 1/16/97; 6/17/99; 12/14/00; 2/22/01; 1/14/03;
12/9/03; 2/25/04; 2/23/05; 6/28/06; 6/25/08; 6/26/13
Reviewed: 11/15/94

WEST SONOMA COUNTY UHSD
Sebastopol, California

Community Relations

UNIFORM COMPLAINT PROCEDURES

Except as the Governing Board may otherwise specifically provide in other Board policies, the uniform complaint procedures shall be used only to investigate and resolve complaints alleging violations of federal or state laws or regulations governing specific educational programs, the prohibition against requiring students to pay fees, deposits, or other charges for participating in educational activities, and unlawful discrimination, harassment, intimidation, or bullying, as specified in accompanying Board policy.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 4031 - Complaints Concerning Discrimination in Employment)

The district's uniform complaint procedures policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning uniform complaint procedures shall be translated into that language. (Education Code 234.1, 48985)

(cf. 5145.6 - Parental Notifications)

Compliance Officer

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

Superintendent or designee
West Sonoma County Union High School District
462 Johnson Street, Sebastopol, Ca 95472
(707) 824-6403

The Superintendent 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.

(cf. 9124 – Attorney)

Notifications

The Superintendent or designee shall annually provide written notification of the district's uniform complaint procedures to students, employees, parents/guardians, district/school advisory committees, school advisory committees, and appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 49013; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)
(cf. 3260 - Fees and Charges)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

The Superintendent or designee, or Site Principal shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies. Remedies may include court orders, preliminary injunctions and/or restraining orders.

The above notification shall state that complainants may seek help from agencies such as legal assistance agencies or local mediation centers, or from private attorneys. Local resources include:

California Rural Legal Assistance, Santa Rosa
Sonoma County Legal Aid, Santa Rosa
Connexus Conflict Management, Sebastopol

The notice shall:

1. Identify the person(s), position(s), or unity(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil court or other public agencies
4. Include statements that:
 - a. The district is primarily responsible for compliance with state and federal laws and regulations
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying.
 - d. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 days of receiving the district's decision.
 - e. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision
 - f. Copies of the district's uniform complaint procedures are available free of charge.

(cf. 5145.6 Parental Notification)

Procedures

All complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631) 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 Code of Regulations, Title 5 Section 4631 and 4633.

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 the district's alleged noncompliance with federal and state laws or regulations governing education programs. (5 CCR 4630)

A complaint concerning unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation, or bullying or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged discrimination, harassment, intimidation, or bullying occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. However, upon written request by the complainant, the Superintendent or designee may extend the filing period for up to 90 calendar days. (5 CCR 4630)

A complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay student fees, deposits, and charges may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. (Education Code 49013)

The complaint shall be presented to the Superintendent or designee, or Site Principal. The Superintendent or designee shall maintain a log of complaints received, providing each with a code number and a date stamp.

Community Relations

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. (5 CCR 4600)

Step 2: Mediation

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

Before initiating the mediation of a complaint alleging discrimination, harassment, intimidation, or bullying, 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. (5 CCR 4631)

Step 3: Investigation

Within 10 calendar days of receiving the complaint, the compliance officer shall provide the complainant and/or his/her representative an opportunity to present the complaint and any evidence, or information leading to evidence, to support the allegations in the complaint. The compliance officer also shall collect all documents and interview all witnesses with information pertinent to the complaint.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other

information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Step 4: Response

Unless extended by written agreement with the complainant, 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, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

Step 5: Final Written Decision

The district's decision shall be in writing and sent to the complainant.

The district's decision shall be written in English and in the language of the complainant whenever feasible or required by law.

For all complaints, the decision shall include:

1. The findings of fact based on the evidence gathered (5 CCR 4631)
2. The conclusion(s) of law (5 CCR 4631)
3. Disposition of the complaint (5 CCR 4631)
4. Rationale for such disposition (5 CCR 4631)
5. Corrective actions, if any are warranted (5 CCR 4631)
6. Notice of the complainant's right to appeal the decision to the California Department of Education within 15 days and procedures to be followed for initiating such an appeal.

In addition, any decision concerning a discrimination, harassment, intimidation, or bullying complaint based on state law shall include a notice that the complainant must wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. (Education Code 262.3)

If an employee is disciplined as a result of the complaint, this decision 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.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges is found to have merit, the district shall provide a remedy to all affected students and parents/guardians, which, where applicable, shall include reasonable efforts to ensure full reimbursement to them. (Education Code 49013)

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 fifteen (15) days of receiving the district's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (Title 5, Section 4632)

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's complaint procedures
7. Other relevant information requested by the CDE

The CDE may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists, including cases in which the district has not taken action within 60 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 complaints alleging discrimination, harassment, intimidation, and bullying based on state law, a complainant shall wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies, provided the district has appropriately and in a timely manner apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622. The moratorium does not apply to injunctive relief and to discrimination complaints based on federal law. (Education Code 262.3)

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Revised: 1/16/97; 2/12/98; 6/17/99; 2/22/01;
5/20/02; 2/11/03; 6/28/06; 6/25/08; 6/26/13
Reviewed: 11/15/94

WEST SONOMA COUNTY UHSD
Sebastopol, California

Board Policy 3513.3 (a)

Business and Noninstructional Operations

Tobacco-Free Schools

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.

The Board prohibits the use of products containing tobacco and/or nicotine, including, but not limited to, smokeless tobacco, snuff, chew, clove cigarettes, and electronic nicotine delivery systems, such as electronic cigarettes at any time in the district-owned or leased buildings, on district property and in district vehicles. (Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083) Other vapor emitting electronic devices, such as electronic hookah, with or without nicotine contents, that mimic the use of tobacco products, are also prohibited. However, this section does not prohibit the use or possession of prescription products, or other cessation aids such as nicotine patches or nicotine gum. Students use or possession of such products must conform to laws governing student use and possession of medications on school property.

This prohibition applies to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

The Superintendent or Superintendent's designee shall communicate information about this policy and enforcement procedures to school personnel, parents/guardians, students, and the community.

(cf. 4118 – Suspension/Disciplinary Action)
(cf. 4218 – Dismissal/Suspension/Disciplinary Action)
(cf. 5144.1 – Suspension and Expulsion/Due Process)

Signs prohibiting the use of tobacco shall be prominently displayed at all main entrances to school property.

The Superintendent or Superintendent's designee shall maintain a list of clinics and other resources which may assist individuals who wish to stop using tobacco products.

(cf. 4159 – Employee Assistance Programs)

Legal Reference:

EDUCATION CODE

48901 Smoking or use of tobacco; steps to discourage

HEALTH AND SAFETY CODE

39002 Control of air pollution from nonvehicular sources

104420 Implementation of tobacco use prevention program

LABOR CODE

6404.5 Occupational safety and health: use of tobacco products

UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services

PERB RULINGS

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989)

Eureka Teachers Assn v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)

Adopted: February 13, 1992
Revised: 3/14/96; 2/25/03; 11/13/13

WEST SONOMA COUNTY UHSD
Sebastopol, California

Business and Non-Instructional Operations

TOBACCO-FREE SCHOOLS

Employee Notifications

The Superintendent or Superintendent's designee shall notify employees of the district's tobacco-free school 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 Superintendent's designee responsible for the area or the event.
2. The Superintendent or Superintendent's designee may direct the person to leave school property.
3. If necessary, the Superintendent or Superintendent's 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 Superintendent's designee may prohibit him/her from entering district property for a specified period of time.

(cf. 3515.2 – Disruptions)

Approved: April 19, 1996
Revised:

WEST SONOMA COUNTY UHSD
Sebastopol, California
Board Policy 4020(a)

All Personnel

DRUG AND ALCOHOL-FREE WORKPLACE

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 Regulations 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, and
 - 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 ten 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 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.

(cf. 4117.4 - Dismissal)

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

(cf. 4159 - Employee Assistance Programs)

Legal Reference:

THE DRUG-FREE WORKPLACE ACT OF 1988

Public Law 5151-5160

United States Code, Title 20 Reference

DRUG-FREE SCHOOLS AND COMMUNITIES ACT AMENDMENT OF 1989

H.R. 3614

CONTROLLED SUBSTANCES ACT,

202 schedules I-V, 21 U.S.C., 812

21 CODE OF FEDERAL REGULATIONS

1300.1-1300.15

EDUCATION CODE

44011 Controlled substance offense

44065 Issuance of credentials

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

44836 Employment of certificated persons convicted of controlled substance offenses

44940 Compulsory leave of absence for certificated persons

44940.5 Procedures when employees are placed on compulsory leave of absence

45123 Employment after conviction of controlled substance offense

45304 Compulsory leave of absence for classified persons

GOVERNMENT CODE

8350-8357 Drug-free workplace

Adopted: August 24, 1993

Revised:

Reviewed: 11/15/9412/16/99

WEST SONOMA COUNTY UHSD

Sebastopol, California

**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 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. Pursuant to Education Code 44065, the district may not employ noncertificated persons in positions requiring a certificate. When the conviction becomes final or when imposition of sentence is suspended, the commission shall revoke the credential. (Education Code 44425)

Pursuant to Education Code 44940 and 45304, the district must immediately place on compulsory leave of absence any employee charged with involvement in the sale, use or exchange to minors of certain controlled substances.

Pursuant to Education Code 44940 and 45304, the district may immediately place on compulsory leave of absence any employee charged with certain controlled substance offenses.

The following drug and alcohol counseling, rehabilitation, and/or employee assistance programs are available locally:

List of people/agencies to help with drug/alcohol abuse:

1. Private medical doctor
2. Kaiser Hospital, Santa Rosa (depending on insurance)
571-4000
3. Sonoma County Alcohol Service - Orenda Center
2759 Bennett Valley Road
Santa Rosa, CA 95404
565-7460
4. Drug Abuse Alternative Center
2403 Professional Dr.
Santa Rosa, CA 95401
544-3295
5. West County Community Services
15999 River Road
Guerneville, CA
869-0654
6. West County Community Services
6782 Sebastopol Road
Sebastopol, CA 95472
829-5717
7. Local Alcoholic Anonymous
544-1300
8. Local Narcotics Anonymous
324-4062

Referral List Updated: 5/11/95; 1/11/01;

WEST SONOMA COUNTY UHSD
Sebastopol, CA

All Personnel

NONDISCRIMINATION IN EMPLOYMENT

The Governing Board desires to provide a positive work environment where employees and job applicants are assured of equal access and opportunities and are free from harassment in accordance with law. The Board prohibits district employees from discriminating against or harassing any other district employee or job applicant on the basis of the person's actual or perceived race, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran status, gender, gender identity, gender expression, sex, or sexual orientation.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4032 - Reasonable Accommodation)
(cf. 4033 - Lactation Accommodation)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)
(cf. 4154/4254/4354 - Health and Welfare Benefits)
(cf. 5145.7 - Sexual Harassment)

Prohibited discrimination consists of the taking of any adverse employment action against a person, including termination or denial of promotion, job assignment, or training, or in discriminating against the person in compensation, terms, conditions, or other privileges of employment based on any of the prohibited categories of discrimination listed above.

The prohibition against discrimination based on the religious creed of an employee or job applicant includes any discrimination based on the person's religious dress or grooming practices or any conflict between the person's religious belief, observance, or practice and an employment requirement. The prohibition against discrimination based on the sex of an employee or job applicant shall include any discrimination based on the person's pregnancy, childbirth, breastfeeding, or any related medical conditions. (Government Code 12926, 12940)

Harassment consists of any unwelcome verbal, physical, or visual conduct that is based on any of the prohibited categories of discrimination listed above and that is so severe or pervasive that it adversely affects an individual's employment opportunities, has the purpose or effect of unreasonably interfering with the individual's work performance, or creates an intimidating, hostile, or offensive work environment.

The Board also prohibits retaliation against any district employee or job applicant who complains, testifies, assists, or in any way participates in the district's complaint procedures instituted pursuant to this policy.

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

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

The following position is designated as Coordinator for Nondiscrimination in Employment:
Superintendent or Designee
462 Johnson Street
Sebastopol, CA 95472

Any employee or job applicant who believes that he/she has been or is being discriminated against or harassed in violation of district policy should, as appropriate, immediately contact his/her supervisor, the Coordinator, or the Superintendent who shall advise the employee or applicant about the district's procedures for filing, investigating, and resolving any such complaint.

Complaints regarding employment discrimination or harassment shall immediately be investigated in accordance with AR 4031 - Complaints Concerning Discrimination in Employment.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the Coordinator or Superintendent as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately.

Training and Notifications

The Superintendent or designee shall provide training to employees about how to recognize harassment and discrimination, how to respond appropriately, and components of the district's policies and regulations regarding discrimination.

(cf. 4131- Staff Development)

(cf. 4231- Staff Development)

(cf. 4331- Staff Development)

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

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

Legal Reference:

EDUCATION CODE

200 262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

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

2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age discrimination in federally assisted programs
12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.101-35.190 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 34
100.6 Compliance information
104.7 Designation of responsible employee for Section 504
104.8 Notice
106.8 Designation of responsible employee and adoption of grievance procedures
106.9 Dissemination of policy
110.1-110.39 Nondiscrimination on the basis of age
COURT DECISIONS
Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863
Shephard v. Loyola Marymount, (2002) 102 Cal.App.4th 837

Management Resources:

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Notice of Non-Discrimination, August 2010

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Questions and Answers: Religious Discrimination in the Workplace, 2008

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

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

WEB SITES

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

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

Adoped: August 24, 1993
Revised: 11/18/99; 4/13/00; 1/11/01; 1/14/03
3/17/04; 2/9/11; /6/26/13
Reviewed: 11/15/94

WEST SONOMA COUNTY UHSD
Sebastopol, CA

Personnel

Employee Use Of Technology

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

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

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

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

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

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

Online/Internet Services

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

(20 USC 6777; 47 USC 254)

To ensure proper use, the Superintendent or designee may monitor employee usage of technological resources, including the accessing of email and stored files. Monitoring may occur at any time without advance notice or consent. When passwords are used, they must be known to the Superintendent or designee so that he/she may have system access.

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

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

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

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

Use of Cellular Phone or Mobile Communications Device

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

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

Legal References:

(cf. 3513.1 - Cellular Phone Reimbursement)
(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

Legal Reference:

EDUCATION CODE

51870-51874 Education technology

52270-52272 Education technology and professional development grants

52295.10-52295.55 Implementation of Enhancing Education Through Technology grant program

GOVERNMENT CODE

3543.1 Rights of employee organizations

PENAL CODE

502 Computer crimes, remedies

632 Eavesdropping on or recording confidential communications

VEHICLE CODE

23123 Wireless telephones in vehicles

23125 Wireless telephones in school buses

UNITED STATES CODE, TITLE 20

6751-6777 Enhancing Education Through Technology Act, Title II, Part D, especially:

6777 Internet safety

UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

CODE OF FEDERAL REGULATIONS, TITLE 47

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

Adopted: June 24, 2009
Revised:

WEST SONOMA COUNTY UHSD
Sebastopol, CA

Personnel

Employee Use of Technology

Computer/Online/Internet Services: User Obligations and Responsibilities

Employees, including members of the School Board, are authorized to use District equipment to access the Internet or other online services in accordance with Board Policy, the District's Acceptable Use Agreement, and the user obligations and responsibilities specified below.

Employees recognize that electronic mail accounts issued through the District are not private. Email delivery is not guaranteed. Authorized personnel may conduct searches of District electronic information systems, email, employee workspaces, student workspaces, and network equipment at any time and without notice when deemed appropriate, including searches for work-related and investigatory purposes. Personal devices connected to District network or computing resources may also be searched when brought to or used at work.

1. The employee in whose name an online services account is issued is responsible for its proper use at all times. Employees shall keep account information, home addresses, and telephone numbers private. They shall use the system only under the account number to which they have been assigned.
2. Employees shall use the system safely, responsibly, and primarily for work-related purposes.
3. Employees shall not access, post, submit, publish, link or display harmful or inappropriate matter that is threatening, obscene, disruptive, excessively violent, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race, ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs.

(cf. 4030 Nondiscrimination in Employment)

(cf. 4031 Complaints Concerning Discrimination in Employment)

(cf. 4119.11 Sexual Harassment)

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

(cf. 4119.25 Political Activities of Employees)

5. Employees shall not use the system to engage in commercial or other for-profit activities without permission of the Superintendent or designee.
6. School-level and district-level email address lists are for professional communications that directly support the educational purposes of the District. Employees shall not use the district's network to transmit general or "mass" emails of a personal, non-professional nature to other district employees without the prior consent of the Superintendent or designee (for use of district-level email lists) or the Principal or designee (for use of school-level email lists.) Personal, non-professional emails sent to e-

mail addresses managed by the District using general or "mass" email lists without such prior permission will be considered an abuse or disruption of the email service.

7. Copyrighted material shall be posted online only in accordance with applicable copyright laws.
8. Employees shall not attempt to interfere with other users' ability to send or receive e-mail, nor shall they attempt to read, delete, copy, modify, or forge other users' e-mail. This includes either the creation or promotion of spam, the distribution of viruses or potential viruses, and/or any attempt to bypass or interfere with the orderly operation of the District's network in any way.
9. Employees shall not develop any classroom or work-related web sites, blogs, wikis, forums, or similar online resources representing the District or using District equipment or resources without written permission of the Superintendent or designee. Employees who develop online resources will regularly monitor them for appropriate content for as long as the resources are available online, including all content created by other users of the resource. Online content created by employees containing photographs, video, or audio recordings of students or student work must meet District posting requirements including acquiring signed parent permission before posting. The District retains the right to delete material on any such online resources. Employees who place such resources on the net shall be familiar with the requirements of the Family Educational Right to Privacy Act (FERPA) and shall take care to respect District policy and any state and Federal laws that pertain to student and individual confidentiality.
10. Employees shall report any security problem or misuse of the services to the Superintendent or designee. This includes any attempts to bypass, interfere with, or subvert any content filtering system implemented or adopted by the District.
11. Employees recognize that District Computer resources are not unlimited. User shall not deliberately perform acts that waste or unfairly monopolize resources to the exclusion of others. These acts include unnecessary use of storage, equipment, downloading or uploading of files, chat, casual access of streaming audio, video, and complex graphics files, and any other creation of unnecessary loads on network traffic not associated with District business.
12. The transmission of information about students or District affairs shall adhere to the following:
 - Confidential information should never be sent or forwarded to outside individuals or outside agencies not authorized to receive that information. This includes individuals within the District who are outside your department unless there is a clear work-related purpose for doing so.
 - Confidential messages and information should never be sent or forwarded to others, including faculty, staff and students who do not need to know the information.
 - Confidential information should not be forwarded to multiple parties unless there is a clear and legitimate need to do so. Employees need to be aware that once an email or document is forwarded the sender loses all control over access to the information and document.

- Confidential email should not be retained in an employee's personal mailbox, but should be deleted as soon as possible. Records that need to be kept should be printed and retained according to appropriate policy or regulation.
- Confidential messages from or to legal counsel should not be forwarded to others without counsel's authorization, since such messages may constitute privileged communications between the District and its attorney.

NOTE: Confidential information includes, but is not limited to, Personal Information such as an individual's first name or first initial and last name, in combination with a Social Security number, driver's license number, California identification card number, account number, credit or debit card number; Medical Information, such as diagnosis, medical history, mental or physical condition or treatment plans; Health Insurance Information, such as the individual's health insurance policy number, or claims history; Personnel File Information; Student Records; or similar materials the disclosure of which would constitute an unwarranted invasion of personal privacy.

E-mail Retention and Disposal:

E-mail stored on official District systems will generally be preserved for no longer than one (1) year after they have first appeared on the server. Log files associated with e-mail messages which generally provide a record of actual e-mail transactions, but not the e-mail content, will be kept for three (3) years.

E-mail Users storing messages on District servers often have the capability to "archive" e-mail items to files. This effectively allows users to save any e-mail messages that they choose to save for any length of time. These retention and disposal guidelines do not apply to e-mail archives and backups done by individuals.

E-mail correspondence and associated documents sent as attachments may be considered public records. As such, they may need to be retained longer than the established policy guidelines for e-mail retention and disposal. It is the responsibility of the sender and recipient of these e-mail messages to determine the required retention period to comply with applicable District student and personnel records policies and procedures regarding record retention and to preserve these e-mail records either electronically or in printed form with all of the associated header and transmission information.

Acceptable Use Agreement for Employee Use of Technology

This agreement applies specifically to the requirements of Board Policy 4040 and Administrative Regulations 4040. A signature at the end of this agreement is binding, and indicates that the party who signs it has carefully read and understood the significance of this agreement's terms and conditions. No user has permission to access the Internet or use school District computers without this signed and dated agreement on file with the school and/or District.

I understand and will abide by the above Acceptable Use Agreement. I further understand that any violation of the regulation is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges may be revoked and school/District disciplinary action and/or appropriate legal action may be taken including possible suspension or termination.

Employee Signature:

Date:

Adopted: June 24, 2009
Revised: August 25, 2010, April 11, 2012

WEST SONOMA COUNTY UHSD
Sebastopol, California

Certificated Personnel

CERTIFICATION

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

(cf. 4111 - Recruitment and Selection)
(cf. 4112.22 Staff Teaching Students of Limited English Proficiency)
(cf. 4113 - Assignment)
(cf. 4116 - Probationary/Permanent Status)
(cf. 4121/4121.1 - Temporary/Substitute Personnel)

When fully credentialed teachers are not available, the district may employ persons with emergency permits, intern credentials, pre-intern certificates or credential waivers under the conditions and limitations provided in state and federal law.

As necessary, all teachers of core academic subjects teaching in programs supported by federal Title I funds shall meet the requirements of the No Child Left Behind Act. By the end of the 2005-06 school year, all teachers of core academic subjects shall meet the requirements of the No Child Left Behind Act (20 USC 6319, 7801; 5 CCR 6100-6125).

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

The Superintendent or designee shall ensure that district teachers and teachers working in charter schools affiliated with the district are informed about the program and can acquire the necessary application and information materials. (Ed. Code 44395)

(cf. 0420.4 - Charter Schools)

Legal Reference:

EDUCATION CODE

8360-8370 *Qualifications of child care personnel*
32340-32341 *Unlawful issuance of a credential*
44066 *Limitations on certification requirements*
44275.3 *Employment of teachers with out-of-state credentials*
44200-444059 *Teacher credentialing, especially:*
44251 *Period of credentials*
44252 *Standards and procedures for issuance; proficiency testing of basic skills*
44252.5 *State basic skills assessment required for certificated personnel*
44259 *Minimum requirements for teaching credential*
44259.5 *Standards for teachers of all students, including English language learners*
44270-44270.4 *Out-of-state credentials, administrative services*
44272-44272.5 *Out-of-state credentials*
44277 *Requirements for maintaining valid credentials*
44278 *Credential appeal*
44300-44301 *Emergency permits*
44302 *CTC notification re: district options when fully qualified teacher not available*
44305-44308 *Pre-internship teaching certificates*
44325-44328 *District interns*
44330-44355 *Certificates and credentials*
44395-44399 *National Board for Professional Teaching Standards*
44400-44405 *California Mathematics Initiative for Teaching*
44735 *Teaching as a Priority block grant*
44751 *Recruitment centers*

44830-44929 Employment of certificated persons; requirement of proficiency in basic skills

56060-56063 Substitute teachers in special education

90530 Recruitment Centers

CODE OF REGULATIONS, TITLE 5

80001-80690.1 Commission on Teacher Credentialing

UNITED STATES CODE, TITLE 20

6314 School wide programs

6315 Targeted assistance schools

COURT DECISIONS

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

836 F.Supp. 1534

Management Resources:

CTC ADVISORIES

1227.99 CTC Memo #99-9931 Amendments pertaining to emergency permits

CTC memo #94-9414, August 15, 1994

WEB SITES

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

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

Adopted: August 24, 1993

Revised: 5/11/98; 1/14/03; 11/17/04;

Reviewed: 11/15/94

WEST SONOMA COUNTY UHSD

Sebastopol, California

Certificated Personnel

CERTIFICATION

Responsibility for Registration

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

Responsibility for Renewal

All certificated employees are personally responsible for renewing their credentials and keeping them valid. (Education Code 44330)

Basic Skills Proficiency Test

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

The state basic skills proficiency test shall not be required of the following: (Education Code 44830)

1. Certificated persons who were employed by another school district in a position requiring certification within 39 months of their employment in this district.
2. Persons employed solely for purposes of teaching adults in an apprenticeship program.
3. Adult education designated subject credential holders employed in a nonacademic instructional setting for 20 hours or less per week.
4. The holder of a child care permit or a permit authorizing service in a development center for the disabled, as long as the permit holder is not required to have a baccalaureate degree;
5. The holder of a credential to provide service in the health profession, as long as this person does not teach in public schools;
6. The holder of a credential who seeks an additional credential or authorization to teach;
7. Certificated personnel employed under a foreign exchange program, for a maximum period of one year;
8. A certificated teacher who has not yet been afforded the opportunity to take a test. Such a person shall then take the test at the earliest opportunity and may remain employed by the district pending the receipt of his/her test results.
9. The holder of a vocational designated subject credential when the proficiency test is not administered at the time of hiring, on the condition that he/she will take the test at its next local administration.
10. The holder of a vocational designated subject credential who does not pass the basic skills proficiency test, as long as he/she retakes and passes the test within one year.

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

(cf. 4121 - Temporary/Substitute Personnel)

Out-of-State Credentials

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

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

Emergency Substitute Teaching Permits

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

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

Emergency Teaching or Specialist Permits

Persons with emergency teaching permits or credential waivers shall not be newly hired to teach core academic subjects in programs supported by federal Title I funds. By the end of the 2005-06 school year, such persons shall not be assigned to teach core academic subjects in any classroom. (20 USC 6319, 7801; 5 CCR 6115)

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

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

(cf 4111-Recruitment and Selection)

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

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

1. A candidate who is scheduled to complete initial preparation requirements within six months

2. A candidate who is qualified to participate in an approved internship program in the region of the district

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

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

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

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

The Superintendent or designee shall inform all emergency permit holders that, in accordance with rules established by the CTC, they must complete their work for a credential by June 30, 2006, and will not be able to get an emergency permit renewed after that date.

Approved: April 19, 1996
Revised: 4/9/98; 5/13/99; 1/14/03; 11/17/04;

WEST SONOMA COUNTY UHSD
Sebastopol, California

All Personnel

PERSONNEL FILES

The Governing Board recognizes the importance of keeping accurate personnel files.

The superintendent or designee shall establish and maintain files for all employees and ensure confidentiality in accordance with law and collective bargaining agreements.

- (cf. 1312.1 – Complaints Concerning District Employees)*
- (cf. 1340 – Access to District Records)*
- (cf. 3580 – District Records)*
- (cf. 4112.62 – Maintenance of Criminal Offender Records)*
- (cf. 4115 – Evaluation/Supervision)*
- (cf. 4117.4 – Dismissal)*
- (cf. 4118 – Suspension/Disciplinary Action)*
- (cf. 4119.23 – Unauthorized Release of Confidential/Privileged Information)*
- (cf. 4141 – Collective Bargaining Agreement)*
- (cf. 4218 – Dismissal/Suspension/Disciplinary Action)*
- (cf. 9321 – Closed Session Purposes and Agendas)*

Legal Reference:

EDUCATION CODE

- 35253 Regulations to destroy records*
- 44031 Personnel file contents and inspection*
- 44663 Performance appraisals and related materials*

GOVERNMENT CODE

- 6254.3 Disclosure of home address and phone number*

PENAL CODE

- 11165.14 Report of investigation of child abuse complaint*

CODE OF REGULATIONS, TITLE 5

- 16020-16022 Records-general provisions*
- 16023-16027 Retention of records*
- ATTORNEY GENERAL'S OFFICE NO. CV 75-73 June 6, 1973*

Adopted: August 24, 1993
Revised: 5/11/98;
Reviewed: 11/15/94

WEST SONOMA COUNTY UHSD
Sebastopol, CA

All Personnel

PERSONNEL FILES

The Superintendent or designee shall maintain personnel files for all current employees. Employee files shall be maintained at the district's central office. The Superintendent or designee shall determine the types of information to be included and shall process all material to be placed in a personnel file.

All personnel files are confidential and shall be available only to the employee, persons authorized by the employee, the Superintendent, and those authorized by the Superintendent. For legitimate reasons, the Governing Board also has access to personnel records and may delegate a specific member to review any file.

(cf. 3580 – District Records)

Ratings, reports, or records shall not be available to inspection by employees if they were obtained prior to the employment of the person involved, prepared by identifiable examination committee members, or obtained in connection with a promotional examination. However, non credentialed employees shall have access to any numerical scores obtained as a result of written examinations. (Education code 44031)

(cf. 4112.62 – Maintenance of Criminal Offender Records)

Derogatory Information

Except for the ratings, reports or records specified above as not open to inspection, employee shall be notified whenever derogatory information is to be placed in their personnel files. Any employee so notified may ask to review and comment on the contents. Such a review shall take place in the presence of the Superintendent or designee during normal school hours. The employee shall be released from duty for this purpose without a salary reduction. (Education Code 44031)

File Review by Employee

1. Except for ratings, reports or records specified above as not open to inspection, all other written materials placed in personnel files shall be made available for inspection by the employee at an off-duty time. Inspection shall take place in the presence of the Superintendent or designee.
2. Employees wishing to inspect their personnel files shall contact the Superintendent or designee. The employee may be accompanied by a representative of the employee's choice while reviewing the file.
3. All reviews of personnel files shall be recorded, including notation of date and time reviewed, and name and title of the person(s) present during the review.
4. In no instance shall any material be removed from the file. Requests for copies of material in a personnel file shall be made to the Superintendent or designee.
5. Any request by an employee to include any materials in the file must be approved by the Superintendent or designee.

File Review by Management and Board

1. Personnel files are confidential and access shall be strictly controlled by the Superintendent or designee.
2. Personnel files shall be reviewed in the office where the files are maintained unless otherwise approved in writing by the Superintendent or designee.

3. Personnel files shall be reviewed and replaced within the shortest time possible. In no case should a personnel file be left unattended or left unfiled overnight.
4. Management personnel or district legal counsel with a valid “right to know” or “need to know” may, with the Superintendent’s or designee’s authorization, review an employee’s personnel file.
5. For legitimate reasons, the Governing Board has access to personnel records and may delegate a specific member to review any file.

Former Employees

A file shall be kept for all former employees including such information as shall seem appropriate to the administration.

Approved: April 9, 1998
Revised:
Reviewed:

WEST SONOMA COUNTY UHSD
Sebastopol, California

Certificated Personnel

EVALUATION/SUPERVISION

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

(cf. 4141-Collective Bargaining Agreement)

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

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

(cf. 4131-Staff Development)

(cf. 4139-Peer Assistance and Review)

(cf. 4315.1-Administrator Competence in Evaluation)

Legal Reference:

EDUCATION CODE

33039 *State guidelines for teacher evaluation procedures*

35171 *Availability of rules and regulations for evaluation of performance*

44500-44508 *Peer assistance and review program for teachers*

44660-44665 *Evaluation and assessment of performance of certificated employees*

GOVERNMENT CODE

3543.2 *Scope of representation (re evaluation procedures)*

UNITED STATES CODE, TITLE 20

6319 *highly Qualified Teachers*

Management Resources:

CTC PUBLICATIONS

Standards for the Quality and Effectiveness for Beginning Teacher Support and Assessment Programs, 1997, Commission on Teaching Credentialing and State Superintendent of Public Instruction

WEB SITES

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

California Department of Education: <http://www.cde.ca.gov>

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

California Teachers Association: <http://www.cta.org>

California Federation of Teacher: <http://www.cft.org>

Adopted: August 24, 1993

Revised: 2/10/00;

Reviewed: 11/15/94

WEST SONOMA COUNTY UHSD
Sebastopol, California

Certificated Personnel

EVALUATION/SUPERVISION

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

(cf. 4119.3-Duties of Personnel)

Certificated staff shall receive information regarding the district's evaluation criteria and procedures upon employment with the district.

(cf. 4141-Agreement)

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

(cf. 4116-Probationary/Permanent Status)

(cf. 4117.4-Dismissal)

(cf. 4315.1-Administrator Competence in Evaluation)

Probationary teachers shall be formally observed and given constructive feedback at least once each year and more often when necessary, as part of the evaluation process. Within three school days of each formal observation, a conference shall be held between the evaluator and the probationary teacher.

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

1. Students' progress toward district standards of expected achievement for their grade level in each area of study and, if applicable, towards the state-adopted content standards as measured by state-adopted criterion-referenced assessments
2. The instructional techniques and strategies used by the employee
3. The employee's adherence to curricular objectives

(cf. 6010-Goals and Objectives)

4. The establishment and maintenance of a suitable learning environment within the scope of the employee's responsibilities.

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

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

Evaluations shall include recommendations, if necessary, as to areas in need of improvement in the employee's performance. If an employee is not performing satisfactorily according to teacher standards

approved by the Board pursuant to Education Code 44662, the Superintendent or designee shall so notify the employee in writing and describe the unsatisfactory performance. The Superintendent or designee shall confer with the employee, make specific recommendations as to areas needing improvement and endeavor to provide assistance to the employee in his/her performance. (Education Code 44664)

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

(cf. 4131-Staff Development)

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

(cf. 4139-Peer Assistance and Review)

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

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

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

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

(cf. 4112.6-Personnel Files)

Approved: August 24, 1993
Revised: 2/10/00;
Reviewed: 11/15/94

WEST SONOMA COUNTY UHSD
Sebastopol, California

Certificated Personnel

PERSONNEL REDUCTION

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

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

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

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

(cf. 4113 – Assignment)

(cf. 4115 – Evaluation/Supervision)

(cf. 4117.4 – dismissal)

Legal Reference:

EDUCATION CODE

44830 Employment of certificated persons

44949 Dismissal of probationary employees

44955 Reduction in number of permanent employees

44955.5 Termination of certificated employees

44956-44959.5 Rights of employees

GOVERNMENT CODE

3543.2 Scope of representation

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

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

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

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

Adopted: August 24, 1993;

Revised: 2/9/95

Reviewed: 11/15/94

WEST SONOMA COUNTY UHSD

Sebastopol, CA

Certificated Personnel

PERSONNEL REDUCTION

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

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

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

(cf. 4112.2 - Certification)

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

Notice and Right to Hearing

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

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

Reappointment

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

Approved: February 9, 1995
Revised:

WEST SONOMA COUNTY UHSD
Sebastopol, California

Certificated Personnel

SUSPENSION/DISCIPLINARY ACTION

Suspension Without Pay

When a permanent certificated employee's unprofessional conduct is not considered serious enough to warrant dismissal, he/she may be suspended without pay on grounds of unprofessional conduct, following procedures designated in Education Code 44932.

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

Noncompliance with Duties and Responsibilities

The Governing Board desires to explain to employees what is considered unacceptable conduct. The Superintendent or designee shall prepare written guidelines which reflect state law and Board policy and which identify types of misconduct and possible consequences.

Disciplinary guidelines shall describe progressive discipline actions which may be taken including verbal warning, written warning, transfer, suspension, freezing or reducing of wages, and dismissal. The Superintendent or designee may take disciplinary action as he/she deems appropriate and may deviate from the progressive order of disciplinary actions in light of the particular facts and circumstances involved.

(cf. 4117.4)

The Superintendent or designee shall document all disciplinary actions thoroughly and accurately and shall ensure that such actions are taken in a consistent, nondiscriminatory manner.

Whenever an employee refuses to perform assigned work without an acceptable reason, the Superintendent shall deduct from his/her wage an amount reasonably related to the time not worked. (Education Code 45055)

Legal Reference:

EDUCATION CODE

44932 Grounds for dismissal of permanent employee

44933 Other grounds for dismissal

44938 Unprofessional conduct or incompetency, notice of charges

44942 Sex offenses and narcotic offenses; compulsory leave of absence

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

44944 Conduct of hearing

44948.3 Dismissal of probationary employees

45055 Drawing of warrants for teachers

51530 Advocacy or teaching of communism

GOVERNMENT CODE

3543.2 Scope of representation

CSBE v. FOOTHILL COMMUNITY COLLEGE Dist., 52 Cal. App. 3rd 150 1550156 124 Cal Rptr. 830 (1975)

("Conduct unbecoming an employee to vague")

Adopted: August 24, 1993;

Revised: 2/9/95

Reviewed: 11/15

WEST SONOMA COUNTY UHSD

Sebastopol, CA

Certificated Personnel

SUSPENSION/DISCIPLINARY ACTION

Disciplinary Guidelines

Disciplinary action shall normally involve progressive disciplinary actions such as verbal warning, written warning, reassignment, suspension, freezing or reducing of wages, compulsory leave and dismissal.

Suspension Without Pay

When a permanent certificated employee's unprofessional conduct is not considered serious enough to warrant dismissal, he/she may be suspended without pay on grounds of unprofessional conduct, following procedures designated in Education Code 44932.

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

Notice of Unprofessional Conduct

Prior to the filing of written charges leading to suspension without pay, the employee shall receive a notice which indicates the nature of his/her unprofessional conduct, cites specific instances of unprofessional behavior, and gives him/her a 45-day opportunity to correct this conduct and avoid suspension. This notice shall also include the employee's evaluation made pursuant to Education Code 44664, if applicable. If the employee demonstrates full remediation during the above 45 days, disciplinary action shall not be taken.

(cf. 4115 - Evaluation/Supervision)

Nonperformance of Duties

Whenever an employee refuses to perform assigned work without an acceptable reason, the Superintendent or designee shall deduct from his/her wages an amount reasonably related to the time not worked. (Education Code 45055)

(cf. 4141.6 - Concerted Action/Work Stoppages)

Compulsory Leave

The Governing Board shall immediately place on compulsory leave of absence any certificated employee who is charged with committing:

1. Any sex offense as defined in Education Code 44010. -(Education Code 44940)

2. Any offense involving the unlawful sale, use or exchange to minors of controlled substances identified in law as a mandatory leave offense. (Education Code 44940)

The Board also may require an immediate compulsory leave of absence when a certificated employee is charged with other offenses specified in law. (Education Code 44940.5)

This leave may extend for not more than 10 days after the entry of judgment in the proceedings. (Education Code 44940).

The Board may extend a certificated employee's compulsory leave by giving him/her notice, within 10 days after the entry of judgment in the proceedings, that he/she will be dismissed in 30 days unless he/she demands a hearing. (Education Code 44940.5)

(cf. 4117.4 - Dismissal)

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

Approved: April 19, 1996
Revised:

WEST SONOMA COUNTY UHSD
Sebastopo

**All Personnel
SEXUAL HARASSMENT**

Purpose

It is the position of this Board that sexual harassment is unlawful and will not be tolerated. It is a violation of this policy for any employee, agent, student, or party with which the district has a cooperative agreement, to engage in sexual harassment.

It is the policy of the Governing Board of the West Sonoma County Union High School District to provide an employment environment free of sexual harassment. To accomplish this, the policy is designed to secure, at the earliest level possible, an appropriate resolution to incidents and allegations of harassment.

This policy is intended to supplement, and not replace, any applicable state or federal laws and regulations. Complaints under these laws and regulations shall be processed through the procedures established by the appropriate state and/or federal agencies.

Definition

For the purposes of this policy, sexual harassment is defined by Education Code Section 212.5, "Sexual harassment means unwelcome sexual conduct including, advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

- (a) Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress.
- (b) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- (c) The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
- (d) 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."

Specifically, sexual harassment may occur as a pattern of degrading sexual speech or actions ranging from verbal or physical annoyances or distractions to deliberate intimidations and frank threats or sexual demands. Examples of conduct which may constitute sexual harassment include, but are not limited to:

- (1) Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assault, touching, impeding or blocking movement, leering, gesture, display of sexually suggestive objects or pictures, or cartoons.
- (2) Among peers, continuing to express sexual interest after being informed that the interest is unwelcome.

- (3) Within the employment environment, implying or actually withholding satisfactory evaluations or suggesting that promotion or favorable evaluations will be denied as a condition of receiving sexual favors.
- (4) Offering favors or employment benefits, such as promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

Reporting Procedure

Any employee who believes he or she has been sexually harassed by an employee, agent or student of the District should report the facts of the incident(s) to the site administrator or supervisor. If the site administrator or supervisor is the alleged harasser, the employee should report to the Superintendent. A written report of the alleged incident will be filed and forwarded to the Superintendent. A copy of Board policy will be provided to the employee who makes the complaint.

Employees who feel aggrieved because of unwelcome conduct that may constitute sexual harassment are not required to inform the person that the conduct is unwanted, offensive, and must stop, but are encouraged to do so. An aggrieved individual is not required to complain to his or her supervisor if that supervisor is the individual who is harassing them.

Filing Complaints with State and Federal Agencies

Aggrieved parties may wish to file complaints with other appropriate state and federal agencies, including:

U.S. Equal Employment Opportunity Commission
350 The Embarcadero, Suite 500
San Francisco, CA 94105-1260

The State Fair Employment and Housing Commission
1515 Clay Street, Ste. 701, Oakland, CA 94612, (510) 622-2951

Confidentiality

An allegation of sexual harassment and the results of the investigation shall be kept confidential to the extent reasonably possible under the investigation process. The site administrator will inform the employee making the report that the allegation and the results of the investigation shall be kept confidential to the extent reasonably possible under the investigation process. In addition, witnesses and those interviewed shall be informed of the confidential nature of the issue and the investigation, as well as the reason for confidentiality. The alleged harasser will also be informed as to the confidential nature of the procedure. Anyone violating confidentiality by disclosing the nature of the allegation or the investigation to others shall be subject to disciplinary action.

Retaliation is Prohibited

The initiation of an allegation of sexual harassment will not cause any reflection on the individual reporting the incident or witnesses nor will it affect such persons' future business dealings with the District, his or her employment, compensation or work assignments, or other matters pertaining to his or her status in any District programs or activities. It shall be a violation of this policy to engage in such retaliation. An allegation of retaliation shall be considered as a separate incident, shall be investigated, and shall be subject to disciplinary action as defined in this policy.

Time Limits

Allegations of sexual harassment shall be reported as soon as reasonably possible after the conduct in question has taken place.

Disciplinary Action

Employees who violate this policy shall be subject to disciplinary action up to and including dismissal. Such disciplinary action will be in accordance with applicable policies, laws, and/or collective bargaining agreements.

When disciplinary action is necessary the Superintendent will be consulted to determine what course of action is appropriate.

Investigation

The Superintendent is authorized to develop regulations by which reports of sexual harassment shall be addressed. Such process shall include an informal resolution process, an investigation, and issuance of a summary report.

Appeal Procedure

Either the complaining party or the accused may appeal the summary report to the Governing Board of the District. Appeals should be made within 10 business days from the date of the issuance of the summary report. Procedures shall be set forth in the Administrative Regulations.

Administrative Regulations

The Superintendent shall adopt, and from time to time may revise, further procedures as may be necessary to implement this policy and provide for a means of enforcing this policy.

Training and Curriculum

To implement this policy, West Sonoma County Union High School District will provide appropriate training programs for staff and students. Employees in a supervisory capacity will be trained, as required by law, at least every two (2) years beginning January 1, 2006. Teachers are not considered to be supervisory.

Notification

There will be adequate notification of the policy to include public posting. The policy will be published in site handbooks and/or the District Summer Mailing.

Special Assistance

It is expected that questions may arise concerning this policy. For assistance in these matters, individuals may contact the Superintendent or designee.

Legal Reference:

Title VII of the Civil Rights Act

42 USC Section 2000-e-2(a)(1)

California Fair Employment and Housing act

Government Code section 12940

Education Code section 212.5

Government Code section 12950.1

Adopted: January 14, 1993

Revised: 8/93; 11/18/99; 1/11/01; 1/14/03; 11/17/04;

9/21/05; 11/19/08; 9/22/10

Reviewed: 11/15/94

WEST SONOMA COUNTY UHSD
Sebastopol, California

**All Personnel
SEXUAL HARASSMENT**

Purpose

It is the purpose of this Administrative Regulation to implement the District's Adult Sexual Harassment Policy. The regulation is designed to outline the procedures that are to be followed to maintain the Board of Education's commitment to providing a work environment free from sexual harassment as defined by board policy.

Reporting Procedure

Any employee who believes he or she has been sexually harassed by an employee, student, or agent of the District, should promptly report the facts of the alleged incident(s) and the name of the individual involved to the school site administrator/site manager.

Employees may, at any time during the process, bring an advocate to support them in meeting with the site administrator or other staff. The site administrator or designee will gather the information from the employee to complete the Sexual Harassment Incident Report. A copy of the report will be forwarded to the site manager/administrator and the Superintendent. The Superintendent shall determine who shall conduct the investigation. A copy of Board Policy will be given to the employee.

Confidentiality

The site administrator will inform the employee making the report that the allegation and the results of the investigation shall be kept confidential to the extent reasonably possible under the investigation process. In addition, witnesses and those interviewed shall be informed of the confidential nature of the issue and the investigation, as well as the reason for confidentiality. The alleged harasser will also be informed as to the confidential nature of the procedure. Anyone violating confidentiality by disclosing the nature of the allegation or the investigation to others shall be subject to disciplinary action.

Retaliation

The initiation of an allegation of sexual harassment by an employee will not adversely effect employment status in any way. The site administrator or designee will inform all parties that retaliation is illegal and that an allegation of retaliation, following a report of sexual harassment shall be considered as a separate incident, shall be investigated, and shall be subject to disciplinary action.

Time Limits

Allegations of sexual harassment shall be reported as soon as reasonably possible after the conduct in question has taken place. Employees wishing to report allegations to additional agencies, such as the Equal Employment Opportunity Commission, should know that these agencies follow a time limit for reporting alleged incidents of sexual harassment.

Informal Process

Upon receipt of a complaint either verbally or in writing, the complaining party will be advised of their right to explore resolution of the matter by way of an informal mediation process. If the complaining party wishes to use the informal process, the site administrator in consultation with the Superintendent shall set up a process. If the informal process does not result in a mutually agreeable resolution to the complaint, the investigation procedure shall be initiated.

If the complaining party or accused does not wish to participate in the informal process, the investigation procedure will be initiated

Investigation Procedure

All complaints shall be investigated if not resolved by way of the informal process.

All investigations of allegations of sexual harassment shall be handled promptly, in a serious, sensitive, and confidential manner. Although the employee who believes they have been sexually harassed is not required to confront the person who is engaging in the unwelcome and unsolicited sexual conduct, the administrator/investigator should determine if the employee has informed the person engaging in the behavior that the behavior is offensive and must stop.

1. Upon receipt of a complaint, the site administrator or Superintendent shall develop a written report of the allegations. This will be done in consultation with the employee making the complaint. The Superintendent shall then designate an investigator.
2. The investigator shall, as soon as possible after the incident has been reported, inform the employee accused of sexual harassment of the allegation and they will be given an opportunity to respond. During the investigation phase, the person accused shall not receive a copy of the complaint but shall be informed of the allegations. The name of the complaining party shall remain confidential to the extent possible. The accused will be given a copy of Board Policy. Should the investigation result in a recommendation of discipline, the person accused will be afforded all applicable rights under the law, including the right to receive a copy of the complaint. If the discipline results in a hearing, the complainant may be required to testify.
3. The investigator shall inform all parties, including the employee making the allegation, witnesses, and the accused, of their rights, including the fact that the employee making the allegation and witnesses will not be retaliated against and the confidential nature of the allegation and investigation.
4. The investigator shall conduct an investigation to determine if the allegation of sexual harassment is supported. The investigation findings shall be filed within twenty-five (25) business days from the date the employee made the allegation with the Superintendent or from the date the informal process is terminated. The Superintendent may extend the timeline depending on the nature of the investigation. Written notice of the extension shall be provided to all parties. Upon completion of the investigation, the Superintendent, within ten (10) business days, will provide by mail a summary of the findings to the employee who reported the harassment and to the person accused.
5. When the Superintendent determines that sexual harassment has occurred, and/or disciplinary action is necessary, the Superintendent shall determine what course of action is appropriate.
6. The District will maintain a separate file of sexual harassment complaints received. This file is in addition to and separate from any documents entered into an employee's personnel file.

Disciplinary Action/Remedial Action

Employees who are found to have engaged in sexual harassment or inappropriate conduct may be subject to discipline up to and including dismissal. Such disciplinary action shall be in accordance with board policy, state law, and applicable collective bargaining agreements.

In identifying appropriate disciplinary action, note that repeated incidents following intervention, intensity of the behavior, and multiple victims will yield more severe penalties. Disciplinary actions may include oral warnings, written warnings, mandatory training, counseling, suspension, transfer, demotion, or termination.

Because of rights to privacy regarding discipline, the nature of the discipline will not be disclosed to the individual filing the complaint unless authorized by the person being disciplined.

Depending on the findings of the investigation, the District will also review and consider possible actions to remedy any harm suffered by the employee who is determined to be a victim of sexual harassment. Depending on the results of the investigation, the District shall consider needs of the victim, including counseling services.

Appeal Procedures

Either the complaining party or the accused may appeal the summary report of the investigation to the Board of Education. Appeals must be made in writing within 10 business days from the date of the issuance of the summary report.

The appeal shall set forth the reasons for the appeal. The Superintendent shall schedule a closed session of the Board to hear the appeal. The Superintendent or designee shall be responsible for responding to the appeal before the Board. The decision of the Board shall be in writing and shall be final. The written decision shall be issued within 20 calendar days of the Board meeting.

Notification

There will be adequate notification of the policy to include public posting. The policy will be published in site handbooks and/or the District Summer mailing.

Special Assistance

To obtain additional information regarding any of the procedures outlined in this administrative regulation, one should contact the Superintendent or designee.

Approved: January 14, 1993
Revised: 11/14/96; 11/18/99; 1/11/01; 1/14/03;
11/17/04; 9/21/05; 9/22/10
Reviewed: 11/15/94

WEST SONOMA COUNTY UHSD
Sebastopol, California

All Personnel

PROFESSIONAL STANDARDS

The Governing Board expects district employees to maintain the highest ethical standards, exhibit professional behavior, follow district policies and regulations, and abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community. Employee conduct should enhance the integrity of the district and advance the goals of the district's educational programs, and contribute to a positive school climate. Each employee should make a commitment to acquire the knowledge and skills necessary to fulfill his/her responsibilities and should focus on his/her contribution to the learning and achievement of district students.

(cf. 0200 - Goals for the School District)
(cf. 4112.2 - Certification)
(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

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

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

Inappropriate employee conduct includes, but is not limited to:

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

(cf. 0450 - Comprehensive Safety Plan)
(cf. 4158/4258/4358 - Employee Security)

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

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

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

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

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

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

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

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

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 4020 - Drug and Alcohol Free Workplace)

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

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

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

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

(cf. 3580 - District Records)

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

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

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

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

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

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

(cf. 4040 - Employee Use of Technology)

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

14. Wearing inappropriate attire

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

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

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Any reports of employee misconduct shall be promptly investigated. Any employee who is found to have

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

(cf. 4117.4 - Dismissal)
(cf. 4117.7 - Employment Status Reports)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

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

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

44242.5 Reports and review of alleged misconduct

PENAL CODE

11164-11174.4 Child Abuse and Neglect Reporting Act

CODE OF REGULATIONS, TITLE 5

80303 Reports of dismissal, resignation and other terminations for alleged misconduct

80331-80338 Rules of conduct for professional educators

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California Standards for the Teaching Profession, 2009

COUNCIL OF CHIEF STATE SCHOOL OFFICERS PUBLICATIONS

Educational Leadership Policy Standards: ISLLC 2008, 2008

NATIONAL EDUCATION ASSOCIATION PUBLICATIONS

Code of Ethics of the Education Profession, 1975

WESTED PUBLICATIONS

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

WESTED AND ASSOCIATION OF CALIFORNIA SCHOOL ADMINISTRATORS PUBLICATIONS

California Professional Standards for Educational Leaders, 2001

WEB SITES

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

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

California Department of Education: <http://www.cde.ca.gov>

California Federation of Teachers: <http://www.cft.org>

California School Employees Association: <http://www.csea.com>

California Teachers Association: <http://www.cta.org>

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

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

WestEd: <http://www.WestEd.org>

Adopted: June 22, 2011

Revised: 1/16/13

Reviewed:

WEST SONOMA COUNTY UHSD

Sebastopol, CA

All Classified

CODE OF ETHICS

School employees who are in daily contact with many phases of educational work should be persons whose conduct is beyond reproach and who sincerely believe in the advancement of education and the betterment of working conditions; therefore, the California School Employees' Association proposes this Code of Ethics as a standard for its members.

AS A SCHOOL EMPLOYEE I WILL:

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

SOURCE: CALIFORNIA SCHOOL EMPLOYEES' ASSOCIATION

Adopted: June 22, 2011
Revised:
Reviewed:

WEST SONOMA COUNTY UHSD
Sebastopol, CA

All Administrators and Supervisory

CALIFORNIA PROFESSIONAL STANDARDS FOR EDUCATIONAL LEADERS

Preamble

The administrator(s) at a school site have numerous responsibilities that ultimately lead to the improvement of the performance of all students in the school. By acquiring the skills, attitudes and behaviors as outlined in the following Professional Standards for School Leaders, students have the best opportunity to achieve the mission and vision of the district and to meet the expectations of high standards for student learning. Inherent in these standards is a strong commitment to cultural diversity and the use of technology as a powerful tool.

A school administrator is an educational leader who promotes the success of all students by:

- Standard 1: Facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community
1. Facilitate the development of a shared vision for the achievement of all students based upon data from multiple measures of student learning and relevant qualitative indicators.
 2. Communicate the shared vision so the entire school community understands and acts on the school's mission to become a standards-based education system.
 3. Use the influence of diversity to improve teaching and learning.
 4. Identify and address any barriers to accomplishing the vision.
 5. Shape school programs, plans, and activities to ensure that they are integrated, articulated through the grades, and consistent with the vision.
 6. Leverage and marshal sufficient resources, including technology, to implement and attain the vision for all students and all subgroups of students.
- Standard 2: Advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth
1. Shape a culture in which high expectations are the norm for each student as evident in rigorous academic work.
 2. Promote equity, fairness, and respect among all members of the school community.
 3. Facilitate the use of a variety of appropriate content-based learning materials and learning strategies that recognize students as active learners, value reflection and inquiry, emphasize the quality versus the amount of student application and performance, and utilize appropriate and effective technology.
 4. Guide and support the long-term professional development of all staff consistent with the ongoing effort to improve the learning of all students relative to the content standards.
 5. Provide opportunities for all members of the school community to develop and

use skills in collaboration, distributed leadership, and shared responsibility.

6. Create an accountability system grounded in standards-based teaching and learning.
 7. Utilize multiple assessments to evaluate student learning in an ongoing process focused on improving the academic performance of each student.
- Standard 3: Ensuring management of the organization, operations, and resources for a safe, efficient and effective learning environment
1. Sustain a safe, efficient, clean, well-maintained, and productive school environment that nurtures student learning and supports the professional growth of teachers and support staff.
 2. Utilize effective and nurturing practices in establishing student behavior management systems.
 3. Establish school structures and processes that support student learning.
 4. Utilize effective systems management, organizational development, and problem-solving and decision-making techniques.
 5. Align fiscal, human, and material resources to support the learning of all subgroups of students.
 6. Monitor and evaluate the program and staff.
 7. Manage legal and contractual agreements and records in ways that foster a professional work environment and secure privacy and confidentiality for all students and staff.
- Standard 4: Collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources
1. Recognize and respect the goals and aspirations of diverse family and community groups.
 2. Treat diverse community stakeholder groups with fairness and respect.
 3. Incorporate information about family and community expectations into school decision-making and activities.
 4. Strengthen the school through the establishment of community, business, institutional, and civic partnerships.
 5. Communicate information about the school on a regular and predictable basis through a variety of media.
 6. Support the equitable success of all students and all subgroups of students by mobilizing and leveraging community support services.
- Standard 5: Modeling a personal code of ethics and developing professional leadership capacity
1. Model personal and professional ethics, integrity, justice, and fairness, and expect the same behaviors from others.
 2. Protect the rights and confidentiality of students and staff.

3. Use the influence of office to enhance the educational program, not personal gain.
 4. Make and communicate decisions based upon relevant data and research about effective teaching and learning, leadership, management practices, and equity.
 5. Demonstrate knowledge of the standards-based curriculum and the ability to integrate and articulate programs throughout the grades.
 6. Demonstrate skills in decision-making, problem solving, change management, planning, conflict management, and evaluation.
 7. Reflect on personal leadership practices and recognize their impact and influence on the performance of others.
 8. Engage in professional and personal development.
 9. Encourage and inspire others to higher levels of performance, commitment, and motivation.
 10. Sustain personal motivation, commitment, energy, and health by balancing professional and personal responsibilities.
- Standard 6: Understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context
1. Work with the Governing Board and district and local leaders to influence policies that benefit students and support the improvement of teaching and learning.
 2. Influence and support public policies that ensure the equitable distribution of resources and support for all subgroups of students.
 3. Ensure that the school operates consistently within the parameters of federal, state, and local laws, policies, regulations, and statutory requirements.
 4. Generate support for the school by two-way communications with key decision-makers in the school community.
 5. Collect and report accurate records of school performance.
 6. View oneself as a leader of a team and also as a member of a larger team.
 7. Open the school to the public and welcome and facilitate constructive conversations about how to improve student learning and achievement.

Source: California Professional Standards for Educational Leaders by California School Leadership Academy at West Ed and the Association of California School Administrators.

Adopted: June 22, 2011
 Revised: 3/6/13
 Reviewed:

WEST SONOMA COUNTY UHSD
 Sebastopol, CA

Certificated and Classified Personnel

HEALTH AND WELFARE BENEFITS

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

(cf. 4140 Bargaining Units)
(cf. 4141 Collective Bargaining Agreement)

Benefits for employees who are not in bargaining units shall be the same as those for employees in the bargaining agreement for classified employees unless otherwise specified in an individual contract.

The Superintendent or designee shall advise all employees of their rights and responsibilities related to continuing their health insurance benefits when their eligibility changes.

With respect to eligibility to participate in the health benefits plan or the level of health benefits provided, the district shall not discriminate in favor of employees who are among the highest paid 25 percent of all district employees. (26 USC 105; 42 USC 300gg-16)

For purposes of granting benefits pursuant to state law, a registered domestic partner and his/her child shall have the same rights, protections, and benefits as a spouse and spouse's child. (Family Code 297.5)

The Superintendent or designee shall not use or disclose any medical information the district possesses pertaining to an employee without the employee's authorization obtained in accordance with Civil Code 56.21, except for the purpose of administering and maintaining employee benefit plans and for other purposes specified in law. (Civil Code 56.20)

Retired Employees

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

To receive continuation coverage under this program, the qualified beneficiary shall pay the premiums, dues and other charges, including any increases in premiums or dues, and costs incurred by the district in administering this program.

Retired certificated or classified employees who qualify for continued district-paid benefit coverage according to bargaining unit contracts, and whose district-paid coverage ends prior to becoming eligible for Medicare, Medicaid, or other health insurance programs, may elect to continue, at their own expense, under the district's health care plan until such time as they become eligible for Medicare, Medicaid or other health insurance programs.

(cf. 3530 - Insurance Management)
(cf. 4141/4241 - Agreement)

Legal Reference:

EDUCATION CODE

1252 *Power to contract for group workers' compensation insurance (county superintendent)*

7000-7005 *Health and welfare benefits, retired certificated employees*

7008 *Employees disabled by violent act in scope of employment*
35208 *Liability insurance*
35213 *Reimbursement for loss, destruction or damage of personal property*
35214 *Liability insurance (self-insurance)*
44041 *Deductions in salary payment as requested by employee*
44042 *Payroll deduction for collection of insurance premium*
44986 *Leave of absence for disability allowance applicant*
45136 *Benefits for classified*
GOVERNMENT CODE
22009.03 *Public agency includes school districts*
22156 *Medicare coverage for school district employees*
22754 *Definitions*
22858 *Application of education code provisions relating to mandatory inclusion of certain retirees in local health and welfare benefit plans*
22859 *Participation in Medicare reimbursement program*
53200-53210 *Group insurance, especially*
53200 *Definitions: group insurance, local agency; health and welfare benefits, employees*
UNEMPLOYMENT INSURANCE CODE
2613 *Education program; notice of rights and benefits*
CONSOLIDATED OMNIBUS RECONCILIATION ACT
Public Law 99-272
INSURANCE CODE
12670-12692.5 *Conversion coverage*
LABOR CODE
2800.2 *Notification of conversion and continuation coverage*

Adopted: August 24, 1993
Revised: 4/13/00; 3/6/13
Reviewed: 11/15/94; 5/13/99;

WEST SONOMA COUNTY UHSD
Sebastopol, California

Certificated and Classified Personnel

HEALTH AND WELFARE BENEFITS

Retired Certificated Employees

The district's health and welfare benefit plan and dental care benefit plan provided for certificated employees shall permit enrollment by any former certificated employee who retired under any public retirement system and to his/her spouse. In addition, the plan shall be available to any surviving spouse of a former certificated employee who either retired from the district or was, at the time of death, employed by the district and a member of the State Teachers' Retirement System. (Education Code 7000)

The insurance shall provide benefits for retired employees up to the age at which they become eligible for Medicare/Medicaid, and afterwards shall cover only those eligible expenses not covered by Medicare, Medicaid, or other health insurance programs. (Education Code 7000-7003)

A retired certificated employee or surviving spouse shall be allowed to enroll in the coverage within 30 days of losing active employee coverage. In addition, the Superintendent or designee shall annually select a one-month period during which former employees or their spouses may elect to enroll in the health or dental plan or change their enrollment from one plan to another. (Education Code 7000)

If a retired certificated employee or surviving spouse fails to enroll during the initial enrollment period, further opportunity to do so may be denied. A person who has previously received, but then voluntarily terminated, coverage also may be excluded from obtaining further coverage. (Education Code 7000)

Coverage under this program will continue only as long as the retiree reimburses the district monthly for the premium paid the insurance carrier. If retiree fails to make payment, insurance coverage shall not continue beyond a period of three (3) months from date of last payment. (Education Code 7000-7003)

Continuation of Coverage

Qualified district employees, their spouses and/or their dependent children shall be offered the opportunity to continue health and disability insurance coverage through COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985) when they otherwise would lose coverage due to one of the following events:

1. The death of a covered employee
2. The termination other than by reason of the employee's gross misconduct or reduction in hours of the covered employee's employment

(cf. 4117.4 - Dismissal)

(cf. 4218 - dismissal/Suspension/disciplinary Action)

3. The divorce or legal separation of a covered employee
4. A covered employee's becoming entitled to Medicare benefits
5. A dependent child ceasing to be a dependent child of a covered employee

The Superintendent or designee shall notify the plan administrator when a qualifying event has occurred, except that a qualified beneficiary or covered employee shall notify the plan administrator regarding a change in dependent child status, or a divorce or legal separation, within 60 days of the event or of the date that the beneficiary would lose coverage, whichever is later. (26 USC 4980B)

Continuation health coverage shall be the same as provided to similarly situated individuals under the group benefit plan. (26 USC 4980B; Health and Safety Code 1366.23)

Continuation coverage shall apply as provided by law and by the district's insurance.

However, a former employee who worked for the district for at least five years and who is age 60 or older on the date employment ends, or his/her spouse or former spouse, may continue benefits until he/she reaches age 65, becomes covered under any other group health plan or becomes entitled to Medicare benefits, or five years after continuation coverage was scheduled to end for the spouse, which ever occurs first. (Health and Safety Code 1373.621)

Disability Insurance

The Superintendent or designee shall give notice of disability insurance rights and benefits to each new employee and each employee leaving work due to pregnancy or nonoccupational illness or injury. (Unemployment Insurance Code 2613)

(cf. 4161 - Leaves)

(cf. 4161.1 - Personal Illness and Injury Leave)

(cf. 4161.8 - Family Care and Medical Leave)

(cf. 4261 - Personal Illness and Injury Leave)

(cf. 4361 - Leaves)

When disabled by an injury resulting from a violent act sustained while performing their job duties, certificated and classified employees may continue in the district health and dental care plans upon meeting criteria specified by law. The employee shall pay all employer and employee premiums and related administrative costs. (Education Code 7008)

Approved: August 24, 1993
Revised: 8/13/2000
Reviewed: 11/15/94; 5/13/99

WEST SONOMA COUNTY UHSD
Sebastopol, CA

All Personnel

EMPLOYEE SECURITY

An employee may use reasonable force when necessary to protect himself/herself from attack, to protect another person or property, to quell a disturbance threatening physical injury to others, or to obtain possession of weapons or other dangerous objects on or within the control of a student. (Education Code 44807, 49331)

Employees shall promptly report any student attack, assault or threat against them to their principal or other immediate supervisor. The employee and the principal or other immediate supervisor both shall promptly report such instances to the appropriate local law enforcement agency. (Education Code 44014)

The report also shall be forwarded immediately to the Superintendent or designee, who may act as liaison between the employee, the police, and the courts.

An employee whose person or property is injured or damaged by willful misconduct of a student may ask the district to pursue legal action against the student or the student's parent/guardian. (Education Code 48905)

Required Notice Regarding Violent Students

The Superintendent or designee shall inform the teacher of every student who has caused or tried to cause another person serious bodily injury or any physical injury that requires professional medical treatment. This information shall be based upon written district records or records received from a law enforcement agency. (Education Code 49079)

Teachers shall receive the above information in confidence and disseminate it no further. (Education Code 49079) Teachers may be subject to discipline for divulging such information to persons who are not entitled to it.

The Superintendent or designee shall maintain the above information in a separate confidential file for each student. This file shall be kept at the school which the student attends. The principal or designee shall notify the teacher in writing when such a student is assigned to his/her class/program and ask the teacher to review the student's file in the school office. This notification shall not name or otherwise identify the student.

The principal or designee shall keep a record of the above notification. Teachers who will be notified are those who are likely to come into contact with the student, including the student's homeroom or classroom teachers, special education teachers, coaches and counselors.

The teacher shall initial the student's file when reviewing it in the school office. A teacher's failure to review the file may be construed as a waiver of the district's liability, the district having made a good faith effort to comply with the notification requirement of Education Code 49079.

(cf. 3514 – Safety)

(cf. 5125 – Student Records; Confidentiality)

(Cf. 5131.7 – Weapons and Dangerous Instruments)

Permissive Notice Regarding Student Crimes

When informed by the court that a minor student has committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism or graffiti, the Superintendent or designee shall so inform the school principal. The principal shall keep this information in a separate confidential file and give it to the counselors who directly supervise or report on the student's behavior or progress. The principal also may inform any teacher or administrator he/she thinks may need the information so as to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code 827)

(cf. 3515.3 – Police Department)

The Superintendent or designee shall ensure that staff members understand that they are receiving such information in confidence and must disseminate it no further.

Legal Reference

EDUCATION CODE

32210-32212 Willful disturbance, public schools or meetings

35203 Duty of district attorney to defend in certain cases

35204 Contract with attorney in private practice or use of administrative advisor

35205 Contract for legal services

35206 Additional legal services by county counsel or district attorney

35208 Liability insurance

35213 Reimbursement for loss, destruction or damage of school property

44014 Report of assault by pupil against school employee

44807 Duty concerning conduct of pupils

48902 Notification of law enforcement authorities if student violates assault or controlled substance provision

GOVERNMENT CODE

995-996.4 Defense of public employees

PENAL CODE

71 Threatening public officers and employees and school officials

241.2 Assault on school or park property against any person person

241.3 Assault against school bus drivers

241.6 Assault on school employee

243 Battery; punishment

243.2 Battery on school or park property against any person

243.3 Battery against school bus drivers

243.6 Battery against school employee

CIVIL CODE

51.7 Freedom from violence or intimidation

WELFARE AND INSTITUTIONS CODE

828 Disclosure of information re minors

828.1 Dissemination of information for specific purposes

Approved: August 24, 1993
Revised:
Reviewed: 11/15/94; 9/11/97

WEST SONOMA COUNTY UHSD
Sebastopol, California

Certificated Personnel

PERSONAL ILLNESS AND INJURY LEAVE

Every certificated employee working five school days each week is entitled to ten days' personal illness or injury leave of absence per school year with full pay. Such leave for employees working less than five days per week shall be proportionately less. (Education Code 44978)

Sick leave shall be credited at the beginning of the school year. (Education Code 44978) Employees who do not complete a year of service will be charged for any unearned sick leave used as of the date of termination.

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 44978)

Employees may use sick leave as provided for in this policy for absences due to pregnancy, miscarriage, childbirth and recovery. (Education Code 44978)

The Superintendent shall establish regulations requiring proof of illness or injuries reported by employees and specifying procedures by which such verification shall be made. (Education Code 44978)

Upon request, employees who terminate their service to the district may have their accumulated sick leave transferred to their next district of employment. (Education Code 44979)

Sick Leave Beyond Ten Days

When a certificated employee has used up all his/her current and accumulated sick leave and is still absent due to illness or accident, the employee shall receive his/her salary, minus the cost of a substitute to fill the position, for a period not to exceed five continuous school months.

Legal Reference:

EDUCATION CODE

44964 Power to grant leave of absence in case of illness, accident or quarantine

44965 Granting of leaves of absence for pregnancy and childbirth

44977 Salary deduction during absence from duties

44978 Provisions for sick leave of certificated employees

44979 Transfer of accumulated sick leave

44980 Transfer of accumulated leave for injury or illness

44981 Leave of absence for personal necessity

44983 Exception to sick leave when district adopts specific rule

44989 Leave of absence for disability allowance applicant

NAPA VALLEY EDUCATOR'S ASSN V NAPA VALLEY UNIFIED SCHOOL DISTRICT, (1987) 194 Cal. App. 3d 243.

Adopted: August 24, 1993

Revised:

Reviewed: 11/15/94

**WEST SONOMA COUNTY UHSD
Sebastopol, CA**

Certificated Personnel

PERSONAL ILLNESS AND INJURY LEAVE

Full-time certificated employees are entitled to 10 days leave of absence for personal illness or injury (sick leave) per school year, with full pay. Employees working less than five days per week shall be granted comparable sick leave in proportion to the time they work. (Education Code 44978)
(cf. 4161 – Leaves)

An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (Education Code 44978)

An employee who does not complete a given year of service shall be charged for an unearned sick leave used as of the date of termination.

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 44978)

Any certificated employee who leaves the district after at least one year of employment and accepts a certificated position in another district, county office of education or community college district within one year shall have transferred with him/her the total amount of accumulated sick leave. The district may not require new employees to waive their leave accumulated in a previous district. (Education Code 44979, 44980)

Sick leave may be used by certificated employees for:

1. Cases of temporary inability to perform duties because of illness, accident or quarantine, whether or not the cause of absence arises out of an in the course of employment (Education Code 44964)
(cf. 4157.1 – Work Related Injuries)
2. Absences due to pregnancy, miscarriage, childbirth and recovery (Education Code 44965, 44978)
(cf. 4161.8 – Family Care and Medical Leave)
3. Cases of personal necessity (Education Code 44981)
(cf. 4161.2 – Personal Leaves)
4. Medical and dental appointments
5. Cases of industrial accidents or illnesses when leave granted specifically for that purpose has expired (Education Code 44984)
(cf. 4161.11 – Industrial Accident/Illness Leave)
6. Illness of the employee’s child, parent or spouse, up to the amount of sick leave that would be accrued during six months.
(Labor Code 233)

Notifications

Employee shall notify the district of their need to be absent as soon as such need is known, so the substitute services may be secured. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall again notify the district of the need for a substitute. If the duration of absence is unknown or becomes shorter than estimated, the employee shall notify the district of his/her intent to return by at least 3:00 p.m. of the working day

preceding the day he/she returns. If failure to so notify the district results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Sick Leave Beyond 10 Days

When a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and continues to be absent from his/her duties due to illness or accident for an additional period up to five school months, the employee shall receive his/her regular salary minus the actual cost of a substitute to fill the position. If the district has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that might have been paid to a substitute shall be deducted from the employee's salary. (Education Code 44977)

The sick leave, including accumulated sick leave, and the five-month period shall run consecutively. (Education Code 44977)

An employee shall not be provided more than one five-month period per illness or accident. However, if the school year ends before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year. (Education Code 44977)

After five months, if a certificated employee has exhausted all available sick leave and is not medically able to resume his/her duties, the employee shall be placed either in another position for which he/she is qualified or on a reemployment list. If the employee is on probationary status, he/she shall be placed on the reemployment list for 24 months beginning at the expiration of the five-month period provided pursuant to Education Code 44977; if on permanent status, the employee shall be placed on the reemployment list for 39 months. If during this time the employee becomes medically able, he/she shall be returned to employment in a position for which he/she is credentialed and qualified. (Education Code 44978.1)

Certificated employees placed on rehire lists will receive no compensation or district-paid health and welfare benefits until and unless the employee returns to active employment with the district in a position for which he/she is qualified.

Verification

After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

A physician's verification of illness may be required for the period of absence if that period exceeds five (5) days, or if the Superintendent believes the absence is not in fact due to illness or injury.

The district may additionally require written verification by the employee's physician or practitioner whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever clear evidence indicates that an absence is not related to illness or injury. Chronic absenteeism may be indicated when an employee has exhausted his/her entire ten-day sick leave benefit during three or more of the past five years.

Employees requiring extended leaves of absence due to illness or injury shall submit a physician's written verification prior to the absence when possible or as soon thereafter as possible.

At its expense, the district may require an employee to visit a physician selected by the district in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for further leave of absence and a prognosis for when the employee will be able to return

to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee, after giving notice to the employee, may deny further leave.

Before returning to work, an employee who shall has been absent for surgery, hospitalization or extended medical treatment submit a letter from his/her physician stating hat he/she is able to return and stipulating any recommended restrictions or limitations. The district may, at district expense, require the option of a physician chosen by the district.

(cf. 4032 – Reasonable Accommodation)

(cf. 4113 – Temporary Modified/Light-Duty Assignment)

Legal Reference:

EDUCATION CODE

44964 Power to grant leave of absence in case of illness, accident or quarantine

44965 Granting of leaves of absence for pregnancy and childbirth

44976 Transfer of leave rights when school is transferred to another district

44977 Salary deductions during absence from duties

44978 Provisions for sick leave of certificated employees

44979 Transfer of accumulated sick leave to another district

44980 Transfer of accumulated sick leave to a county office of education

44981 Leave of absence for personal necessity

44983 Exception to sick leave when district adopts specific rule

44986 Leave of absence for disability allowance applicant

CODE OF REGULATIONS, TITLE 5

5601 Transfer of accumulated sick leave

LABOR CODE

233 Illness of a child, parent or spouse

Approved: August 24, 1993

Revised: 3/11/99; 5/8/00

Reviewed: 11/15/94

WEST SONOMA COUNTY UHSD
Sebastopol, CA

Certificated Personnel

INDUSTRIAL ACCIDENT/ILLNESS LEAVE

Every certificated employee working five school days each week is entitled to ten days' personal illness or injury leave of absence per school year with full pay. Such leave for employees working less than five days per week shall be proportionately less. (Education Code 44978)

Sick leave shall be credited at the beginning of the school year. (Education Code 44978) Employees who do not complete a year of service will be charged for any unearned sick leave used as of the date of termination.

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 44978)

Employees may use sick leave as provided for in this policy for absences due to pregnancy, miscarriage, childbirth and recovery. (Education Code 44978)

The Superintendent shall establish regulations requiring proof of illness or injuries reported by employees and specifying procedures by which such verification shall be made. (Education Code 44978)

Upon request, employees who terminate their service to the district may have their accumulated sick leave transferred to their next district of employment. (Education Code 44979)

Sick Leave Beyond Ten Days

When a certificated employee has used up all his/her current and accumulated sick leave and is still absent due to illness or accident, the employee shall receive his/her salary, minus the cost of a substitute to fill the position, for a period not to exceed five continuous school months.

Legal Reference:

EDUCATION CODE

44964 Power to grant leave of absence in case of illness, accident or quarantine

44965 Granting of leaves of absence for pregnancy and childbirth

44977 Salary deduction during absence from duties

44978 Provisions for sick leave of certificated employees

44979 Transfer of accumulated sick leave

44980 Transfer of accumulated leave for injury or illness

44981 Leave of absence for personal necessity

44983 Exception to sick leave when district adopts specific rule

44989 Leave of absence for disability allowance applicant

NAPA VALLEY EDUCATOR'S ASSN V NAPA VALLEY UNIFIED SCHOOL DISTRICT, (1987) 194 Cal. App. 3d 243.

Adopted: August 24, 1993

Revised:

Reviewed: 11/15/94

**WEST SONOMA COUNTY UHSD
Sebastopol, CA**

Certificated Personnel

INDUSTRIAL ACCIDENT AND ILLNESS LEAVE

For such leave, the employee shall be granted no more than 60 working days in any one fiscal year for the same industrial accident or illness.

Allowable industrial accident or illness leave shall not be accumulated from year to year.

When a certificated employee is absent from his/her duties because of an industrial accident or illness: (Education Code 44984)

1. Industrial accident or illness leave shall start on the first day of absence.
2. An employee on allowable leave for industrial accident or illness shall be paid such portion of the salary due for any month in which the accident occurs as, when added to the temporary disability indemnity under Division 4 or 4.5 of the Labor Code, will result in a payment to the employee of not more than his/her full salary. (Education Code 44984(d))
3. Industrial accident or illness shall be reduced by one day for each day of authorized absence, regardless of a temporary disability indemnity award.

When an industrial accident or illness leave overlaps into the next fiscal year, the employee is entitled to only the amount of unused leave due the employee for the same illness or injury.

Upon expiration of allowable leave for an industrial accident or illness leave the employee may use personal illness and injury leave as provided by Education Codes 44977, 44978, and 44983. If the employee continues to receive temporary disability indemnity, he may elect to take as much of the accumulated sick leave which, when added to his/her temporary disability indemnity, will result in a payment to the employee of not more than the employee's full salary. (Education Code 44984)

During any paid leave of absence the employee may endorse to the district the temporary disability indemnity checks received on account of his/her industrial accident or illness. In those cases, the district will issue appropriate salary warrants for payment of the employee's salary, and shall deduct normal retirement, other authorized contributions, and the temporary disability indemnity, if any, actually paid to and retained by the employee for periods covered by such salary warrants. (Education Code 44984)

Any employee receiving benefits under this leave shall, during periods of injury or illness, remain within the State of California unless the Governing Board authorizes travel outside the state. (Education Code 44984)

Legal Reference:

EDUCATION CODE

44977 Salary deductions during absence from duties

44978 Provisions for certificated employee sick leave
44983 Exception to sick leave
44984 Required rules for industrial accident and illness leave of absence
MANAGEMENT RESOURCES
Web Sites
Department of Industrial Relations:
<http://www.dir.ca.gov/DIR/OS&H/DOSH/doshl.html>

Approved: August 24, 1993
Revised: 9/7/95; 4/22/99; 11/13/13
Reviewed: 11/14/94

WEST SONOMA COUNTY UHSD
Sebastopol, CA

Classified Personnel

APPOINTMENT AND CONDITIONS OF EMPLOYMENT

Upon the recommendation of the Superintendent, the Governing Board shall approve the appointment of all regular full-time and part-time and regular hourly employees. The position and the pay rate shall be reported to the Board at a regular meeting. Selection of candidates for appointment will be based upon competence and will be in accordance with all pertinent Board policies and administrative regulations, laws of the State of California, and regulations of the California Fair Employment Practices Commission.

Temporary, substitute, short-term and student help may be appointed by the Superintendent or designee.

Individuals appointed to the classified staff shall fulfill the requirements specified in Administrative Regulation.

(cf. 4222 - Teacher Aides/Paraprofessionals)

Legal Reference:

EDUCATION CODE

35161 Powers and duties

Adopted: August 24, 1993
Revised: 1/8/98; 11/16/00;
Reviewed: 11/15/94

WEST SONOMA COUNTY UHSD
Sebastopol, California

Classified Personnel

APPOINTMENT AND CONDITIONS OF EMPLOYMENT

Individuals appointed to the classified staff shall:

1. Submit to fingerprinting as required by law. (Education Code 45125)
(cf. 4212.5 - Security/Credit Check)
2. Submit to a physical examination or proof thereof as required by law and Board policy. (Education Code 45122, 49406)
(cf. 4112.4/4212.4/4312.4 - Health Examinations)
3. File the oath or affirmation of allegiance required by Government Code 3100-3109.
(cf. 4112.3 -Oath or Affirmation)
4. Not have been convicted of a violent or serious felony. (Education Code 45122.1)
(cf. 4212.5-Criminal Record Check)
5. Not have been convicted of any sex offense as defined in Education Code 44010. (Education Code 45123)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
6. Not have been convicted of any controlled substance offense as defined in Education Code 44011. (Education Code 45123)
7. Not have been determined to be a sexual psychopath pursuant to Welfare and Institutions Code 6300-6332. (Education Code 45124)
(cf. 4212.4-Health Examinations)
8. Fulfill any other requirements as specified by law, collective bargaining agreement, Board Policy or administrative regulation.

Requirements for Instructional Assistants

No person shall be initially assigned as an instructional assistant without having demonstrated proficiency in reading, writing and mathematics skills up to and exceeding that required by Education Code 51216 (repealed by SB 2X, Ch. 1, First Extraordinary Session, Statutes of 1999). If the district hires an instructional assistant who has passed this requirement in another district, the employee may be considered to have met this requirement. However, the Superintendent or designee may require the assistant to take a proficiency exam upon determination that the test taken was not comparable to district standards. (Education Code 45344.5)

These proficiency requirements shall equal or exceed those required by the district for high school seniors. (Education Code 45344.5)
(cf. 4222 - Teacher Aides/Paraprofessionals)

Notification of Classification and Compensation

When first employed and upon each subsequent change in classification, classified employees other than short-term, limited-term or provisional employees shall be given two copies of their class specification, salary data, assignment or work location, duty hours and prescribed workweek. Salary data shall specify

pay period (monthly, semimonthly, or other) and applicable rates of compensation (daily, hourly, overtime and differential rates). Employees shall keep one copy of this information and shall sign and date the other copy and return it to their supervisor. (Education Code 45169)

(cf. 4112.9 - Employee Notifications)
Legal Reference

EDUCATION CODE

35161 Powers and duties

44010 Sex offenses - definitions

44011 Controlled substance offense - definitions

44066 Limitation on certification requirements

45103 Classified service in districts not incorporating the merit system

45104 Positions not requiring certification qualifications

45105 Positions under various acts not requiring certification qualifications; classification

45108 Restricted positions

45113 Rules and regulations for classified service in districts not incorporating the merit system

45122 Physical examinations

45122.1 Classified employees, conviction of a violent or serious felony

45123 Employment after conviction of sex offense or controlled substance offense

45125 Use of personal identification cards to ascertain conviction of crime

45169 Employee salary data

45272 Vacancies in classified services for districts incorporating the merit system

45344.5 Demonstrated proficiency in basic skills

49406 Examination for tuberculosis

60850-60856 High school exit exam

GOVERNMENT CODE

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

12940-1295 Unlawful employment practices

PENAL CODE

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

1203.4 Discharged petitioner, change of plea

WELFARE AND INSTITUTIONS CODE

6300-6332 Sexual psychopaths

COURT DECISIONS

Miller v. Trinity County d. of Education, 121 Cal.App.3d 184 (App. 3 Dist. 1981)

Approved: April 19, 1996
Revised: 12/11/97; 11/16/00;

WEST SONOMA COUNTY UHSD
Sebastopol, California

Classified Personnel

LAYOFF/REHIRE

Classified employees shall be subject to layoff for lack of work or lack of funds. (Education Code 45114, 45308)

Order of Layoff: Determination of Seniority

The order of layoff within the class shall be determined by length of service. (Education Code 45114, 45308)

The Superintendent or designee shall maintain a current determination of each employee's seniority in the district.

Length of service shall be determined by the date of hire. The employee who has been employed the shortest time by the district shall be laid off first.

Length of service credit shall be granted for military leave of absence, including voluntary or involuntary active duty during a period of national emergency or war as a member of the Military Reserve or the National Guard. (Education Code 45297, 45308)

Length of service credit may be granted for time spent on unpaid illness or maternity leave, unpaid family care leave, or unpaid industrial accident leave. Length of service credit shall not be granted for other types of unpaid leaves. (Education Code 45308)

(cf. 4161.8 - Family Care Leave)

Persons employed under Education Code Section 45105(b) or 45259 in "restricted" positions do not acquire permanent status under Education Code 45113 or 45301 and do not acquire seniority credits for the purpose of layoff for lack of work or lack of funds. After completing six months of satisfactory service, however, persons hired into these positions shall be given the opportunity to take qualifying examinations. If they successfully complete the examination, they shall be entitled to the full rights, benefits and burdens of regular classified employees, and his/her service for layoff purposes shall be counted from the original date of employment in the "restricted" position. (Education Code 45105)

Short-term or substitute employees may be separated at the completion of their assignment without regard to the procedures in this regulation.

(cf. 4121 - Temporary/Substitute Personnel)

A classified employee shall not be laid off if a short-term employee is retained to render a service that the classified employee is qualified to render. (Education Code 45117)

Layoff Procedures

Classified employees subject to layoff because of lack of work in the event of a bona fide reduction or elimination of service being performed shall receive notice of the layoff —45 days before the effective date. They shall be informed of their reemployment rights and displacement rights, if any. (Education Code 45117)

In cases where specially funded programs expire at the end of any school year, classified employees subject to layoff for lack of funds shall receive written notice on or before May 29. The notice shall inform them of the layoff effective at the end of the school year and of their displacement and

reemployment rights. If the termination date of the specially funded program is other than June 30, the notice shall be given at least 45 days before the effective date of the layoff. (Education Code 45117)

The district is not bound to provide 45 days' notice in the event that it is unable to pay the salaries of classified employees due to an actual and existing financial inability or if layoff is caused by conditions not foreseeable or preventable by the district. The district will provide information about reemployment and displacement rights, if any, to all employees laid off under these conditions. (Education Code 45117)

Voluntary Demotion or Voluntary Reduction of Hours

Employees may sometimes take voluntary demotions or voluntary reductions in assigned time in lieu of layoff or in order to remain in their present position rather than be reclassified or reassigned. Employees who do so shall be granted the same rights as persons laid off. (Education Code 45114, 45298)

Reemployment Eligibility

Classified employees laid off because of lack of work or lack of funds are eligible for reemployment within a period of 39 months and shall be reemployed in preference to new applicants. Persons so laid off also have the right to apply and establish their qualification for vacant promotional positions within the district during the 39-month period. (Education Codes 45114, 45298)

Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff, reclassification or reassignment shall retain eligibility to be considered for reemployment in a position of the previously held class or number of hours for an additional period of time, provided that the same tests of fitness under which they qualified for appointment to the class are still applicable. The length of this additional period of time shall be determined by the Board on a class-by-class basis and shall not exceed 24 months. (Education Code 45114, 45298)

Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall have the option of returning to a position in their former class or to positions with increased assignment tie as vacancies become available, and without limitation of time. If there is a valid reemployment list they shall be ranked on that list in accordance with their proper seniority. (Education Code 45114, 45298)

Upon rejecting two offers of reemployment, the employee's name will be removed from the reemployment list and he/she will forfeit all rights to which he/she would otherwise be entitled.

When an employee is notified of a vacancy and fails to respond or report to work within time limits specified by district procedures, his/her name will be removed from the reemployment list and he/she will forfeit all rights to which he/she would otherwise be entitled.

Reemployment Procedures

Classified employees laid off because of lack of work or lack of funds shall be eligible for reemployment for a period of 39 months and shall be reemployed in preference to new applicants. Reemployment shall be in order of seniority. Persons so laid off also have the right to apply and establish their qualification for vacant promotional positions within the district during the 39-month period. When an employee is reemployed in a class that is different from the one in which he/she had permanent status, the employee shall be required to serve the probationary period for the new position. (Education Code 45114, 45298, 45308)

In order to be reinstated, an employee must be fully capable of performing the normal and customary duties of the job. Employees whose physical condition is such that they cannot be reinstated at the time

called for reemployment will be kept on the reemployment list until physically capable of returning to work or for a period not to exceed 39 calendar months.

(cf. 4032 -- Reasonable Accommodation)

When a vacancy occurs, the senior employee who has held prior permanency in the position will be so notified by certified U.S. mail at his/her last known address and given the opportunity to accept or reject appointment into the vacant position. The employee must advise the district of his/her decision no later than ten calendar days following notification. If the employee accepts, he/she must report to work no later than two calendar weeks from the vacancy notification date or on a later date specified by the district.

When a laid-off employee is reemployed, all accumulated sick leave credit will be restored.

A laid-off permanent employee will be reemployed with all rights and benefits accorded to him/her at the time of layoff. A laid-off probationary employee will be reemployed as a probationary employee, and the time served toward the completion of the required probationary period will be counted. He/she will also be reemployed with all rights and benefits accorded to him/her at the time of layoff.

A laid-off employee, when reemployed, will be placed on the salary step held at the time of the layoff. An employee who bumped into a lower class will, when reinstated to the previous class, be placed on the salary step to which he/she would have progressed had he/she remained there. An adjusted anniversary date will be established for step increment purposes so as to reflect the actual amount of time served in the district.

Legal Reference:

EDUCATION CODE

45101 Definitions

45103 Classified service in districts not incorporating the merit system

45105 Positions under various acts not requiring certification qualifications, classification

45105.1 CETA positions

45113 Rules and regulations for classified service in districts not incorporating the merit system

45114 Layoff and reemployment procedures; definitions

45115 Layoff: Reinstatement from service retirement

Legal Reference (cont'd):

45117 Notice of layoff due to expiration of specially funded programs or bona fide reduction or elimination of service

45286 Limited term employees

45297 Right to take equivalent examination while employee in military service

45286 Limited term employees

45297 Right to take equivalent examination while employee in military service

45298 Reemployment and promotional examination preference of persons laid off; voluntary demotions or reductions in time

45308 Order of layoff and reemployment; length of service

45309 Reinstatement of permanent noncertified employees after resignation

UNITED STATES CODE, TITLE 38

4301-4307 Veterans' Reemployment Rights

San Mateo City School District v. Public Employment Relations Board (1983) 33 Cal.3d 850,866

Approved: April 19, 1996
Revised: 4/21/04; 4/11/2012

WEST SONOMA COUNTY UHSD
Sebastopol, California

Classified Personnel

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

Termination of Probationary Employment

At any time prior to the expiration of the probationary period, the Superintendent or designee may, at its discretion, dismiss a probationary classified employee from district employment. A probationary employee shall not be entitled to a hearing.

Involuntary Suspension Without Pay, Demotion, Reduction of Pay Step in Class, or Dismissal of Permanent Classified Employees

Permanent classified employees shall be subject to personnel action (suspension without pay, demotion, reduction of pay step in class, dismissal) only for cause. The Board's determination of the sufficiency of the cause for disciplinary action shall be conclusive.

1. Causes

In addition to any disqualifying or actionable causes otherwise provided for by statute or by policy or regulation of this district, each of the following constitutes cause for personnel action against a permanent classified employee:

- a. Falsifying any information supplied to the school district, including, but not limited to, information supplied on application forms, employment records, or any other school district records.
- b. Incompetency.
- c. Inefficiency.
- d. Neglect of duty.
- e. Insubordination.
- f. Dishonesty.
- g. Drinking alcoholic beverages while on duty or in such close time proximity thereto as to cause any detrimental effect upon the employee or upon employees associated with him/her.
- h. Possessing or being under the influence of a controlled substance at work or away from work, or furnishing a controlled substance to a minor.
- i. Conviction of a felony, conviction of any sex offense made relevant by provisions of law, or conviction of a misdemeanor which is of such a nature as to adversely affect the employee's ability to perform the duties and responsibilities of his/her position. A plea or verdict of guilty, or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section.
- j. Absence without leave.

- k. Immoral conduct.
- l. Discourteous treatment of the public, students, or other employees.
- m. Improper political activity.
- n. Willful disobedience.
- o. Misuse of district property.
- p. Violation of district, Board or departmental rule, policy, or procedure.
- q. Failure to possess or keep in effect any license, certificate, or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position.
- r. Refusal to take and subscribe any oath or affirmation which is required by law in connection with his/her employment.
- s. Physical or mental disability, which disability precludes the employee from the proper performance of his/her duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law regulating retirement of employees.
- t. Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, or age against the public or other employees while acting in the capacity of a district employee.
- u. Unlawful retaliation against any other district officer or employee or member of the public who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to actual or suspected violation of any law of this State or the United States occurring on the job or directly related thereto.
- v. Abandonment of position.
- w. Any other failure of good behavior either during or outside of duty hours which is of such nature that it causes discredit to the district or his/her employment.

Except as defined in "s" above, no personnel action shall be taken for any cause which arose prior to the employee's becoming permanent, nor for any cause which arose more than two years preceding the date of the filing of the notice of cause unless such cause was concealed or not disclosed by such employee when it could be reasonably assumed that the employee would have disclosed the facts to the district.

2. Initiation and Notification of Charges

The district Superintendent or designee may initiate a personnel action as defined herein against a permanent classified employee.

In all cases involving a personnel action, the person initiating said action shall file a written recommendation of personnel action with the Board. A copy of the recommendation shall be served

upon the employee either personally or by registered or certified mail, return receipt requested, at the employee's last known address. The recommendation shall include:

- a. A statement of the nature of the personnel action (suspension without pay, demotion, reduction of pay step in class, or dismissal).
- b. A statement of the cause or causes of the personnel action, as set forth above.
- c. A statement of the specific acts or omissions upon which the causes are based. If violation of rule, policy, or regulation of the district is alleged, the rule, policy, or regulation violated shall be set forth in the recommendation.
- d. A statement of the employee's right to appeal the recommendation and the manner and time within which his/her appeal must be filed.
- e. A card or paper, the signing and filing of which shall constitute a demand for hearing and a denial of all charges.

3. Employment Status Pending Appeal or Waiver

Except as provided herein, any employee against whom a recommendation of personnel action has been issued shall remain on active duty status and responsible for fulfilling the duties of the position pending his/her appeal or waiver thereof.

In cases where the Superintendent or designee has determined that a permanent classified employee should be dismissed and that continuation of the employee in active duty status after a written recommendation of such personnel action has been issued would result in an unreasonable risk of harm to students, staff, or property during the time the proceedings are pending, the Superintendent or designee may order the employee immediately suspended from his/her duties without pay in conjunction with the recommendation of personnel action. Such suspension order shall be in writing and shall include a statement setting forth the reasons why such suspension is deemed necessary. Any such suspension order shall be served upon the employee either personally or by registered mail or certified mail, return receipt requested, immediately after issuance. Except in cases of emergency where the employee must be removed from the premises immediately, at least five calendar days prior to the effective date of any order of suspension without pay issued in conjunction with any recommendation of personnel action involving dismissal, the Superintendent or designee shall give the employee written notice of the proposed recommendation of personnel action of dismissal including notice that immediate suspension without pay is being considered, the reasons for the proposed dismissal action and for the proposed immediate suspension without pay, materials upon which the proposed action is based, and the right to respond either orally or in writing to the Superintendent or designee prior to the issuance of the final recommendation and order.

4. Time Limit of Suspension

Any suspensions (except a suspension imposed under #3 above) invoked under these rules against any one person in the classified service for one or more periods shall not aggregate more than 90 calendar days in any 12-month period; provided, however, this time limitation is inapplicable to cases in which personnel action of dismissal is modified by the Board to a suspension.

5. Right to Appeal

The employee may, within five calendar days after receiving the recommendation of personnel action described above, appeal by signing and filing the card or paper included with the recommendation. Any other written document signed and appropriately filed within the specified time limit by the employee shall constitute a sufficient notice of appeal. A notice of appeal is filed only by delivering the notice of appeal to the office of the district Superintendent or designee during normal work hours of that office. A notice of appeal may be mailed to the office of the Superintendent or designee but must be received or postmarked no later than the time limit stated herein.

In cases where an order of suspension without pay has been issued in conjunction with a recommendation of personnel action involving dismissal, any appeal from the recommendation shall also constitute an appeal from the order, and the necessity of the order shall be an issue in the appeal hearing.

If the employee against whom a recommendation of personnel action has been filed fails to file a notice of appeal within the time specified in these rules, the employee shall be deemed to have waived his/her right to appeal, and the Board may order the recommended personnel action into effect immediately.

6. Amended/Supplemental Charges

At any time before an employee's appeal is finally submitted to the Board or to a hearing officer for decision, the complainant may, with the consent of the Board or hearing officer, serve on the employee and file with the Board an amended or supplemental recommendation of personnel action.

If the amended or supplemental recommendation presents new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare his/her defense thereto. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegation may be made orally at the hearing and shall be noted on the record.

7. Hearing Procedures

a. The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board or hearing officer and the availability of counsel and witnesses. The parties shall be notified of the time and place of the hearing. The employee shall be entitled to appear personally, produce evidence, and have counsel and, if demand is made therefore when the Board is hearing the appeal, a public hearing. The complainant may also be represented by counsel. The procedure entitled "Administrative Adjudication" commencing at Section 11500 of the Government Code shall not be applicable to any such hearing before the Board or a hearing officer. Neither the Board nor a hearing officer shall be bound by rules or evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made or approved by the hearing officer or the Board.

b. All hearings shall be heard by a hearing officer (who shall be an attorney licensed in the State of California) except in those cases where the Board determines to hear the appeal themselves. In any case in which the Board hears the appeal, the Board may utilize the services of its counsel or a hearing officer in ruling upon procedural questions, objections to evidence, and issues of law. If the appeal is heard by the Board, it shall affirm, modify or revoke the recommended personnel action.

- c. If the appeal is heard by a hearing officer, he/she shall prepare a proposed decision in such form that it may be adopted by the Board as the decision in the case. A copy of the proposed decision shall be received and filed by the Board and furnished to each party within ten days after the proposed decision is filed by the Board. The Board may:
 - (1) Adopt the proposed decision in its entirety.
 - (2) Reduce the personnel action set forth therein and adopt the balance of the proposed decision.
 - (3) Reject a proposed reduction in personnel action, approve the personnel action sought by the complainant or any lesser penalty, and adopt the balance of the proposed decision.
 - (4) Reject the proposed decision in its entirety.
- d. If the Board rejects the proposed decision in its entirety, each party shall be notified of such action and the Board may decide the case upon the record including the transcript, with or without the taking of additional evidence, or refer the case to the same or another hearing officer to take additional evidence. If the case is so assigned to a hearing officer, he/she shall prepare a proposed decision as provided in #c above, upon the additional evidence and the transcript and other papers which are part of the record of the prior hearing. A copy of such proposed decision shall be furnished to each party within ten (10) days after the proposed decision is filed by the Board.
- e. In arriving at a decision or a proposed decision on the propriety of the proposed personnel action, the Board or the hearing officer may consider the records of any prior personnel action proceedings against the employee in which a personnel action was ultimately sustained and any records contained in the employee's personnel files if such records were introduced into evidence at the hearing.

8. Hearing Decision

The decision of the Board shall be in writing and shall contain findings of fact and the personnel action approved, if any. The findings may be stated in the language of the pleadings or reference thereto.

The decision of the Board shall be certified to the complainant from whose recommendation the appeal is taken and shall be enforced and followed by him/her. A copy of the decision shall be delivered to the appellant or his/her designated representative personally or by registered mail. The decision of the Board shall be final.

9. Extension of Compulsory Leave

The Board may extend an employee's compulsory leave of absence by giving him/her notice, within ten days after the entry of judgment in the proceedings, that he/she will be dismissed in thirty (30) days unless he/she demands a hearing. Employee compensation during the period of compulsory leave shall be made in accordance with law. (Education Code 44940.5)

10. Compulsory Dismissal

The district shall not employ or retain in employment any person who has been convicted of any sex offense as defined in Education Code 44010 or any controlled substance offense as defined in

Education Code 44011. However, the district may employ a person convicted of a controlled substance offense if the Board determines from the evidence it requires that the person has been rehabilitated for at least five (5) years. If any such conviction is reversed and the person acquitted or charges dismissed except as otherwise provided below, the employee may be reemployed by the district, although reemployment is not a guarantee. (Education Code 45123)

The district reserves the right to dismiss an employee for any acts upon which the original criminal charges were based, despite the disposition by the courts. If dismissal is recommended and upheld, an employee will not be reemployed or compensated for the time he/she was suspended unless otherwise required by law. An employee shall be given notice of the possibility of not being reimbursed during mandatory suspension if he/she is ultimately dismissed for the acts upon which the original charges were based.

Legal Reference:

EDUCATION CODE

35161 Delegation of powers and duties

44009 Conviction of specified crimes

44010 Sex offense

44011 "Controlled substance offense" defined

44940 Leave of absence; employee charged with mandatory or optional leave of absence offense

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

45101 Definitions (including "disciplinary action," "cause")

45109 Fixing of duties

45113 Rules and regulations for classified service in districts not incorporating the merit system

45123 Employment after conviction of sex or narcotics offense

45302 Demotion and removal from permanent classified service

45303 Additional cause for suspension or dismissal of employees in classified service

45304 Suspension for reasonable cause; filing of charges; employee charged with mandatory or optional leave of absence offense

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

COURT DECISIONS

CSEA v. Foothill Community College District, 52 Cal. App. 3rd 150, 155-156, 124 Cal. Rptr 830 (1975) ("Conduct unbecoming an employee" too vague)

Approved: August 24, 1993

Revised: 2/27/08; 3/6/13

Reviewed: 11/15/94

WEST SONOMA COUNTY UHSD
Sebastopol, California

Personnel

PERSONAL ILLNESS AND INJURY LEAVE

Classified employees employed five days per week are entitled to 12 days leave of absence, with full pay, for personal illness or injury (sick leave) per fiscal year. Employees who work less than a full fiscal year or fewer than five days a week (part-time employees) shall be granted sick leave in proportion to the time they work, except when the sick leave will be less than the district grants short-term or substitute employees pursuant to Labor Code 246. (Education Code [45191](#); Labor Code [245-249](#))

(cf. [4161/4261/4361](#) - Leaves)

Classified employees may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact with other persons having a contagious disease during the employee's performance of his/her duties (Education Code [45199](#))
2. Pregnancy, childbirth, and recovery (Education Code [45193](#))

(cf. [4161.8/4261.8/4361.8](#) - Family Care and Medical Leave)

3. Personal necessity as specified in Education Code [45207](#)

(cf. [4161.2/4261.2/4361.2](#) - Personal Leaves)

4. Medical or dental appointments, in increments of not less than one hour
5. Industrial accident or illness when leave granted specifically for that purpose has been exhausted (Education Code [45192](#))

(cf. [4261.11](#) - Industrial Accident/Illness Leave)

6. Illness of the employee's child, parent, spouse, domestic partner, or domestic partner's child for up to the amount of leave that would be accrued during six months for personal illness or injury (Labor Code [233](#))
7. Diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee or his/her family member as defined in Labor Code [245.5](#) (Labor Code [246.5](#))
8. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code [230\(c\)](#) and [230.1\(a\)](#) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code [246.5](#))

An employee may take leave for personal illness or injury at any time during the year, even if credit for such leave has not yet been accrued. However, a new full-time classified employee shall not be entitled to more than six days of sick leave until he/she has completed six months of active service with the district. (Education Code [45191](#))

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code [45191](#))

The district shall not require newly employed classified employees to waive leave accumulated in a previous district. However, if the employee's previous employment was terminated for cause, the transfer of the accumulated leave shall be made only if approved by the Governing Board. (Education Code [45202](#))

The Superintendent or designee shall notify any classified employee who leaves the district after at least one school year of employment that if the employee accepts employment in another district, county office of education, or community college district within one year, he/she may request that the district transfer his/her accumulated sick leave to the new employer. (Education Code [45202](#))

(cf. [4112.9/4212.9/4312.9](#) - *Employee Notifications*)

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

A classified employee who has exhausted all paid leaves, including sick leave, shall for the remainder of the five-month period of absence to which he/she is entitled, receive his/her salary minus the actual amount paid a substitute to fill the employee's position during his/her absence. (Education Code [45196](#))

The five-month period shall commence on the first day of the leave of absence and shall run concurrently with any other paid leave.

Extension of Leave

A permanent employee who is absent because of a personal illness or injury and who has exhausted all available sick leave, vacation, compensatory overtime, and any other paid leave shall be so notified, in writing, and offered an opportunity to request additional leave. The Board may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. The total additional leave granted shall not exceed 18 months. (Education Code [45195](#))

(cf. [4216](#) - *Probationary/Permanent Status*)

If the employee is still unable to resume his/her duties after all available paid and unpaid leaves have been exhausted, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes able to resume the duties of his/her position, he/she shall be offered reemployment in the first vacancy in the classification of his/her previous assignment. During the 39 months, the employee's reemployment shall take preference over all other applicants except those laid off for lack of work or lack of funds, in which case the employee shall be ranked according to his/her seniority. (Education Code [45195](#))

Verification Requirements

The Superintendent or designee may, at any time, require additional written verification by the employee's physician or medical practitioner. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for additional leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny the request for additional leave.

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information.

Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return to work and stipulating any recommended restrictions or limitations.

(cf. [4032](#) - Reasonable Accommodation)

(cf. [4113.4/4213.4/4313.4](#) - Temporary Modified/Light-Duty Assignment)

Healthy Workplaces, Healthy Families Act Requirements

No employee, including a short-term or substitute employee, shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code [245-249](#).

To ensure the district's compliance with Labor Code [245-249](#), the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The amount of sick days provided by Labor Code [245-249](#)
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting or using sick leave is prohibited by law and an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against him/her
2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available

4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Short-Term and Substitute Employees

Any short-term or substitute employee who works for 30 or more days within a year of his/her employment shall be entitled to one hour of paid sick leave for every 30 hours worked. Such employee may begin to use accrued paid sick days on the 90th day of his/her employment, after which he/she may use the sick days as they are accrued. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)

A short-term or substitute employee may use accrued sick leave for absences due to: (Labor Code [246.5](#))

1. Diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee or his/her family member as defined in Labor Code [245.5](#) (Labor Code [246.5](#)).
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking.

Legal Reference:

EDUCATION CODE

[45103](#) Substitute employees

[45190](#) Leaves of absence and vacations

[45191](#) Leaves of absence for illness and injury

[45193](#) Leave of absence for pregnancy (re use of sick leave under certain circumstances)

[45195](#) Additional leave for nonindustrial accident or illness; reemployment preference

[45196](#) Salary; deductions during sick leave

[45202](#) Transfer of accumulated sick leave and other benefits

LABOR CODE

[230](#) Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off

[230.1](#) Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off

[233](#) Illness of child, parent, spouse or domestic partner

[245-249](#) Healthy Workplaces, Healthy Families Act of 2014

COURT DECISIONS

California School Employees Association v. Colton Joint Unified School District, (2009) 170 Cal.App.4th 957

California School Employees Association v. Tustin Unified School District, (2007) 148 Cal.App.4th 510

ATTORNEY GENERAL OPINIONS

53 Ops.Cal.Atty.Gen. 111 (1970)

Adopted: August 24, 1993
Revised: 4/22/99; 6/24/2015
Reviewed: 11/15/94

WEST SONOMA COUNTY UHSD
Sebastopol, CA

Classified Personnel

PERSONAL ILLNESS AND INJURY LEAVE

Purposes of Leave

A Classified employee may use personal illness or injury leave granted by the district for the following purposes:

1. Absences caused by accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact during the performance of the employee's duties with other persons having a contagious disease (Education Code 45100)
2. Absences due to pregnancy, childbirth and recovery (Education Code 45193)
3. Cases of personal necessity (Education Code 45207)
4. Medical or dental appointments in increments of not less than one hour
5. Cases of industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 45192)
6. Illness of the employee's child, parent, or spouse, registered domestic partner, or domestic partner's child, up to the amount of sick leave that would be accrued during six months. (Labor Code 233)

(cf. 4261.11 - Industrial Accident/Illness Leave)

Notification of Absence

An employee shall notify the Superintendent or the designated manager/supervisor of the need to be absent as soon as such need is known, so that services of a substitute may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall again notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than 3:00 p.m. of the day preceding the day on which he/she intends to return to work. If failure to so notify the district results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Verification Requirements

After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

The district may additionally require written verification by the employee's doctor or practitioner for any absence due to illness or injury. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever clear evidence indicates that an absence is not related to illness or injury. Chronic absenteeism may be indicated when an employee has exhausted his/her entire 12-day sick leave benefit during three or more of the past five years.

The Superintendent or designee may require an employee to visit a physician selected by the district at district expense in order to receive a statement as to the employee's need to further leave of absence and a prognosis as to when the employee will be able to return to work. If the statement concludes that the employee's condition does not warrant continued absence, the Superintendent or designee, after giving notice to the employee, may deny further leave. Before returning to work, an employee who has been absent for surgery, hospitalization or extended medical treatment shall submit a letter from his/her physician stating that he/she is able to return and stipulating any recommended restrictions or limitations. The district may, at district expense, require the opinion of a physician chosen by the district.

(cf. 4032 Reasonable Accommodation)

(cf. 4113.4 Temporary Modified/Light-Duty Assignment)

Verification requirements shall not discriminate against any employee on the basis of his/her religious practice.

(cf. 4030 Nondiscrimination in Employment)

(cf. 4031 Complaints concerning discrimination in Employment)

Accrual of Leave

Full-time classified employees are entitled to twelve (12) days leave of absence, with full pay, for personal illness or injury per fiscal year. Employees who serve less than a full fiscal year or less than five days a week shall be granted comparable sick leave in proportion to the time they work. (Education Code 45191)

(cf. 4161 – Leaves)

(cf. 4161.9 – Catastrophic Leave Program)

An employee may take sick leave at any time during the year, even if credit for sick leave has not yet been accrued. However, new employees shall not be entitled to more than six days of sick leave until they have completed six months of active service with the district. (Education Code 45191)

When available paid leave has been exhausted, the employee shall be so notified in writing and shall be offered an opportunity to request additional leave. (Education Code 45195)

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 45191)

Upon employment with the district, a new classified employee shall receive credit for any personal illness or injury leave accumulated in a previous school district, county office of education, or community college district if he/she left employment with that district within the previous year and had been employed by that district for at least one year. This provision shall not apply to employees whose employment was terminated due to action initiated by the district for cause. (Education Code 45202)

An employee who does not complete a given year of service shall be charged for any unearned personal illness or injury leave used as of the date of termination.

Compensation

A classified employee who has exhausted all paid leave, including personal illness or injury leave shall receive his/her regular salary minus the actual amount paid a substitute employed to fill the position during the employee's absence for the remaining days within a total five-month period of absence. The employee is entitled to this differential pay for a period of five (5) months. (Education Code 45196) The five-month period shall commence on the first day of the absence and shall run concurrently with any other paid leave.

Extension of Leave

After a permanent employee has exhausted all available sick leave, vacation, compensatory overtime and any other paid leave, and he/she is still absent because of nonindustrial accident or illness, he/she shall be so notified in writing and offered an opportunity to request additional leave. The Board may grant the employee additional leave, paid or unpaid, for a period not to exceed six (6) months and may renew this leave for two additional six-month periods or for lesser periods. Total leave so granted shall not exceed 18 months. (Education Code 45195)

When a classified employee has exhausted all available leaves, paid or unpaid, and is still not able to resume his/her duties, the employee shall be placed on a reemployment list for a period of 39 months. If

during this time the employee becomes able, he/she shall be reemployed in the first vacancy in the classification of his/her previous assignment. The employee's reemployment shall take preference over all other applicants except those laid off for lack of work or funds, in which case the employee shall be ranked according to his/her seniority. (Education Code 45195)

Legal Reference:

EDUCATION CODE

45103 Substitute employees

45190 Leaves of absence and vacations

45191 Leaves of absence for illness and injury

45193 Leaves of absence for pregnancy (re: use of sick leave under certain circumstances)

45195 Additional leave for nonindustrial accident or illness; reemployment preference

45196 Salary; deductions during sick leave

45202 Transfer of accumulated sick leave and other benefits

LABOR CODE

233 Illness of child, parent or spouse

COURT DECISIONS

California School Employees Association v. Tustin Unified School District, (2007) 148 Cal.App.4th 510

ATTORNEY GENERAL OPINIONS

53 Ops.Cal.Atty.Gen. 111 (1970)

Approved: August 24, 1993
Revised: 4/22/99; 5/8/00; 3/12/08;
Reviewed: 11/15/94

WEST SONOMA COUNTY UHSD
Sebastopol, California

Classified Personnel

INDUSTRIAL ACCIDENT/ILLNESS LEAVE

Leave of absence for industrial accidents or illnesses shall be provided to classified employees who have served in the district continuously for at least six (6) months. This 6-month provision shall be applicable only to regular full-time and part-time employees and not to substitutes or short term employees.

In each fiscal year, allowable industrial accident/illness leave for any single industrial accident or illness shall be for 60 working days. (Education Code 45192)

Allowable industrial accident/illness leave shall not accumulate from year to year. (Education Code 45192)

Legal Reference:

EDUCATION CODE

45192 Industrial accident and illness leaves for classified employees

Adopted: April 22, 1999
Revised:

WEST SONOMA COUNTY UHSD
Sebastopol, California

Classified Personnel

INDUSTRIAL ACCIDENT AND ILLNESS LEAVE

For such leave, the employee shall be granted no more than 60 working days in any one fiscal year for the same industrial accident or illness.

Allowable industrial accident or illness leave shall not be accumulated from year to year.

When a classified employee is absent from his/her duties because of an industrial accident or illness:

1. Industrial accident or illness leave shall start on the first day of absence.
2. Payment for wages lost on any day shall not, when added to an award granted the employee under the workers' compensation laws of this state, exceed the normal wage for the day.
3. Industrial accident or illness leave shall be reduced by one day for each day of authorized absence, regardless of a compensation award made under workers' compensation.
4. If an industrial accident or illness leave overlaps into the next fiscal year, the employee is entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred, for the same illness or injury. Upon expiration of allowable leave for an industrial accident or illness leave, the employee shall use personal illness and injury leave as provided by Education Code 45191. If the employee continues to receive workers' compensation, he/she shall be entitled to use only as much of his/her accumulated or available sick leave, accumulated compensating time, vacation or other available leave as, when added to the employee's workers' compensation award, will provide for a full day's wage or salary.
5. When available paid leave has been exhausted, the employee shall be so notified in writing and shall be offered an opportunity to request additional leave.
6. When all available leaves of absence, paid or unpaid, have been exhausted and if the employee is not medically able to assume the duties of his/her position, the employee shall, if not placed in another position, be placed on a reemployment list for a period of 39 months. If, during this time, the employee becomes medically able, he/she shall be employed in a vacant position in the class of his/her previous assignment over all other available candidates, except for a reemployment list established because of lack of work or lack of funds, in which case the employee shall be listed in accordance with appropriate seniority regulations.
7. An employee who has been placed on a reemployment list and has been medically released for return to duty, but fails to accept an appropriate assignment, shall be dismissed. (Education Code 45192)
8. During any paid leave of absence, the employee shall endorse to the district the workers' compensation checks received on account of his/her industrial accident or illness. In those cases, the district will issue appropriate salary warrants for payment of the employee's salary, and shall deduct normal retirement and other authorized contributions.
9. Any employee receiving benefits under this section shall, during periods of injury or illness, remain within the State of California unless the Governing Board authorizes travel outside the state.
10. During this leave, the employee may return to his/her position without suffering any loss of status or benefits. Periods of leave of absence, paid or unpaid, shall not be considered to be a break in service of the employee. (Education Code 45192)

Legal Reference:

EDUCATION CODE

45191 *Leave of absence for illness or injury*

45192 *Industrial accident and illness leaves for classified employees*

Approved: August 24, 1993
Revised: 4/22/99; 11/13/13
Reviewed: 11/15/94

WEST SONOMA COUNTY UHSD
Sebastopol, California

All Personnel

PROMOTION/DEMOTION/REASSIGNMENT

The Governing Board may promote, demote, and reassign certificated and classified management and confidential employees when such action is determined to be in the best interest of the district. The Board shall consider the recommendation of the Superintendent or designee when making decisions related to promotion, demotion and reassignment.

The Superintendent or designee shall ensure that the district complies with all applicable statutory deadlines and due process procedures.

(cf. 4317.3 – Personnel Reduction)

Legal Reference:

EDUCATION CODE

35031 Senior management employee in the classified service: non reelectin

44660-44665 Evaluation and assessment of performance of certificated employees

44850.1 No tenure in administrative or supervisory positions

44896 Re transfer of administrator or supervisor to teaching position

44951 Continuation in position unless notified (position requiring administrative or supervisory credential)

ELLERBROEK V. SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT, (1981) 177 Cal. Rptr. 910

Hentschke v. Sink (1973) 34 Cal. App. 3d 19

Jefferson v. Compton Unified School District (1993) 14 Cal. App. 4th 32

Adopted: August 24, 1993

Revised: 2/10/00;

Reviewed: 11/15/94

WEST SONOMA COUNTY UHSD

Sebastopol, CA

Management, Supervisory and Confidential Personnel

PROMOTION/DEMOTION/REASSIGNMENT

Promotion – All Personnel

Assuming agreement by the employee and compliance with district procedures, the Governing Board may promote management, supervisory and confidential employees at its discretion.

Demotion/Reassignment-Certificated Management and Supervisory Personnel

Certificated employees holding an administrative or supervisory credential may be released and placed in a different position for the following year.

“Demotion” means assignment to a position or job class whose salary range is less than that previously received.

“Reassignment” means the removal of an employee from one position and reassignment to another position at the same salary range but with a different job title.

Certificated employees holding an administrative or supervisory credential may be demoted or reassigned for the following year according to the following procedures.

On or before the deadlines specified below, the Board shall meet and determine whether the identified employee may be released from his/her position effective the end of the school year and reassigned elsewhere.

By March 15, the employee shall be notified of the Board’s action by registered mail or in person that he/she may be released or reassigned from his/her position for the following school year. If the notice is presented to the employee in person, the employee’s signature acknowledging receipt of the notice shall be obtained on the district’s copy of the written notice. (Education Code 44951)

If the March 15 notice indicates that release or reassignment is only a possibility, the Governing Board shall take additional action to release/reassign the employee before the new school year and shall send the employee a second notice by June 30 indicating that he/she has been released or reassigned.

If the employee is to be released or reassigned to a teaching position, the Board shall give the employee, if requested, a written statement of the reasons for the demotion or reassignment. If these reasons include incompetency as an administrator or supervisor, the district shall have completed an evaluation of the employee within the 60-day period immediately preceding the notice date. (Education Code 44896)

Demotion/Reclassification-Classified Management and Supervisory Personnel

“Demotion” means assignment to an inferior position or status, without the employee’s written voluntary consent. (Education Code 45101)

“Reclassification” means the upgrading of a position to a higher classification as a result of the gradual increase of the duties being performed by the incumbent in such position. (Education Code 45101)

If assigned to a position within a bargaining unit, management, supervisory or confidential classified employees shall be reclassified at the discretion of the district subject to provisions of the applicable collective bargaining agreement.

(cf. 4312.11 Contracts)

Any decision regarding the demotion of a permanent management, supervisory or confidential classified employee shall be subject to the causes, appeals, rights, and procedure set forth in district policy, regulation or collective bargaining agreements for disciplinary action against classified employees. (Education Code 45113)

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

The Board shall provide 45 days' notice before demoting a deputy, associate or assistant superintendent or employee in the senior management of the classified service. (Education Code 35031)

In initiating the involuntary reassignment of a classified manager, the Superintendent or designee shall provide the classified manager with prior written notice of the intent to reassign him/her to a designated position. The notice will inform the manager of the specific reasons for the reassignment, his/her right to a hearing, and the time within which an appeal must be filed. The notice shall also contain a card or paper for requesting a hearing. The classified manager may, within five days after receiving such notice, file a written request for hearing before the Board.

The request for hearing shall be filed in the office of the Superintendent or designee. If the manager fails to file a request for hearing as specified above, he/she will be deemed to have waived the right to a hearing and the reassignment may be made effective immediately.

If a request for hearing is filed as specified above, a hearing shall be scheduled before the Board. The Board shall hear the matter, with the party initiating the reassignment bearing the burden of proving the reasons for the reassignment. The hearing shall be recorded by a reporter or tape recording. After the hearing, the Board shall determine whether to approve, modify, or revoke the reassignment. The decision of the Board shall be final.

Approved: April 24, 1993
Revised: 11/28/07;
Reviewed: 11/15/93

WEST SONOMA COUNTY UHSD
Sebastopol, California

Management, Supervisory and Confidential Personnel

EVALUATION/SUPERVISION

Certificated Management

The Governing Board shall establish and define job responsibilities for administrative personnel. The evaluation and assessment of the competency of administrative personnel shall be based on:

1. The administrator's progress toward agreed-upon goals, objectives and tasks.
2. General expectations of performance which recognize professional responsibility, accountability and attitude.
3. The fulfillment of responsibilities contained in the specific job descriptions adopted by the Board.
4. Additional factors as determined by the Superintendent.

The evaluation shall recognize the worth and needs of the individual in the total working environment and shall provide direction toward the improvement of his/her effectiveness.

Formal management evaluations shall be recorded in writing on a form prescribed by the Superintendent and conducted in conformance with law. The evaluation shall include recommendations for improvement if needed. Assistance shall be provided by the district to this end.

Classified Management Employees

Classified management personnel will be evaluated according to the procedures developed by the Superintendent or designee and approved by the Board. The evaluation shall include recommendations for improvement if needed. Assistance shall be provided by the district to this end.

Confidential Personnel

The Superintendent or designee shall develop appropriate procedures for the evaluation of confidential personnel.

Evaluations shall be administered in the same manner and time schedule as classified employees who have similar but non-confidential positions with the district.

Legal Reference:

EDUCATION CODE

33039 State guidelines for teacher evaluation procedures

35171 Availability of rules and regulations for evaluation of performance

44660-44665 Evaluation and assessment of performance of certificated employees

45113 Rules and regulations for the classified service in districts not incorporating the merit system

GOVERNMENT CODE

3543.2 Scope of representation (re evaluation procedures)

Adopted: August 24, 1993

Revised:

Reviewed: 11/15/94

WEST SONOMA COUNTY UHSD
Sebastopol, California

Management, Supervisory and Confidential Personnel

PERSONNEL REDUCTION

When the district needs to reduce the kind and/or number of management staff, layoff proceedings shall be initiated at the recommendation of the Superintendent or designee and after consultation with legal counsel.

Certificated Management

When the district needs to reduce the number and/or kind of certificated management staff and also needs to reduce the overall number of certificated employees, the district shall proceed pursuant to the requirements of Education Code 44955. By March 15, affected employees shall be notified of the Board's action by registered mail or in person.

When the district needs to reduce the number and/or kind of certificated management staff and intends to place the displaced personnel in other certificated positions (causing no reduction in the overall number of certificated employees of the district), the district shall proceed pursuant to Education Code 44951. By March 15, affected employees shall be notified of the Board's action by registered mail or in person. If the notice is presented in person, the employee's signature acknowledging receipt of the notice shall be obtained on the district's copy of the notice.

During the time period between five days after enactment of the Budget Act and August 15, the Board may determine that the total revenue limit per ADA has not increased by at least two percent and that the district needs to reduce the number and/or kind of management staff pursuant to Education Code 44955.5. In such a situation, the Board shall adopt a schedule of notice and hearings and shall otherwise proceed pursuant to Education Code 44951 or 44955.

An employee who has served as an administrator in the district for at least two years shall have permanent certification status in the district as a teacher. (Education Code 44929.21) However, the period of employment in the administrative position is not included when calculating seniority related to layoff and reemployment, except for: (Education Code 44956.5)

1. Site administrators who are entitled to earn up to three years' seniority for these purposes.
2. Administrators who were initially employed in an administrative position before July 1, 1983.

Classified Management/Confidential Employees

Classified managers shall be entitled to the same procedure and have the same layoff rights as all other classified employees.

(cf. 4217.3 – Layoff/Rehire)

(cf. 4300 – Management, Supervisory & Confidential Personnel)

Senior Management of the Classified Service

The Board may by resolution abolish any or all positions of the senior management of the classified service. Any employee occupying a senior management position abolished by Board action shall become

a member of the classified or certificated service in a position management position. (Education Code 45104.5)

Legal Reference:

EDUCATION CODE

- 44951 *Continuation in position unless notified*
- 44955 *Certificated employee layoff*
- 44955.5 *Termination of certificated employees; insufficient increase in revenue limits*
- 44956 *Reemployment rights of laid-off certificated employees*
- 44956.5 *Seniority of certificated administrators*
- 45100.5 *Senior management positions*
- 45104.5 *Abolition of position*
- 45108.5 *Senior management employee*
- 45114 *Layoff and reemployment procedures*
- 45117 *Notice of layoff*
- 45298 *Reemployment and promotional exam*
- 45308 *Order of layoff and reemployment*

Adopted: April 19, 1996
Revised:

WEST SONOMA COUNTY UHSD
Sebastopol, California

Students

SEXUAL HARASSMENT POLICY

Purpose of Policy

It is the policy of the Governing Board of the West Sonoma County Union High School District to provide an educational environment free of sexual harassment. To accomplish this purpose, the policy is designed to secure, at the earliest level possible, an appropriate resolution to an allegation of sexual harassment.

This policy is intended to supplement, and not replace, any applicable state or federal laws and regulations. Complaints under these laws and regulations shall be processed through the procedures established by the appropriate state and/or federal agencies.

It is the position of this Board that sexual harassment is unlawful and will not be tolerated. It is a violation of this policy for any employee, agent, student, or party with which the District has a cooperative agreement, to engage in sexual harassment.

Definition of Sexual Harassment

As defined by Education Code Section 212.5, "Sexual harassment means unwelcome sexual conduct including advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

- (a) Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress.
- (b) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions effecting the individual.
- (c) The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
- (d) 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."

Specifically, sexual harassment may occur as a pattern of degrading sexual speech or actions ranging from verbal or physical annoyances or distractions to deliberate intimidations and frank threats or sexual demands. Examples of conduct which may constitute sexual harassment included, but are not limited to:

- (1) Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assault, touching, impeding or blocking movement, leering, gestures, display of sexually suggestive objects or pictures, or cartoons.
- (2) Among peers, continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction, among peers, is not considered sexual harassment.)
- (3) Within the educational environment, implying or actually withholding grades earned or deserved; suggesting a poor performance evaluation will be prepared; or suggesting a

scholarship recommendation or college application will be denied as a condition of receiving sexual favors.

- (4) Within the educational environment, engaging in sexual behavior to control influence, or affect the educational opportunities, grades, and/or learning environment of a student.
- (5) Offering favors or education or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

Any expression of sexual interest between adults and students, regardless of reciprocity is considered inappropriate and shall be subject to discipline under applicable state law.

Reporting Procedure

Any student who believes he or she has been sexually harassed by an employee, agent, or student of the District, should promptly report the facts of the incident(s) and the name of the individual involved to an adult staff member with whom they feel comfortable, and that person shall report the incident to the school site administrator or Superintendent. A written report of the alleged incident will be developed by the site administrator or Superintendent. A copy of the report, along with a copy of this policy, shall be mailed to the parent of the student who initiated the complaint.

All staff, upon personal knowledge of an incident of sexual harassment, are obligated to report it to the school principal. Failure to do so is a violation of this policy. Failure of staff to report student allegations of sexual harassment within three (3) school days is a violation of this policy.

Students who feel aggrieved because of unwelcome conduct that may constitute sexual harassment are not required to inform the person engaging in such conduct that the conduct is unwanted, offensive and must stop, but are encouraged to do so. An aggrieved individual is not required to complain to his or her instructor if that instructor is the individual who is harassing the student. Any individuals making a report may bring an advocate to assist them.

Filing Complaints With State and Federal Agencies

Aggrieved parties may wish to file complaints with other appropriate state and federal agencies, including:

U.S. Office for Civil Rights
50 United Nations Plaza, Room 239, San Francisco, CA 94102 (415) 556-7000

Confidentiality

An allegation of sexual harassment and the results of the investigation shall be kept confidential to the extent reasonably possible under the investigative process. Witnesses and those interviewed shall be informed of the confidential nature of the issues and the investigation, and shall be informed that it will be a violation of this policy to disclose the allegation or the nature of the investigation to others and shall be subject to disciplinary action as defined in this policy.

Retaliation is Prohibited

The initiation of an allegation of sexual harassment will not cause any reflection on the individual reporting the incident or witnesses nor will it affect such persons' future business dealings with the District, his or her employment, compensation or work assignments, or, in the case of students, grades, class section or other matters pertaining to his or her status as a student of any District programs. It shall be a violation of this policy to engage in such retaliation. An allegation of retaliation shall be considered as a separate incident, shall be investigated, and shall be subject to disciplinary action.

Time Limits

Allegations of sexual harassment shall be reported as soon as reasonably possible after the conduct in question has taken place.

Investigation Guidelines

All investigations of allegations of sexual harassment shall be handled promptly, in a serious, sensitive and confidential manner. The Superintendent shall determine who shall do the investigation.

- (1) The designated investigator shall, as soon as reasonably possible after the incident has been reported, inform the student, employee, or other person accused of sexual harassment of the allegation, and they will be given an opportunity to respond. The person accused shall not be given a copy of the complaint but shall be informed of the allegations. The name of the complaining party shall remain confidential to the extent possible.
- (2) All parties, specifically including complainants, and witnesses, will be promptly and fully informed of their rights pursuant to this policy, including the fact that complainant and witnesses will not be retaliated against and the confidential nature of the allegation and investigation.
- (3) A written report of the investigation findings shall be filed by the investigator with the Superintendent within twenty-five (25) business days of the date the student filed the incident report. The Superintendent may extend the timeline depending on the nature of the investigation. Written notice of the extension shall be provided to all parties. Upon completion of the investigation and receipt of the findings, the superintendent shall, within ten (10) business days provide a summary of the findings to the student who filed the complaint, their parents, and the accused and their parent (if a student)

Disciplinary Action

When an allegation of sexual harassment is supported by the investigation and disciplinary action is necessary, the Superintendent will determine what course of action is appropriate, depending upon whether the harasser is a student, staff member, or agent of the District.

Employees who violate this policy may be subject to discipline up to and including dismissal. Such disciplinary action shall be in accordance with applicable policies, laws, and/or collective bargaining agreements.

Students who violate this policy may be subject to discipline up to and including expulsion. Such disciplinary action shall be in accordance with board policy and state law.

Agents of the District who violate this policy may be subject to penalties and sanctions as may be available to the District, including termination of business relationships and contracts.

Appeal Procedures

Either the complaining party or the accused may appeal the summary report of an investigation to the Governing Board of the District. Appeals shall be made in writing within ten (10) business days from the date of a finding.

The appeal shall set forth the reasons for the appeal. The Superintendent shall schedule a closed session of the Board to hear the appeal. The Superintendent or designee shall be responsible for responding to the appeal before the Board. The decision of the Board shall be in writing and shall be final. The written decision shall be issued within 20 calendar days of the Board meeting.

Training and Curriculum

To implement this policy, West Sonoma County Union High School District will provide appropriate training programs for staff and students.

Notification

There will be adequate notification of the policy to include permanent posters in public areas, offices, and hallways. The policy will be published in site handbooks and the District Summer Mailing.

Administrative Regulation

The Superintendent shall adopt, and from time to time may revise, further procedures as may be necessary to implement this policy and provide for a means of enforcing this policy. Such further procedures may include the following: posting and other means of distributing the policy; a process under which complaints will be handled, formally or informally, an explanation of possible civil proceedings and potential legal consequences of sexual harassment. The Superintendent will initiate training and education programs to enable all persons, and in particular, supervisors, to better understand the problem of sexual harassment. In addition, the Superintendent shall designate appropriate employees to enforce or administer this policy within the District and shall provide for appropriate training for Principals on an annual basis.

Special Assistance

It is expected that questions may arise concerning the interpretation of the prohibition against sexual harassment, the methods and procedures to be following in the investigation of complaints, and the appropriateness of specific solutions in disposition of complaints. For assistance in these matters, individuals may contact the Superintendent.

Current Legal references barring sexual harassment in education:

Title VII of the Civil Rights Act – 42 CUS Section 2000-e-2(a)(1)

California Fair Employment & Housing Act – Government Code Section 12940

Title IX of the Education Amendments of 1972 29 USC Section 1681 et. seq.

California Education Code, Section 200 et seq.

Adopted: January 16, 1997
Revised: 11/13/97; 1/14/03; 9/21/05;
9/22/10

WEST SONOMA COUNTY UHSD
Sebastopol, California

Students
SEXUAL HARASSMENT

Purpose

It is the purpose of this Administrative Regulation to implement the District Student Sexual Harassment Policy. The regulation is designed to outline the procedures that are to be followed to maintain the Board of Education's commitment to providing an educational environment free from sexual harassment as defined by board policy.

Reporting Procedure

Any student who believes he or she has been sexually harassed by an employee, agent, or student of the District, should promptly report the facts of the alleged incident(s) and the name of the individual involved to any adult staff member with whom they feel comfortable, and that person shall report the incident to the school site administrator or if the administrator is the alleged harasser, to the Superintendent. The employee who has knowledge of a student allegation of sexual harassment is required to report to the site administrator within three (3) business days.

Students may, at any time during the process, bring an advocate to support them in meeting with the site administrator or other staff. The site administrator or designee will gather the information from the student to complete the Sexual Harassment Incident Report. A copy of the report will be forwarded to the Superintendent and the parent(s), who will also receive a copy of the District policy on Student Sexual Harassment.

Confidentiality

The site administrator will inform the student making the report that the allegation and the results of the investigation shall be kept confidential to the extent reasonably possible under the investigation process. In addition, witnesses and those interviewed shall be informed of the confidential nature of the issue and the investigation as well as the reason for confidentiality. Anyone violating confidentiality by disclosing the nature of the allegation or the investigation to others shall be subject to disciplinary action.

Retaliation

The initiation of an allegation of sexual harassment by a student will not adversely effect grades, class section or other matters pertaining to his or her status in any District program. The site administrator or designee will inform all parties that retaliation is illegal and that an allegation of retaliation, following a report of sexual harassment shall be considered as a separate incident, shall be investigated, and shall be subject to disciplinary action.

Time Limits

Allegations of sexual harassment shall be reported as soon as reasonably possible after the conduct in question has taken place. Students wishing to report allegations to additional agencies, such as the U.S. Office for Civil Rights, should know that this agency follows a 180 day time limit for reporting alleged incidents of sexual harassment.

Informal Process

Upon receipt of a complaint either verbally or in writing, the complaining party will be advised of their right to explore resolution of the matter by way of an informal mediation process. If the complaining party wishes to use the informal process, the site administrator in consultation with the Superintendent shall set up a process. If the complaining party or accused is not satisfied with the process or conclusion, the investigation procedure shall be initiated.

If the complaining party does not wish to participate in the informal process, the investigation procedure will be initiated.

Investigation Procedure

All complaints shall be investigated if not resolved by way of the informal process.

All investigations of allegations of sexual harassment shall be handled promptly, in a serious, sensitive, and confidential manner. Although the student who believes he/she has been sexually harassed is not required to confront the person who is engaging in the unwelcome and unsolicited sexual conduct, the investigator should determine if the student has informed the person engaging in the behavior that the behavior is offensive and must stop.

1. The investigator shall, as soon as reasonably possible after the incident has been reported, inform the student, employee, or other person accused of sexual harassment of the allegation, in accordance with Board policy and they will be given an opportunity to respond.
2. The investigator shall inform all parties, including the student making the allegation, witnesses, and the accused, of their rights, including the fact that the student making the allegation and witnesses will not be retaliated against and the confidential nature of the allegation and investigation.
3. The investigator shall, conduct an investigation to determine if the allegation of sexual harassment is supported. The investigation finding shall be filed twenty-five (25) business days from the date the student made the allegation with the Superintendent. A summary of the findings shall be mailed to the student who reported the harassment, their parent(s), and the person accused within ten (10) business days.
4. When the site principal and/or Superintendent determine that sexual harassment has occurred, and disciplinary action is necessary, they will determine what course action is appropriate. Depending upon whether the harasser is a student, staff member, or agent of the District, appropriate disciplinary action will be taken.
5. Any student report of assault and/or physical battery that is gender based or sexual in nature shall be reported to the police for investigation.

Disciplinary Action

Students who are found to have engaged in sexual harassment may be subject to discipline up to and including expulsion. Such disciplinary action shall be in accordance with board policy and state law. Suspension and recommendations for expulsion must follow applicable law.

Staff members who are found to have engaged in sexual harassment of students will be subject to discipline up to and including dismissal. Such disciplinary action shall be determined by site and District Administration in accordance with applicable policies, laws, and/or collective bargaining agreement.

Agents of the District who are found to have engaged in sexual harassment of students will be subject to penalties and sanctions as may be available to the District, including termination of business relationships and contracts.

In identifying appropriate disciplinary action, note that repeated incidents following intervention, intensity of the behavior, and multiple victims will yield more severe penalties. Disciplinary actions may

including oral warnings, written warnings, mandatory training, counseling, suspension, transfer, demotion, or termination of employees, and expulsion for students.

Appeal Procedures

The appeal timeline is set forth in Policy. Upon receipt of an appeal, the Board shall schedule a special meeting to hear the appeal in closed session.

Approved: January 16, 1997
Revised: 10/9/97; 10/9/97; 1/14/03; 9/21/05;
9/22/10

WEST SONOMA COUNTY UHSD
Sebastopol, California

West Sonoma County Union High School District

UNIFORM COMPLAINT POLICY COMPLAINT FORM

Your Name _____

Address _____ Telephone _____

Your status:

- Employee School/Department _____
- Student School _____
- Parent/Guardian _____
- Other _____

Description of Incident:

Incident occurred: Date _____ Time _____ Location _____

State what happened to cause the complaint. Be specific. (Attach additional pages as needed) _____

Were there any witness? Yes _____ No _____

If yes, list their names, addresses, and phone numbers. _____

Resolution:

What remedy are you seeking? _____

Describe the informal efforts you have made to correct the situation described above. _____

Your signature: _____ Date: _____

File complaint with: Human Resources Department
West Sonoma County Union High School District
462 Johnson Street, Sebastopol, 95472
(707) 824-6403

TO BE COMPLETED BY DISTRICT

Date received: _____ By: _____

Date resolved: _____ By: _____

Workers' Compensation

The Redwood Empire Schools Insurance Group provides Worker's Compensation coverage for the District. All employees of the District are covered by the insurance for illness/injury that occurs because of your job.

The California workers' compensation law guarantees you three kinds of benefits:

- Medical treatment to cure the injury . . . and no deductibles.
- Tax-free payments to help replace lost wages while you're temporarily disabled. Additional payments are made if the injury results in a permanent disability or death.
- Rehabilitation services necessary to get you back to work. The amount of the payments, and when and how they're paid, are part of state law. Only the state Legislature can change the amounts.

WORKERS' COMPENSATION FRAUD IS A FELONY

Anyone who knowingly files or assists in the filing of a false workers' compensation claim may be fined up to \$50,000 and sent to prison for up to five years (Insurance Code section 1871.4).

Illness and Injury Prevention

In accordance with SB 198, the District has in place an Illness and Injury Prevention Plan. It is available for employees to review in the main office of each school site, and in the office of the Director of Facilities, Maintenance and Operations at the District Office. Forms for reporting unsafe working conditions can be obtained from those offices, and will also be available in each site's lunch room. The District works with RESIG to rectify safety problems as quickly as possible once reported. You may contact the Human Resources Manager if you have questions about the plan.

Public Employee Disaster Service Worker Status

Disaster service means all activities authorized by and carried out pursuant to the California Emergency Service Act.

All public employees are included in the disaster service worker status which are all persons employed by any county, city, state agency or public district.

Any public employees performing duties as a disaster service worker shall be considered to be acting within the scope of disaster service duties while assisting any unit of the organization or performing any act contributing to the protection of life or property or mitigating the affects of an emergency.

Public employees are assigned disaster service activities by their superiors or by law to assist the agency in carrying out its responsibilities during times of disaster

Before entering upon the duties of employment, all public employees take and subscribe to the oath or affirmation set forth in the California Constitution that declares them to be disaster service workers in time of need.

Most public employees sign the other of affirmation during the hiring process and its is kept with the employer.

Public employees acting as disaster service workers get paid only if they have taken and subscribed to the oath or affirmation.

Public employee disaster service workers for non-profit organizations and government cannot be held liable for their actions during a disaster while acting within the scope of their responsibilities.

Claims sustained by public employees while performing disaster services shall be filed as worker compensation claims under the same authorities' and guidelines as with all employees within their agency.

Department of Fair Employment and Housing Sexual Harassment Information

Sexual Harassment in employment violates the provisions of the Fair Employment and Housing Act, specifically Government Code sections 12940(a), (j), and (k).

Definition of Sexual Harassment

The Fair Employment and Housing Act defines harassment because of sex as including sexual harassment, gender harassment and harassment based on pregnancy, childbirth, or related medical conditions. The Fair Employment and Housing Commission regulations define sexual harassment as unwanted sexual advances or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes harassment of a person of the same sex as the harasser. The following is a partial list:

- ❖ Unwanted sexual advances
- ❖ Offering employment benefits in exchange for sexual favors
- ❖ Making or threatening reprisals after a negative response to sexual advances
- ❖ Visual conduct, e.g., leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters
- ❖ Verbal conduct, e.g., making or using derogatory comments, epithets, slurs and jokes
- ❖ Verbal sexual advances or propositions
- ❖ Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations
- ❖ Physical conduct, e.g. touching, assault, impeding or blocking movements

Employers' Obligations

All employers have certain obligations under the law. Employers must:

- ❖ Take all reasonable steps to prevent discrimination and harassment from occurring.
- ❖ Develop and implement a sexual harassment prevention policy.
- ❖ Post in the workplace a poster made available by the Department of Fair Employment and Housing.
- ❖ Distribute to all employees an information sheet on sexual harassment. An employer may either distribute this pamphlet (DFEH-185) or develop an equivalent document that meets the requirements of Government Code section 12950(b). This pamphlet may be duplicated in any quantity. However, this pamphlet is not to be used in place of a sexual harassment prevention policy which all employers are required to have.

Employer Liability

All employers are covered by the harassment section of the Fair Employment and Housing Act. If harassment occurs, an employer may be liable even if management was not aware of the harassment. An employer might avoid liability if the harasser is a rank and file employee and if the employer had no knowledge of the harassment and if there was a program to prevent harassment. If the harasser is a rank and file employee and the employer was aware of the harassment, liability may be avoided if the employer took immediate and appropriate corrective action to stop the harassment.

Employers are strictly liable for harassment by their supervisors or agents. Harassers, including both supervisory and non-supervisory personnel may be held personally liable for harassing an employee or co-worker or for aiding and abetting harassment.

Additionally, Government Code section 12940(j) requires an entity to take “all reasonable steps to prevent harassment from occurring.” If an employer has failed to take such preventive measures, that employer can be held liable for the harassment. DFEH-185(4/01)

A victim may be entitled to damages even though no employment opportunity has been denied and there is no actual loss of pay or benefits.

Typical Sexual Harassment Cases

The three most common types of sexual harassment complaints filed with the Department are those in which:

- ❖ An employee is fired or denied a job or an employment benefit because he/she refused to grant sexual favors or because he/she complained about harassment. Retaliation for complaining about harassment is illegal, even if it cannot be demonstrated that the harassment actually occurred.
- ❖ An employee quits because he/she can no longer tolerate an offensive work environment, referred to as a “constructive discharge.” If it is proven that a reasonable person in the victim’s position, under like conditions, would resign to escape the harassment, the employer may be held responsible for the resignation as if the employee had been discharged.
- ❖ An employee is exposed to an offensive work environment. Exposure to various kinds of behavior or to unwanted sexual advances alone may constitute harassment.

Preventing Sexual Harassment

A program to eliminate sexual harassment from the workplace is not only required by law, but is the most practical way to avoid or limit liability if harassment should occur despite preventive efforts.

Training of All Individuals in the Workplace

All employees should be made aware of the seriousness of violations of the sexual harassment policy. Supervisory personnel should be educated about their specific responsibilities. Rank and file employees must be cautioned against using peer pressure to discourage harassment victims from using the internal grievance procedure.

Complaint Procedure

An employer should take immediate and appropriate action when he/she knows, or should have known, that sexual harassment has occurred. An employer must take effective action to stop any further harassment and to ameliorate any effects of the harassment. To those ends, the employer’s policy should include provisions to:

- ❖ Fully inform the complainant of his/her rights and any obligations to secure those rights
- ❖ Fully and effectively investigate. The investigation must be immediate, thorough, objective and complete. All persons with information regarding the matter should be interviewed. A determination must be made and the results communicated to the complainant, to the alleged harasser, and as appropriate, to all others directly concerned.
- ❖ If proven, there must be prompt and effective remedial action. First, appropriate action must be taken against the harasser and communicated to the complainant. Second, steps must be taken to prevent any further harassment. Third, appropriate actions must be taken to remedy the complainant’s loss, if any.

How the Law is Enforced

Employees or job applicants who believe that they have been sexually harassed may, within one year of the harassment, file a complaint of discrimination with the California Department of Fair Employment and Housing.

The Department serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If the Department finds evidence of sexual harassment and settlement efforts fails, the Department may file a formal accusation against the employer and the harasser. The accusation will lead

to either a public hearing before the Fair Employment and Housing Commission or a lawsuit filed on the complainant's behalf by the Department.

If the Commission finds that the harassment occurred, it can order remedies, not to exceed \$150,000. in fines or damages for emotional distress from each employer or harasser charged. In addition, the Commission may order hiring or reinstatement, back pay, promotion and changes in the policies or practices of the involved employer.

For more information, contact the Department

Toll free: (800) 884-1684
Sacramento area and out of state: (916) 227-0551
TTY Number: (800) 700-2320 or
visit our www.dfeh.ca.gov

DFEH-185(4/01)

**MEDICAID AND THE CHILDREN'S HEALTH INSURANCE PROGRAM (CHIP)
OFFER FREE OR LOW COST HEALTH COVERAGE TO CHILDREN AND FAMILIES**

HIPAA rules require employers to notify their employees of their special enrollment rights as a result of:

1. Loss of coverage; or
2. Acquisition of a new dependent by marriage, birth, adoption or placement for adoption.

A Plan must allow the employee a period of 30 days after the qualifying event to request special enrollment. The notification requirement may be satisfied by providing the Declination of Coverage Form/HIPAA Notification to your employees.

Additionally, on February 4, 2009 President Obama signed into law the Children's Health Insurance Program Reauthorization Act of 2009. One of the law's provisions which is effective April 1, 2009 indicates that under specific circumstances the Plan must allow a 60-day special enrollment period.

Employees and dependents that are eligible for group health plan coverage will be allowed a 60-day special enrollment in the Plan if:

1. They lose eligibility for Medicaid or Children's Health Insurance Program (CHIP); or
2. They become eligible to participate in a premium assistance program under Medicaid or CHIP.

All other special enrollment periods remain limited to 30 days.

Notice of special enrollment rights must be provided by the employer at or before the time an individual is initially offered the opportunity to enroll into a group health plan; typically when an employee is hired.

If the required notice was not initially provided, you may remedy the situation by distributing it now or during open enrollment and most certainly, each time an employee is initially offered benefits in the future.

The enclosed Declination of Coverage Form/HIPAA Notifications (full-time and less than full-time) include language regarding the 30-day and 60-day special enrollment periods.

HIPAA SPECIAL ENROLLMENT PERIODS

HIPAA rules require employers to notify their employees of their special enrollment rights as a result of:

3. Loss of coverage; or
4. Acquisition of a new dependent by marriage, birth, adoption or placement for adoption.

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If the required notice was not initially provided, you may remedy the situation by distributing it now or during open enrollment and most certainly, each time an employee is initially offered benefits in the future.

The enclosed Declination of Coverage Form/HIPAA Notifications (full-time and less than full-time) include language regarding the 30-day and 60-day special enrollment periods.

If you have any questions, please contact RESIG's Benefits Department at (707) 836-0779.

MANDATED NOTICES

This page and the following page provide mandatory notices that all employers are required to provide to their employees. The contents of the messages may or may not apply to each district or to every employee, but distribution is required.

The Newborns and Mothers Health Protection Act

Group health plans and health insurance issuers generally may not, under Federal law, restrict benefits for any hospital length of stay in connection with childbirth for the mother or newborn child to less than 48 hours following a vaginal delivery, or less than 96 hours following a cesarean delivery. However, Federal law generally does not prohibit the mother's or newborn's attending provider, after consulting with the mother, from discharging the mother or her newborn earlier than 48 hours (or 96 hours as applicable). In any case, plans and issuers may not, under Federal law, require that a provider obtain authorization from the plan or the issuer for prescribing a length of stay not in excess of 48 hours (or 96 hours).

The Women's Health and Cancer Rights Act

Your health plan, as required by the Women's Health and Cancer Rights Act of 1998, provides benefits for mastectomy-related services including reconstruction and surgery to achieve symmetry between the breasts, prostheses, and complications resulting from a mastectomy (including lymph edema). Call your health plan's Member Services for more information.

HIPAA (Health Insurance Portability & Accountability Act)

Notice of Availability of HIPAA Privacy Notice

The federal Health Insurance Portability and Accountability Act of 1996 ("HIPAA") requires that we periodically remind you of your right to receive a copy of the District's HIPAA Privacy Notice. You can request a copy of the Privacy Notice by contacting RESIG's Benefits Department at 5760 Skylane Boulevard, Suite 100, Windsor, CA 95492.

HIPAA Privacy Notices that pertain to other District health plans may be obtained by contacting your insurance carrier directly, at the address provided in the Evidence of Coverage booklets.

Important Notice About You And Your Dependent Child's Health Insurance Enrollment Rights

The Children's Health Insurance Program Reauthorization Act (CHIPRA) of 2009 is an update to the Children's Health Insurance Program that expired in September 2007. This updated version was signed into law by President Obama on February 4, 2009 and becomes effective on April 1, 2009. It extends the program through Fiscal Year 2013.

What this means for you and your dependent child(ren):

If you or your dependent child is eligible but not enrolled in the District group health plan, and you meet either of the following conditions, you have special enrollment rights:

- You or your dependent child is covered under a Medicaid plan or a CHIP plan and you or your dependent child's coverage under such a plan is terminated as a result of loss of eligibility for such coverage, as long as you request coverage under the District group health plan no later than 60 days after the date of termination of coverage.
- You or your dependent child becomes eligible for premium assistance, as to coverage under the group health plan under such Medicaid plan or CHIP plan, as long as you request coverage under District's group health plan no later than 60 days after the date you or your dependent child are determined to be eligible for assistance.

Should you have any question regarding your special enrollment rights, please contact RESIG's Benefits Department.

Important Notice from RESIG About Your Prescription Drug Coverage and Medicare

Please read this notice carefully and keep it where you can find it. This notice has information about your current prescription drug coverage with RESIG and about your options under Medicare's prescription drug coverage. This information can help you decide whether or not you want to join a Medicare drug plan. If you are considering joining, you should compare your current coverage, including which drugs are covered at what cost, with the coverage and costs of the plans offering Medicare prescription drug coverage in your area. Information about where you can get help to make decisions about your prescription drug coverage is at the end of this notice.

There are two important things you need to know about your current coverage and Medicare's prescription drug coverage:

1. Medicare prescription drug coverage became available in 2006 to everyone with Medicare. You can get this coverage if you join a Medicare Prescription Drug Plan or join a Medicare Advantage Plan (like an HMO or PPO) that offers prescription drug coverage. All Medicare drug plans provide at least a standard level of coverage set by Medicare. Some plans may also offer more coverage for a higher monthly premium.
2. The District has determined that the prescription drug coverage offered by RESIG is, on average for all plan participants, expected to pay out as much as standard Medicare prescription drug coverage pays and is therefore considered Creditable Coverage. Because your existing coverage is Creditable Coverage, you can keep this coverage and not pay a higher premium (a penalty) if you later decide to join a Medicare drug plan.

When Can You Join A Medicare Drug Plan?

You can join a Medicare drug plan when you first become eligible for Medicare and each year from October 15th through December 7th.

However, if you lose your current creditable prescription drug coverage, through no fault of your own, you will also be eligible for a two (2) month Special Enrollment Period (SEP) to join a Medicare drug plan.

What Happens To Your Current Coverage If You Decide to Join A Medicare Drug Plan?

If you decide to join a Medicare drug plan, your current SISC or Kaiser Permanente coverage will be affected. If you elect Part D coverage with Medicare, your medical and prescription drug coverage with SISC or Kaiser Permanente will end for yourself and all of your covered dependents.

If you do decide to join a Medicare drug plan and drop your current SICS or Kaiser Permanente coverage, be aware that you and your dependents will NOT be able to get this coverage back.

When Will You Pay A Higher Premium (Penalty) To Join A Medicare Drug Plan?

You should also know that if you drop or lose your current coverage with RESIG and don't join a Medicare drug plan within 63 continuous days after your current coverage ends, you may pay a higher premium (a penalty) to join a Medicare drug plan later.

If you go 63 continuous days or longer without creditable prescription drug coverage, your monthly premium may go up by at least 1% of the Medicare base beneficiary premium per month for every month that you did not have that coverage. For example, if you go nineteen months without creditable coverage, your premium may consistently be at least 19% higher than the Medicare base beneficiary premium. You may have to pay this higher premium (a penalty) as long as you have Medicare prescription drug coverage. In addition, you may have to wait until the following October to join.

For More Information About This Notice Or Your Current Prescription Drug Coverage...

Contact the person listed below for further information. **NOTE:** You'll get this notice each year. You also may request a copy of this notice at any time.

For More Information About Your Options Under Medicare Prescription Drug Coverage...

More detailed information about Medicare plans that offer prescription drug coverage is in the "Medicare & You" handbook. You'll get a copy of the handbook in the mail every year from Medicare. You may also be contacted directly by Medicare drug plans.

For more information about Medicare prescription drug coverage:

- Visit www.medicare.gov
- Call your State Health Insurance Assistance Program (see the inside back cover of your copy of the "Medicare & You" handbook for their telephone number) for personalized help
- Call 1-800-MEDICARE (1-800-633-4227). TTY users should call 1-877-486-2048.

If you have limited income and resources, extra help paying for Medicare prescription drug coverage is available. For information about this extra help, visit Social Security on the web at www.socialsecurity.gov, or call them at 1-800-772-1213 (TTY 1-800-325-0778).

Remember: Keep this Creditable Coverage notice. If you decide to join one of the Medicare drug plans, you may be required to provide a copy of this notice when you join to show whether or not you have maintained creditable coverage and, therefore, whether or not you are required to pay a higher premium (a penalty).

CONTINUATION COVERAGE RIGHTS UNDER COBRA

Introduction

You are receiving this notice because you have recently become covered under the following employer's WSCUHSD medical, dental and vision plan. This notice contains important information about your right to COBRA continuation coverage, which is a **temporary** extension of coverage under the Plan. This notice explains COBRA continuation coverage, when it may become available to you and your family, and what you need to do to protect the right to receive it.

The right to COBRA continuation coverage was created by a federal law, Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA continuation coverage can become available to you and to other members of your family who are covered under the Plan when you would otherwise lose your group health coverage. This notice gives only a summary of your COBRA continuation coverage rights. For more information about your rights and obligations under the Plan and under federal law, you should either review the Plan's Summary Plan Description or get a copy of the Plan Document from your district.

What is COBRA Continuation Coverage?

COBRA continuation coverage is a continuation of Plan coverage when coverage would otherwise end because of a life event known as a "qualifying event." Specific qualifying events are listed later in the notice. COBRA continuation coverage must be offered to each person who is a "qualified beneficiary." A qualified beneficiary is someone who will lose coverage under the Plan because of a qualifying event. Depending on the type of qualifying event, employees, spouses of employees, and dependent children of employees may be qualified beneficiaries. Under the Plan, qualified beneficiaries who elect COBRA continuation coverage must pay for COBRA continuation coverage.

If you are an employee, you will become a qualified beneficiary if you will lose your coverage under the Plan because either one of the following qualifying events happens:

- (1) Your hours of employment are reduced, or
- (2) Your employment ends for any reason other than your gross misconduct.

If you are the spouse of an employee, you will become a qualified beneficiary if you will lose your coverage under the Plan because any of the following qualifying events happens:

- (1) Your spouse dies;
- (2) Your spouse's hours of employment are reduced;
- (3) Your spouse's employment ends for any reason other than his or her gross misconduct;
- (4) Your spouse becomes enrolled in Medicare (Part A, Part B, or both); or
- (5) You become divorced or legally separated from your spouse.

Your dependent children will become qualified beneficiaries if they will lose coverage under the Plan because any of the following qualifying events happens:

- (1) The parent-employee dies;
- (2) The parent-employee's hours of employment are reduced;
- (3) The parent-employee's employment ends for any reason other than his or her gross misconduct;
- (4) The parent-employee becomes enrolled in Medicare (Part A, Part B, or both);
- (5) The parents become divorced or legally separated; or
- (6) The child stops being eligible for coverage under the plan as a "dependent child."

When is COBRA Coverage Available?

The plan will offer COBRA continuation to qualified beneficiaries only after the Plan Administrator has been notified that a qualifying event has occurred. When the qualifying event is the end of employment or reduction of hours of employment, death of the employee, or enrollment of the employee in Medicare (Part A, Part B, or both), the employer must notify the Plan Administrator of the qualifying event.

You Must Give Notice of Some Qualifying Events

For the other qualifying events (divorce or legal separation of the employee and spouse or a dependent child's losing eligibility for coverage as a dependent child), you must notify your district. The Plan requires you to notify the Plan Administrator within 60 days after the qualifying event occurs.

How is COBRA Coverage Provided?

Once the Plan Administrator receives notice that a qualifying event has occurred, COBRA continuation coverage will be offered to each of the qualified beneficiaries. For each qualified beneficiary who elects COBRA continuation coverage, COBRA continuation coverage will begin either (1) on the date of the qualifying event or (2) on the date that Plan coverage would otherwise have been lost, depending on the nature of the Plan.

COBRA continuation coverage is a temporary continuation of coverage. When the qualifying event is the death of the employee, your divorce or legal separation, or a dependent child losing eligibility as a dependent child, COBRA continuation coverage lasts for up to 36 months.

When the qualifying event is the end of employment or reduction of the employee's hours of employment, COBRA continuation coverage generally lasts for only up to a total of 18 months. There are two ways in which this 18-month period of COBRA continuation coverage can be extended.

Disability extension of 18 month period of continuation coverage

If you or anyone in your family covered under the Plan is determined by the Social Security Administration to be disabled and you notify the Plan Administrator in a timely fashion, you and your entire family may be entitled to receive up to an additional 11 months of COBRA continuation coverage, for a total maximum of 29 months. The disability would have to have started at some time before the 60 day of COBRA continuation coverage and must last at least until the end of the 18-month period of continuation coverage.

Second qualifying event extension of 18-month period of continuation coverage

If your family experiences another qualifying event while receiving COBRA continuation coverage, the spouse and dependent children in your family can get additional months of COBRA continuation coverage, up to a maximum of 36 months. This extension is available to the spouse and dependent children if the former employee dies, or get divorced or legally separated. The extension is also available to a dependent child when the child stops being eligible under the Plan as dependent child. In all of these cases, you must make sure that the Plan Administrator is notified of the second qualifying event within 60 days of the second qualifying event.

If You Have Questions

If you have questions about your COBRA continuation coverage, you should contact the plan administrator or you may contact the nearest Regional or District Office of the U.D. Department of Labor's Employee Benefits Security Administration (EBSA). Address and phone numbers of Regional and District EBSA Offices are available through EBSA's website, www.dol.gov/ebsa.

Keep Your Plan Informed of Address Change

In order to protect your family's rights, you should keep the Plan Administrator informed of any changes in the addresses of family members. You should also keep a copy of your records, of any notices you send to the Plan Administrator.