

# **Employee Notifications 2019/2020**



**Santa Maria Joint Union High School District**

**2560 Skyway Drive, Santa Maria, California 93455  
805-922-4573**

## **CHILD ABUSE and NEGLECT REPORTING LAW**

### Reporter Responsibility Employee Form

**Definitions:** The following situations are reportable conditions:

- Physical abuse
- Sexual abuse
- Child exploitation, child pornography and child prostitution
- Neglect
- Corporal punishment resulting in injury
- Willful cruelty or unjustifiable punishment

**Who Reports:** Mandated Reporters include but are not limited to the following:

- Teacher
- Instructional aide
- Teacher's aide/assistant
- Classified employee
- Administrative officer or supervisor of child welfare and attendance
- Certificated pupil personnel employee
- School district police or security department employee
- All other District Employees

**When to Report:** A telephone report must be made immediately when the reporter observes a child in his/her professional capacity or within the scope of his/her employment and has knowledge, or reasonable suspicion, that the child has been abused. A written report, on a standard form (SCAR), must be sent within 36 hours after the telephone report has been made.

**To Whom Do You Report:** You have a choice of reporting to the Police or Sheriff's Department, or the Child Abuse Reporting Hotline at 800-367-0166. Each county has preferred reporting procedures.

**Individual Responsibility:** Any individual who is named in the reporting law must report abuse. If the individual confers with a co-worker and a decision is made that the co-worker file the report, one report is sufficient. However, the individual with the original suspicion must insure a report was filed. ***Reporting to a supervisor does not relieve the mandated reporter of his or her responsibility.***

**Anonymous Reporting:** Mandated reporters are required to give their names. Non-mandated reporters may report anonymously. Child protective agencies are required to keep the mandated reporter's name confidential, excepted in limited circumstances under the law.

**Immunity:** A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her employment.

**Liability:** Legally mandated reporters can be criminally and civilly liable for failing to report suspected abuse resulting in a fine and/or imprisonment.

**Discipline:** No employee shall be subject to sanction for making a report unless it can be shown that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report (Penal Code 11166).

## **NONDISCRIMINATION IN EMPLOYMENT**

The Board of Education desires to provide a positive work environment where students, employees, interns, job applicants and volunteers 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 student, employee, intern, job applicant or volunteer 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, military and veteran status, gender, gender identity, gender expression, sex, or sexual orientation and/or his/her association with a person or group with one or more of these actual or perceived characteristics.

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.

The following position is designated as Discrimination, Equity and Title IX Compliance Officer:

Kevin R. Platt  
Assistant Superintendent/Human Resources  
2560 Skyway Drive, Santa Maria, California 93455  
805-922-4573  
kplatt@smjuhsd.org

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 4030 - Nondiscrimination 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.

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)

**SEXUAL HARASSMENT**  
**BOARD POLICY 4119.11, 4219.11, 4319.11**

The Board of Trustees prohibits sexual harassment of district employees. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify, or otherwise participate in the complaint process established pursuant to this policy and accompanying administrative regulation. This policy shall apply to all district employees and, when applicable, to interns, volunteers, and job applicants.

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

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

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

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

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

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

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

BP 4119.11, 4219.11, 4319.11  
Adopted: March 18, 2018

## **SEXUAL HARASSMENT ADMINISTRATIVE REGULATION 4119.11, 4219.11, 4319.11**

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

### **Definitions**

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

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.
3. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district.

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

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

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

### **Training**

The Superintendent or designee shall ensure that all employees receive training regarding the district's sexual harassment policies when hired and periodically thereafter. The training shall include the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the district's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee.

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

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

## **SEXUAL HARASSMENT** (continued)

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

1. Information and practical guidance regarding federal and state laws on the prohibition, prevention, and correction of sexual harassment, the remedies available to sexual harassment victims in civil actions, and potential district and/or individual exposure or liability
2. The types of conduct that constitute sexual harassment and practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
3. A supervisor's obligation to report sexual harassment, discrimination, and retaliation of which he/she becomes aware and what to do if the supervisor himself/herself is personally accused of harassment
4. Strategies for preventing harassment, discrimination, and retaliation and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including an effective process for investigation of a complaint
5. The essential elements of the district's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed
6. A copy of the district's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received
7. The definition and prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance

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

### **Notifications**

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

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired
3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of district information sheets that contain, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law

**SEXUAL HARASSMENT** (continued)

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

In addition, the district shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment. (Government Code 12950)

AR 4119.11, 4219.11, 4319.11  
Approved: March 13, 2018

## **SEXUAL HARASSMENT- IDENTIFICATION & REPORTING PROCEDURE**

The California Education Code prohibits sex discrimination in the schools. The definition of sex discrimination includes sexual harassment. Sexual harassment means any unwelcome, unsolicited or deliberate sexual advance, request for sexual favor, abuse, mistreatment, prejudice, and/or any continuous written, visual, verbal, or physical conduct which is based solely upon sex or sexual orientation that has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment for any person

Sexual harassment is illegal when it is part of a supervisor's decision to hire or fire someone; when it is used to make other employment decisions like pay, promotion, or job assignment; when it interferes with an employee's work performance; or when it creates an intimidating, hostile, or offensive work environment.

All District employees should conduct themselves with particular sensitivity that they hold a position of "special trust" so their actions cannot be considered as sexual harassment of a student. Students have the same rights as do employees in regard to filing a complaint of sexual harassment. Further, any employee engaging in actions that constitute sexual harassment may be suspended or dismissed pursuant to the Education Code provisions pertaining to unprofessional conduct, immoral conduct, evident unfitness, or in extreme cases, conviction of a crime.

District administrators have the duty and responsibility to take all necessary steps, including appropriate disciplinary action, to promote and maintain a working environment that is free of sexual harassment, intimidation, and coercion.

If an employee believes he/she has been sexually harassed, the employee may file a complaint, within one year, with any of the listed agencies. However, the District's procedure is to first pursue complaints through the available internal procedures which ultimately will result in appropriate action that will effectively stop the sexual harassment (see Board Policy §4119.11 and Administrative Regulation §4119.11).

### **IDENTIFICATION OF SEXUAL HARASSMENT**

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature made by someone from or in the work or educational setting when:

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

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

1. Unwelcome leering, sexual flirtations or propositions.
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.
3. Graphic verbal comments about an individual's body, or overly personal conversation.
4. Sexual jokes, stories, drawings, pictures or gestures.
5. Spreading sexual rumors.
6. Touching an individual's body or clothes in a sexual way.
7. Cornering or blocking of normal movements.
8. Displaying sexually suggestive objects in the educational or work environment.
9. Making reprisals, threats of reprisal, or implied threats of reprisal following a negative response.
10. Implying or actually withholding support for a promotion, or change of position.
11. Suggesting that a poor evaluation will be prepared, or suggesting that a probationary period will be failed.
12. Engaging in implicit or explicit coercive sexual behavior which is used to control, influence, or affect the career, salary, and/or work environment of another employee.
13. Offering favors of employment benefits, such as promotions, favorable work performance evaluations, recommendations, reclassification, etc., in exchange for sexual favors.
14. Any act of retaliation against an individual who reports a violation of the District's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

It is impossible to define every action or all words that could be interpreted as sexual harassment. The examples listed above with the definition of sexual harassment are not meant to be a complete list of objectionable behavior.



## REPORTING PROCEDURE

The District procedure for reporting a sexual harassment complaint is to first pursue the complaint through their immediate supervisor or the next level supervisor (if their immediate supervisor is the alleged harasser) or the Human Resources Office:

Discrimination, Equity and Title IX Compliance Officer  
Kevin R. Platt, Assistant Superintendent of Human Resources  
2560 Skyway Drive  
Santa Maria, CA 93455  
(805) 922-4573  
[kplatt@smjuhsd.org](mailto:kplatt@smjuhsd.org)

The District prohibits retaliatory behavior against any complainant or any participant in the complaint process. Each complaint of sexual harassment shall be promptly investigated in a way that respects the privacy of all parties concerned.

### A. SUPERVISOR

If a supervisor receives a complaint, the supervisor shall maintain objectivity while eliciting responses with the complainant:

1. Assure the employee that you are taking the matter seriously.
2. Repeat information back to complainant for confirmation of facts.
3. Tell complainant what you intend to do and when you will get back to the complainant.
4. Document and date your discussion with the complainant.
5. Urge the complainant to report to you immediately if there is any repetition of the problem behavior or if reprisals occur.
6. Contact the Human Resources Office about the situation immediately after your discussion.
7. Maintain confidentiality and continue to document appropriate facts that may surface during the investigation process.
8. Assure the complainant that you will do everything possible to prevent any reprisals.
9. Advise the complainant of the actions taken to resolve the complaint. Additionally, if necessary, advise the complainant of his/her rights and the procedures for pursuing the complaint further if he/she is not satisfied with the resolution reported.
10. Interview corroborating witnesses.

### B. HUMAN RESOURCES OFFICE

1. Record the complaint.
2. Make arrangements to talk with the complainant and alleged harasser to determine what form of investigation is warranted.
3. After the investigation has been completed, the Assistant Superintendent of Human Resources will take the necessary appropriate disciplinary action if warranted. These actions may include counseling, suspension with loss of pay, and/or termination of an employee. The employee will be given the opportunity to respond to the charges before corrective action is initiated. The charges and investigation may become part of the personnel file.

### C. OUTSIDE AGENCIES

#### State of California Department of Fair Employment & Housing

Employees who have been sexually harassed may have the right to file complaints with state and federal regulatory agencies. Time limits for filing complaints with regulatory agencies vary, and members should check directly with these agencies for specific directions:

Department of Fair Employment & Housing  
(State)  
1732 Palma Drive, Suite 200  
Ventura, CA 93003-6081  
(805) 654-4514

Equal Employment Opportunity Commission  
(Federal)  
255 East Temple Street, Fourth Floor  
Los Angeles, CA 90012  
(213) 894-1000

Employees who have questions about rights and obligations set forth herein should contact the Human Resources Office at 805-922-4573.

If you, as an employee, are found guilty of sexual harassment, you may be personally liable for monetary damages. Additionally, false accusations may subject the accuser to a lawsuit by the individual wrongly accused.

# **Santa Maria Joint Union High School District 2019-2020**

## **ANNUAL NOTIFICATION OF UNIFORM COMPLAINT PROCEDURES (UCP)**

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

The Santa Maria Joint Union High School District has the primary responsibility to insure compliance with applicable state and federal laws and regulations and has established procedures to address allegations of unlawful discrimination and complaints alleging violation of state or federal laws governing educational programs. School Personnel are required to take immediate steps to intervene when safe to do so when he/she witnesses an act of discrimination, harassment, intimidation, or bullying.

The Santa Maria Joint Union High School District shall investigate and seek to resolve complaints using policies and procedures known as the Uniform Complaint Procedures (UCP) adopted by our local board (BP/AR/E 1312.3 Uniform Complaint Procedures and AR/E 1312.4 Williams Uniform Complaint Procedures). Unlawful discrimination complaints may be based on actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, pregnancy, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 42.55, or in any program or activity that receives or benefits from state financial assistance. The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in Consolidated Categorical Aid Programs, Migrant Education, Education of English Learners, Education of Foster Youth, Homeless, Former Juvenile Court Students, Lactating Pupil, Career Technical and Technical Education and Training Programs, Local Control Accountability Plan, Courses without Educational Content or Previously Satisfactorily Completed, Child Care and Developmental Programs, Child Nutrition Programs, Special Education Programs, Pupil Fees for Educational Activities, Safety Planning Requirements, and Retaliation against Complainant.

Complaints must be filed in writing with the following Discrimination, Equity and Title IX compliance officer:

Mr. Kevin R. Platt  
2560 Skyway Drive  
Santa Maria, CA 93455  
805-922-4573  
kplatt@smjuhsd.org

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

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

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

Civil law remedies may be available under state or federal discrimination laws, if applicable. In appropriate cases, an appeal may be filed pursuant to Education Code Section 262.3. A complainant may pursue available civil law remedies outside of the LEA'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. A copy of the Santa Maria Joint Union High School District's UCP policy and complaint procedures shall be available free of charge.

**YOUR RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993**  
**FAMILY CARE AND MEDICAL LEAVE (FMLA/CFRA)**  
**AND PREGNANCY DISABILITY LEAVE (PDL)**

Under the FMLA and CFRA if you have more than 12 months of service with the District and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave, you may have a right to family care or medical leave. This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of your child or for your own serious health condition or that of your child, parent or spouse. The 1,250 hour requirement does not apply where an employee takes leave for birth, adoption or foster care placement of your child. While the law provides only unpaid leave, employees may choose or require use of accrued paid leave while taking FMLA/CFRA leave under certain circumstances. FMLA also authorizes leave for qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent. An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

Even if you are not eligible for FMLA/CFRA leave, if you are disabled by pregnancy, childbirth or a related medical condition, you are entitled to take a PDL leave of up to four months, depending on your period(s) of actual disability. If you are CFRA-eligible, you have certain rights to take BOTH a pregnancy disability leave and a CFRA leave for reason of the birth of your child. These leaves contain a guarantee of reinstatement—for pregnancy disability it is to the same position and for FMLA/CFRA it is to the same or a comparable position—at the end of the leave, subject to any defense allowed under the law.

If possible, you must provide at least 30 days' advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for yourself or of a family member). For events that are unforeseeable, we need you to notify the District, at least verbally, as soon as you learn of the need for the leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until you comply with this notice policy.

We may require certification from your health care provider before allowing you a leave for pregnancy disability or for your own serious health condition. We also may require certification from the health care provider of your child, parent or spouse, who has a serious health condition, before allowing you a leave to take care of that family member. When medically necessary, leave may be taken on an intermittent or reduced work schedule.

If you are taking a leave for the birth, adoption, or foster care placement of a child, the basic minimum duration of the leave is two weeks, and you must conclude the leave within one year of the birth or placement for adoption or foster care.

While you are on FMLA/CFRA leave, your health insurance coverage will continue. Upon return from FMLA/CFRA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions. An employer may not interfere with an individual's FMLA/CFRA rights or retaliate against someone for using or trying to use FMLA/CFRA leave, opposing any practice made unlawful by the FMLA/CFRA, or being involved in any proceeding under or related to the FMLA/CFRA.

Once the District is aware of the employee's need for leave is for a reason that may qualify under the FMLA, the District must notify you of your eligibility for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If you are not eligible, the employer must provide a reason for ineligibility. Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave. Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, the California Department of Fair Employment and Housing or may bring a private lawsuit against an employer. The FMLA/CFRA laws do not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

Please see the also see your applicable collective bargaining agreement and Administrative Regulation 4161.8 further discussing your rights to family care and medical leave and pregnancy disability leave. If you want more information please contact Human Resources, 805-922-4573.

## WORK-RELATED INJURY/ILLNESS

### Notifications

The Superintendent or designee shall post a notice of employee rights related to workers' compensation and shall provide this information in writing to new employees. (Labor Code 3550-3551)

This notice shall also include a statement of the district's policy requiring employees to report work-related injuries as soon as practicable.

Employees shall also be informed that pursuant to Labor Code 4906, it is a felony for an employee to make a false workers' compensation claim.

### District Responsibilities

Supervisors receiving reports of a work-related employee injury shall gather appropriate information, including but not limited to:

1. The date, time and place of the injury
2. The name, occupation and signature of the injured employee
3. Details of how the injury occurred
4. The names of any witnesses

Supervisors shall promptly remit information about work-related injuries to the Superintendent or designee.

Whenever a work-related injury results in lost work time beyond the date of the injury or requires medical treatment beyond first aid, the employee shall be given a workers' compensation claim form and a notice of potential eligibility for benefits within one working day of the injury. (Labor Code 5401) In the case of stress claims, the claim form shall be provided only if the employee indicates that he/she is going to a physician or is unable to work.

Within five working days of obtaining knowledge of any injury which results in lost time beyond the date of the injury or which requires medical treatment beyond first aid, the Superintendent or designee shall file a complete report of the injury with the district's insurer. (Labor Code 6409.1)

### Employee Responsibilities

Upon receiving treatment for a work-related injury, the employee shall obtain a medical verification of his/her condition, indicating any limitations on the employee's ability to work, the anticipated time needed for recovery from these limitations, and the type of work modification needed.

The district has designated a medical carrier where employees will be taken in case of a work-related injury. Employees who wish to be taken to their personal physician for treatment of work-related injuries must have a written request on file with the Superintendent or designee. It is the employee's responsibility to inform his/her supervisor that he/she has such a request on file. (Labor Code 4600)

To qualify for workers' compensation, employees must notify their supervisor of a work-related injury within 30 days. (Labor Code 5400)

This will serve to advise you that our workers' compensation administrator is:

Workers' Compensation Administrators (WCA)  
265 E. Donovan Rd.  
Santa Maria, CA 93454  
805-922-9157

For further information about workers' compensation benefits you may contact the following local officer at:

State Information and Assistance Officer  
1525 State Street  
Santa Barbara, CA 93101  
(805) 966-9872

## **DISASTER SERVICE WORKERS**

All public employees are defined as disaster service workers (Gov. Code 3101). As such, before beginning employment with the Santa Maria Joint Union High School District, employees must take the Oath of Office as required by law (Gov. Code 3102). In the event of natural, manmade or war-caused emergencies, which result in conditions of disaster or extreme peril to life, property and resources, all employees are subject to disaster service activities as assigned to them by their supervisors.

## **ASBESTOS INFORMATION**

Dear Employees of the Santa Maria Joint Union High School District:

In compliance with the U.S. Environmental Protection Agency (EPA) Asbestos Hazard Emergency Response Act (AHERA), in 1990 the district performed inspections of each school building for asbestos-containing building materials. The inspection findings and asbestos management plans have been on file in the maintenance director's office as well as in each school maintenance office since that time.

The EPA requires us to perform reinspections of asbestos materials every three years. During November 2015, an accredited asbestos inspector performed these reinspections. An accredited management planner reviewed the results of the reinspections and recommended actions we should take to safely manage each asbestos material in our buildings.

Significant abatement events occurring during the 2019/2020 school year: None

The results of the reinspection are on file in the management plan in the maintenance director's office as well as in each school's maintenance office [Code of Federal Regulations: 40 CFR 763.93]. Everyone is welcome to view these anytime during normal school hours (M-F, 7:30 a.m. to 4 p.m.)

## COMPREHENSIVE SAFETY PLAN

The Board of Education recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that teaches strategies for violence prevention and emphasizes high expectations for student conduct, responsible behavior, and respect for others.

The school site council at each district school shall write and develop a comprehensive school safety plan relevant to the needs and resources of that particular school. (Education Code 32281)

The school safety plan shall take into account the school's staffing, available resources and building design, as well as other factors unique to the site.

Each school shall review and update its safety plan by March 1 of each year. New school campuses shall develop a safety plan within one year of initiating operations. (Education Code 32286)

Each school shall forward the safety plan to the Board for approval. (Education Code 32288)

The Board shall review the comprehensive district-wide and/or school safety plan(s) in order to ensure compliance with state law, Board policy and administrative regulation.

The Board shall approve the plan at a regularly scheduled meeting and the adoption of the plan shall not be a consent item. At a minimum, the Board shall discuss both of the following: (Education Code 35294.22)

1. How the safety plan addresses the needs of each school and students within that school
2. How the school site council or safety planning committee, when writing the plan, considered the "three essential components" described in Education Code 35294.21, including assuring each student a safe physical environment; assuring each student a safe, respectful, accepting, and emotionally nurturing environment; and developing each student's resiliency skills

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code 32282)

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education of any schools that have not complied with the requirements of Education Code 32281. (Education Code 32288)

BP 0450  
9/10/08

## **EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS**

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

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

The Superintendent or designee may exempt designated first aid providers from pre-exposure hepatitis B vaccination under the conditions specified by state regulations. (8 CCR 5193(0))

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

BP 4119.42  
4/17/02

## PESTICIDE USE 2019/2020 SCHOOL YEAR

In September 2000, Governor Davis signed into law the Healthy Schools Act of 2000 (Assembly Bill 2260). This law requires schools to notify parents, guardians and school employees about pesticides used in their schools, and requires the Department of Pesticide Regulation to promote the voluntary adoption of integrated pest management (IPM) practices in California schools. Most provisions of the law became effective January 1, 2001. Each school district is to implement the following requirements of the law:

- Notification of all pesticide products the school district expects to use on school grounds must be sent annually to parents or guardians of all students. These products include over-the-counter pesticides available at retail outlets, but do not include certain products exempted under the law. The notifications must list the active ingredients in each pesticide product and the Internet address for the Department of Pesticide Regulation (DPR) to access additional information. Visit DPR's Website at <http://www.cdpr.ca.gov> and click on School IPM Program.
- Each school district will establish a list of parents, guardians and employees who want to be notified before individual pesticide applications are made.
- Each school district will ensure that warning notices are posted in areas where pesticides will be applied. Notices will be posted 24 hours in advance and 72 hours after application of pesticides, and will contain information as specified in the law.
- Each school will maintain records of all pesticide use at the school for four years and the records will be available to the public upon request.

For more information, contact Reese Thompson, (805) 922-4573, ext. 4701.

The Department of Pesticide Regulation's (DPR) school IPM program aims to promote and facilitate the voluntary adoption of IPM programs.

- DPR will develop a model IPM program guidebook that reflects conditions in California.
- DPR will establish and maintain an Internet Web site that functions as a comprehensive directory of IPM resources.
- DPR will assist school districts to establish IPM policies and programs.
- DPR will establish an IPM training program for individuals designated by the districts to be in charge of pest management.

For more information, go to <http://www.cdpr.ca.gov/> and click on School IPM Program or email DPR at [school\\_ipm@cdpr.ca.gov](mailto:school_ipm@cdpr.ca.gov).

You can find more information regarding these pesticides and pesticide use reduction at the Department of Pesticide Regulation's Web site at <http://www.cdpr.ca.gov>. If you have any questions, please contact Reese Thompson at (805) 922-4573, ext. 4701.



**PRODUCTS THAT MAY BE APPLIED DURING THE 2019/2020 SCHOOL YEAR**

<b>Name of Pesticide</b>	<b>Active Ingredient(s)</b>	<b>Pests Treated</b>
Allstar Blitz Room Fogger	Petroleum Distillate, Pyrethrin, Piperonyl Butoxide, Isobutane/Propane	Fleas
Bayer Advanced Lawn Complete Insect Killer	Imidacloprid, Beta-cyfluthrin	Ants, Fleas, Mosquitoes
BoraCare	Sodium borate Formula NA2-B8-o13-4H2-O	Termites
Combat Quick Kill Roach Gel, Combat Platinum Roach Gel, Comabt Source Kill Max, Combat Defense System Brand Source Kill Max	Fipronil	Ants, Roaches
Cykick	Cyfluthrin	Ants/Roaches
Cynoff	Cypermethrin	Spiders
Deadline MP	Metaldehyde	Snails, Slugs
Demand CS	Synthetic Pyrethiod, Lambda-cyhalothrin	Termites, General pests
Hot Shot	Pyrethrins, Piperonyl Butoxide	Ants, Flies, Spiders
Jecta Diffusible Boracide	Ethylene glycol Borate Solution	Ants
Maxforce FC Professional Insect Control Ant Bait Stations	Fipronil	Ants
Maxforce FC Professional Insect Control Roach Killer Bait Gel	Fipronil	Roaches
Maxforce Professional Insect Control Granular Insect Bait	Hydramethylnon	Ants
Merit 75 WSP Insecticide	Imidacloprid	Tree Insects
OptiGard Flex	Thiamethoxam	Termites, Ants, Roaches
Ortho Home Defense MAX	Bifenthrin	Ants, spiders, beetles, mites, ticks, roaches, crickets
Ortho Hornet & Wasp Killer	Tetramethrin	Hornets, Wasps
Power Plant	D-Limonene	Termites
PRECOR 2000 Plus	(S) Methoprene, permethin, phenothrin, N-oxtyl bicycloheptene dicarboximide, piperonylbutoxide	Termites
Premise 75	Imidacloprid	Termites
PT565 Plus	Pyrethrin	Ants, Fleas
Shockwave Fogging Concentrate	Pyrethrins; Piperonyl Butoxide, (N-Octyl Bicycloheptene Dicarboximide) Nylar (Pyriproxyfen) Esfenvalerate	Spiders
Suspend SC Insecticide	Deltamethrin; 1,2-Propanediol	Ants
Talstar Termiticide, insecticide granular	Bifenthrin 2-methyl, 1, 1-biphenyl, 3-y., dimethylvlopropane carboxylate	Termites, Ants, Spiders
Tempo 20 WP	Cyfluthrin, cyano (fluoro-3-phenoxyphenyl) methyl-3	Termites
Termidor	Fipronil	Ants/Termites
Termin-8 Wood Preservative	Copper Naphthenate 25%	Termites
The Giant Destroyer	N/A	Gophers
Wasp Freeze	Phenothrin, D-Trans Allethrin	Wasps

Wilco Gopher Getter Type 2	Chlolphacinone	Gophers
Wilco Ground Squirrel Bait	Diphacinone (2-Diphenylacety) 1-1, 3 Indanione	Squirrels
<b>Name of Herbicide</b>	<b>Active Ingredient(s)</b>	<b>Pests Treated</b>
Bayer Ronstar	Oxadiazon [2-tert-butyl-4-(2,4-dichloro-5-isopropoxyphenyl)-1,3,4-oxadiazolin-5-one]	Weeds (Pre-Emergent)
Best Turf Supreme plus Trimec	2,4-D Dichlorophenoxyacetic acid 2-(2-methyl-4-chlorophenoxy) propionic acid Dicamba (3,6-dichloro-o-anisic-acid)	Weeds
Dimension EC Herbicide	Dithiopyr, Heavy aromatic naphtha, Trimethylbenzene	Crabgrass, Foxtails (Pre-Emergent)

Generic or alternate brand products with the same active ingredients may be applied in place of listed items.

You can find more information regarding these pesticides and pesticide use reduction at the Department of Pesticide Regulation's Web site at <http://www.cdpr.ca.gov>

If you have any questions, please contact Reese Thompson at (805) 922-4573, ext. 4701.

## **DRUG & ALCOHOL-FREE WORKPLACE NOTICE TO EMPLOYEES**

YOU ARE HEREBY NOTIFIED that it is a violation of Board Policy 4020 for any employee at a school district workplace to unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations.

“School district workplace” is defined as any place where school district work is performed, including a school building or other school premises; any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function, such as a field trip or athletic event, where students are under district jurisdiction; or during any period of time when an employee is supervising students on behalf of the district or otherwise engaged in district business.

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

Pursuant to the federal Omnibus Transportation Employee Testing Act of 1991, school bus drivers shall be subject to a drug and alcohol testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

Pursuant to Education Code 44836 and 45123, the Board may not employ or retain in employment persons convicted of a controlled substance offense as defined in Education Code 44011. If any such conviction is reversed and the person acquitted in a new trial or the charges dismissed, his/her employment is no longer prohibited.

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

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

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

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

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

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

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

Adult Mental Health Services	934-6380 737-6690	Santa Maria Lompoc
Alcoholics Anonymous	925-3782	Santa Maria "1600 Club"
CARES 212 W. Carmen Lane 9:00 am to 4:00 pm; Mon-Fri Walk-ins OK	888-868-1649 739-8700 739-8709	toll-free referral line Santa Maria Office Mobile Crisis
Central Coast Headway	922-2106	Santa Maria
Narcotics Anonymous	549-7730	San Luis Obispo
Santa Maria Youth & Family Counseling	928-1707 928-1707	Santa Maria Guadalupe

BP 4020  
5/18/2011

## **EMPLOYEE USE OF TECHNOLOGY**

The Board of Education 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.

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.

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.

### **Online/Internet Services**

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

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

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

### **Use of Cellular Phone or Mobile Communications Device**

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

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

## TOBACCO-FREE WORKPLACE NOTICE TO EMPLOYEES

Research has demonstrated the health hazards associated with the use of tobacco products, including smoking and the breathing of second-hand smoke. As required by law, the Santa Maria Joint Union High School District provides instructional programs designed to discourage students from using tobacco products. District employees are expected to serve as models for good health practices that are consistent with these instructional programs.

YOU ARE HEREBY NOTIFIED that it is a violation of Board Policy 3513.3 for any employee to use tobacco products at any time on all property and in all facilities owned, leased, and/or operated by the Santa Maria Joint Union High School District, whether indoors or outdoors; and in all vehicles owned, leased, and/or operated by the district. This prohibition applies to all employees, students, visitors, and other persons in any program or at any meeting or event on any property owned, leased, or operated by or from the Santa Maria Joint Union High School District.

As a condition of your employment with the Santa Maria Joint Union High School District, you must comply with Board Policy 3513.3 regarding Tobacco-Free Workplace. Employees who use tobacco products on property and in facilities or vehicles owned, leased, and/or operated by the district may be disciplined in accordance with rules, regulations, applicable law, and the applicable bargaining unit agreement.

Any employee who violates the District's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

The following smoking cessation programs, counseling and/or employee assistance programs are available locally:

American Lung Association	800-586-4872
American Cancer Society	800-227-2345
County Health Care Services	800-662-8887 805-681-5407

BP 3513.3  
12/11/13

**Administering Medication and Monitoring Health Conditions  
Board Policy 5141.21**

This policy and regulation does not address situations in which a district might be engaged in a collaborative arrangement with another entity for the provision of school health services to students; see BP/AR 5141.6 - School Health Services.

The Board of Trustees believes that regular school attendance is critical to student learning and that students who need to take medication prescribed or ordered for them by their authorized health care providers should have an opportunity to participate in the educational program.

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 shall be administered in accordance with the student's individualized education program or Section 504 services plan as applicable.

For the administration of medication to other students during school or school-related activities, the Superintendent or designee shall develop protocols which shall include options for allowing a parent/guardian to administer medication to his/her child at school, designate other individuals to do so on his/her behalf, and, with the child's authorized health care provider's approval, request the district's permission for his/her child to self-administer a medication or self-monitor and/or self-test for a medical condition. Such processes shall be implemented in a manner that preserves campus security, minimizes instructional interruptions, and promotes student safety and privacy.

In addition, the Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators, to design procedures or measures for addressing an emergency such as a public disaster or epidemic.

**Administration of Medication by School Personnel**

When medically unlicensed school personnel are authorized by law to administer any medication to students, such as emergency anti-seizure medication, auto-injectable epinephrine, insulin, or glucagon, the Superintendent or designee shall ensure that school personnel designated to administer any medication receive appropriate training and, as necessary, retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual.

The Superintendent or designee shall maintain documentation of the training and ongoing supervision, as well as annual written verification of competency of other designated school personnel.

School nurses and other designated school personnel shall administer medications to students in accordance with law, Board policy, and administrative regulation and shall be afforded appropriate liability protection.

## **Administering Medication and Monitoring Health Conditions Administration Regulation 5141.21**

### Definitions

Authorized health care provider means an individual who is licensed by the State of California to prescribe or order medication, including, but not limited to, a physician or physician assistant.

Other designated school personnel means any individual employed by the district, including a nonmedical school employee, who has volunteered or consented to administer the medication or otherwise assist the student and who may legally administer the medication to the student or assist the student in the administration of the medication.

Medication may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies.

Emergency medical assistance for a student suffering an epileptic seizure means the administration of an emergency anti-seizure medication such as diazepam rectal gel and other emergency medications approved by the federal Food and Drug Administration for patients suffering from epileptic seizures.

### Notifications to Parents/Guardians

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians regarding those options.

In addition, the Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a non-episodic condition of the following requirements:

1. The parent/guardian is required to inform the school nurse or other designated employee of the medication being taken, the current dosage, and the name of the supervising physician.
2. With the parent/guardian's consent, the school nurse or other designated employee may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

### Parent/Guardian Responsibilities

The responsibilities of the parent/guardian of any student who may need medication during the school day shall include, but are not limited to:

1. Each school year, providing parent/guardian and authorized health care provider written statements as described in the sections "Parent/Guardian Statement" and "Health Care Provider Statement" below. In addition, the parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes.
2. If the student is on a continuing medication regimen for a non-episodic condition, informing the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician.
3. If the student suffers from epilepsy, notifying the principal or designee whenever the student has had an emergency anti-seizure medication administered to him/her within the past four hours on a school day.
4. Providing medications in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider.

### Parent/Guardian Statement

When district employees are to administer medication to a student, the parent/guardian's written statement shall:

1. Identify the student



2. Grant permission for an authorized district representative to communicate directly with the student's authorized health care provider and pharmacist, as may be necessary, regarding the health care provider's written statement or any other questions that may arise with regard to the medication.
3. Contain an acknowledgment that the parent/guardian understands how district employees will administer the medication or otherwise assist the student in its administration.
4. Contain an acknowledgment that the parent/guardian understands his/her responsibilities to enable district employees to administer or otherwise assist the student in the administration of medication, including, but not limited to, the parent/guardian's responsibility to provide a written statement from the authorized health care provider, to ensure that the medication is delivered to the school in a proper container by an individual legally authorized to be in possession of the medication, and to provide all necessary supplies and equipment.
5. Contain an acknowledgment that the parent/guardian understands that he/she may terminate the consent for the administration of the medication or for otherwise assisting the student in the administration of medication at any time.

In addition to the requirements in items #1-5 above, if a parent/guardian has requested that his/her child be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall:

1. Consent to the self-administration
2. Release the district and school personnel from civil liability if the student suffers an adverse reaction as a result of self-administering the medication

In addition to the requirements in items #1-5 above, if a parent/guardian wishes to designate an individual who is not an employee of the district to administer medication to his/her child, the parent/guardian's written statement shall clearly identify the individual and shall state:

1. The individual's willingness to accept the designation
2. That the individual is permitted to be on the school site
3. Any limitations on the individual's authority

#### Health Care Provider Statement

When any district employee is to administer prescribed medication to a student, or when a student is to be allowed to carry and self-administer auto-injectable epinephrine or prescribed diabetes or asthma medication during school hours, the authorized health care provider's written statement shall include:

1. Clear identification of the student
2. The name of the medication
3. The method, amount, and time schedules by which the medication is to be taken.
4. If a parent/guardian has requested that his/her child be allowed to self-administer medication, confirmation that the student is able to self-administer the medication.
5. For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation
6. Possible side effects of the medication
7. Name, address, telephone number, and signature of the student's authorized health care provider

When authorizing a district employee to administer emergency anti-seizure medication to a student, the authorized health care provider's written statement shall also include the following:

1. Detailed seizure symptoms, including frequency, type, or length of seizures that identify when the administration of the medication becomes necessary.

2. Any potential adverse responses by the student and recommended mitigation actions, including when to call emergency services.
3. A protocol for observing the student after a seizure, including, but not limited to, whether he/she should rest in the school office or return to his/her class and the length of time he/she should be under direct observation
4. A statement that following a seizure, a school administrator or other staff member shall contact the school nurse and the student's parent/guardian to continue the observation plan

#### District Responsibilities

The school nurse or other designated school personnel shall:

1. Administer or assist in administering medications in accordance with the authorized health care provider's written statement
2. Accept delivery of medications from parents/guardians and count and record them upon receipt
3. Maintain a list of students needing medication during the school day, including those authorized to self-administer medications, and note on the list the type of medication and the times and dosage to be administered
4. Maintain for each student a medication log which may:
  - a. Specify the student's name, medication, dose, method of administration, time of administration during the regular school day, and date(s) on which the student is required to take the medication, and the authorized health care provider's name and contact information
  - b. Contain space for daily recording of the date, time, and amount of medication administered, and the signature of the individual administering the medication
5. Maintain for each student a medication record which may include the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student
6. Ensure that student confidentiality is appropriately maintained
7. Coordinate and, as appropriate, ensure the administration of medication during field trips and other school-related activities
8. Report to a student's parent/guardian and the site administrator any refusal by the student to take his/her medication
9. Keep all medication to be administered by the district in a locked drawer or cabinet
10. As needed, communicate with a student's authorized health care provider and/or pharmacist regarding the medication and its effects
11. Counsel other designated school personnel regarding the possible effects of a medication on a student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose
12. Ensure that any unused, discontinued, or outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, dispose of it in accordance with state laws and local ordinances
13. Provide immediate medical assistance if needed and report to the site administrator, the student's parent/guardian, and, if necessary, the student's authorized health care provider any instance when a medication is not administered properly, including administration of the wrong medication or failure to administer the medication in accordance with authorized health care provider's written statement

## Additional Requirements for Management of Epileptic Seizures

In addition to applicable provisions in the sections above, the Superintendent or designee shall make arrangements for assisting students with epilepsy who may suffer a seizure at school. Such arrangements shall include the following:

1. Whenever a parent/guardian requests that a nonmedical district employee be trained to provide emergency medical assistance to his/her child, notification to the parent/guardian that the child may qualify for services or accommodations pursuant to 20 USC 1400, the Individuals with Disabilities Education Act (IDEA), or 29 USC 794, Section 504 of the federal Rehabilitation Act of 1973.

The Superintendent or designee shall assist the parent/guardian to explore that option and shall encourage him/her to adopt the option if the student is determined to be eligible for such service or accommodation.

2. The creation of an individualized health plan, seizure action plan, or other appropriate health plan designed to acknowledge and prepare for the student's health care needs in school, if his/her parent/guardian refuses to have him/her assessed for services or accommodations under IDEA or Section 504.

3. The distribution of an electronic notice to school staff no more than twice per school year, for each student whose parent/guardian has requested provision of emergency medical assistance pursuant to Education Code 49414.7. The notice shall be in bold print and, in accordance with Education Code 49414.7, shall contain a description of the request for a volunteer school employee, the training that such volunteer school employee will receive, the voluntary nature of the program, and the timelines for the volunteer school employee to rescind his/her offer.

If no employee volunteers to administer emergency anti-seizure medication to a student, the Superintendent or designee shall again notify the student's parent/guardian of the option to have the student assessed for services and accommodations under IDEA or Section 504.

4. An assurance that any employee who volunteers to administer an emergency anti-seizure medication shall receive from a licensed health care professional the training specified in 5 CCR 623 before administering such medication. When a trained employee has not administered an emergency anti-seizure medication to a student within two years after completing the training and a student who may need the administration of an emergency anti-seizure medication is enrolled in the school, the employee shall be retrained in order to retain the ability to administer an emergency anti-seizure medication.

5. An assurance that any training provided for district employees who volunteer to administer emergency anti-seizure medication to students shall include, but is not limited to:

a. Recognition and treatment of different types of seizures

b. Administration of an emergency anti-seizure medication

c. Basic emergency follow-up procedures, including, but not limited to, a requirement for the principal or designee to call the emergency 911 telephone number and to contact the student's parent/guardian, but not necessarily to transport the student to an emergency room

d. Techniques and procedures to ensure student privacy

6. A process for notifying the credentialed school nurse, or the Superintendent or designee as applicable, whenever an employee administers an emergency anti-seizure medication to a student at a school site.

7. Supervision of volunteer school employees by a licensed health care professional, in accordance with 5 CCR 627.

## PROCEDURES FOR ADMINISTRATORS TO EVALUATE CERTIFICATED STAFF

TIMELINE:	TENURED:	NON-TENURED:
Pre-Observation Conference	by October 31 <sup>st</sup>	by October 1 <sup>st</sup>
Observations	October – April	October-February
Final Evaluation	by May 1 <sup>st</sup>	by February 15 <sup>th</sup>

### I. PRE-OBSERVATION CONFERENCE:

A mutually agreed-upon conference will be held between the administrative evaluator and the teacher to explain the evaluation procedures. At this conference, the teacher will be provided with the evaluation document and the evaluation procedures to be followed, to also include information on instructional strategies.

### II. TEACHER OBSERVATIONS:

The administrator will make classroom observations of the tenured and non-tenured certificated employee. The administrator will follow the following procedures:

- a. The administrator will observe at least one class period/block.
- b. The administrator will observe the class for the entire instructional period/block.
- c. The administrator will **script\*** (during the 2<sup>nd</sup> classroom observation) teacher and student actions during the instructional period/block and respond to the instructional checklist of the modified California Standards of the Teaching Profession/Observation Form (Form A) to indicate the performance level demonstrated or not demonstrated during the observation.
- d. The evaluator will not participate in classroom activities.

\* *Scripting: Detailed note-taking of teacher and student actions during the instructional period/block.*

### III. FOLLOW-UP CLASSROOM OBSERVATIONS AND CONFERENCES:

- a. The administrator will schedule a post observation conference with the teacher and provide written comments on each observation of the teacher within ten (10) school days of the classroom observation.
- b. Based upon the information gained from at least two classroom observations, if 50% or more of the criteria in Section B and/or C have not been demonstrated, the teacher and administrator may develop instructional goals for those criteria in the form of an action plan (see Form B). An Action Plan may also be developed for Sections A and/or D. The Action Plan must be developed, implemented and achieved within a minimum of three months.
- c. If a teacher refuses to accept the action plan goals of Section B and/or C, the Final Summative Evaluation will be completed and the teacher will be referred to PAR.
- d. An action plan will trigger at least one additional observation.
- e. The modified California Standards of the Teaching Profession/Observation Form (Form A) and the action plan will be used by the evaluator and the teacher to facilitate the post observation conference discussion (Form C).

#### **IV. FINAL SUMMATIVE EVALUATION:**

- a. The Final Summative Evaluation will be based on the teacher's performance as related to the modified California Teaching Standards of the Teaching Profession/Observation Form (Form A), as well as goals stated in an action plan, if applicable.
- b. If the teacher disagrees on the one or more statements in the Final Summative Evaluation, the teacher must write a written response within ten (10) school days of receiving the Final Summative Evaluation. A copy of the response is attached to Final Summative Evaluation and is given to the evaluator and the Assistant Superintendent of Human Resources.
- c. The Final Summative Evaluation is signed and dated by the evaluator and the teacher. If the teacher refuses to sign the Final Summative Evaluation, the evaluator will indicate so on Final Summative Evaluation.
- d. The original copy of the Final Summative Evaluation is sent to the district Human Resource's office. One copy each is given to the teacher and the evaluator.
- e. An "unsatisfactory" rating in either "B" or "C" of the Final Summative Evaluation form requires the evaluatee to participate in the district's Peer Assistance Review Program pursuant to Education Code §44500 et. seq.

#### **ADDITIONAL DIRECTIONS:**

- a. Form A is used for classroom observation of teachers.
- b. Form A can be used multiple times.
- c. The "Evidence Requested" column on Observation Form for Certificated Employees (Form A) may be used to indicate the need for evidence in an area that has been marked in the "not observed/not applicable" column. The "Evidence Requested" is optional for teachers and administration.
- d. Forms B and C are used by the evaluator and are optional.
- e. Under the "comments" section, the evaluator can describe areas observed or not observed.
- f. Temporary and Probationary teachers are evaluated yearly. Tenured teachers are evaluated every other year.
- g. The action plan is given to the teacher if it is satisfactorily achieved. If the action plan does not result in satisfactory improvement of performance it will be forwarded to Joint Peer Assistance Committee (JPAC).
- h. No specific references shall be made in the Final Summative Evaluation about the action plan.

## **ARTICLE 12 (CSEA) EVALUATION PROCEDURES**

New employees shall be evaluated at least once during the first four (4) months, and a second evaluation between the ninth (9th) and eleventh (11th) month of their twelve (12) months of probationary employment.

A permanent employee who accepts a probationary promotion to a class in a higher level shall be evaluated at least once during the first three (3) months, and a second evaluation by the fifth (5th) month of their six (6) month probationary promotion. If the permanent employee is deemed unsatisfactory during the probationary period of six (6) months, he/she shall be reinstated to the former class.

There shall be at least a biennial evaluation of all permanent employees. Evaluations shall be completed before June 15 of the year scheduled for evaluation.

Evaluations shall be prepared by the immediate supervisor or the next level manager if the supervisor is not available. If the immediate supervisor has not been in this position for at least half of the employee's evaluation period, the evaluation shall be done in consultation with the next line level supervisor.

Each unit member shall be given a copy of the completed evaluation form. Each unit member will be requested to place his/her signature on the report, but such signature does not necessarily signify agreement with the evaluation report. In the event that a unit member refuses to sign the evaluation report, the refusal shall be noted on the employee signature line.

The supervisor shall identify employee strengths and weaknesses. If weaknesses are identified, the supervisor and employee shall discuss how the weaknesses might be improved. The supervisor shall provide assistance to the employee, including a specific improvement plan. A date for the preparation of another evaluation which allows reasonable time for improvement and review will be identified.