

## 2011/2012 DISTRICT POLICIES AND PROCEDURES INDEX

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- 2011/2012 California High School Exam Information
- Healthy School Act of 200/Pesticide Regulation
- Pesticides that may be used during 2011/2012
- Proposed dates to apply Pesticides during 2011/2012

**Available on the District Website**

- Professional Growth Credit Application

**2011/2012 OFFICE HOURS**  
Santa Ynez Valley Union High School District

**BUSINESS OFFICE**

<b>7:30 a.m. - 4:00 p.m.</b>	<b><u>Workday</u></b>	<b><u>Lunch</u></b>
Cindy Belanger	7:30 a.m. - 4:00 p.m.	12:00 – 12:30 p.m.
Nicole Evenson	7:30 a.m. – 4:00 p.m.	
Susan Gode	7:30 a.m. - 4:00 p.m.	12:30 - 1:00 p.m.

**DISTRICT OFFICE**

<b>7:30 a.m. - 4:00 p.m.</b>	<b><u>Workday</u></b>
Laura Cypert	7:30 a.m. – 4:00 p.m.

**STUDENT SERVICES OFFICE**

<b>6:30 a.m. - 4:00 p.m.</b>	<b><u>Workday</u></b>	<b><u>Lunch</u></b>
Maria Garcia	6:30 a.m. – 3:00 p.m.	12:30 – 1:00 p.m.
Richeon Solis-Herman	7:00a.m. – 4:00 p.m.	1:00 – 1:30 p.m.

**PRINCIPAL’S OFFICE**

<b>7:30 – 4:00 p.m.</b>	<b><u>Workday</u></b>
Donna Feazelle	7:30 a.m. – 4:00 p.m.

**LIBRARY-TEXTBOOK CLERK**

	<b><u>Workday</u></b>	<b><u>Lunch</u></b>
Anika Rask	7:30 a.m. - 4:00 p.m.	12:30 – 1:00 p.m.

**STAFF SERVICES OFFICE**

<b>7:30 a.m. – 4:00 p.m.</b>	<b><u>Workday</u></b>	<b><u>Lunch</u></b>
Kathy Rick	7:30 a.m. – 2:00 p.m.	1:15 – 1:45 p.m.

**GUIDANCE OFFICE**

<b>6:30 a.m. – 4:00 p.m.</b>	<b><u>Workday</u></b>	<b><u>Lunch</u></b>
Melissa Shaw	6:15 a.m. – 2:45 p.m.	12:20 – 12:50 p.m.
Terry Westfall	7:30 a.m. - 4:00 p.m.	1:00-1:30 p.m.

**MAINTENANCE AND OPERATIONS OFFICE**

<b>7:00 a.m. - 3:30 p.m.</b>	<b><u>Workday</u></b>	<b><u>Lunch</u></b>
Maintenance & Grounds Crew	7:00 a.m. - 3:30 p.m.	12:30 – 1:00 p.m.
Custodians (Night)	4:00 p.m. – 12:00 midnight	8:00 – 8:30 p.m.

\*Lunch Breaks often vary when it is not possible to get out of the office at designated time

## **2010/20011 BOARD OF EDUCATION MEETINGS**

Santa Ynez Valley Union High School District

Place: Santa Ynez Valley Union High School Board Room

Time: 4:00 p.m.

Tuesday, July 19, 2011

Tuesday, August 16, 2011

Tuesday, September 13, 2011

Tuesday, October 18, 2011

Tuesday, November 15, 2011

Tuesday, December 13, 2011

**\*Date, Time and place for 2012 will be determined at the Annual Organizational meeting in December.**

**SUPERINTENDENT'S CABINET**

**Paul Turnbull  
Laura Cypert  
Nicole Evenson  
Mark Swanitz  
Richard Wilson**

**TECHNLOGY COMMITTEE**

**Mike Limotta  
Mark Swanitz  
Mark Peterschick  
Vicki Storey  
Richard Wilson**

**DEPARTMENT HEADS**

**TBA  
Math Department Chair**

**Nancy Thompson  
Fine Arts Department Chair**

**David Bisbee  
Activities Director (ASB)**

**Linda Wall  
World Languages Department Chair**

**Sharon Ferrer  
Counseling Department Chair**

**Ken Fredrickson  
Athletic Director**

**Joe Graack  
Electives Department Chair**

**Harvey Green  
Social Science Department Chair**

**Karen Nguyen  
Science Department Chair**

**Jennifer Rasmussen  
Physical Education Chair**

**Jeff Reck  
English Department Chair**

**Billy Sivola  
Special Education Department Chair**

## 2011/2012 CERTIFICATED EVALUATIONS

<b>Last Name</b>	<b>First Name</b>	<b>Evaluator</b>	<b>Subject</b>
Avery	Cris	Hope	Hon PreCalc, IB
Babcock	Tory	Swanitz	English
Bax	Shirley	Hope	SPED
Bixler	Tad	Swanitz	Math
Boyer	Lisa	Swanitz	Science
Boyer	Lisa	Nicastro	Int Sci, Bio
Coelho	Ashley	Swanitz	Math
Daugherty	David	Swanitz	Social Science
Estabrook	Julie	Swanitz	History
Estarellas	Rosa	Hope	Spanish
Ferrer	Sharon	Swanitz	Counselor
Fredrickson	Ken	Swanitz	AD
Ganz	Mandi	Swanitz	Counselor
Gonzalez	Alfonso	Swanitz	Counseling
Green	Harvey	Hope	Social Science
Hope	Lorraine	Swanitz	Vice Principal
Jackson	David	Hope	SPED
Lageman	Danielle	Swanitz	Counseling
Landon	Barbara	Hope	English
Lara	Joanna	Swanitz	Spanish
Lee	Cheryl	Swanitz	English
McKinnon	Jeff	Hope	English
Merz	Kim	Hope	Science
Morris	Jon	Swanitz	Counselor
Mullin	Chris	Swanitz	Social Science
Palacios	Jimmy	Hope	ROP
Peterschick	Mark	Hope	English
Phipps	Suzanne	Hope	Math
Rasmussen	Jennifer	Swanitz	PE
Silvola	Billy	Hope	SPED
Slobig	Sandra	Hope	Math
Smith	Gretchen	Swanitz	Math
Storey	Vicki	Hope	Librarian
Swanitz	Mark	Turnbull	Principal-SYVUHS
Thompson	Nancy	Hope	Art
Vizcaino	Agustin	Swanitz	Spanish
Wall	Linda	Swanitz	Spanish/French
Wallace	Brian	Hope	SPED SDC
Wold	Denise	Hope	SPED
Young	Stuart	Hope	SPED

**2011/2012 CLASSIFIED EVALUATOR/SUPERVISOR LIST**  
Santa Ynez Valley Union High School District  
July 1, 2011

<b>EMPLOYEE NAME</b>	<b>EVALUATOR/SUPERVISOR</b>
Feazelle, Donna	Swanitz
Litwiler, Harold	Evenson
Rask, Anika	Hope/Storey
Rick, Kathleen	Swanitz
Shaw, Meliss	Swanitz
Westfall, Terry	Swanitz

2011/2012 Evaluations – due in District Office June 1, 2012

**MAA PARTICIPANTS**  
**Santa Ynez Valley Union High School District**  
**2011/2012 School Year**

**NAME**

Bax, Shirley, Teacher  
Coehlo, Ashley, Teacher  
Connolly, John, Teacher  
Croll, Jennifer, Teacher  
Cypert, Laura, Assistant to the Superintendent  
Dickey, Melanie, Teacher  
Dickey, Warren, Coach, Campus Supervisor  
Estarellas, Rosa, Teacher  
Ferrer, Sharon, Guidance Counselor  
Fredrickson, Ken. Athletic Director  
Ganz, Mandy, Counselor  
Garcia, Maria, Student Services Technician  
Gode, Susan, Secretary/Bookkeeper  
Gonzalez, Alfonso, Guidance Counselor  
Gruendyke, Ken, Football Coach  
Hamilton, Denise, Teacher  
Hope, Lorraine, Vice Principal  
Lageman, Danielle, Guidance Counselor  
Landon, Barbara, Teacher  
Litwiler, Harold, Food Service Manager  
Jackson, David, Teacher  
Morris, Jon, Guidance Counselor  
Palacios, Jimmy, ROP Restaurant Occupations  
Rasmussen, Jennifer, Teacher  
Ruelas, Adriana, Food Service Coordinator  
Silvola, Billy, Teacher  
Solis-Herman, Richeon, Attendance Assistant  
Swanitz, Mark, Principal  
Turnbull, Paul, District Superintendent  
Vizcaino, Agustin, Teacher  
Wallace, Brian, Teacher  
Westfall, Terry, Guidance Technician  
Young, Stuart, Teacher

## **BP 1240**

### Community Relations

#### **VOLUNTEER ASSISTANCE**

The Governing Board encourages parents/guardians and other members of the community to share their time, knowledge and abilities with students. Volunteer assistance in schools enriches the educational program, enhances supervision of students and contributes to school safety while strengthening the schools' relationships with the community. The Board also encourages community members to serve as mentors providing support and motivation to students.

(cf. [1000](#) - Concepts and Roles)

(cf. [1700](#) - Relations Between Private Industry and the Schools)

(cf. [4127/4227/4327](#) - Temporary Athletic Team Coaches)

(cf. [4222](#) - Teacher Aides/Paraprofessionals)

(cf. [5020](#) - Parent Rights and Responsibilities)

(cf. [6020](#) - Parent Involvement)

(cf. [6171](#) - Title I Programs)

The Superintendent or designee shall develop and implement a plan for recruiting, screening and placing volunteers, including strategies for reaching underrepresented groups of parents/guardians and community members. He/she may also recruit community members to serve as mentors and/or make appropriate referrals to community organizations.

(cf. [0420.3](#) - School-Based Student Motivation and Maintenance Program)

(cf. [1020](#) - Youth Services)

(cf. [1400](#) - Relations Between Other Governmental Agencies and the Schools)

The Superintendent or designee shall establish procedures to protect the safety of students and adults. These procedures shall include laws related to tuberculosis testing and may also include laws related to criminal record checks.

Volunteers shall be provided with information about school goals, programs and practices and shall receive an orientation and other training related to their specific responsibilities as appropriate. Employees who supervise volunteers shall ensure that volunteers are assigned meaningful responsibilities that capitalize on their skills and expertise and maximize their contribution to the educational program.

Volunteers shall act in accordance with district policies, regulations and school rules. At their discretion, employees who supervise volunteers may ask any volunteer who violates school rules to leave the campus. Employees also may confer with the principal or designee regarding any such volunteers. The Superintendent or designee shall be responsible for investigating and resolving complaints regarding volunteers.

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

(cf. [3515.2](#) - Disruptions)

Volunteer maintenance work shall be limited to those projects that do not replace the normal maintenance duties of classified staff. The Board nevertheless encourages volunteers to work on short-term projects to the extent that they enhance the classroom or school, do not significantly increase maintenance workloads and comply with employee commitments and contracts.

Volunteer aides shall not be used to assist certificated staff in performing teaching or administrative responsibilities in place of regularly authorized classified employees who have been laid off. (Education Code [35021](#))

The Board encourages principals to develop a means for recognizing the contributions of each school's volunteers.

The Superintendent or designee shall periodically report to the Board regarding the district's volunteer assistance program.

Legal Reference:

**EDUCATION CODE**

[35021](#) Volunteer aides

[35021.1](#) Automated records check

[44010](#) Sex offense; definition

[44227.5](#) Classroom participation by college methodology faculty

[44814-44815](#) Supervision of students during lunch and other nutrition periods

[45125](#) Fingerprinting requirements

[45340-45349](#) Instructional aides

[45360-45367](#) Teacher aides

[49406](#) Examination for tuberculosis

**GOVERNMENT CODE**

[3100-3109](#) Oath or affirmation of allegiance

[3543.5](#) Prohibited interference with employees' rights

**HEALTH AND SAFETY CODE**

[1596.871](#) Fingerprints of individuals in contact with child day care facility clients

**LABOR CODE**

[3364.5](#) Persons performing voluntary services for school districts

**PENAL CODE**

[290](#) Registration of sex offenders

[290.4](#) Information re sex offenders

**CODE OF REGULATIONS, TITLE 22**

[101170](#) Criminal record clearance

[101216](#) Health screening, volunteers in child care centers

**UNITED STATES CODE, TITLE 20**

[6319](#) Qualifications and duties of paraprofessionals, Title I programs

**ATTORNEY GENERAL OPINIONS**

62 Ops. Cal. Atty. Gen. 325 (1979)

**COURT DECISIONS**

Whisman Elementary School District, 15 Public Employee Reporter for California, 22043

Management Resources:

**NATIONAL PTA PUBLICATIONS**

National Standards for Parent/Family Involvement Programs, 1997

Building Successful Partnerships: A Guide for Developing Parent and Family Involvement Programs, 2000

**WEB SITES**

California PTA: <http://www.capta.org>

National PTA: <http://www.pta.org>

California Partners in Education: <http://www.capie.org>

National Coalition for Parent Involvement in Education: <http://www.ncpie.org>

U.S. Department of Education, Partnership for Family Involvement in Education: <http://pfie.ed.gov>

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

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: December 18, 1989

Santa Ynez, California

Revised: August 18, 1997

**AR 1240**

Community Relations

**VOLUNTEER ASSISTANCE**

**Duties of Volunteers**

Volunteers may assist certificated personnel in the performance of their duties, in the supervision of students, and in instructional tasks which, in the judgment of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. (Education Code [45343](#), [45344](#), [45349](#))

(cf. [4222](#) - Teacher Aides/Paraprofessionals)

Volunteers may supervise students during lunch and/or breakfast periods or may serve as nonteaching aides under the immediate supervision and direction of certificated personnel to perform noninstructional work which assists certificated personnel in the performance of teaching and administrative responsibilities. (Education Code [35021](#), [44814](#), [44815](#))

Volunteers may work on short-term facilities projects pursuant to Governing Board policy and administrative regulation.

**Qualifications of Volunteers**

Volunteers providing supervision or instruction of students pursuant to Education Code [45349](#) shall give evidence of basic skills proficiency. (Education Code [45344.5](#), [45349](#))

(cf. [4212](#) - Appointment and Conditions of Employment)

A person who is required to register as a sex offender pursuant to Penal Code [290](#) shall not serve as a volunteer instructional aide or as a volunteer nonteaching aide under the direct supervision of a certificated employee. (Education Code [35021](#))

The Superintendent or designee shall verify by reasonable means that persons serving as volunteer instructional aides and nonteaching volunteer aides are not required to register as a sex offender pursuant to Penal Code [290](#).

(cf. [3515.5](#) - Sex Offender Notification)

### **Tuberculosis Testing**

No volunteer shall be assigned to provide supervision or instruction of students unless he/she has submitted evidence of an examination within the past 60 days to determine that he/she is free of active tuberculosis. Volunteers who skin test negative shall thereafter be required to take a tuberculosis test every four years in accordance with Education Code [49406](#). (Education Code [45106](#), [45347](#), [45349](#), [49406](#))

### **Fingerprinting**

Volunteer instructional aides shall undergo fingerprinting pursuant to Education Code 45125. (Education Code 45106, 45125, 45347, 45349)

### **Volunteer Facilities Projects**

All volunteer facilities projects shall have approximate start and completion dates and must be approved by the principal in advance.

Projects approved by the principal shall also be approved in advance by the Superintendent or designee if they involve the following types of work:

1. Alterations, additions or repairs to buildings and grounds
2. Construction involving wall or roof penetration, drilling or nailing
3. Structural modifications
4. Electrical, electronic, plumbing, or heating and cooling work
5. Painting
6. Installation of carpet
7. Installation of playground equipment and benches
8. Installation of sprinkler systems
9. Paving
10. Installation of marquees and signs
11. Tree planting, pruning or removal

The Superintendent or designee shall ensure that volunteers possess the appropriate license and/or have sufficient expertise appropriate to the project. He/she shall also ensure that such projects comply with building and safety codes and other applicable laws and collective bargaining agreements. The district shall provide on-site assistance and supervision for such projects as necessary. Projects shall be inspected upon completion to ensure that the work was done satisfactorily.

(cf. [3514](#) - Environmental Safety)  
(cf. [3514.1](#) - Hazardous Substances)  
(cf. [7111](#) - Evaluating Existing Buildings)  
(cf. [7140](#) - Architectural and Engineering Services)

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: August 18, 1989  
Revised: August 18, 1997

**E-1240**

Community Relations

**VOLUNTEER ASSISTANCE**

Volunteer Authorization Form  
Santa Ynez Valley Union High School District

I shall be performing the work described below on a volunteer basis (for the period from \_\_\_\_\_, 20\_\_\_\_ to \_\_\_\_\_, 20\_\_\_\_, on the \_\_\_\_\_ project **or** with the \_\_\_\_\_ team/club under the supervision of \_\_\_\_\_.

I hereby offer any labor I perform and/or any materials and/or equipment used or provided on the project as a donation to the District. I understand and represent to the District that I will not receive any payment or other compensation for any donated labor, materials and equipment.

The nature of the work will be as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Volunteer's Signature Date Signed

*This section to be completed by Santa Ynez Valley Union High School District*

Date Received/Accepted By Volunteer Supervisor \_\_\_\_\_

\_\_\_\_\_  
Volunteer Supervisor's Name Phone/Contact Number

\_\_\_\_\_  
Volunteer Supervisor's Signature Title

**BUSINESS MANAGER'S AUTHORIZATION:**

\_\_\_\_\_  
Signature Date Authorized



**BP 1312.1**

Community Relations

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES**

The Governing Board places trust in its employees and desire to support their actions in such manner that employees are freed from unwarranted, spiteful or negative criticism and complaints.

The Superintendent or designee shall develop regulations, which permit the public to lodge criticism against staff members in an appropriate way. These regulations shall assure a complete hearing of complaints and shall protect the rights of the staff members and the district.

(cf. 1250 – Visits to the School)

Verbal complaints against an employee initially made to a board member or at a board meeting will be referred to the Superintendent for appropriate consideration and action according to administrative regulations.

When a complaint is made, the Superintendent or designee shall determine whether it should be resolved by the district’s process for complaints concerning personnel, the district’s uniform complaint procedures, or both.

(cf. 1312.3 – Uniform Complaint Procedures)

When a school employee is accused of child abuse, the district shall inform the appropriate authorities in accordance with the law. (Penal Code 11166, 11166.5)

(cf. 5141.4 – Child Abuse and Neglect [Reporting Procedures])

The board shall annually review district policies and regulations regarding complaints against school personnel. (Education /code 35150.5)

(cf. 6144 – Controversial Issues)

Legal Reference:

**EDUCATION CODE**

[35146](#) Closed sessions

35160.5 Requirement for school district policies: parental complaints re employees

[44811](#) Disruption of public school activities

[44932-44949](#) Resignation, dismissal and leaves of absence (rights of employee; procedures to follow)

**PENAL CODE**

[11166-11174.3](#) Reporting known or suspected cases of child abuse

**CODE OF RESULATIONS, TITLE 5**

[3080](#) Application of section 4600-4671

[3081](#) 4600-4671 Uniform Complaint Procedures

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: **December 18, 1989**

Santa Ynez, California

Revised: **September 17, 1992**

## **AR 1312.1**

### Community Relations

#### **COMPLAINTS CONCERNING SCHOOL PERSONNEL**

In order to promote fair and constructive communication, the following procedures shall govern the resolution of complaints. Every effort should be made to resolve a complaint at the earliest possible stage.

1. Complaints concerning school personnel should be made directly by the complainant to the person against whom the complaint is lodged. Parents/guardians are encouraged to attempt to orally resolve concerns with the staff member personally.
2. If the complaint is not resolved at this level, the complainant may submit the complaint in writing to the school Superintendent/principal or immediate supervisor. When necessary, district administration shall assist in the preparation of the written complaint so as to meet the requirement of this regulation. The administrative staff shall inform the complainant that such assistance is available if he/she is unable to prepare the written complaint without help.

A written complaint must include the name of each employee involved and a brief but specific summary of the complaint and the facts surrounding it. It must also include a specific description of a prior attempt to discuss the complaint with the employee involved and the failure to resolve the matter.

The Superintendent/principal or immediate supervisor is responsible for investigating complaints and will attempt to resolve the complaint to the satisfaction of the person(s) involved. If the complaint is resolved, the Superintendent/principal will so advise all concerned parties.

3. If the complaint remains unresolved after review by the immediate supervisor, a written complaint, together with a report and analysis of the situation, will be referred to the Superintendent/principal. Complainants should consider and accept the Superintendent/principal or designee's decision as final. However, the complainant, the employee, or the Superintendent/principal may ask to address the Governing Board regarding the complaint.
4. All written complaints regarding district personnel other than administrators shall be initially filed with the Superintendent/principal. If the complaint regards a Superintendent/principal or central office administrator, the written complaint shall be initially filed with the Board President.
5. Except when a complaint is directed against the Superintendent/principal, no party to a complaint may address the Board, either in closed or open session, unless the Board has received the Superintendent/principal or designee's written report concerning the complaint. The Superintendent/principal or designee's report shall contain, but not be limited to:

- a. The name of the employee involved.
- b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the employee(s) as to the precise nature of the complaint and to allow the employee(s) to prepare a defense.
- c. A copy of the signed original complaint.
- d. A summary of the action taken by the Superintendent/principal or designee with his/her specific finding that disposition of the case at the Superintendent/principal's level has not been possible, and the reasons why.

All parties to a complaint, including the school administration, may be asked to attend a Board meeting or part of such meeting for the purpose of presenting all available evidence and allowing every opportunity for explaining and clarifying the issue.

Complaints concerning an employee shall be addressed in a closed session of the Board unless the employee requests that the issue be addressed in open session.

(cf. 9321 – Closed Session)

The decision of the Board following the hearing shall be final.

Regulation	SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT	
Approved:	December 18, 1989	Santa Ynez, California

**BP 1312.3**

Community Relations

**UNIFORM COMPLAINT PROCEDURES**

The Governing Board recognizes that the district is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. The district shall investigate complaints alleging failure to comply with such laws and/or alleging discrimination and shall seek to resolve those complaints in accordance with the district's uniform complaint procedures. (5 CCR [4620](#))

The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination against any protected group as identified under Education Code [200](#) and [220](#) and Government Code [11135](#), including actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any district program or activity that receives or benefits from state financial assistance. (5 CCR [4610](#))

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and career technical and technical training programs, child care and development programs, child nutrition programs, and special education programs. (5 CCR [4610](#))

(cf. [0410](#) - Nondiscrimination in District Programs and Activities)  
(cf. [1312.1](#) - Complaints Concerning District Employees)  
(cf. [1312.2](#) - Complaints Concerning Instructional Materials)  
(cf. [3553](#) - Free and Reduced Price Meals)  
(cf. [4031](#) - Complaints Concerning Discrimination in Employment)  
(cf. [5141.4](#) - Child Abuse Prevention and Reporting)  
(cf. [5148](#) - Child Care and Development)  
(cf. [6159](#) - Individualized Education Program)  
(cf. [6171](#) - Title I Programs)  
(cf. [6174](#) - Education for English Language Learners)  
(cf. [6175](#) - Migrant Education Program)  
(cf. [6178](#) - Vocational Education)  
(cf. [6200](#) - Adult Education)

Complaints related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies and misassignments shall be investigated pursuant to the district's Williams uniform complaint procedure (AR 1312.4).

(cf. [1312.4](#) - Williams Uniform Complaint Procedures)

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

The Board acknowledges and respects every individual's right to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This may include keeping the identity of the complainant confidential, as appropriate and except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee, on a case-by-case basis.

(cf. [4119.23/4219.23/4319.23](#) - Unauthorized Release of Confidential/Privileged Information)  
(cf. [5125](#) - Student Records)  
(cf. [9011](#) - Disclosure of Confidential/Privileged Information)

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

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

Legal Reference:

**EDUCATION CODE**

[200-262.4](#) Prohibition of discrimination  
[8200-8498](#) Child care and development programs  
[8500-8538](#) Adult basic education

[18100-18203](#) School libraries  
[32289](#) School safety plan, uniform complaint procedure  
[35186](#) Williams uniform complaint procedure  
[41500-41513](#) Categorical education block grants  
[48985](#) Notices in language other than English  
[49060-49079](#) Student records  
[49490-49590](#) Child nutrition programs  
[52160-52178](#) Bilingual education programs  
[52300-52499.6](#) Career-technical education  
[52500-52616.24](#) Adult schools  
[52800-52870](#) School-based coordinated programs  
[54000-54041](#) Economic impact aid programs  
[54100-54145](#) Miller-Unruh 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  
[4600-4687](#) 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:**

#### **WEB SITES**

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>

#### SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: December 18, 1989 Santa Ynez, California  
Revised/Adopted: September 17, 1992, May 21, 1997, June 12, 2001, **May 16, 2006**

## **AR 1312.3**

### Community Relations

## **UNIFORM COMPLAINT PROCEDURES**

### **Compliance Officers**

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

Vice-Principal (Ronald Green)  
Santa Ynez Valley Union High School District  
2975 E Hwy 246 (P.O. Box 398)  
Santa Ynez, CA 93460  
Telephone: 805-688-6487

The Superintendent or designee 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, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (5 CCR [4622](#))

The Superintendent or designee shall make available copies of the district's uniform complaint procedures free of charge. (5 CCR [4622](#))

The notice shall:

1. Identify the person(s), position(s), or unit(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 courts 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. An unlawful discrimination complaint must be filed not later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination
- 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

(cf. [5145.6](#) - Parental Notifications)

## **Procedures**

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR [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 alleged noncompliance by the district. (5 CCR [4630](#))

A complaint alleging unlawful discrimination shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. (5 CCR [4630](#))

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

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR [4600](#))

### **Step 2: Mediation**

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

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

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

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR [4631](#))

### **Step 3: Investigation of Complaint**

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

The complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint. (5 CCR [4631](#))

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her 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](#))

The district's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (5 CCR [4631](#))

### **Step 4: Response**

Within 30 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #5 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision is final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 days of the district's initial receipt the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR [4631](#))

### **Step 5: Final Written Decision**

The district's decision shall be in writing and sent to the complainant. (5 CCR [4631](#))

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

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 district's decision within 15 days to the CDE and procedures to be followed for initiating such an appeal (5 CCR [4631](#))
7. For discrimination complaints, notice that the complainant must wait until 60 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, the 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.

### **Appeals to the California Department of Education**

If dissatisfied with the district's decision, the complainant may appeal in writing to the CDE within 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. (5 CCR [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 discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR [4622](#).

Regulation	SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT
Adopted: December 18, 1989	Santa Ynez, California
Revised: September 17, 1992, May 21, 1997, November 7, 2000, June 12, 2001, <b>May 16, 2006</b>	

### **AR 1312.4**

Community Relations

## **WILLIAMS UNIFORM COMPLAINT PROCEDURES**

### **Types of Complaints**

The district shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred: (Education Code 35186; 5 CCR 4681, 4682, 4683)

#### 1. Textbooks and instructional materials

- a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
- b. A student does not have access to textbooks or instructional materials to use at home or after school.
- c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

#### 2. Teacher vacancy or misassignment

- a. A semester begins and a teacher vacancy exists.

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

(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)

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

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of the semester for an entire semester. (Education Code 35186; 5 CCR 4600)

Beginning of the year or semester means the first day classes necessary to serve all the students enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day students attend classes for that semester. (5 CCR 4600)

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code 35186; 5 CCR 4600)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

### 3. Facilities

- a. A condition poses an emergency or urgent threat to the health or safety of students or staff.

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

- b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

Clean or maintained school restroom means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers. (Education Code 35292.5)

Open restroom means, except as necessary for student safety or to make repairs, the school has kept all restrooms open during school hours when students are not in classes and has kept a sufficient number of restrooms open during school hours when students are in classes. (Education Code 35292.5)

4. High school exit examination intensive instruction and services:

A student, including an English learner, who has not passed the exit exam by the end of grade 12 was not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after completion of grade 12 for two consecutive academic years or until the student has passed both parts of the exam, whichever comes first. (Education Code 35186)

(cf. 6162.52 - High School Exit Examination)

(cf. 6179 - Supplemental Instruction)

### **Filing of Complaint**

A complaint alleging any condition(s) specified in items #1-3 above shall be filed with the principal or designee at the school in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee in a timely manner, but not to exceed 10 working days. (Education Code 35186; 5 CCR 4680)

A complaint alleging any deficiencies specified in item #4 above shall be filed with a district official as designated by the Superintendent. Such complaints may be filed at the district office or at a school site and shall be immediately forwarded to the Superintendent or designee. (Education Code 35186)

### **Investigation and Response**

The principal or designee shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186; 5 CCR 4685)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to the complaint, the principal or designee shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. If a response is requested, the response shall be made to the mailing address of the complainant as indicated on the complaint form. At the same time, the principal or designee shall report the same information to the Superintendent or designee. (Education Code 35186; 5 CCR 4680, 4685)

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code 35186)

If a complainant is not satisfied with the resolution of a complaint, he/she has the right to describe the complaint to the Governing Board at a regularly scheduled meeting. (Education Code 35186; 5 CCR 4686)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3a above, a complainant who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the district's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687)

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)

(cf. 1340 - Access to District Records)

## **Reports**

The Superintendent or designee shall report summarized data on the nature and resolution of all complaints to the Board and the County Superintendent of Schools on a quarterly basis. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. These summaries shall be publicly reported on a quarterly basis at a regularly scheduled Board meeting. (Education Code 35186; 5 CCR 4686)

## **Forms and Notices**

The Superintendent or designee shall ensure that the district's complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. However, complainants need not use the district's Williams complaint form in order to file a complaint. (Education Code 35186)

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

### Legal Reference:

#### **EDUCATION CODE**

1240 County superintendent of schools, duties

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School Accountability Report Card

35186 Williams uniform complaint procedure

35292.5 Restrooms, maintenance and cleanliness

37254 Supplemental instruction based on failure to pass exit exam by end of grade 12

48985 Notice to parents in language other than English

60119 Hearing on sufficiency of instructional materials

#### **CODE OF REGULATIONS, TITLE 5**

4600-4671 Uniform complaint procedures, especially:

4680-4687 Williams complaints

Management Resources:

**WEB SITES**

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

California County Superintendents Educational Services Association: <http://www.ccesa.org>

California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc/index.asp>

State Allocation Board, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

Regulation SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT  
Approved: May 17, 2005 Santa Ynez, California  
Revised: May 16, 2006/**January 15, 2008**

**E(1)-1312.4**

Community Relations

**WILIAMS UNIFORM COMPLAINT PROCEDURES**

**NOTICE TO PARENTS/GUARDIANS, PUPILS AND TEACHERS  
COMPLAINT RIGHTS**

Parents/Guardians, Pupils and Teachers:

Pursuant to Education Code 35186, you are hereby notified that:

1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials, each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes of other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners, if present.

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

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

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

5. A complaint form can be obtained at the school office, district office, or downloaded from the school or district web site. You may also download a copy of the California Department of Education complaint form from the following web site: <http://www.cde.ca.gov/re/cp/uc>

#### ***E(1)-1312.4***

Relaciones de la Comunidad

### ***PROCEDIMIENTOS UNIFORMES DE QUEJAS WILLIAMS***

#### **NOTA A PADRES/TUTORES, ESTUDIANTES Y MAESTROS: DERECHOS DE QUEJAS**

Padres/tutores, Estudiantes y Maestros

Código de Educación 35186 requiere que la siguiente nota sea puesta en cada salón:

1. Debe de haber suficientes libros de texto y materiales de instrucción. Habiendo suficientes libros de texto y materiales de instrucción, cada estudiante, incluyendo estudiantes aprendiendo inglés, debe tener un libro de texto o materiales de instrucción, o los dos, para usar en la clase y para llevar a casa.
2. Las facilidades de la escuela deben estar limpias, seguras y mantenerlas en buena reparación. Buena reparación significa que la facilidad este mantenida en una manera que asegure que está limpia, segura y funcionando como se determina por la Oficina Pública de Construcción de Escuelas.
3. No debe de haber puestos vacantes de maestros o asignaciones erróneas como se especifica en el Código Educativo 35186(h)(2) y (3). Debe de haber un maestro asignado a cada clase y no una serie de substitutos de maestros temporales. El maestro deberá tener la credencial apropiada para enseñar la clase, incluyendo la certificación requerida para enseñar aprendices del idioma inglés, si los hay.

*Vacante de Maestro* significa una posición la cuál ningún solo empleado certificado ha sido asignado desde el principio del año por el año completo, si la posición es para un curso de un semestre, una posición a la cual ningún solo empleado certificado ha sido asignado desde el principio del semestre por el semestre entero.

*Asignaciones No Correspondidas* significa que el puesto de un empleado certificado en una posición de enseñar o de servicio para el cuál el empleado no tiene un certificado reconocido legal o credencial o el puesto de un empleado certificado en una posición de enseñar o de servicio que el empleado no está autorizado de aportar por el estado.

4. Estudiantes, incluyendo los aprendices del idioma Inglés, quienes no han pasado una parte o las dos del examen de salida (CAHSEE) al final del año 12, deben de darles la oportunidad de recibir instrucción intensiva y servicios para dos ciclos escolares consecutivos después de terminar el año doce.
5. Para archivar una queja que tenga que ver con los casos mencionados arriba, las formas de la demanda pueden ser obtenidas en la oficina del director o en la oficina del distrito, o pueden

ser descargadas de los sitios de web del distrito o del Departamento de Educación de California: <http://www.cde.ca.gov/re/cp/uc>

Approved by the Board of Education: May 17, 2005

Revised: November 15, 2005/May 16, 2006/**January 15, 2008**

**E(2)-1312.4**

Community Relations

**WILIAMS UNIFORM COMPLAINT PROCEDURES**

**COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURE**

Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested?  Yes  No

Contact Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Day: \_\_\_\_\_ Evening: \_\_\_\_\_

E-mail address, if any: \_\_\_\_\_

Location of the problem that is the subject of this complaint:

School: \_\_\_\_\_

Course title/grade level and teacher name: \_\_\_\_\_

Room number/name of room/location of facility: \_\_\_\_\_

Date problem was observed: \_\_\_\_\_

**Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please use the appropriate district complaint procedure.**

Specific issue(s) of the complaint. (Please check all that apply: A complaint may contain more than one allegation).

1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)

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

\_\_\_\_\_ A pupil does not have access to instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.

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

\_\_\_\_\_ A pupil was provided photocopies sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment: (Education Code 35186; 5 CCR 4681)

\_\_\_\_\_ A semester begins and a teacher vacancy exists. A *teacher vacancy* is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year or, if the position is for a one-semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

\_\_\_\_\_ A teacher lacking credentials or training to teach English learners is assigned to teach a class with more than 20% English learners in the class.

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

3. Facility conditions:

\_\_\_\_\_ A condition exists that poses an emergency or urgent threat to the health or safety of pupils or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer stoppages; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk, abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff; or structural damage creating a hazardous or uninhabitable condition.

\_\_\_\_\_ A school restroom has not been cleaned or maintained regularly, is not fully operations, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.

\_\_\_\_\_ The school has not kept all restrooms open during school hours when pupils are not in classes and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when closing of the restroom is necessary for pupil safety or to make repairs.

4. High school exit exam intensive instruction and services: (Education Code 35186)

\_\_\_\_\_ Pupils who have not passed the high school exit exam by the end of grade 12 were not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after completion of grade 12.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of pupils or staff.

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Please file this complaint with the person specified below at the following locations:

**Santa Ynez Valley Union High School:**

Mark Swanitz, Principal  
(Name/Title of designee)  
P.O. Box 398 (2975 E Hwy 246) Santa Ynez CA 93460  
(address)

**Refugio High School:**

Paul Turnbull, Superintendent  
(Name/Title of designee)  
P.O. Box 398 (2975 E Hwy 246) Santa Ynez CA 93460  
(address)

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

May 17, 2005  
Revised: May 16, 2006/July 25, 2006/July 1, 2008

**BP 3290**  
Business and Noninstructional Operation

**GIFTS, GRANTS, AND BEQUESTS TO THE DISTRICT**

The Board of Education may accept any bequest or gift of money or property on behalf of the district. While greatly appreciating suitable donations, the Board of Education discourages any gifts, which may directly or indirectly impair its commitment to providing equal educational opportunities for all district students.

In accordance with Education Code Section 35273, any gifts or donations to the district must be approved and accepted by the Board of education. These gifts and donations shall be for the use of the district and subject to any conditions of use or acceptance as deemed appropriate by the Board of Education.

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: **December 18, 1989** Santa Ynez, California  
Revised: **January 16, 1992, October 16, 1996**

**AR 3290**  
Business and Noninstructional Operations

**GIFTS, GRANTS, AND BEQUESTS TO THE DISTRICT**

When gifts, in the form of equipment, labor and/or materials, or money, as described below, are donated to the school district, they must formally be accepted by the Board of Education. (EC 35273)

**A. Equipment, Labor and Materials**

Requests for acceptance shall be submitted to the Business Manager from the Principal or other district representatives receiving donations.

The Business Manager shall receive, process and list for the board acceptance or rejection those proposed items.

Such gifts, donations, bequests, and devises may be approved subject to such conditions or restrictions as the board may prescribe.

Appropriate equipment gifts are of the type appearing on approved equipment lists or approved by the Purchasing Department.

**B. Site and Building Improvements**

Requests for acceptance shall be submitted by the site managers to the Business Manager.

The Business Manager shall receive, review and process for board acceptance or rejection.

Such gifts, donations, bequests, and devises may be approved subject to such conditions or restrictions as the Board may prescribe.

Appropriate site or building improvements are safe, fits in with surroundings and reasonable to maintain.

**C. Money**

When money gifts are donated to the school district, the recipient manager shall designate the account to be credited and forward the funds to the Business Office. Purchases can then be made and charged to that account. The Accounting Supervisor shall process and list for board acceptance or rejection those proposed items.

**D. Gifts to District Personnel**

Students and their parents shall not be encouraged to present gifts to district employees on occasions such as Christmas. The Board of Education shall consider as always welcome, and in most circumstances more appropriate, the writing of letters to staff members expressing gratitude or appreciation.

Other district employees, such as purchasing and business personnel, shall not accept gifts for personal use except where that use is related to district business. Items such as food shared in the office, complimentary calendars, business lunches, and vendor shows and demonstrations are examples of acceptable gifts for business purposes.

Regulation  
Approved: **June 21, 1995**  
Revised: **October 16, 1996**

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT  
Santa Ynez, California

**REQUEST FOR ACCEPTANCE OF GIFT**  
Santa Ynez Valley Union High School District

I. School: \_\_\_\_\_ Date: \_\_\_\_\_

II. Donor: A. Name: \_\_\_\_\_

B. Address: \_\_\_\_\_

III. Gift: A. Money Donation Only Amount: \_\_\_\_\_

Designated for: \_\_\_\_\_

B. General Description: \_\_\_\_\_

C. Model No.: \_\_\_\_\_ Condition: New  Used

D. Value (estimated): \_\_\_\_\_

E. Purpose of Gift: \_\_\_\_\_

F. Will gift be purchased through Business Services Office? Yes  No

G. Donor Conditions of Acceptance: \_\_\_\_\_  
\_\_\_\_\_

IV. INSTALLATION AND OPERATION (If answer to A is yes, answer B and C)

A. Will gift require installation? Yes  No

B. What type of installation is required? \_\_\_\_\_  
\_\_\_\_\_

C. Will donor pay installation cost? Yes  No

D. Will there be operating costs? Yes  No

If yes, what type? \_\_\_\_\_

V. Acceptance Requested By (SYVUHS Staff Member): \_\_\_\_\_

VI. Acceptance Approved By (Business Manager or Supervisor of Maintenance):  
\_\_\_\_\_

RECOMMENDATIONS: Principal or District Representative

\_\_\_\_\_

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

**BOARD ACTION**

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

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

(If denied, explanation is on reverse side of this form.)

**BP 3350**

Business and Noninstructional Operations

**TRAVEL EXPENSES**

The Governing Board shall authorize payment for actual and necessary expenses, including travel, incurred by any employee performing authorized services for the district.

The Superintendent or designee may approve employee requests to attend meetings in accordance with the adopted budget.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Expenses shall be reimbursed within limits approved by the Board. The Superintendent or designee shall establish procedures for the submission and verification of expense claims. He/she may authorize an advance of funds to cover necessary expenses.

The Board may establish an allowance on either a mileage or monthly basis to reimburse authorized employees for the use of their own vehicles in the performance of assigned duties.

All out-of-state travel for which reimbursement will be claimed shall have Board approval. Travel expenses not previously budgeted also shall be approved on an individual basis by the Board.

Authorized employees may use district credit cards while attending to district business. Under no circumstances may personal expenses be charged on district credit cards.

(cf. 9240 - Board Development)

(cf. 9250 - Remuneration, Reimbursement, and Other Benefits)

Legal Reference:

**EDUCATION CODE**

44016 Travel expense

44032 Travel expense payment

44033 Automobile allowance

44802 Student teacher's travel expense

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: **August 21, 2007**

Santa Ynez, California

**AR 3350**

Business and Noninstructional Operations

**TRAVEL EXPENSES**

**Conference, Workshop or Other District Related Event**

The following procedures shall be used when a district employee requests to attend a conference, workshop, or other District related event:

1. An employee requesting to attend a conference, workshop, or other District related event must complete a Request to Attend Conference/Workshop Reimbursement and Travel Claim form and submit to their immediate supervisor
2. The supervisor will forward to the Business Office for final approval
3. All out-of-state travel or travel occurring on non-contracted days must be approved by the Superintendent
4. A copy of the approved form will be forwarded to the employee, who may then make the travel arrangements
5. Any unauthorized travel will not be reimbursed to the employee

### **Allowable Expenditures**

With the exception of meals and bridge tolls, all travel expenses claimed must be accompanied by a receipt or other documentation. A record of miles must be submitted with the travel claim for personal vehicle use (i.e., Mapquest or other source showing total miles). Allowable expenses are restricted to reasonable and necessary actual expenditures.

1. **Hotel accommodations:** Single rate occupancy when an overnight stay is necessary. Room sharing is encouraged by the District when more than one District employee attends the same conference. If a District employee chooses to not share accommodations, the employee will be responsible for fifty percent (50%) of the room cost.
2. **Transportation:** Lowest total cost and travel time consideration.
  - a. **Personal vehicle use:** Private vehicles will be reimbursed at the current IRS approved mileage rates. In order to minimize transportation costs, carpooling shall be used when possible. If a District employee chooses to not carpool, the employee will be reimbursed at the IRS standard mileage rate multiplied by the number of roundtrip miles and then divided by the number of participants attending the same conference. Mileage is to be calculated to and from the employee's assigned work location (i.e., Santa Ynez Valley Union High School).
  - b. **Airfare:** Restricted to economy fare rates or the equivalent and includes travel to and from departure airport, tolls, parking, and lowest cost shuttle service to and from destination airport to conference location. Allow sufficient time to make 21-day advance purchase in order to obtain best rate.
  - c. **Rental vehicles:** May be used in the economy to standard classification.
3. **Meal reimbursements:** Actual and necessary meal costs within prescribed per diem rates (including gratuities). If a meal is provided as part of a conference registration cost, no amount may be claimed. The following are the meal per diem rates:
  - a. Breakfast: \$11.00
  - b. Lunch: \$17.00
  - c. Dinner: \$28.00
4. **Miscellaneous expenses:** Conference materials, telephone or internet access, and faxes will be reimbursed if attributable to District business. Employees shall be allowed one personal phone call home per day, not to exceed \$3.00 per call per day.

## **Non-Reimbursable Expenses**

Personal expenses incurred while on District business will not be reimbursed. These types of expenses include but are not limited to personal entertainment and all related costs, alcohol or tobacco products, or personal telephone calls in excess of one phone call home per day.

## **METHODS OF PAYMENT**

### **District Credit Card**

Conference registrations, workshop fees, and airfare/transportation may be made by District credit card if authorized by the Superintendent or Business Manager. A purchase order in the name of the credit card company must be completed by the employee and a copy submitted along with the Request to Attend Conference/Workshop Reimbursement and Travel Claim form. All travel arrangements made using the District credit card should be itemized in the Estimated Employee Expenses section of the travel claim form.

### **Advanced Payments**

Conference registration, airfare/transportation, and hotel accommodations may be made by requesting advance payment payable to the employee on the travel claim form. Any request for advance payment shall include itemized cost estimates. Within 10 days after the conference, the employee MUST turn in all itemized receipts for advance payments to the Business Office. In the event of an overpayment by the District to the employee, the employee is required to reimburse the District the difference at the time of submitting the final claim.

### **Personal Credit Card**

After receiving District approval, conference registration, airfare, and hotel accommodations may be made with a personal credit card. All itemized receipts must be attached to the travel claim in order to initiate reimbursement. The District will not authorize reimbursement based upon the credit card statement. Employees shall leave categories blank in the employee expense reimbursement section of the travel claim form for any item/service paid by advance payment. Upon completion of this section, employee shall sign and date form and forward to the principal or their immediate supervisor for final approval of any reimbursement.

Regulation  
Approved: August 21, 2007  
Revised: **July 22, 2008**

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT  
Santa Ynez, California

**E 3350**

Business and Noninstructional Operations

**TRAVEL EXPENSES**

**Request to Attend Conference/Workshop Reimbursement and Travel Claim Form  
Santa Ynez Valley Union High School District**

Travel Claim form **MUST** be approved by the Principal and the Business Office prior to travel arrangements being made. All out-of-state travel must be approved by the Superintendent. After approval, travel claim will be forwarded to the employee for travel arrangements and completion of expense reimbursement section below.

This Travel Claim must accompany all receipts and registration forms: TC #

<b>EMPLOYEE:</b>		<b>CONFERENCE/WORKSHOP:</b>	
<b>SCHOOL/DEPT.:</b>	<b>CONFERENCE LOCATION:</b>	<b>DATES:</b>	
<b>IF SUBSTITUTE IS REQUIRED, INDICATE DATES:</b>	<b>FROM:</b>	<b>TO:</b>	

ESTIMATED EMPLOYEE EXPENSES		FUNDING SOURCES		
MEALS	\$	PROGRAM SPONSORING/DEPT.:		
LODGING ADVANCE CHECK YES <input type="checkbox"/> NO <input type="checkbox"/>	\$	BUDGET CODE (BUSINESS OFFICE ONLY):		
TRANSPORTATION ADVANCE CHECK YES <input type="checkbox"/> NO <input type="checkbox"/>	\$	SUB COSTS TO BE REIMBURSED BY CONF. SPONSOR?	<u>YES</u>	<u>NO</u>
* OTHER	\$	SPONSOR:		
TOTAL	\$	ADDRESS:		
REGISTRATION ADVANCE CHECK YES <input type="checkbox"/> NO <input type="checkbox"/>	\$	PHONE:	DATES TO BE REIMBURSED:	

**\*\* NOTE: Room sharing and carpooling is encouraged by the District when possible. If employee chooses to not room share or carpool (when available), employee will be reimbursed for 1/2 the cost of lodging and reimbursed for mileage at the IRS standard rate multiplied by the number of miles and then divided by the total number of participants attending the same conference (see AR 3350). \*\***

EMPLOYEE SIGNATURE:		DATE:	
<b>APPROVAL</b>			
PRINCIPAL OR SUPERVISOR:		DATE:	
<b>BUSINESS OFFICE APPROVAL</b>			
DISTRICT FISCAL COORDINATOR OR BUSINESS MANAGER:		DATE:	
SUPERINTENDENT (REQUIRED FOR ALL OUT-OF-STATE TRAVEL & NON-CONTRACTED DAYS):		DATE:	

**EMPLOYEE EXPENSE REIMBURSEMENT**

INSTRUCTIONS: Complete within 10 days after conference. \* Attach all required itemized receipts, including those paid by advance payment. Leave categories paid by advance payment blank. Return completed form to principal for final approval. Reimbursement will be issued within 2 weeks after receipt by the Business Office.

	SUN	MON	TUE	WED	THURS	FRI	SAT	TOTAL
DATE								
MEALS: TOTAL PER DAY \$56.00 Brkfst \$11.00 Lunch \$17.00 Dinner \$28.00								
MILEAGE: Number miles ____ x 58.5¢ per mile = _____								
* Taxi, Parking, Bus, Tolls, etc.								
* Other (i.e., pre-approved material exp.)								
* Lodging (hotel-motel)								
* Registration fee								
* Transportation (public carrier)								
DAILY TOTAL								
<b>TOTAL EXPENSES</b>	<b>*ATTACH ALL ITEMIZED RECEIPTS FOR REIMBURSEMENT*</b>							

**FINAL SIGNATURES AFTER CONFERENCE ATTENDANCE**

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_ FINAL APPROVAL: \_\_\_\_\_ Principal/Supervisor \_\_\_\_\_ Date \_\_\_\_\_

## **BP 3350.1**

Business and Noninstructional Operations

### **CREDIT CARD USAGE**

The Governing Board recognizes that occasions arise when vendors will not accept a purchase order. On these occasions, the Governing Board authorizes the use of a District credit card. It will be the responsibility of the Superintendent to ensure that proper controls are in place and that only purchases approved by the Superintendent or Business Manager are made with the District credit card. Items or services purchased with the District credit card must follow District purchasing policies and regulations.

Items or services purchased with a personal credit card for which reimbursement will be claimed may be allowed in limited circumstances. Purchases made on personal credit cards must be pre-authorized in accordance with District purchasing policies and regulations.

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: **August 21, 2007**

Santa Ynez, California

## **AR 3350.1**

Business and Noninstructional Operations

### **CREDIT CARD USAGE**

The Santa Ynez Valley Union High School District Governing Board authorizes the use of a District credit card in those instances where vendors do not accept purchase orders. Only authorized expenditures may be made with the District credit card. Personal credit cards may be used in limited circumstances and must follow District purchasing policies.

#### **District Credit Card Usage**

District credit card purchases may be authorized by the Superintendent or Business Manager and shall conform to the following procedure:

1. Prior to purchasing items or services with the District credit card, the employee shall fill out a purchase order made out to the District credit card company.
2. The name of the company from which the purchase is being made must be listed in the body of the purchase order.
3. Submit the purchase order to Purchasing. The Business Office will give final approval.
4. The employee will receive an approved copy after the purchase order has final approval. The employee may then proceed with the order.

The Superintendent or Business Manager may authorize District credit card use to pay for an employee's District directed travel; a separate purchase order shall be completed to initiate payment to the District credit card company.

In very limited instances, with prior approval by the Superintendent, the District credit card may be taken by employees or Board Members who are traveling on District related business.

## **Personal Credit Card Usage**

Personal credit cards may only be used in limited circumstances. The following District purchasing procedures apply to all personal credit card use:

1. Prior to purchasing items or services, the employee shall fill out a purchase order made out to the employee.
2. The purchase order must contain in the body the name of the company from which the employee will be purchasing the items or services.
3. The employee shall send the purchase order to the Principal or the employee's direct supervisor for first approval. The purchase order must then be approved by the Business Manager or District Fiscal Coordinator.
4. Upon final approval, the purchase order will be forwarded to Purchasing who will notify the employee to proceed with the order.

## **District Credit Card Issuance**

District credit cards will be issued for Board approved expenditures and usage. Maximum limits on the cards are as stated.

Bank credit cards will be issued to the following employees:

<u>Employee</u>	<u>Credit Card Limit</u>
Superintendent	\$5,000
Business Manager	\$10,000

For all District credit cards issued, the cardholders listed above may authorize other employees under their direct supervision the ability to use the credit card for Board approved expenditures. However, such authorization does not relieve the issued cardholder from personal responsibility for proper use of District credit cards.

## **District Credit Card Expenditures**

Expenditures charged to the District credit card must adhere to all of the following:

1. Proper purchasing procedure is followed: expenditures are pre-authorized through a purchase order or travel claim. Under no circumstances will personal or unauthorized expenditures be charged to the District credit card.
2. Absolutely no alcoholic beverages or tobacco products may be purchased.
3. Employees may not use the District credit card to obtain cash.
4. All itemized receipts and the District credit card must be turned into the Business Office within 24 hours or the next business day.
5. Expenditures that exceed the District's credit card limit are prohibited.

## **Personal Credit Card Expenditures for Employee Reimbursement**

Expenditures for school district business charged to an employee's personal credit card must meet the following criteria in order to be reimbursed to the employee:

1. Proper purchasing procedure is followed: expenditures are pre-authorized through a purchase order or travel claim. Under no circumstance will an employee be reimbursed for unauthorized expenditures on the employee's personal credit card.
2. Only appropriate, authorized expenditures will be reimbursed to the employee, including instructional materials and supplies, district approved conferences and relevant travel expenditures, and other items authorized by the Superintendent or Business Manager.
3. All receipts must be turned into the Business Office within 10 days. The receipt must reference the purchase order number or travel claim number.

Regulation

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Approved: **August 21, 2007**

Santa Ynez, California

**BP 3513.3**

Business and Noninstructional Operations

**TOBACCO-FREE SCHOOLS**

The Board of Education recognizes the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for students and staff.

(cf. [4159/4259/4359](#) - Employee Assistance Programs)

(cf. [5131.62](#) - Tobacco)

(cf. [6142.8](#) - Comprehensive Health Education)

(cf. [6143](#) - Courses of Study)

The Board prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property and in district vehicles. (Health and Safety Code [104420](#); Labor Code [6404.5](#); 20 USC [6083](#))

This prohibition applies to all employees, students and visitors at any instructional program, activity or athletic event.

Smoking or use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. (Health and Safety Code [104495](#))

Legal Reference:

**EDUCATION CODE**

[48900](#) Grounds for suspension/expulsion

[48901](#) Prohibition against tobacco use by students

**HEALTH AND SAFETY CODE**

[39002](#) Control of air pollution from nonvehicular sources

[104350-104495](#) Tobacco use prevention, especially:

[104495](#) Prohibition of smoking and tobacco waste on playgrounds

**LABOR CODE**

[6404.5](#) Occupational safety and health: use of tobacco products

**UNITED STATES CODE, TITLE 20**

[6083](#) Nonsmoking policy for children's services

[7111-7117](#) Safe and Drug Free Schools and Communities Act

**PERB RULINGS**

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

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)

Management Resources:

**WEB SITES**

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

California Department of Health Services: <http://www.dhs.ca.gov>

Occupational Safety and Health Standards Board: <http://www.dir.ca.gov/OSHSB/oshsb.html>

Environmental Protection Agency: <http://www.epa.gov>

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: June 21, 1995

Santa Ynez, California

Revised: September 10, 2002, **November 15, 2005**

**AR 3513.3**

Business and Noninstructional Operations

**TOBACCO-FREE SCHOOLS**

**Notifications**

Information about the district's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students and the community. (Health and Safety Code [104420](#))

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

Signs stating "Tobacco use is prohibited" shall be prominently displayed at all entrances to school property. (Health and Safety Code [104420](#))

At each entrance to a building or structure, the Superintendent or designee shall post a sign stating "No smoking" or "Smoking is prohibited except in designated areas" as appropriate. (Labor Code [6404.5](#))

**Enforcement/Discipline**

Any employee or student 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.

(cf. [4118](#) - Suspension/Disciplinary Action)

(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

(cf. [5144](#) - Discipline)

(cf. [5144.1](#) - Suspension and Expulsion/Due Process)

Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave school property
2. Request local law enforcement assistance in removing the person from school premises





## **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 21 USC 81 at any school district workplace. These prohibitions apply before, during and after school hours. A school district workplace is any place where school district work is performed, any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function where students are under district jurisdiction; or during any period of time when an employee is supervising students on behalf of the district or otherwise engaged in district business.

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

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

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

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

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

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

(cf. [4112](#) - Appointment and Conditions of Employment)

(cf. [4212](#) - Appointment and Conditions of Employment)

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

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

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

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

1. The dangers of drug and alcohol abuse in the workplace
2. The district policy of maintaining drug- and alcohol-free workplaces
3. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs

(cf. [4159/4259/4359](#) - Employee Assistance Programs)

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

Legal Reference:

**EDUCATION CODE**

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

**GOVERNMENT CODE**

[8350-8357](#) Drug-free workplace

UNITED STATES CODE, TITLE 20

[7111-7117](#) Safe and Drug Free Schools and Communities Act

**UNITED STATES CODE, TITLE 21**

812 Schedule of controlled substances

**CODE OF FEDERAL REGULATIONS, TITLE 21**

[1308.01-1308.49](#) Schedule of controlled substances

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: December 18, 1989

Santa Ynez, California

Revised/Adopted: September 18, 1996/**December 12, 2006**

## **E 4020**

All Personnel

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

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

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

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

Pursuant to the federal Omnibus Transportation Employee Testing Act 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.

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

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

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

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

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:

Alcoholics Anonymous ----- 688-4304  
Burt Walker, MFCC ----- 688-7779

(cf. 4159 - Employee Assistance Programs)

\_\_\_\_\_  
(Employee Signature)

\_\_\_\_\_  
(Date)

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT  
Santa Ynez, California

December 12, 2006

## GUIDELINES REGARDING GRIEVANCE/COMPLAINTS

A copy of the policies pertaining to Nondiscrimination and Grievance/Complaints has been included in the District Staff Handbook following this page.

Any certificated or classified employee wishing to file a grievance relating to Civil and Legal Rights, should obtain and file a grievance/complaint form with Mark Swanitz, Principal, who has been designated as the Title IX Coordinator for the Santa Ynez Valley Union High School District. Mark Swanitz, Principal and Dr. Lorraine Hope have been designated as the Section 504 Co-Coordinators for the Santa Ynez Valley Union High School District.

Upon receipt of the grievance/complaint form, the Coordinator will investigate the complaint and submit the findings to the Superintendent. The Superintendent will then render a decision based on those findings and communicate those findings back to the griever.

If the griever is not satisfied with the decision of the Superintendent, the matter will then be referred to the Board of Education. The Board of Education, in a timely manner, will render their decision and report this decision to the griever. If the griever is not satisfied with the Board's decision, they then have the option of pursuing the matter through the office of Civil Rights or another lead agency representing Civil Rights' issues.

### **Title IX Coordinator and District 504 Co-Coordinator**

Mark Swanitz  
P.O. Box 398  
2975 E. Hwy 246  
Santa Ynez, Ca. 93460  
805-688-6487 (Ext. 3571)

### **Williams Uniform Complaint Procedure**

Mark Swanitz  
P.O. Box 398  
2975 E. Hwy 246  
Santa Ynez, Ca. 93460  
805-688-6487 (Ext. 3571)

### **Uniform Complaint Procedures Officer**

Dr. Lorraine Hope, Vice Principal  
P.O. Box 398  
2975 E. Hwy 246  
Santa Ynez, Ca. 93460  
805-688-6487 (Ext. 3562)

### **District Liaison for Homeless Students**

Dr. Lorraine Hope, Vice Principal  
P.O. Box 398  
2975 E. Hwy 246  
Santa Ynez, Ca. 93460  
805-688-6487 (Ext. 3564)

### **District 504 Co-Coordinator**

Dr. Lorraine Hope, Vice Principal  
P.O. Box 398  
2975 E. Hwy 246  
Santa Ynez, Ca. 93460  
805-688-6487 (Ext. 3564)

## **BP 4030**

### Personnel

## **NONDISCRIMINATION IN EMPLOYMENT**

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

(cf. [4031](#) - Complaints Concerning Discrimination in Employment)

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

(cf. [4119.11/4219.11/4319.11](#) - Sexual Harassment)

(cf. [4119.41/4219.41/4319.41](#) - Employees with Infectious Disease)

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

(cf. [4117.4](#) - Dismissal)

(cf. [4118](#) - Suspension/Disciplinary Action)

(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

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

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

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

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

Business Manager

Santa Ynez Valley Union High School District

2975 E Hwy 246 (P.O. Box 398)

Santa Ynez CA 93460

Telephone Number: (805) 688-6487

## Other Remedies

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

1. To file a valid complaint with DFEH, the employee must file his/her complaint within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code [12960](#). (Government Code [12960](#))
2. To file a valid complaint directly with EEOC, the employee must file his/her complaint within 180 days of the alleged discriminatory act(s). To file a valid complaint with EEOC after filing a complaint with DFEH, the employee must file the complaint within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier. (42 USC [2000e-5](#))

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

### Legal Reference:

#### **CIVIL CODE**

[51.7](#) Freedom from violence or intimidation

#### **GOVERNMENT CODE**

[11135](#) Unlawful discrimination

[12900-12996](#) Fair Employment and Housing Act

#### **PENAL CODE**

[422.56](#) 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 receiving state financial assistance

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

[1681-1688](#) Discrimination based on sex or blindness, Title IX

#### **UNITED STATES CODE, TITLE 29**

[794](#) Section 504 of the Rehabilitation Act of 1973

#### **UNITED STATES CODE, TITLE 42**

[2000d-2000d-7](#) Title VI, Civil Rights Act of 1964

[2000e-2000e-17](#) Title VII, Civil Rights Act of 1964 as amended

[2000h-2-2000h-6](#) Title IX, 1972 Education Act Amendments

[12101-12213](#) Americans with Disabilities Act

#### **CODE OF FEDERAL REGULATIONS, TITLE 28**

[35.101-35.190](#) Americans with Disabilities Act

[100.6](#) Compliance information

[104.8](#) Notice

## **CODE OF FEDERAL REGULATIONS, TITLE 34**

[106.8](#) Designation of responsible employee and adoption of grievance procedures

[106.9](#) Dissemination of policy

## **COURT DECISIONS**

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

Shepard v. Loyola Marymount (2002) 102 CalApp.4th 837

Management Resources:

## **EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

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

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, March, 1999

## **U.S. DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTS**

Notice of Non-Discrimination, January, 1999

## **WEB SITES**

EEOC: <http://www.eeoc.gov>

OCR: <http://www.ed.gov/offices/OCR>

DFEH: <http://www.dfeh.ca.gov>

## SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: May 20, 1993

Santa Ynez, California

Revised: August 16, 2005/**December 12, 2006**

## **AR 4030**

Personnel

## **NONDISCRIMINATION IN EMPLOYMENT**

Unlawful discrimination or harassment of an individual includes:

1. Slurs, epithets, threats or verbal abuse
2. Derogatory or degrading comments, descriptions, drawings, pictures or gestures
3. Unwelcome jokes, stories, teasing or taunting
4. Any other verbal, written, visual or physical conduct against the individual which:
  - a. Adversely affects his/her employment opportunities, or
  - b. Has the purpose or effect of unreasonably interfering with his/her work performance or creating an intimidating, hostile or offensive work environment

Any employee or job applicant who feels that he/she has been or is being unlawfully discriminated against or harassed should immediately contact his/her supervisor, the nondiscrimination coordinator or the Superintendent in order to obtain procedures for reporting a complaint. Such complaints shall be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment. An employee may bypass his/her supervisor when the supervisor is the alleged offender.

(cf. [4031](#) - Complaints Concerning Discrimination in Employment)

(cf. [4119.11/4219.11/4319.11](#) - Sexual Harassment)

Any supervisor who receives a discrimination/harassment complaint shall immediately notify the nondiscrimination coordinator or the Superintendent, who shall ensure that the complaint is appropriately investigated in accordance with district policy and regulations.

The Superintendent or designee shall ensure that annual training is provided to all employees regarding the issues of discrimination.

Regulation	SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT	
Approved:	May 20, 1993	Santa Ynez, California
Revised:	August 16, 2005/ <b>December 12, 2006</b>	

### **AR 4031**

Personnel

## **COMPLAINTS CONCERNING DISCRIMINATION IN EMPLOYMENT**

### **A. PURPOSE**

It is the District's intent to provide all students, employees, applicants, and contractors with an environment that is free from any form of discriminatory harassment, discrimination or retaliation as defined in this Procedure. This Procedure prohibits harassment or discrimination on the basis of any of the following protected classifications: an individual's race, religion, color, sex, gender identity, sexual orientation (including heterosexuality, homosexuality and bisexuality), ethnic or national origin, ancestry, citizenship status, uniformed service member status, marital status, pregnancy, age, medical condition and physical or mental disability (whether perceived or actual). It is also the policy of the District to provide a procedure for investigating alleged harassment, discrimination and retaliation in violation of this Procedure. The protection from discrimination includes the protection from retaliation on any of the above identified protected classifications against a student or employee for his or her having taken action either as a complainant, or for assisting a complainant in taking action, or for acting as a witness or advocate on behalf of a complainant in a legal or other proceeding to obtain a remedy for a breach of this Procedure.

### **B. POLICY**

The District will not tolerate any conduct that violates this Procedure. Conduct need not rise to the level of a violation of law in order to violate this Procedure. Instead, a single act can violate this Procedure and provide grounds for discipline or other appropriate sanctions. If you are in doubt as to whether or not any particular conduct may violate this Procedure, do not engage in the conduct, and seek guidance from a supervisor, the Business Manager or the Superintendent.

### **C. DEFINITIONS**

#### **1. Protected Classifications:**

This Procedure prohibits harassment or discrimination because of an individual's protected classification(s). "Protected Classification" includes race, religion, color, sex, gender identity, sexual orientation (including heterosexuality, homosexuality and bisexuality), ethnic or national origin, ancestry, citizenship status, uniformed service member status, marital status, pregnancy, age, medical condition and physical or mental disability (whether perceived or actual).

2. **Coverage:**

This Procedure prohibits District employees, volunteers and contractors from harassing or discriminating against students, applicants, employees, volunteers and contractors because: (1) of an individual's protected classification, (2) of the perception that an individual has a protected classification, or (3) the individual associates with a person who has or is perceived to have a protected classification.

3. **Discrimination:**

This Procedure prohibits treating individuals differently because of the individual's protected classification as defined by this Procedure.

4. **Harassment:**

Harassment means unsolicited words or conduct which subjectively and objectively offend another person. Harassment includes, but is not limited to, the following examples of behavior undertaken because of an individual's protected classification:

- a. **Verbal harassment**, such as epithets (nicknames and slang terms), derogatory or suggestive comments, jokes or slurs, including graphic verbal commentaries about an individual's body, or that identify a person on the basis of his or her protected classification. Verbal harassment includes comments on appearance and stories that tend to disparage those of a protected classification.
- b. **Visual forms of harassment**, such as derogatory posters, notices, bulletins, cartoons, drawings, sexually suggestive objects, or e-mails on the basis of a protected classification.
- c. **Physical harassment**, such as assault, touching, impeding or blocking movement, grabbing, patting, propositioning, leering, making express or implied job-related or academic-related threats in return for submission to physical acts, mimicking, taunting, or any physical interference with normal work or movement.
- d. **Sexual harassment**, such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature or any of the above described conduct when:
  - i. Submission to such conduct is either an expressed or implied term or condition of an individual's employment or educational status, or
  - ii. Submission to or rejection of such conduct is used as the basis for educational or employment decisions affecting such individual, or
  - iii. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating a hostile, intimidating or offensive academic or work environment.

- iv. Romantic or sexual relationships between employees and students are prohibited. Romantic or sexual relationships between supervisors and subordinate employees are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. The relationship may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcome sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing.
- v. By definition, sexual harassment is not within the course and scope of an individual's employment with the District.

#### **D. RETALIATION**

Retaliation against a person (and his or her associates) who reports or provides information about harassment or discrimination is strictly prohibited. Any act of reprisal violates this Procedure and will result in appropriate disciplinary action. Examples of actions that might be retaliation against a complainant, witness or other participant in the complaint process include: (1) singling a person out for harsher treatment; (2) lowering a performance evaluation or grade; (3) failing to hire, failing to promote, withholding pay increases, assigning more onerous work, abolishing a position, demotion or discharge; or (4) real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination. Well-intentioned attempts to insulate or protect a complainant by changing his or her work/educational environment or schedule or duties or by transferring the complainant to another office may be retaliatory. Before a supervisor takes such action, the supervisor should contact the Business Manager or the Superintendent.

Any act of retaliation will be treated as a separate and distinct incident, regardless of the outcome of the harassment or discrimination complaint.

#### **E. REPORTING HARASSMENT, DISCRIMINATION OR RETALIATION**

A student applicant, employee, officer, volunteer, official or contractor who feels he or she has been harassed, discriminated against or retaliated against in violation of this Procedure should report the conduct immediately as outlined below so that the complaint can be resolved quickly and fairly.

All employees involved in the complaint process may be represented by a person of their choosing and at their own expense.

##### **1. Object to the Conduct**

Sometimes an individual is unaware that his/her conduct is offensive. In these situations the offensive behavior may be eliminated by simply informing the offender that the conduct or language in question is unwelcome and offensive and request that it be discontinued immediately.

A person who believes he/she is being harassed is encouraged to use this process. When the conduct in question continues after the offending person has been informed, it is offensive, or if a person does not feel comfortable talking to the offending person directly,

the employee should make a report in accordance with subsection 2 below or go directly to the formal reporting process.

## **2. Written Process**

An individual who believes this Procedure has been violated and does not feel comfortable using the process outlined above may provide a written complaint to a teacher or counselor, if the complaint is from a student, supervisor, or any administrator, who in turn must direct the complaint to the Business Manager. Individuals are encouraged to use the Confidential Complaint Form for this purpose.

## **3. Option to Report to Outside Administrative Agencies**

Applicants, employees, officers, volunteers, officials and contractors have the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These governmental agencies offer legal remedies and a complaint process. The nearest offices are listed in the government section of the phone book as well as on posters located on selected District bulletin boards.

# **E. DISTRICT'S RESPONSE TO COMPLAINT OF HARASSMENT, DISCRIMINATION OR RETALIATION**

## **1. Investigation**

Upon receipt of a complaint of alleged harassment, discrimination or retaliation, the Business Manager will be responsible for coordinating a thorough investigation (unless he/she is named in the complaint). The Business Manager may coordinate the investigation with other District administrators and may hire an outside investigator to assist in the investigation. The type of investigation undertaken, and the party chosen to conduct the investigation will depend on the nature of the complaint made and will be determined by the Business Manager. The Business Manager will report the status of investigations to the Superintendent, as appropriate.

The Business Manager, in concurrence with the Superintendent, may take interim action to diffuse volatile circumstances, such as placing the alleged perpetrator on paid administrative leave or temporarily transferring the alleged perpetrator. Generally, no interim action should be taken to change the complaining individual's working conditions unless the complaining individual voluntarily consents to the temporary change.

The investigator will review the complaint allegations in an objective manner and to the extent that the District deems necessary. The investigation will normally include interviews with the reporting individual, the accused, and any other person who is believed to have relevant knowledge concerning the allegations. The investigator will remind all witnesses to maintain the confidentiality of the content of the interview and that retaliation against those who report alleged harassment or who participate in the investigation is prohibited.

The District takes a proactive approach to potential Procedure violations and will conduct an investigation if its officers, supervisors, or administrators become aware that harassment, discrimination or retaliation may be occurring, regardless of whether or not the recipient of the alleged action or a third party reports a potential violation. At the conclusion of the investigation, if it is determined that the alleged conduct did not occur or that it did not violate this Procedure, the Business Manager will notify the complainant and the alleged perpetrator, if appropriate, of the general conclusion(s) of the investigation and whether any further action is warranted.

## **2. Remedial and Disciplinary Action**

If the investigation determines that the alleged conduct occurred and that the conduct violated this Procedure, the District will notify the complainant and perpetrator of the general conclusion(s) of the investigation and take effective remedial action that is designed to end the violation(s). Any employee determined to have violated this Procedure will be subject to disciplinary action, up to and including termination. Disciplinary action may also be taken against any supervisor, manager or administrator who condones or ignores potential violations of this Procedure, or who otherwise fails to take appropriate action to enforce this Procedure. Any contractor or volunteer found to have violated this Procedure will be subject to appropriate sanctions.

## **3. Closure**

At the conclusion of the investigation, the [insert same position title] shall notify the complainant in general terms of the outcome of the investigation.

## **4. Appeal Rights**

If the complainant is dissatisfied with the result of the investigation process, the complainant may present the complaint to the Superintendent or designee within ten days of receipt of the investigator's final report. The Superintendent or designee shall review the investigation file, including the written complaint and all responses from district staff.

The Superintendent or designee shall respond to the complainant in writing within ten working days. If the Superintendent or designee finds it necessary to conduct further investigation, he/she may designate up to ten additional working days for such investigation and shall respond to the complainant in writing within ten days of completing the investigation.

If the complainant is dissatisfied with the result of the Superintendent's (or designee's) decision, the complainant may file a written appeal to the Governing Board within ten working days after receiving the Superintendent/designee's response. The Superintendent or designee shall provide the Board with all information presented at previous levels.

The Board shall hear the matter as soon as practicable. Except as provided by law, any complaint against a district employee shall be conducted in closed session. The Board shall render its decision within ten working days.

The Board may appoint a hearing officer or panel to review the complaint and previous decisions and make recommendations to the Board. The hearing officer/panel shall hear the appeal and render its decision as soon as practicable.

Complainants may appeal the district's action to the California Department of Education. The Superintendent or designee shall ensure that complainants are informed that injunctions, restraining orders and other civil law remedies may also be available to them. This information shall be published with the district's nondiscrimination complaint procedures and included in any related notices. (Education Code 262.3)

#### **4. Confidentiality**

Every possible effort will be made to assure the confidentiality of complaints made under this Procedure. Complete confidentiality cannot occur, however, due to the need to fully investigate potential Procedure violations and take effective remedial action. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by a supervisor or the Business Manager. Any individual who discusses the content of an investigatory interview will be subject to discipline or other appropriate sanction. The District will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or a court order.

### **F. RESPONSIBILITIES OF EMPLOYEES, MANAGEMENT AND SUPERVISORY EMPLOYEES**

#### **1. Employees**

In order to establish and maintain a professional educational and working environment, while at the same time preventing harassment, discrimination, and retaliation, employees are expected to:

- Set an example of acceptable conduct by not participating in or provoking behavior that violates this Procedure. Try not to be angry or insulted if an individual tells you that your behavior is offensive. People have different ethical values and standards and may be offended by behavior you think is proper. Tell the individual you did not realize your behavior was offensive, and immediately cease the conduct.
- Let fellow employees know when you consider behavior offensive. The District hires people from a wide variety of cultural and ethnic backgrounds, and an individual may not realize behavior he or she thinks is proper could be seen by others as offensive.
- Report harassment, discrimination or retaliation as quickly as possible, whether a student or an employee is the target of the conduct or a witness.

- If an employee witnesses harassment, he or she should tell the individual being harassed that the District has a policy prohibiting such behavior, and that he or she can demand that the harasser cease the behavior.
- Maintain confidentiality as required by this Procedure.
- Fully cooperate with the District's investigation of complaints made under this Procedure.

## 2. Supervisors, Managers and Administrators

In addition to the responsibilities listed above, supervisors, managers and administrators are responsible for the following:

- Implementing this Procedure by taking all complaints seriously and modeling behavior that is consistent with this Procedure. Direct all complaints to the Business Manger.
- Take positive steps to eliminate any form of harassment, discrimination or retaliation observed or brought to his/her attention.
- No supervisor, manager or administrator may retaliate through any action of intimidation, restraint, coercion or discrimination.
- Monitoring the educational and work environment and taking appropriate action to stop potential violations of this Procedure.
- Following up with those who have complained to ensure the behavior complained of has ceased.
- Informing complainants of their option to contact the EEOC or DFEH regarding a potential Procedure violation.

## G. MANADATORY TRAINING

As part of its commitment to ensuring a work environment free from harassment and discrimination, the District requires that all of its supervisors, managers and administrators receive training on this Procedure at least once every two years. The Superintendent or designee will schedule training to ensure that employees are able to schedule the mandatory training. Attendance at the training will be documented.

### Legal References:

#### **EDUCATION CODE**

200-262.3 – Prohibition of discrimination

#### **GOVERNMENT CODE**

12920-12921 – Nondiscrimination

12940-12948 – Discrimination prohibited; unlawful practices generally

#### **UNITED STATES CODE, TITLE 42**

[2000d](#) 2000d-7 Title VI, Civil Rights Act of 1964

[2000e](#) - 2000e-17 Title VII, Civil Rights Act of 1964 as amended

[2000h-2](#) - 2000h-6 Title IX, 1972 Education Act Amendments

#### **SECTION 504, REHABILITATION ACT OF 1973**

#### **AGE DISCRIMINATION ACT OF 1975**

#### **AMERICAN WITH DISABILITIES ACT**

Regulation

Approved:

Revised:

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

May 20, 1993

August 16, 2005/**December 12, 2006**

Santa Ynez, California

## **AR 4032**

### Personnel

## **REASONABLE ACCOMMODATION**

### Definitions

Disability, with respect to an individual, is defined as any of the following: (Government Code [12926](#); 29 CFR [1630.2](#))

1. A physical or mental impairment that limits one or more of the major life activities
2. A record of such an impairment
3. Being regarded as having such an impairment

Limits shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics or reasonable accommodations, unless the mitigating measure itself limits a major life activity. (Government Code [12926](#))

Essential functions are the fundamental job duties of the position the individual with a disability holds or desires. The term does not include the marginal functions of the position. (29 CFR [1630.2](#))

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

Reasonable accommodations that an employer may need to provide in connection with modifications to the work environment or adjustments in how and when a job is performed that enable an individual with a disability to enjoy equal employment opportunities include, but are not limited to: (29 CFR [1630.2](#))

1. Making existing facilities accessible and usable
2. Restructuring the job duties
3. Offering part-time or modified work schedules
4. Acquiring or modifying equipment or devices
5. Changing tests, training materials or policies
6. Providing qualified readers or interpreters
7. Reassigning the employee to a vacant position

Qualified individual with a disability means an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position and who, with or without reasonable accommodation, can perform the essential functions of such position. (29 CFR [1630.2](#))

Undue hardship is a determination based on an individualized assessment of current circumstances that shows that a specific reasonable accommodation would cause significant difficulty or expense. A determination of undue hardship should be based on several factors, including: (29 CFR [1630.2](#))

1. The nature and net cost of the accommodation needed, taking into consideration the availability of tax credits and deductions and/or outside funding
2. The overall financial resources of the facility making the reasonable accommodation, the number of persons employed at this facility, the effect on expenses and resources of the facility, or the impact on the operations of the facility
3. The overall financial resources, size, number of employees, and the number, type and location of facilities of the district
4. The type of operation of the district, including the structure and functions of the workforce, the geographic separateness, and the administrative or fiscal relationship of the facility involved in making the accommodation
5. The impact of the accommodation on the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business.

#### Requests for Reasonable Accommodation

The district designates the position specified in BP 4030 - Nondiscrimination in Employment as the coordinator of its efforts to comply with the Americans with Disabilities Act (ADA) and to investigate any and all related complaints.

(cf. [4030](#) - Nondiscrimination in Employment)

(cf. [4031](#) - Complaints Concerning Discrimination in Employment)

When requesting reasonable accommodation, the employee or employee's representative shall inform the employee's supervisor that he/she needs a change at work for a reason related to a medical condition.

When requesting reasonable accommodation during the hiring process, a job applicant shall inform the coordinator that he/she will need a reasonable accommodation for the process.

Employees' requests for reasonable accommodation may first be considered informally by the site administrator. The site administrator shall consult with the coordinator before any decision as to accommodation is made.

When the disability and/or the need for accommodation is not obvious, the coordinator may ask the employee to supply reasonable documentation about his/her disability. In requesting this documentation, the coordinator shall specify the types of information that are being sought about the employee's condition, the employee's functional limitations and the need for reasonable

accommodation. The employee may be asked to sign a limited release allowing the district to submit a list of specific questions to the health care or vocational professional.

If the documentation submitted by the employee does not specify the existence of a qualifying disability and explain the need for reasonable accommodation, the district may require the employee to submit to an examination by a health care professional selected and paid for by the district.

Upon receiving a request to reasonably accommodate a qualified employee with a disability, the coordinator shall:

1. Determine the essential functions of the job
2. Engage in an informal, interactive process with the employee to review the request for accommodation, identify the precise limitations resulting from the disability, identify potential means for providing accommodation, and assess their effectiveness
3. Develop a plan for reasonable accommodation which is effective and allows the employee to perform the essential functions of the job or to gain equal access to a benefit or privilege of employment and does not impose undue hardship on the district

To qualify for a job, an individual shall not pose a significant risk of substantial harm to himself/herself or others in the workplace which cannot be eliminated or reduced by reasonable accommodation. (29 CFR [1630.2](#))

The determination of whether an individual poses a significant risk of substantial harm to himself/herself or others shall be made on a case-by-case basis and shall be based on objective, factual evidence, taking into consideration the duration of the risks, the nature and severity of the potential harm, the likelihood that the potential harm will occur and the imminence of potential harm. (29 CFR [1630.2](#))

The coordinator may confer with the site administrator, the district medical advisor and/or other district staff before making a final decision as to the accommodation.

#### Reasonable Accommodation Committee

The coordinator may appoint a Reasonable Accommodation Committee to review or assist in the development of appropriate plans to reasonably accommodate an employee or qualified job applicant who has requested an adjustment in work duties or environment because of known physical or mental disabilities. The membership of this committee may change on a case-by-case basis. The committee may include:

1. A district administrator
2. A site administrator
3. A medical advisor or rehabilitation specialist
4. A certificated employee

5. A classified employee

Committee members shall be selected on the basis of their knowledge of the relevant issues, including:

1. The specific functions and duties required in the position
2. The physical work environment
3. Available accommodations

At the coordinator's discretion, the employee or applicant requesting accommodation may participate in or be excluded from committee meetings. If the employee or applicant is excluded from committee meetings, the coordinator shall communicate with him/her so that he/she has the opportunity to interact and contribute to planning the reasonable accommodation.

The coordinator shall take steps to ensure the confidentiality of information related to medical conditions.

#### Appeal Process

If the employee or applicant is not satisfied with the decision of the coordinator, he/she may appeal in writing to the Superintendent or designee. This appeal shall be made within 10 working days of receiving the decision and shall include:

1. A clear, concise statement of the reasons for the appeal
2. A statement of the specific remedy sought

The Superintendent or designee shall consult with the coordinator and review the appeal, together with any available supporting documents. The Superintendent or designee shall give the employee or applicant his/her decision within 15 working days of receiving the appeal.

Any further appeal for reasonable accommodation shall be considered a complaint concerning discrimination in employment and may be taken to the Governing Board in accordance with the district's procedure for such complaints.

#### Legal Reference:

##### **CIVIL CODE**

[51](#) Unruh Civil Rights Act

##### **GOVERNMENT CODE**

[12900-12996](#) Fair Employment and Housing Act

##### **UNITED STATES CODE, TITLE 29**

[701-794e](#) Vocational Rehabilitation Act

##### **UNITED STATES CODE, TITLE 42**

[12101-12213](#) Americans with Disabilities Act

##### **CODE OF FEDERAL REGULATIONS, TITLE 28**

[35.101-35.190](#) Americans with Disabilities Act, especially:

[35.107](#) Designation of employee

[36.101-36.608](#) Nondiscrimination on the basis of disability by public facilities

## CODE OF FEDERAL REGULATIONS, TITLE 29

[1630.2](#) Direct threat

### COURT DECISIONS

Colmenares v. Braemar Country Club, Inc., 2003 Cal.LEXIS 1131

Chevron USA v. Echazabal, (2002) 536 U.S. 73, 122 S.Ct. 2045

US Airways, Inc. v. Barnett, (2002) 535 U.S., 122 S.Ct. 1516

Management Resources:

### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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

### WEB SITES

EEOC: <http://www.eeoc.gov>

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

Regulation	SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT	
Approved:	May 20, 1993	Santa Ynez, California
Revised:	<b>August 19, 2003</b>	

### **BP 4040**

Personnel

### EMPLOYEE USE OF TECHNOLOGY

The Governing Board recognizes that technological resources can enhance employee performance by improving access to and exchange of information, offering effective tools to assist in providing a quality instructional program, and facilitating district and school operations. 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 training 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. [6162.7](#) - Use of Technology in Instruction)
- (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 only for purposes related to their employment. Such use is a privilege which may be revoked at any time.

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

Employees should be aware that computer files and communications over electronic networks, including e-mail and voice mail, are not private. These technologies shall not be used to transmit confidential information about students, employees or district operations without authority.

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 of the system, the Superintendent or designee may monitor the district's technological resources, including e-mail and voice mail systems, at any time without advance notice or consent. If passwords are used, they must be known to the Superintendent or designee so that he/she may have system access.

The Superintendent or designee shall establish administrative regulations 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 shall result in a cancellation of the employee's user privileges, disciplinary action and/or legal action in accordance with law, Board policy and administrative regulations.

(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 asked to acknowledge in writing that they have read and understood these policies, regulations and guidelines.

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

In the event that the use of an electronic resource affects the working conditions of one or more employees, the Superintendent or designee shall notify the employees' exclusive representative.

(cf. [4143/4243](#) - Negotiations/Consultation)

Legal Reference:

**EDUCATION CODE**

[51870-51874](#) Education technology

**GOVERNMENT CODE**

[3543.1](#) Rights of employee organizations

**PENAL CODE**

[502](#) Computer crimes, remedies

[632](#) Eavesdropping on or recording confidential communications

**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

**UNITED STATES CODE, TITLE 20**

[6751-6777](#) Enhancing Education Through Technology Act, No Child Left Behind Act, Title II, Part D

Management Resources:

**CDE PUBLICATIONS**

K-12 Network Technology Planning Guide: Building the Future, 1994

**CDE PROGRAM ADVISORIES**

[1223.94](#) Acceptable Use of Electronic Information Resources

**WEB SITES**

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

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

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

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

American Library Association: <http://www.ala.org>

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: **December 12, 2006**

Santa Ynez, California

**AR 4040**

Personnel

**EMPLOYEE USE OF TECHNOLOGY**

**On-Line/Internet Services: User Obligations and Responsibilities**

Employees are authorized to use district equipment to access the Internet or on-line services in accordance with Governing Board policy and the user obligations and responsibilities specified below.

1. The employee in whose name an on-line services account is issued is responsible for its proper use at all times. Employees shall keep account information, home addresses and telephone numbers private. They shall use the system only under their own account number.
2. Employees shall use the system responsibly and primarily for work-related purposes.

(cf. [6162.7](#) - Use of Technology in Instruction)

3. Employees shall not access, post, submit, publish or display harmful or inappropriate matter that is threatening, obscene, disruptive or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, gender, sexual orientation, age, disability, religion or political beliefs.

(cf. [4030](#) - Nondiscrimination in Employment)

(cf. [4031](#) - Complaints Concerning Discrimination in Employment)

(cf. [4119.11/4219.11/4319.11](#) - Sexual Harassment)

4. Employees shall not use the system to promote unethical practices or any activity prohibited by law, Board policy or administrative regulations.
5. Copyrighted material shall not be placed on the system without the author's permission. Employees may download copyrighted material only in accordance with applicable copyright laws.

(cf. [6162.6](#) - Use of Copyrighted Materials)

6. Employees shall not intentionally upload, download or create computer viruses and/or maliciously attempt to harm or destroy district equipment or materials or the data of any other user, including so-called "hacking."
7. Employees shall not read other users' electronic mail or files. They shall not attempt to interfere with other users' ability to send or receive electronic mail, nor shall they attempt to read, delete, copy, modify or forge other users' mail.
8. Users shall report any security problem or misuse of the services to the Superintendent or designee.

(cf. [6163.4](#) - Student Use of Technology)

Regulation SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT  
Approved: **December 12, 2006** Santa Ynez, California

**BP 4111.2/4211.2/4311.2**

Personnel

**LEGAL STATUS REQUIREMENT**

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

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

(cf. [4030](#) - Nondiscrimination in Employment)

(cf. [4111](#) - Recruitment and Selection)

(cf. [4211](#) - Recruitment and Selection)

(cf. [4311](#) - Recruitment and Selection)

Note: Employers may be subject to fines and/or imprisonment if they fail to request evidence of employment eligibility or if they knowingly hire undocumented workers.

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

Legal Reference:

**UNITED STATES CODE, TITLE 8**

1324(a)(b) Immigration and Nationality Act, as amended by Immigration Reform and Control Act of 1986 and Immigration Act of 1990

**CODE OF FEDERAL REGULATIONS, TITLE 8**

[274a.1](#)-a.14 Control of Employment of Aliens

Management Resources:

**WEB SITES**

Immigration and Naturalization Service: <http://www.ins.usdoj.gov>

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT  
Policy Adopted: December 18, 1989 Santa Ynez, California

**BP 4112.2**

Personnel

**CERTIFICATION**

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

(cf. 4111 - Recruitment and Selection)

(cf. 4112.21 - Interns)

(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)

(cf. 4112.23 - Special Education Staff)

(cf. 4113 - Assignment)

(cf. 4116 - Probationary/Permanent Status)

(cf. 4121 - Temporary/Substitute Personnel)

(cf. 5148 - Child Care and Development)

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

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

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

**National Board for Professional Teaching Standards Certification**

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

The Superintendent or designee shall inform all teachers about the program and how to acquire the necessary application and information materials. The Superintendent or designee may provide release time, fee support, a stipend upon completion, or other support to teachers participating in the program contingent upon funding.

Legal Reference:

**EDUCATION CODE**

8360-8370 Qualifications of child care personnel

32340-32341 Unlawful issuance of a credential

35186 Complaints regarding teacher vacancy or misassignment

42647 Drawing of Warrants

44066 Limitations on certification requirements

44200-44405 Teacher credentialing, especially:

44225.6 CTC annual report on availability of teachers

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

44258.9 Monitoring of teacher assignments by county superintendent  
44259 Minimum requirements for teaching credential  
44259.5 Standards for teachers of all students, including English language learners  
44270.3-44270.4 Out-of-state credentials, administrative services  
44274.2-44275.4 Out-of-state credentials  
44275.3 Employment of teachers with out-of-state credentials  
44277 Requirements for maintaining valid credentials  
44278 Credential appeal  
44325-44329 District interns  
44330-44355 Certificates and credentials  
44395-44399 National Board for Professional Teaching Standards  
44464 Period of validity of internship credential  
44468 Early completion of internship program  
44500-44508 Peer Assistance and Review Program for Teachers  
44662 Performance evaluation; Stull Act review  
44735 Teaching as a priority block grant  
44830-44929 Employment of certificated persons; requirement of proficiency in basic skills  
56060-56063 Substitute teachers in special education  
90530 Recruitment Centers

**CODE OF REGULATIONS, TITLE 5**

6100-6125 Teacher qualifications, No Child Left Behind Act  
80001-80674.6 Commission on Teacher Credentialing

**UNITED STATES CODE, TITLE 20**

6311 Parental notifications  
6312 District Title I plan  
6319 Highly qualified teachers  
7801 Definitions, highly qualified teacher

**CODE OF FEDERAL REGULATIONS, TITLE 34**

200.55-200.57 Highly qualified teachers  
200.61 Parent notification regarding teacher qualifications

**COURT DECISIONS**

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

Management Resources:

**CSBA POLICY ADVISORIES**

Teacher Credentialing Commission Eliminates Emergency Permits, August 2003

**COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE**

03-0021 Alignment of Emergency Permits and Credential Waivers with No Child Left Behind

**COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS**

Standards of Quality and Effectiveness for Professional Teacher Induction Programs, March 2002

Standards of Quality and Effectiveness for Professional Teacher Preparation Programs, September 2001

California Standards for the Teaching Profession, July 1997

**U.S. DEPARTMENT OF EDUCATION GUIDANCE**

Improving Teacher Quality State Grants, December 19, 2002

**WEB SITES**

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

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

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

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

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: December 18, 1989

Santa Ynez, California

Revised: **May 16, 2006**

## **AR 4112.2**

### Personnel

## **CERTIFICATION**

### **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](#))

### **Basic Skills Proficiency Test**

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

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 of employment. (Education Code [44830](#))

(cf. [4121](#) - Temporary/Substitute Personnel)

Persons holding a designated subjects/special subjects credential or vocational designated subject credential shall not be required to take the state basic skills proficiency test unless their specific credential requires the possession of a baccalaureate degree. Instead, these persons shall be assessed with district proficiency criteria established by the Board for these credentials, which shall be at least equivalent to the district test required for graduation from high school. (Education Code [44252](#), [44830](#))

Persons holding a designated subjects/special subjects credential or a vocational designated subject credential shall be charged a fee to take the district proficiency test.

### **Out-of-State/Country 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 (CTC).

(cf. [4112.5/4312.5](#) - Criminal Record Check)

To be eligible for a professional clear credential, teachers prepared out of state or out of the country must meet legal requirements for basic skill proficiency, subject matter competence, course completion, and either a fifth-year postsecondary program or an induction program for beginning teachers. (Education Code [44274](#), [44275.3](#), [44275.4](#))

(cf. [4131.1](#) - Beginning Teacher Support/Induction)

### **Emergency Substitute Teaching Permits**

The district may employ, at any grade level, a person with an emergency substitute permit issued by the CTC with the following restrictions:

1. A person with a 30-day emergency substitute permit shall not serve as a substitute for more than 30 days for any one teacher during the school year. (5 CCR [80025](#))
2. A person with an emergency career substitute teaching permit shall not serve as a substitute for more than 60 days for any one teacher during the school year. (5 CCR [80025.1](#))
3. A person with an emergency substitute permit for prospective teachers shall not serve as a substitute for more than 30 days for any one teacher during the school year and not more than 90 days total during the school year. (5 CCR [80025.2](#))
4. A person authorized for day-to-day substitute teaching shall not serve as a special education substitute for more than 20 days for any one teacher during the school year. (5 CCR [80025.4](#))
5. A person with an emergency substitute permit for vocational education shall not serve as a substitute for more than 30 days for any one teacher during the school year. (5 CCR [80025.5](#))

Before employing any person pursuant to 5 CCR [80025](#) or [80025.5](#), the Superintendent or designee shall prepare and keep on file a signed statement of need. The statement of need shall describe the situation or 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 does not meet the district's specified employment criteria. (5 CCR [80025](#), [80025.5](#))

### **Short-Term and Provisional Internship Permits**

Whenever there is a need to fill a classroom immediately based on an unforeseen need, the district may request that the CTC issue a short-term staff permit to an applicant who meets the qualifications specified in 5 CCR 80021. In such cases, the district shall: (5 CCR 80021)

1. Verify that it has conducted a local recruitment for the short-term staff permit being requested

(cf. [4111](#) - Recruitment and Selection)

2. Verify that it has provided the permit holder with orientation to the curriculum and to instruction and classroom management techniques, and has assigned a mentor teacher for the term of the permit

(cf. [4131](#) - Staff Development)

3. Submit written justification for the permit signed by the Superintendent or designee

The district may request that the CTC issue a provisional internship permit to an applicant who meets the qualifications specified in 5 CCR 80021.1 whenever a suitable credentialed teacher

cannot be found after a diligent search. The district shall verify each of the following: (5 CCR 80021.1)

1. That a diligent search has been conducted for a suitable credentialed teacher or suitable qualified intern as evidenced by documentation of the search

(cf. [4112.21](#) - Interns)

The search shall include, but not be limited to, distributing job announcements, contacting college and university placement centers, and advertising in print or electronic media.

2. That orientation, guidance, and assistance will be provided to the permit holder as specified in 5 CCR [80026.5](#)

The orientation shall include, but not be limited to, an overview of the curriculum the teacher is expected to teach and effective instruction and classroom management techniques at the permit holder's assigned level. The Superintendent or designee shall assign an experienced educator to guide and assist each permit holder. (5 CCR [80026.5](#))

3. That the district will assist the permit holder in developing a personalized plan through a district-defined assessment that would lead to subject-matter competence related to the permit
4. That the district will assist the permit holder to seek and enroll in subject-matter training, such as workshops or seminars and site-based courses, along with training in test-taking strategies, and will assist the permit holder in meeting the credential subject-matter competence requirement related to the permit

5. That a notice of intent to employ the applicant in the identified position has been made public

The district shall submit a copy of the agenda item presented at a public Board meeting which shall state the name of the applicant, the assignment in which the applicant will be employed including the name of the school, subject(s), and grade(s) that he/she will be teaching, and that the applicant will be employed on the basis of a provisional internship permit. The district also shall submit a signed statement from the Superintendent or designee that the agenda item was acted upon favorably.

6. That the candidate has been apprised of steps to earn a credential and enroll in an internship program

Regulation

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Approved:

May 16, 2006

Santa Ynez, California

**AR 4112.3**

All Personnel

## **OATH OR AFFIRMATION**

This oath or affirmation is different from the oath or affirmation required of certificated employees as a licensing requirement pursuant to Education Code [44334](#), in which credential

candidates must affirm that they support the Constitution of the United States of America, the Constitution of the State of California, and the laws of the United States and the State of California. Thus, the district should require all employees to take the oath or affirmation required by Government Code [3100-3102](#).

The California Constitution requires that Board members take the same oath; see BB [9224](#) - Oath or Affirmation.

All district employees are declared by law to be disaster service workers and thus shall take the oath or affirmation required for disaster service workers before beginning employment with the district. 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 district employees are subject to disaster service activities as assigned to them by their supervisors or by law. (Government Code [3100-3102](#))

(cf. [3516](#) - Emergencies and Disaster Preparedness Plan)  
(cf. [9224](#) - Oath or Affirmation)

Legally employed noncitizens shall be exempt from taking this oath. (Government Code [3101](#))

At the advice of legal counsel, the Superintendent or designee may exempt an employee from taking the oath if he/she raises a valid religious objection.

The Superintendent, deputy or assistant superintendent, principal or other person authorized in Education Code 60 shall administer the oath or affirmation when a district employee is hired.

In the case of intermittent, temporary, emergency or successive employments, the Superintendent or designee may determine that the oath shall be effective for all successive periods of employment which begin within one calendar year from the date that the oath was subscribed. (Government Code [3102](#))

(cf. [4121](#) - Temporary/Substitute Personnel)

The Superintendent or designee shall file the executed oath or affirmation within 30 days of the date on which it is taken and subscribed. An employee's oath or affirmation may be destroyed five years after the termination of employment. (Government Code [3105](#))

### **Reimbursement of Expenses for Disaster Service Workers**

Whenever an employee seeks compensation or reimbursement of expenses as a disaster service worker, the Superintendent or designee shall ascertain and certify that the employee has taken the oath or affirmation. (Government Code [3107](#))

#### Legal Reference:

#### **EDUCATION CODE**

60 Persons authorized to administer and certify oaths

[44334](#) Oath or affirmation required for credential

[44354](#) Administration of oath required for credential

#### **GOVERNMENT CODE**

[3100-3109](#) Oath or affirmation of allegiance

**CALIFORNIA CONSTITUTION**

Article 20, Section 3 Oath of office

**COURT DECISIONS**

Chilton v. Contra Costa Community College District 55 Cal. App. 3d 544 (1976)

Vogel v. County of Los Angeles (1967) 68 Cal. 2d 18, 22

**SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT**

Santa Ynez, California

Regulation

Approved: October 21, 1998

Revised: **September 11, 2007**

4112.3  
All Personnel

**OATH OR AFFIRMATION**

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

\_\_\_\_\_

(Signature)

(Date)

Certified by:

\_\_\_\_\_

(Person who administers the oath)

(Date)

**BP 4112.6/4212.6/ 4312.6**

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. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)
- (cf. 4115 - Evaluation/Supervision)
- (cf. 4117.4 - Dismissal)
- (cf. 4118 - Suspension/Disciplinary Action)
- (cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
- (cf. 4141/4241 - Collective Bargaining Agreement)
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
- (cf. 9321 - Closed Session Purposes and Agendas)
- (cf. 9321.1 - Closed Session Actions and Reports)

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 OPINIONS**

- Cal. Atty. Gen., Indexed Letter, no. IL 75-73 (June 6, 1975)

ANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: **December 18, 1989**

Santa Ynez, California

Revised: **May 16, 2000**

AR 4112.6/4212.6/4212.6

All Personnel

**PERSONNEL RECORDS**

The Superintendent or designee shall maintain personnel files for all current employees. All personnel files are confidential and shall be available only to the employee, persons authorized by the employee and those authorized by the Superintendent or designee. Official 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.

(cf. [4141/4241](#) - Collective Bargaining Agreement)

The contents of all personnel files shall be kept in strict confidence by any authorized reviewer.

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

(cf. [9011](#) - Disclosure of Confidential/Privileged Information)

(cf. [9321](#) - Closed Session Purposes and Agendas)

(cf. [9321.1](#) - Closed Session Actions and Reports)

Personnel files shall be reviewed and replaced within the shortest time possible. In no case shall a personnel file be left unattended or left unfiled overnight.

### **Placement of Material in Personnel Files**

Any person who places written material or drafts written material for placement in an employee's file shall sign the material and signify the date of placement.

When an employee is asked to sign any material that is to be placed in his/her file, it is with the understanding that his/her signature signifies only that he/she has read the material and does not necessarily indicate agreement with its contents.

Any request by an employee to include materials in his/her personnel file must be approved by the Superintendent or designee.

A certificated employee may initiate a written reaction or response to his/her performance evaluation and that response shall become a permanent attachment to the employee's personnel file. (Education Code [44663](#))

(cf. [4115](#) - Evaluation/Supervision)

### **Derogatory Information**

Information of a derogatory nature shall not be entered into an employee's personnel file unless and until the employee is given notice and an opportunity to review and comment on that information. Such a review shall take place during normal business hours. The employee shall be released from duty for this purpose without a salary reduction. The employee may enter his/her own comments and have them attached to the derogatory statement. (Education Code [44031](#))

(cf. [1312.1](#) - Complaints Concerning District Employees)

(cf. [4117.4](#) - Dismissal)

(cf. [4118](#) - Suspension/Disciplinary Action)

(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

(cf. [5141.4](#) - Child Abuse Prevention and Reporting)

### **File Review by Employee**

The contents of personnel records relating to the employee's performance or to any grievance concerning the employee shall be made available to the employee at reasonable intervals and at reasonable times. The Superintendent or designee shall not be required to make such records

available at a time when the employee is required to render services to the district, unless the employee is required to view the file where it is stored. (Labor Code [1198.5](#); Education Code [44031](#))

The Superintendent or designee shall do one of the following: (Labor Code [1198.5](#))

1. Keep a copy of each employee's personnel records at the place where the employee reports to work
2. Make the employee's personnel records available at the place where the employee reports to work within a reasonable period of time following an employee's request
3. Permit the employee to inspect the personnel records at the location where the district stores the personnel records, with no loss of compensation to the employee

Any employee wishing to inspect his/her personnel record shall contact the Superintendent or designee.

With the exceptions noted below, all personnel records related to the employee's performance or to any grievance concerning the employee shall be made available for inspection by the employee. Noncredentialed employees shall have access to any numerical scores obtained as result of written examinations. (Education Code [44031](#))

The Superintendent or designee shall not be required to make available to the employee: (Labor Code [1198.5](#), Education Code [44031](#))

1. Records relating to the investigation of a possible criminal offense
2. Letters of reference
3. Ratings, reports or records that were obtained prior to the employee's employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination

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

(cf. [4112.62/4212.62/4312.62](#) - Maintenance of Criminal Offender Records)

### **File Review by Management and Board**

Management personnel or district legal counsel with a valid "right to know" or "need to know" may, with the Superintendent or designee's authorization, review an employee's personnel file.

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

Board members are not individually allowed to request and access personnel files but the Board may request pertinent information from an employee's file in cases of personnel action.

Legal Reference:

### **EDUCATION CODE**

[35253](#) Regulations to destroy records

[44031](#) Personnel file contents and inspection  
[44663](#) Performance appraisals and related materials

**GOVERNMENT CODE**

[3305-3306](#) District police officers; personnel files  
[6254.3](#) Disclosure of home address and phone number

**LABOR CODE**

[1198.5](#) Inspection of personnel files

**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 OPINIONS**

Cal. Atty. Gen., Indexed Letter, no. IL 75-73 (June 6, 1975)

Regulation	SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT
Approved:	December 18, 1989 Santa Ynez, California
Revised:	May 16, 2000; <b>September 11, 2007</b>

**BP 4115**

Certificated Personnel

**EVALUATION/SUPERVISION**

Evaluation is a process whereby the effectiveness of the professional staff member is appraised in relation to job-related responsibilities and duties, predetermined district goals and objectives, Governing Board and community expectations, employee competencies, teaching conditions, and district policies, regulations and procedures.

The evaluation shall recognize the worth and needs of the individual evaluated in the total working environment and shall lend direction toward improvement of individual effectiveness.

**Evaluation of Teachers and Other Nonadministrative Professionals**

Professional staff members covered by the terms of an employee agreement shall be evaluated according to its provisions. If there is no provision for evaluation in the agreement, or if there is no agreement, the Superintendent/principal or designee is directed to carry out an evaluation of staff members as required by laws until such an evaluation procedure is negotiated and becomes effective. Publisher's norms established by standardized tests shall not be used in the evaluation. (Education Code 44662 (a-e))

**Evaluation Guidelines**

In the development of guidelines to evaluation certificated personnel the Board shall avail itself of the advice of certificated personnel in assessing certificated competency as it reasonably relates to:

1. The progress of students towards standards of expected achievement at each grade level in each level of study in the district.
2. The instructional techniques and strategies used by the employee.

3. The employee's adherence to curricular objectives.
4. the establishment and maintenance of a suitable learning environment within the scope of the employee's responsibilities.
5. Additional evaluation and assessment guidelines as the Board may develop.

The Board shall develop and adjust guidelines and assessment criteria as it deems necessary.

Legal Reference:

**EDUCATION CODE**

33039 State guidelines for teacher evaluation procedures

35160.5 Requirement of district policies for competency of personnel assigned to evaluate

35171 Availability of rules and regulations for evaluation of performance

44660-44665 Evaluation and assessment of performance of certificated employees

**GOVERNMENT CODE**

3543.2 Scope of representation (re evaluation procedures)

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: December 18, 1989

Santa Ynez, California

**AR 4115**

Certificated Personnel

**EVALUATION/SUPERVISION**

Evaluation and assessment shall be made on a continuing basis at least once a year for probationary personnel and every other year for permanent personnel. Permanent personnel who receive an unsatisfactory evaluation shall be assessed annually until they receive a satisfactory evaluation. (Education Code Section 44664)

The formal evaluation shall be in writing. If the employee is not performing satisfactorily according to the Governing Board's standards, he/she shall be notified in writing of such a fact. In those cases, the Superintendent/principal or designee shall make specific recommendations for improvement of the employee's performance. The employee shall be provided with the assistance necessary to improve his/her performance.

A copy of the evaluation shall be provided to the employee no later than thirty (30) days before the last day of school. The employee shall have the right to respond to the evaluation. The response shall become a permanent attachment to the employee's personnel file. A meeting shall be held between the employee and the evaluator to discuss the evaluation before the last day of school. (Education Code Section 44663)

The Superintendent/principal may require that employees who receive unsatisfactory ratings participate in a program designed to improve areas of performance in order to further student achievement and the district's objectives. (Education Code Section 44664)

**EVALUATION PROCEDURES FOR PROBATIONARY TEACHERS**

1. All probationary teachers shall be evaluated annually.



No permanent certificated employee shall be terminated or given a reduction in hours and wages while any probationary employee or other employee with less seniority is retained to render a service which a permanent is certified and competent to render, except as otherwise provided by law.

In cases of declining enrollment, the percentage of reduction in probationary and permanent certificated personnel shall not exceed the corresponding percentage of student attendance lost.

The Board shall adhere to the notice, hearing and layoff procedures according to law. (Education Codes 44949 and 44955)

Legal Reference:

**EDUCATION CODE**

44949 Dismissal of probationary employees  
44955 Reduction in number of permanent employees  
44955.5 Termination of certificated employees  
44956-55959.5 Rights of employees

**GOVERNMENT CODE**

3543.2 Scope or representation  
11500-11528 Administrative adjudication

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: December 18, 1989

Santa Ynez, California

**BP 4118**

Certificated Personnel

**SUSPENSION/DISCIPLINARY ACTION**

Suspension without pay is applied when an employee's unprofessional conduct is not considered serious enough to warrant dismissal. A permanent certificated employee ay be suspend on grounds of unprofessional conduct. The procedure to be followed in initiating a suspension without pay shall be according to law. (Education Code 44932(b))

A probationary certificated employee hired on or after July 1, 1983 may be suspended without pay for a specified period as an alternative to dismissal. The procedures for such a suspension are set forth in law. (Education Code 44948.3(b))

Noncompliance with Duties and Responsibilities

The Governing Board reserves the right to impose financial penalties for disciplinary reasons. However, where an employee refuses to perform contracted work without acceptable reason, the Superintendent/principal may deduct, without further authorization, wages reasonably related to the time not worked.

The Superintendent/principal or designee shall prepare disciplinary rules for situations most often encountered which provide for progressive penalties including, where appropriate, verbal warning, written warning, transfer, suspension, freezing or reducing annual wages, and dismissal.

Any unexcused absence during the working day shall result in an assessment equal to the ratio of the time/periods missed to the total time/periods offered, times 1/180.

Legal Reference:

**EDUCATION CODE**

44932 Grounds for dismissal of permanent employee

44933 Other grounds for dismissal

44940 Sex offenses and narcotic offenses; compulsory leave of absence

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

44948 Grounds & procedures for dismissal of probationary employees

51530 Advocacy or teaching of communism

**GOVERNMENT CODE**

3543.2 Scope of representation

**CSBE v. FOOTHILL COMMUNITY COLLEGE**, Dist. 52 Cal. App. 3<sup>rd</sup> 150, 155-156, 124 Cal. Rptr. 830 (1975) (“Conduct unbecoming an employee too vague”)

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: December 18, 1989

Santa Ynez, California

**BP 4119.11/4219.11/4319.11**

Personnel

**SEXUAL HARASSMENT**

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

(cf. [4030](#) - Nondiscrimination in Employment)

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

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

(cf. [4131](#) - Staff Development)

(cf. [4231](#) - Staff Development)

(cf. [4331](#) - Staff Development)

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

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

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

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

Any district employee or job applicant who feels that he/she has been sexually harassed, or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately contact his/her supervisor, the principal, district administrator or Superintendent to obtain procedures for filing a complaint. Complaints of sexual harassment shall be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment.

(cf. [4031](#) - Complaints Concerning Discrimination in Employment)

An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

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

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or take other subsequent necessary action. (5 CCR [4964](#)) Any district employee who engages or participates in sexual harassment, or who aids, abets, incites, compels or coerces another to commit sexual harassment against a district employee, job applicant or student, is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

(cf. [4117.4](#) - Dismissal)

(cf. [4118](#) - Suspension/Disciplinary Action)

(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

**EDUCATION CODE**

[200-262.4](#) Prohibition of discrimination on the basis of sex

**GOVERNMENT CODE**

[12900-12996](#) Fair Employment and Housing Act

**LABOR CODE**

[1101](#) Political activities of employees

[1102.1](#) Discrimination: sexual orientation

**CODE OF REGULATIONS, TITLE 5**

[4900-4965](#) Nondiscrimination in elementary and secondary education programs receiving state financial assistance

**UNITED STATES CODE, TITLE 42**

[2000d-2000d-7](#) Title VI, Civil Rights Act of 1964

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

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

**CODE OF FEDERAL REGULATIONS, TITLE 34**

[106.9](#) Dissemination of policy

**COURT DECISIONS**

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

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

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989  
Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998  
Juarez v. Ameritech Mobile Systems, (N.D. Ill.) 746 F.Supp. 798  
Dornhecker v. Malibu Grand Prix Corp., (5th Cir. 1987) 828 F.2d. 307  
Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

**Management Resources:**

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL  
Protecting Students from Harassment and Hate Crime, January, 1999

**WEB SITES**

EEOC: <http://www.eeoc.gov>

OCR: <http://www.ed.gov/offices/OCR>

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: May 20, 1993

Santa Ynez, California

Revised: **November 19, 2002**

**AR 4119.11/4219.11/4319.11**

Personnel

**SEXUAL HARASSMENT**

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 gender, in the work or educational setting, when: (Education Code [212.5](#); 5 CCR [4916](#))

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

Other examples of actions that might constitute sexual harassment, whether committed by a supervisor or any other employee, include but are not limited to:

1. Unwelcome leering, sexual flirtations or propositions
2. Unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments or sexually degrading descriptions

3. Graphic verbal comments about an individual's body, or overly personal conversations or pressure for sexual activity
4. Sexual jokes, stories, drawings, pictures, graffiti, gestures or sexually explicit e-mails
5. Spreading sexual rumors
6. Massaging, grabbing, fondling, stroking or brushing the body
7. Touching an individual's body or clothes in a sexual way
8. Cornering, blocking, leaning over or impeding normal movements
9. Displaying sexually suggestive objects or using sexual computer screen savers
10. 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

#### Notifications

A copy of the Governing Board's policy and this administrative regulation shall: (Education Code [231.5](#))

1. Be displayed in a prominent location in the main administrative building or other area of the school where notices of district rules, regulations, procedures and standards of conduct are posted
2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired

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

3. Appear in any school or district publication that sets forth the schools 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 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
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 the Fair Employment and Housing Department and Equal Employment Opportunity Commission



**AR 4119.42/4219.42/4319.42**

**EXPOSURE CONTROL PANEL FOR BLOODBORNE PATHOGENS**

**Definitions**

Occupational Exposure means “Reasonably anticipated skin, eye, mucous membrane or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee’s duties.” [Title 8, Section 5193(b)]

Exposure Incident means “a specific eye, mouth, other mucous membrane, non-intact skin or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee’s duties.” Parenteral contact means “piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts and abrasions.” [Title 8, Section 5193(b)]

**Exposure Control Plan**

The district’s Exposure Control Plan shall contain at least the following components: [Title 8, Section 5193(c)]

1. A determination of which employees have occupational exposure to blood or other potentially infectious materials.
2. A description of the schedule and method for implementing exposure control requirements, including, but not limited to:
  - a. Universal Precautions (cf. 4119.43 - Universal Precautions);
  - b. Engineering and work practice controls;
  - c. Personal protective equipment;
  - d. Housekeeping schedules;
  - e. Hepatitis B vaccination;
  - f. Post-exposure and follow-up;
  - g. Informing employees about biohazards, including:
    - (1) Labels and signs; and
    - (2) Training.
3. The district’s procedure for evaluating circumstances surrounding exposure incidents.



Legal Reference:

**EDUCATION CODE**

- 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
- 45113 Rules and regulations for classified service in districts not incorporating the merit system
- 45122 Physical examinations
- 45152 Use of personal identification cards to ascertain conviction of crime
- 45169 Employee salary dates
- 45344.5 Demonstrated proficiency in basic reading, writing and mathematics skills
- 49406 Examination for tuberculosis

**GOVERNMENT CODE**

- 3100 et seq. Oaths or affirmation of allegiance for disaster service workers and public employees
- 12940 et seq. Unlawful employment practices

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: December 18, 1989

Santa Ynez, California

**AR 4217.3**

Classified Personnel

**LAYOFF/REHIRE**

The district intends to be fair and equitable when it must reduce staff for lack of funds or lack of work, including the abolishment, reclassification or reorganization of positions. The regulations below are designated to reduce the hardships of a layoff, especially for long-term employees.

**1. Order of Layoff and Reemployment; Determination of Seniority**

Classified employees shall be subject to layoff for lack of work or lack of funds. Whenever a classified employee is laid off, the order of layoff within the class shall be determined by length of service. The employee who has been employed the shortest time in the class, plus higher classes, shall be laid off first. Reemployment shall be in reverse order of layoff. (education Codes 45114, 45298, 45308) (See CSEA Negotiated Contract)

**2. Reemployment Eligibility**

Classified employees laid off because of lack of work or lack of funds are eligible for reemployment within a period of thirty-nine (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 thirty-nine (39) month period. (Education Codes 45114, 45298)

**3. Voluntary Demotion or Voluntary Reduction of Hours**

When employees 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, they shall be granted the same rights as the persons laid off. They shall retain eligibility to be considered for reemployment for an additional period of up to twenty-four

(24) months, provided that the same tests of fitness under which they qualified for appointment to the class are still applicable. The Governing Board shall determine the specific period of eligibility for reemployment on a class-by-class basis. (Education Code 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 time 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 45298)

#### **4. Procedure for Layoff**

Classified employees subject to layoff because of lack of work in the event of a bonafide reduction or elimination of service being performed shall receive notice of the layoff thirty (30) days before the effective date. They shall be informed of their reemployment rights and displacement rights, if any. (Education Code 45117(b))

In cases where specially funded programs expire at the end of any school year, classified employees subject to layoff for lack of fund 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 thirty (30) days before the effective date of the layoff. (Education Code 45117(a))

The district is not bound to provide thirty (30) days notice in the vent 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(a))

#### **5. Reinstatement**

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.

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. He/she must advise the district of his/her decision on later than ten (10) calendar days following notification. If he/she accepts, he/she must report to work no later than two (2) calendar weeks from the vacancy notification date. If he/she declines, he/her name will be removed from the reemployment list and he/she will forfeit all rights to which he/she would otherwise be entitled.

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

A laid-off permanent employee will be reemployed with all rights and benefits accorded to him/he 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.

Laid-off employees, when reemployed, will be placed on the salary step held at the time of layoff. Employees who bumped into a lower class will, when reinstated to their previous class, be placed on the salary step to which they would have progressed had they 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

45101.1 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

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

45186 Limited term employees

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

**Regulation**

**SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT**

**Approved:**

**December 18, 1989**

**Santa Ynez, California**

**AR 4218**

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 his/her 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.

(cf. [4020](#) - Drug and Alcohol-Free Workplace)

- 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 for this purpose.
- 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. A physical or mental disability which 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 the 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 an actual or suspected violation of state or federal law occurring on the job or directly related thereto.
- v. 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 item "s" above, no personnel action shall be taken for any cause which arose before the employee became permanent, nor for any cause which arose more than two years before the date of the filing of the notice of cause unless this cause was concealed or not disclosed by the 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 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 the 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 for the personnel action, as set forth above.
- c. A statement of the specific acts or omissions upon which the causes are based. If a violation of rule, policy, or regulation of the district is alleged, the rule, policy, or regulation violated shall be stated in the recommendation.
- d. A statement of the employee's right to appeal the recommendation and the manner and time within which the 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.

If the Superintendent or designee determines that a permanent classified employee should be dismissed and that his/her continuing in active duty status would present an unreasonable risk of harm to students, staff, or property while proceedings are pending, the Superintendent or designee may order the employee immediately suspended from duty without pay in conjunction with the

recommendation of personnel action. This suspension order shall be in writing and shall state the reasons that the suspension is deemed necessary. The suspension order shall be served upon the employee either personally or by registered or certified mail, return receipt requested, immediately after issuance. Except in cases of emergency when the employee must be removed from the premises immediately, the Superintendent or designee shall give the employee written notice of the proposed recommendation of dismissal at least five calendar days before the effective date of any order of suspension issued in conjunction with a recommendation involving dismissal. This notice shall state that immediate suspension without pay is being considered, the reasons for the proposed dismissal and proposed immediate suspension without pay, materials upon which the proposed action is based, and the employee's right to respond to the Superintendent or designee orally or in writing before the final recommendation and order are issued.

#### 4. Time Limit of Suspension

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

#### 5. Right to Appeal

Within five calendar days after receiving the recommendation of personnel action described above, the employee may 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 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 dismissal, any appeal of the recommendation of dismissal shall also constitute an appeal of the suspension order, and the necessity of the order shall be an issue in the appeal hearing.

If the employee fails to file a notice of appeal within the time specified in these rules, he/she 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. 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. The employee shall be entitled to a public hearing if he/she demands it when the Board is hearing the appeal. The complainant may also be represented by counsel. The procedure entitled "Administrative Adjudication" commencing with Government Code [11500](#) shall not apply to any such hearing before the Board or a hearing officer. Neither the Board nor a hearing officer shall be bound by rules of 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 itself. In any case in which the Board hears the appeal, the Board may use 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, the Board 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 a form that 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 in the proposed decision 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 may 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 item "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 this proposed decision shall be furnished to each party within 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 that were contained in the employee's personnel files and 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 reiterate the language of the pleadings or simply refer to them.

The decision of the Board shall be certified to the Superintendent or designee who recommended the personnel action, and he/she shall enforce and follow this decision. 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. 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 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.

## 10. 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 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](#))

### 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

#### **VEHICLE CODE**

[1808.8](#) Schoolbus drivers; dismissal for safety-related cause

**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)

Regulation

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Approved:

December 18, 1989

Santa Ynez, California

Revised:

**August 17, 2004**

The definition of sexual harassment includes many forms of offensive behavior.  
Department of Fair Employment and Housing

## Sexual Harassment

### ***The Facts About Sexual Harassment***

The *Fair Employment and Housing Act* (FEHA) defines sexual harassment as harassment based on sex or of a sexual nature; gender harassment; and harassment based on pregnancy, childbirth, or related medical conditions. The definition of sexual harassment includes many forms of offensive behavior, including harassment of a person of the same gender as the harasser. The following is a partial list of types of sexual harassment:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Actual or threatened retaliation
- Leering; making sexual gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters
- Making or using derogatory comments, epithets, slurs, or jokes
- Sexual comments including graphic comments about an individual's body; sexually degrading words used to describe an individual; or suggestive or obscene letters, notes, or invitations
- Physical touching or assault, as well as impeding or blocking movements such as a lead, supervisor, manager or agent;
- the employer had no knowledge of the harassment;
- there was a program to prevent harassment; and
- once aware of any harassment, the employer took immediate and appropriate corrective action to stop the harassment.

### ***Filing a Complaint***

Employees or job applicants who believe that they have been sexually harassed may file a complaint of discrimination with DFEH within **one year** of the harassment.

DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If DFEH finds sufficient evidence to establish that discrimination occurred and settlement efforts fail, the Department may file a formal accusation. The accusation will lead to either a public hearing before the Fair Employment and Housing Commission or a lawsuit filed by DFEH on behalf of the complaining party.

If the Commission finds that discrimination has occurred, it can order remedies including:

- Fines or damages for emotional distress from each employer or person found to have violated the law
- Hiring or reinstatement
- Back pay or promotion
- Changes in the policies or practices of the involved employer

Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with DFEH and a Right-to-Sue Notice has been issued.

For more information, see publication DFEH-159 "Guide for Complainants and Respondents."

For more information, contact DFEH toll free at **(800) 884-1684** Sacramento area & out-of-state at **(916) 478-7200**

TTY number at **(800) 700-2320** or visit our Web site at [www.dfeh.ca.gov](http://www.dfeh.ca.gov)

*In accordance with the California Government Code and ADA requirements, this publication can be made available in Braille, large print, computer disk, or tape cassette as a disability-related reasonable accommodation for an individual with a disability. To discuss how to receive a copy of this publication in an alternative format, please contact DFEH at the numbers above.*

**State of California**

Department of Fair Employment & Housing  
DFEH-185 (11/07)

## **PROFESSIONAL GROWTH REQUEST PROCEDURES**

Santa Ynez Valley Union High School District

1. Submit form **PRIOR** to taking class or attending conference or workshop. Allow ample time for Professional Growth Committee to meet, make a decision, and notify you of approval/denial prior to the start of the class, conference or workshop.
2. After Professional Growth Committee has met, you will receive a copy of your Professional Growth request indicating whether your request was approved or denied.
3. If the professional growth is for a workshop or conference please request official verification from the presenter before leaving the workshop or conference (i.e. a memo signed by the presenter).
4. Units for professional growth will not be posted until official verification has been received in the District Office (an original memo signed by the presenter for attendance at a workshop or conference, an official grade report from the college or an official transcript).

**NOTE: If you receive reimbursement from the District for fees, mileage, meals, lodging, or any related expenses, you cannot receive Professional Growth credit.**

## **2011/2012 PROFESSIONAL GROWTH DEADLINES**

Santa Ynez Valley Union High School District

**Deadlines for submitting Professional Growth Unit requests for the 2010/2011 school year will be as follows:**

Monday, September 15, 2011  
Wednesday, November 12, 2011  
Monday, January 20, 2012  
Monday, March 23, 2012  
Monday, May 11, 2013

**A REMINDER:** Requests for Professional Growth Units are to be submitted to the District Office prior to registering for the class/workshop.

## **2011/2012 PROFESSIONAL GROWTH COMMITTEE**

Paul Turnbull  
Mark Swanitz  
Tory Babcock  
Sharon Ferrer  
Vicki Storey

**BP 4131.51**

Certificated Personnel

**PROFESSIONAL GROWTH - OPTIONAL**

The Board recognizes that it shares with its professional staff the responsibility for the improvement of instruction and curriculum through continual education. Professional growth credit will be granted to certificated staff members who successfully complete course work under the direction and approval of the Superintendent. The credit granted to the staff member for course work completed will be assigned to the salary schedule approved by the Board of Trustees.

The Superintendent will appoint a Professional Growth Committee to establish guidelines, review, and approve request forms for the advancement on the salary schedule by certificated staff members.

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: September 17, 1992

Santa Ynez, California

**AR 4131.51**

Certificated Personnel

**PROFESSIONAL GROWTH - OPTIONAL**

The intent of this Administrative Regulation on Professional Growth is to establish and clarify criteria for the granting of professional growth credit for certificated staff of Santa Ynez Valley Union High School District.

Category A: Includes courses from accredited colleges, universities, extension courses, masters and doctoral programs and credit programs.

1 semester unit – 15 hours of class

Category B: Includes workshops, junior college courses, correspondence courses, and institutes. In-house staff development instruction may be accepted by the committee. Courses must be in areas relating to teaching assignment.

1 semester unit – 30 hours of attendance

If the employee pays for course work, credit will be evaluated for approval. If the employee receives reimbursement from the district for fees, mileage, meals, lodging, or any related expenses, the employee cannot receive professional growth credit.

Professional growth credit will be granted for work completed in the assigned instructional areas only. Extra curricular clinics and workshops will not receive professional growth credit.

Mentor teachers using their own funds to take classes will be granted credits, if approved by committee.



## Salary Schedule

For each unit an employee completes, they will receive one hundred thirty dollars (\$130.00) per year.

### Regulation

Approved:

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT  
October 4, 1994

Santa Ynez, California

### BP 4154/4254/4354

All Personnel

## INSURANCE/HEALTH AND WELFARE BENEFITS

The district shall provide health and welfare benefits for certificated and classified employees in bargaining units. Benefits will be provided in accordance with negotiated employee agreements.

Benefits for employees who are not in bargaining units shall be the same unless otherwise specified in Board policy of individual contract.

The district shall insure all employees for indemnity and job-related liability. (Education Code 35208)

(cf. 3530 – Insurance Management)

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

### Retired Certificated Employees

The district health insurance program (including dental care benefits) shall be available to retired former certificated employees and their spouses, and to the spouses of certificated employees who died while employed by the district.

Coverage under this program will continue only as long as the retiree reimburses the district quarterly for the premium paid the insurance carrier. Retirees who fail to make this payment will not longer be eligible for the program.

### 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

45135 Benefits for classified

#### **GOVERNMENT CODE**

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

**Regulation** **SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT**  
Approved: December 18, 1989 Santa Ynez, California

**AR 4154/4254/4354**  
All Personnel

## **INSURANCE/HEALTH AND WELFARE BENEFITS**

If they so choose, district employees may retain health insurance coverage when they retire, reduce their working hours or are released from employment. Continued coverage through the district shall also be made available to an employee's spouse and dependents upon the employee's death, separation or divorce, eligibility for Medicare or upon termination of a child's dependent status under the district health insurance program. Employees who are fired for gross misconduct may not retain health insurance coverage.

Persons who choose to retain health insurance coverage shall be charged the full costs of coverage within legal limits. Those who have reduced their working hours or who have been released from employment may retain the coverage for no more than eighteen (18) months. All other qualifying persons may retain the coverage for no more than thirty-six (36) months. Coverage will end if the employee or beneficiary (1) fails to pay the insurance premium; (2) secures health insurance coverage through subsequent employment or remarriage; or (3) becomes eligible for Medicare benefits.

### **Disability Applicants**

Notice of state disability insurance rights and benefits shall be given to each new employee and to each employee leaving work due to pregnancy or non-occupational sickness or injury. (Unemployment Insurance Code Section 2613)

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 Section 7008)

### **Retired Certificated Employees**

Enrollment periods and insurance coverage rates for retired certificated employees shall comply with the provisions of Education Code Sections 7000 and 7001.

The insurance shall provide full benefits for retired employees up to the age at which they become eligible for Medicare/Medicaid, and afterward shall cover only those eligible expenses not covered by Medicare/Medicaid or other health insurance programs.

Retired certificated employees and their spouses who choose to participate in the district health (and dental) insurance program shall be charged the full costs for benefits coverage.

**Regulation**  
Approved:

**SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT**  
December 18, 1989

**Santa Ynez, California**

**E 4154/4254/4354**

**INSURANCE/HEALTH AND WELFARE BENEFITS**

	<u>Responsibility</u>	<u>Timeline</u>
Plan Administrator	Provide written notice to all employees of coverage under COBRA	At commencement of coverage
District	Notify Plan Administrator of employee death, termination, retirement, Medicare eligibility or reduction in hours	Within 30 days of event
Plan Administrator	Notify employee/beneficiary of option to elect continued health coverage	Within 14 days
Employee/Beneficiary	Elect to accept or refuse continuation coverage	60 days
Employee/Beneficiary	Notify Plan Administrator of a divorce, legal separation or termination of a child's dependent status	Upon occurrence

December 18, 1989

**BP 4158**  
**Personnel**

**EMPLOYEE SECURITY**

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

(cf. 3515 - School Safety and Security)  
(cf. 5131.4 - Campus Disturbances)

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

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

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

(cf. 5141 - Health Care and Emergencies)

Employees may not carry or possess pepper spray on school property or at school activities. On a case-by-case basis, however, the Superintendent or designee may allow the possession of a pepper spray weapon that meets the requirements of Penal Code 12403.7 when justified by unusual dangerous circumstances. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.

(cf. 4118 - Suspension/Disciplinary Action)

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

Legal Reference:

**EDUCATION CODE**

32210-32212 Willful disturbance, public schools or meetings

32225-32226 Communication devices

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

35205 Contract for legal services

35208 Liability insurance

35213 Reimbursement for loss, destruction or damage of school property

44014 Report of assault by pupil against school employee

44807 Duty concerning conduct of students

48900 Grounds for suspension or expulsion

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

48904 Parental liability

48905 Injury or damage to person or property of school district employee; request for legal action

49079 Notification to teacher; student who has engaged in acts constituting grounds for suspension or expulsion

49330 Definition of injurious object

49331 Removal of injurious object from possession of pupil by designated employee

**GOVERNMENT CODE**

995-996.4 Defense of public employees

3543.2 Scope of representation

**PENAL CODE**

71 Threatening public officers and employees and school officials

240 Definition of assault  
241.2 Assault on school or park property against any person  
241.3 Assault against school bus drivers  
241.6 Assault on school employee includes board member  
242 Definition of battery  
243 Battery; definition of "injury" and "serious bodily injury"  
243.2 Battery on school or park property against any person  
243.3 Battery against school bus drivers  
243.6 Battery against school employee includes board member  
245.5 Assault with deadly weapon; school employee includes board member  
290 Registration of sex offenders  
601 Trespass by person making credible threat  
626.9 Gun-Free School Zone Act of 1995  
626.10 Exceptions to bringing weapons on school grounds  
646.9 Stalking  
12403.7 Weapons approved for self defense

#### **CIVIL CODE**

51.7 Freedom from violence or intimidation

#### **CODE OF CIVIL PROCEDURE**

527.8 Workplace violence safety act

#### **WELFARE AND INSTITUTIONS CODE**

827 Juvenile court proceedings; reports; confidentiality

828.1 District police or security department, disclosure of juvenile records

### SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: December 18, 1989

Santa Ynez, California

Revised/Adopted: **August 19, 1998**

#### **AR 4158**

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)

(cf. 5131.7 - Weapons and Dangerous Instruments)

Employees shall promptly report to their principal or other immediate supervisor any attack, assault or physical threat made against them by a student.

Both the employee and the principal or other immediate supervisor shall promptly report such instances to the appropriate local law enforcement agency. (Education Code 44014)

In addition, employees shall promptly report to their principal or supervisor, and may report to law enforcement, any attack, assault or threat made against them on school grounds by any other individual.

(cf. 3515.2 - Disruptions)

Reports of attack, assault or threat also shall be forwarded immediately to the Superintendent or designee.

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)

(cf. 3515.4 - Recovery for Property Loss or Damage)

### **Notice Regarding Student Offenses Committed While Under School Jurisdiction**

The Superintendent or designee shall inform the teacher of any student in his/her class who has engaged in, or is reasonably suspected of, any act during the previous three years which could constitute grounds for suspension or expulsion under Education Code 48900, with the exception of the possession or use of tobacco products. This information shall be based upon written district records or records received from a law enforcement agency. Teachers shall keep the information confidential. (Education Code 49079)

### **Notice Regarding Student Offenses Committed While Outside School Jurisdiction**

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)

Any court-initiated information that a teacher, counselor or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)

When a student is removed from school as a result of his/her offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to public school. If the student is returned to a different district, the Superintendent shall transmit the information provided by the student's parole or probation officer to the Superintendent of the new district of attendance. (Welfare and Institutions Code 827)

Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first; it shall then be destroyed. (Welfare and Institutions Code 827)

### **Procedures to Maintain Confidentiality of Student Offenses**

In order to maintain confidentiality when providing information about student offenses to counselors and teachers of classes/programs to which a student is assigned, the principal or designee shall send the staff member a written notification requesting him/her to review a

student's file in the school office. This notification shall not name or otherwise identify the student. The staff member shall be asked to initial the notification and return it to the principal or designee.

The staff member shall also initial the student's file when reviewing it in the school office. Once the district has made a good faith effort to comply with the notification requirement of Education Code 49079 and Welfare and Institutions Code 827, an employee's failure to review the file may be construed as a waiver of the district's liability.

(cf. 5125 - Student Records)

(cf. 5145.1 - Privacy)

### **Use of Pepper Spray**

Employees who possess pepper spray on school property shall be notified of the following conditions:

1. The pepper spray shall be used only in self-defense.
2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the district and, in accordance with law, a fine and/or imprisonment.
3. The employee shall ensure that the pepper spray is stored in a secure place and not accessible to students or other individuals. An employee who is negligent in the storage of pepper spray may be subject to disciplinary action.

Employees wishing to carry pepper spray on school property or to a school-related activity shall submit to the Superintendent or designee a written request setting forth the need for the pepper spray. Should the Superintendent or designee determine that the employee may not carry pepper spray, the employee shall receive a written statement of the reason for this determination.

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Regulation Approved: December 18, 1989

Santa Ynez, California

Revised/Approved: **August 19, 1998**

### **BP 4159/4259/4359**

All Personnel

### **EMPLOYEE ASSISTANCE PROGRAMS**

It is the purpose of this policy to provide an opportunity for all employees to obtain confidential assistance in resolving personal and/or work-related problems as the need arises. Further, while there is no intent to intrude upon employees' private lives, it is appropriate when there are indications of declining performance, attendance problems, or on-the-job behavioral problems, that supervisors consult with the Superintendent/principal or designee to explore the existence and resolution of such problems.

Legal Reference:

**EDUCATION CODE**

35160 Authority of Governing Board

44962 Leaves of absence for certificated employees  
44964 Power to grant leaves of absences for accident, illness or quarantine  
45190-45209 Resignations and leaves of absence for classified employees

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: December 18, 1989 Santa Ynez, California

**BP 4261.1**

Classified Personnel

**PERSONAL ILLNESS AND INJURY LEAVE**

Each full-time employee is entitled to twelve (12) days' personal illness or injury leave of absence per fiscal year, with full pay. Full-time employees who serve less than a full fiscal year shall be granted a prorated share of the twelve (12) days' leave, and part-time employees shall be granted comparable sick leave in proportion to the time employed. (Education Code 45191)

Credit for sick leave does not have to be accrued before an employee takes a sick leave. Such leave may be taken at any time during the year. However, new employees shall not be entitled to more than six (6) days of sick leave until they have completed six (6) months of active service with the district.

Unused days of sick leave shall be accumulated from year to year without limitation.

The Governing Board shall establish regulations requiring proof of illness or injuries reported by employees and specifying procedures by which such verification shall be made. (Education Code 45191)

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 45202)

**Sick Leave Beyond Twelve Days**

After an employee has exhausted his/her sick leave, vacation, compensatory overtime and other available paid leave, he/she shall receive his/her regular salary minus the amount paid to a substitute employed to fill the position, for a period of five months or less.

After a permanent employee has exhausted all available sick leave, vacation, compensatory overtime and any other paid leave, he/she may be granted a leave of absence because of nonindustrial accident or illness for a period not to exceed six months. The Board may renew this leave for two additional six-month periods or for lesser periods. Total leave so allowed shall not exceed 18 months. (Education Code 45195)

Legal Reference:

**EDUCATION CODE**

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

AR 4261.1  
Classified Personnel

### **PERSONAL ILLNESS AND INJURY LEAVE**

Full-time classified employees are entitled to 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. [4161/4261](#) - Leaves)  
(cf. [4161.9/4261.9/4361.9](#) - 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](#))

An employee who does not complete a given year of service shall 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 [45191](#))

At the beginning of each school year, employees shall be notified of the amount of sick leave they have accumulated.

A classified employee who leaves the district after at least one year of employment and accepts employment in another district or county office of education within one year shall have transferred with him/her the total amount of accumulated sick leave. This provision shall not apply to employees whose employment is terminated due to action initiated by the district for cause. The district shall not require new employees to waive their leave accumulated in a previous district. (Education Code [45202](#))

(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

#### **Sick leave may be used by a classified employee for:**

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 [45199](#))

2. Absences due to pregnancy, childbirth and recovery (Education Code [45193](#))  
(cf. [4161.8/4261.8/4361.8](#) - Family Care and Medical Leave)
3. Cases of personal necessity (Education Code [45207](#))  
(cf. [4161.2/4261.2/4361.2](#) - Personal Leaves)
4. Cases of industrial accidents or illnesses when leave granted specifically for that purpose has expired (Education Code [45192](#))  
(cf. [4261.11](#) - Industrial Accident/Illness Leave)
5. Illness of the employee's child, parent, 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](#))

An employee shall notify the district of his/her need to be absent as soon as such need is known, so that substitute services 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 so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district by not later than 3 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.

### **Sick Leave Beyond 12 Days**

Each year, regular classified employees shall be credited with 100 working days of paid sick leave, including those current-year and accumulated days for which the employee is entitled to full pay. This paid sick leave shall be exclusive of any other paid leave, holidays, vacation or compensatory time to which the employee may be entitled. When the current-year and accumulated days at full pay are exhausted, the remainder of the 100 days shall be compensated at 50 percent of the employee's regular salary. Any such days of leave not used during the year in which they are credited shall be forfeited and shall not accumulate from year to year.

After a permanent employee who is absent because of nonindustrial accident or illness has exhausted all available sick leave, vacation, compensatory overtime and any other paid leave, 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 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](#))

## 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 Superintendent or designee may, at any time, require additional written verification by the employee's physician or 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 clear evidence indicates that an absence is not related to illness or injury.

The Superintendent or designee may require an employee to visit a physician selected by the district and 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 further 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, 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 may be asked to submit a letter from his/her physician stating that he/she is able to return and stipulating any recommended restrictions or limitations.

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

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

### Legal Reference:

#### **EDUCATION CODE**

[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**

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

#### **Regulation**

#### **SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT**

**Approved:** December 18, 1989

**Santa Ynez, California**

**Revised:** **October 18, 2005**

#### **AR 4261.11**

Classified Personnel

## **INDUSTRIAL ACCIDENT AND ILLNESS LEAVE**

When a classified employee is absent from his/her duties because of an industrial accident or illness, the following rules apply:

1. Allowable leave for any single accident or illness shall be sixty (60) days in any one fiscal year.

2. Allowable leave shall not accumulate from year to year.
3. Industrial accident or illness leave shall start on the first day of absence.
4. 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.
5. 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.
6. When an industrial accident or illness leave occurs at a time when the full sixty (60) days 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 Section 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.
7. 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.
8. 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 re-employment list for a period of thirty-nine (39) months. When available, during the thirty-nine (39) month period, the employee shall be employed in a vacant position in the class of the employee's previous assignment over all other available candidates except for a re-employment 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.
9. 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.
10. 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.

Legal Reference:

**EDUCATION CODE**

45191 Leave of Absence for Illness or Injury

45192 Industrial Accident and Illness Leaves for Classified Employees

**Regulation  
Approved:**

**SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT  
December 18, 1989  
Santa Ynez, California**

## **BP 4161.2**

Personnel

### **PERSONAL LEAVES**

#### **Personal Necessity**

Certificated employees may use no more than seven days of their accrued sick leave during each contract year for reasons of personal necessity as identified in administrative regulations. (Education Code 44981)

The Superintendent or designee shall establish regulations requiring proof of personal necessity reported by employees and specifying the means by which such verification shall be made. (Education Code 44981, 45207)

#### **Substitute Leave Credit**

The Board, believing that students are better served by their regularly assigned teacher, offers certificated staff accumulated sub credit release time up to two days maximum each school year, or \$35.00 for a hundred (100) minute class or \$25.00 for a sixty (60) minute class. A teacher may choose to receive payment for period substitution or accumulate credit in direct proportion to minutes covered as a substitute not to exceed a maximum of two days. After the two-day maximum, is reached, all period substitute will be paid in the amount outlined above

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: January 20, 1994

Santa Ynez, California

Revised/Adopted: **October 19, 1999**

## **AR 4161.2**

All Personnel

### **PERSONAL LEAVES**

Whenever possible, employees shall request personal leaves in advance and prepare suitable lesson plans or instructions for a substitute employee.

#### **Bereavement**

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194)

Members of the immediate family shall include: the mother, father, grandmother, grandfather, or a grandchild of the employee or of the employee's spouse; the employee's spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister; or any relative living in the employee's immediate household. (Education Code 44985, 45194)

At the employee's request, bereavement leave may be extended under personal necessity leave provisions. (Education Code 44981, 45207)

## **Personal Necessity**

Employees may use up to seven days of their accrued sick leave during each contract year for reasons of personal necessity. (Education Code 44981, 45207)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207)

2. An accident involving the employee's person or property or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)

3. A serious illness of a member of the employee's immediate family

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

4. Required court appearance of an employee

5. Fire, flood, or other immediate danger to the home of the employee

6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, no such leave shall be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a request reflects true personal necessity.

The employee shall request advance permission for personal necessity leave, except in urgent situations such as the death or serious illness of a member of the immediate family or an accident involving the employee's person or property or the person or property of a member of the immediate family.

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

## **Personal Leave for a Child's School Activities**

Any employee who is a parent, guardian or grandparent having custody of one or more children in grades K-12, or attending a licensed day care facility, may use up to 40 hours of personal leave, vacation or compensatory time off each school year in order to participate in school or day care activities. Such leave shall not exceed eight hours in any month of the school year, and the employee shall give reasonable advance notice of the absence. (Labor Code 230.8)

(cf. 1240 - Volunteer Assistance)

If both parents of a child are employed at the same work site, this leave shall be allowed for the first parent who applies; simultaneous absence by the second parent may be granted by the Superintendent or designee. (Labor Code 230.8)

The employee shall use existing vacation, personal leave or compensatory time off for purposes of this leave, unless otherwise provided by a collective bargaining agreement entered into before and in effect on January 1, 1995. (Labor Code 230.8)

Upon request, the employee shall provide documentation from the school or licensed day care facility to prove that he/she participated in school or licensed day care facility activities at the time of the leave. (Labor Code 230.8)

### **Legal and Civic Duties**

Employees shall be granted leave with pay to appear in court as jurors and may be granted leave to appear in court as witnesses other than litigants. (Education Code 44036, 44037)

The employee shall turn over to the district any jury or witness fees received. (Education Code 44036)

Notices, summons and subpoenas for court appearances shall be submitted to the district office when requesting leave.

Employees shall be granted up to 20 days of paid leave per year for service performed within the state on any boards, commissions, committees or groups authorized by Education Code 44987.3, provided that the service is in the state of California, the organization informs the district in writing of the service and the organization reimburses the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs. (Education Code 44987.3)

### **Religious Leave**

The Superintendent or designee shall deduct the cost of a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee, as long as such leaves do not cause additional district expenditures, the neglect of assigned duties or any other unreasonable hardship on the district.

### **Discretionary Leave/Substitute Leave Credit**

Every employee shall be allowed one (1) paid discretionary day each school year, and this day shall be counted as one (1) of the seven (7) days per year allowed for personal necessity leave.

In addition, employees who have accumulated substitute credit may consider this time as discretionary paid leave, up to a maximum of two days per school year, and this leave shall not be considered as part of the seven (7) days per year allowed for personal necessity leave. These day(s) must have prior approval by the Superintendent or designee, and may not be taken during the last week of school.

1. Request for personal leave shall be submitted on a district leave request form. Unless an emergency, the request must be submitted at least three (3) days in advance to the Superintendent or designee.

2. On rare occasions, the requests for leave may be of such a highly personal or private nature that the staff members should not be expected to divulge the reason for the request in writing. In such a circumstance, the request can be made in a private meeting with the Superintendent or designee, and the nature of the request will remain confidential.

### **Legal Reference**

#### **EDUCATION CODE**

44036-44037 Leaves of absence for judicial and official appearances  
44963 Power to grant leaves of absence (certificated)  
44981 Leaves of absence for personal necessity (certificated)  
44985 Leave of absence due to death in immediate family (certificated)  
44987.3 Leave of absence to serve on certain boards, commissions, etc.  
45190 Leaves of absence and vacations (classified)  
45194 Bereavement leave of absence (classified)  
45198 Effect of provisions authorizing leaves of absence  
45207 Personal necessity (classified)

#### **LABOR CODE**

230.8 Leave to visit child's school

#### **CALIFORNIA CONSTITUTION**

Article 1, Section 8 Religious discrimination

#### **UNITED STATES CODE, TITLE 42**

2000d - 2000d-7 Title VII, Civil Rights Act of 1964

#### **COURT DECISIONS**

Rankin v. Commission on Professional Competence (1988) 24 Cal. 3d 167

Regulation	SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT	
Approved:	December 18, 1989	Santa Ynez, California
Revised:	January 24, 1994, December 11, 1996, <b>October 19, 1999</b>	

### **BP 4161.8**

Personnel

#### **FAMILY CARE AND MEDICAL LEAVE**

The Governing Board shall grant family care and medical leave to eligible employees in accordance with current state and federal law. Employees taking this leave shall be reinstated in the same or a comparable position upon returning from family care leave, except as allowed by law.

Employees who take medical leave for their own serious health condition shall present certification from their health care provider to the effect that they are able to resume work.

(cf. 4030 - Nondiscrimination in Employment)  
(cf. 4112.4/4212.4/4312.4 - Health Examinations)  
(cf. 4161/4261 - Leaves)  
(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)  
(cf. 4261.1 - Personal Illness/Injury Leave)

Legal Reference:

**GOVERNMENT CODE**

12940 Unlawful employment practices

12945 Pregnancy; childbirth or related medical condition; unlawful practice

12945.1-12945.2 California Family Rights Act

19702.3 Family care leave; exercise of rights

**CODE OF REGULATIONS, TITLE 2**

7291.2 -7291.16 Sex discrimination: pregnancy and related medical conditions

7297.0-7297.11 Family care leave

**UNITED STATES CODE, TITLE 29**

2601 - 2654 Family and Medical Leave Act of 1993

**CODE OF FEDERAL REGULATIONS, TITLE 29**

825 Family and Medical Leave Act of 1993

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: **June 17, 1998**

Santa Ynez, California

**AR 4161.8**

Personnel

**FAMILY CARE AND MEDICAL LEAVE**

The district shall not refuse to hire and shall not discharge, fine, suspend, expel or discriminate against any employee because he/she exercises the right to family care leave or because he/she gives information or testimony related to his/her or another person's family care leave in an inquiry related to family leave rights. (29 USC 2615; Government Code 12945.2)

**Definitions**

"Child" means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis as long as the child is under 18 years of age or an adult dependent child. (29 USC 2611; Government Code 12945.2)

"Parent" means a biological, foster or adoptive parent, a stepparent, a legal guardian, or another person who stood in loco parentis to the employee when the employee was a child. (29 USC 2611; Government Code 12945.2)

"Instructional employee" means an employee whose principal function is to teach; instructional employees include athletic coaches, driving instructors, special education assistants and signers for the hearing impaired. The term does not include teacher assistants or aides, counselors, psychologists, curriculum specialists or other primarily noninstructional employees. (29 CFR 825.600)

"Serious health condition" means an illness, injury, impairment or physical or mental condition that involves either of the following: (29 USC 2611; Government Code 12945.2)

1. Inpatient care in a hospital, hospice or residential health care facility
2. Continuing treatment or continuing supervision by a health care provider

## **Eligibility**

Any eligible employee who has served the district more than one continuous year shall be eligible to take unpaid family care and medical leave under the provisions of state and federal law. The district may deny family care and medical leave to part-time employees who worked fewer than 1,250 hours during the previous year. (29 USC 2611; Government Code 12945.2; 29 CFR 825.110; Code of Regulations, Title 2, Section 7297.0)

For eligibility purposes, full-time teachers are deemed to meet the 1,250 hour test. (29 CFR 825.110)

**Family care and medical leave may be used for the following reasons:** (29 USC 2612; Government Code 12945.2)

1. Because of the birth of the employee's child, and in order to care for the child
2. Because of the placement of a child with the employee for foster care or in connection with the employee's adoption of the child
3. In order to care for the employee's child, parent or spouse with a serious health condition
4. Because of the employee's own serious health condition which makes the employee unable to perform the functions of his/her job, except for leave taken for disability on account of pregnancy, childbirth or related medical conditions

## **Requests, Advance Notice and Certification**

The employee shall give the district at least 30 days' written advance notice of his/her need for family care and medical leave. If the employee learns of the need for this leave fewer than 30 days in advance, he/she shall provide such notice as soon as practicable. (29 USC 2612; Government Code 12945.2)

If leave is needed for a planned medical treatment or supervision, the employee shall make a reasonable effort to schedule the treatment or supervision to avoid disruption of district operations. This scheduling shall be subject to the health care provider's approval. (29 USC 2612; Government Code 12945.2)

When requesting family care and medical leave because of a serious health condition, the request shall be supported by a certification from the health care provider of the person requiring care. This certification shall include the following: (29 USC 2613; Government Code 12945.2; Code of Regulations, Title 2, Section 7297.0)

1. The date on which the serious health condition began
2. The probable duration of the condition
3. If the employee is requesting leave to care for a child, spouse or parent who has a serious health condition, the health care provider's certification of both of the following:

- a. Estimated amount of time the health care provider believes the employee needs to care for the child, parent or spouse
  - b. Statement that the serious health condition warrants the participation of a family member to provide care during a period of the treatment or supervision of the child, parent or spouse
4. If the employee is requesting leave because of his/her own serious health condition, the health care provider's certification that due to the serious health condition, the employee is unable to perform the functions of his/her job

The health care provider's certification need not identify the serious health condition involved. When the employee is requesting leave because of his/her own serious health condition, this information may be included at the employee's option. (Code of Regulations, Title 2, Section 7297.0)

If additional leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification as specified above. (29 USC 2613; Government Code 12945.2)

If the employee is requesting leave for intermittent treatment or is requesting leave on a reduced leave schedule for planned medical treatment, the certification must also state the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave. (29 USC 2613)

If the district has reason to doubt the validity of a certification that accompanies a request for leave, the district may challenge the certification and require the employee to obtain, at district expense, a second opinion from a district-approved health care practitioner. If the second opinion is contrary to the first, the district may require, again at district expense, that the employee obtain a third medical opinion from a third health care practitioner approved by both the employee and the district. (29 USC 2613; Government Code 12945.2)

### **Terms of Leave**

Family care and medical leave shall not exceed 12 work weeks during any 12-month period. (29 USC 2612; Code of Regulations, Title 2, Section 7297.3)

This 12-month period shall coincide with the fiscal year.

Leave taken pursuant to the California Family Rights Act shall run concurrently with leave taken pursuant to the federal Family and Medical Leave Act (FMLA), except for any leave taken under the FMLA for disability on account of pregnancy, childbirth, or related medical conditions. In addition to family care and medical leave, an employee may be entitled to take pregnancy disability leave of up to four months. During the otherwise unpaid portion of pregnancy disability leave, the employee may use any accrued vacation, sick time or other paid leave. (Government Code 12945, 12945.2)

(cf. 4161/4261 - Leaves)

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

(cf. 4261.1 - Personal Illness/Injury Leave)

Leave taken for the birth or placement of a child must be concluded within one year of the birth or placement of the child. Such leave does not have to be taken in one continuous period of time. The basic minimum duration of the leave shall be two weeks. However, the district shall grant a request for leave of less than two weeks' duration on any two occasions. (Code of Regulations, Title 2, Section 7297.3)

If both parents of a child work for the district, each parent may take up to 12 weeks of family care and medical leave related to the birth or placement of the child. (Government Code 12945.2)

During the period of family care and medical leave, the district shall require the employee to use his/her accrued vacation leave, other accrued time off, and any other paid or unpaid time off negotiated with the district. Accrued sick leave shall be used when the purpose of the family care and medical leave is one for which sick leave may be taken pursuant to collective bargaining agreements and/or Board policy. (Government Code 12945.2)

(cf. 4141/4241 - Collective Bargaining Agreement)

### **Instructional Employees: Leaves Near the End of the Term**

The district may require an instructional employee to continue taking a requested leave until the end of the term in any of the following situations: (29 USC 2618)

1. If the instructional employee begins a leave of three or more weeks' duration more than five weeks before the end of a term and would subsequently return to work during the last three weeks of the term
2. If the instructional employee, for reasons other than his/her own serious health condition, begins a leave of more than two weeks' duration during the period that begins five weeks before the end of the term and would subsequently return to work during the last two weeks of the term
3. If the instructional employee, for reasons other than his/her own serious health condition, begins a leave of more than five days' duration during the period that begins three weeks before the end of the term

### **Intermittent/Reduced Work Schedule Leave**

Leave related to the serious health condition of the employee or his/her child, parent or spouse may be taken intermittently or on a reduced work schedule when medically necessary. In such a case, the district may limit leave increments to the shortest period of time that the payroll system uses to account for absences or use of leave. The employee may also be required to transfer temporarily to a different job that has the equivalent pay and benefits but could better accommodate recurring periods of leave. The employee must be qualified for the position, but the position does not need to have equivalent duties. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work schedule. (Code of Regulations, Title 2, Section 7297.3)

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

## **Maintenance of Benefits**

During the period of family care and medical leave, the employee shall continue to be entitled to participate in the district's medical, dental and vision plan. (29 U.S.C 2614; Government Code 12945.2)

If the employee fails to return from leave after the leave period has expired for a reason other than the continuation, recurrence or onset of a serious health condition or other circumstances beyond the employee's control, the employee may be required to reimburse any health premiums paid by the district during the period of leave. (Government Code 12945.2)

The employee shall also continue to be entitled to participate in life, disability and accident insurance plans, pension and retirement plans, supplemental unemployment benefit plans, and/or any other employee welfare benefit plan to the same extent and under the same conditions as apply to an unpaid leave taken for any other purpose. In the absence of these conditions, the employee shall continue to be entitled to participate in these plans and the district may, at its discretion, require the employee to pay the premium for periods not covered by accrued leave. (Government Code 12945.2)

## **Maintenance of Status**

The employee shall retain his/her employee status with the district during the leave period, and the leave shall not constitute a break in service for purposes of longevity or seniority under any employee benefit plan or collective bargaining agreement. For purposes of layoff, recall, promotion, job assignment and seniority-related benefits such as vacation, the employee returning from family care and medical leave shall return with no less seniority than he/she had when the leave began. (29 USC 2614; Government Code 12945.2)

## **Reinstatement**

Upon granting an employee's request for family care and medical leave, the district shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (29 USC 2614; Government Code 12945.2)

The district may refuse to reinstate an employee returning from leave to the same or a comparable position if all of the following apply: (29 USC 2614, Government Code 12945.2)

1. The employee is a salaried "key employee" who is among the highest paid 10 percent of those district employees who are employed within 75 miles of the employee's worksite
2. The refusal is necessary to prevent substantial and grievous economic injury to district operations
3. The district informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service

An employee who takes leave has no greater right to reinstatement than if he/she had been continuously employed during the leave period. If the district reduces its work force during the leave period and the employee is laid off for legitimate reasons at that time, he/she is not entitled to reinstatement, provided the district has no continuing obligations under a collective bargaining agreement or otherwise. (29 CFR 825.216)

(cf. 4117.3 - Personnel Reduction)  
(cf. 4217.3 - Layoff/Rehire)

## **Notifications**

In accordance with law, the district shall notify employees of their right to request family care and medical leave. Separate notices about federal and state law related to family care and medical leave shall be posted in a conspicuous place. Information about employee rights and obligations related to such leaves shall also be included in employee handbooks. (29 USC 2619; Code of Regulations, Title 2, Section 7297.9)

At least the first time in each six-month period that an employee requests family care and medical leave, the Superintendent or designee shall provide written notice detailing specific expectations and obligations and explaining any consequences of a failure to meet these obligations. The notice shall include (29 CFR 825.301)

1. Notice that the leave will be counted against the employee's annual family care and medical leave entitlement
2. Requirements for the employee to furnish medical certification of a serious health condition
3. The employee's right to substitute paid leave, conditions related to any substitution, and whether the district requires this substitution
4. Health benefit arrangements
5. If applicable, the employee's status as a "key employee" and information related to restoration of that status
6. The employee's right to restoration to the same or an equivalent job
7. The employee's potential liability for health benefits should the employee not return to service
8. The district's requirement that the employee, upon return, present medical certification to the effect that he/she is able to resume work

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT  
Regulation Approved: **June 17, 1998** Santa Ynez, California

**BP 4161.9/4261.9/4361.9**

All Personnel

**CATASTROPHIC LEAVE PROGRAM**

When a catastrophic illness or injury incapacitates an employee or a member of his/her family for an extended period of time, fellow employees may donate accrued vacation and sick leave credits to that employee under the specific requirements of the district's catastrophic leave program. Donations made under the catastrophic leave program shall be strictly voluntary.

(cf. 4161.1/4151.3 – Personal Illness and Injury Leave)

(cf. 4261.1 – Personal Illness and Injury Leave)

Legal Reference:

EDUCATION CODE

44043.5 – Catastrophic leave

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: December 11, 1996

Santa Ynez, California

**AR 4161.9**

All Personnel

**CATASTROPHIC LEAVE PROGRAM**

1. An employee who is, or whose family member is, suffering from a catastrophic illness or injury may request donations of accrued vacation or sick leave credits under the catastrophic leave program.
2. "Catastrophic illness" or "injury" means an illness or injury that is expected to incapacitate the employee for an extended period of time, or that incapacitates a member of the employee's family which incapacity requires the employee to take time off from work for an extended period of time to care for that family member, and taking extended time off work creates a financial hardship for the employee because he/she has exhausted all of his/her sick leave and other paid time off. (Education Code 44043.5)
3. Upon requesting donations under this program, the employee shall provide verification of the catastrophic injury or illness. (Education Code 44043.5)

Verification shall be made by means of a letter, dated and signed by the sick or injured person's physician, indicating the incapacitating nature and probable duration of the illness or injury.

4. The Superintendent or designee shall determine: (Education Code 44043.5)
  - a. That the employee is unable to work due to the employee's or his/her family member's catastrophic illness or injury, and
  - b. That the employee has exhausted all accrued paid leave credits.

5. When the above verification and determinations are made, the Superintendent or designee may approve the transfer of accrued vacation and sick leave credits. (Education Code 44043.5)
6. The Superintendent or designee shall inform employees of the means by which donations may be made in response to the employee's request.
7. Any employee, upon written notice to the district, may donate accrued vacation and/or sick leave credits to the requesting employee at a minimum of eight hours, and in hour increments thereafter. All transfers of eligible leave credit shall be irrevocable. (Education Code 44043.5)
8. To ensure that employees retain sufficient accrued sick leave to meet needs that normally arise, donors shall not reduce their accumulated sick leave to fewer than **12** days.
9. Benefiting employees may use donated leave credits for a maximum of **12** consecutive months.
10. An employee who receives paid leave pursuant to this program shall use any leave credits that he/s-he continues to accrue on a monthly basis before receiving paid leave pursuant to this program. (Education Code 44043.5)
11. The Superintendent or designee shall ensure that all donations are confidential.

Regulation

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Approved: **December 18, 1996**

Santa Ynez, California

**BP 4313.2**

Management, Supervisory and Confidential Personnel

**PROMOTION/DEMOTION/RECLASSIFICATION**

The Governing Board may promote, demote, and reclassify certificated and classified management employees when such action is determined to be in the best interest of the district.

All decisions concerning promotion, demotion and reclassification shall be based upon the recommendation of the Superintendent/principal and prior consultation with district legal counsel.

The Superintendent/principal shall maintain procedures for the promotion, demotion and reclassification of management employees (certificated and classified) which assure compliance with all applicable statutory deadlines.

Legal Reference:

**EDUCATION CODE**

35031 Senior management employee in the classified service: Nonreelection

44660-44665 Evaluation and assessment of performance of certificated employees

44850.1 No tenure in administrative or supervisory positions

44896 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

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: January 20, 1994

Santa Ynez, California

Revised/Adopted: **October 19, 1999**

**BP 4315**

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/principal.

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/principal 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/principal 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/principal or designee shall develop appropriate procedures for the evaluation of confidential personnel. Evaluations shall be administered in the same manner and time schedule as classified employees who have similar but nonconfidential positions with the district.

Legal Reference:

**EDUCATION CODE**

33039 State guidelines for teacher evaluation procedures

35160.5 Requirement of district policies for competency of personnel assigned to evaluate

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)

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: December 18, 1989

Santa Ynez, California

**BP 5141.4**

Students

**CHILD ABUSE PREVENTION AND REPORTING**

**Child Abuse Prevention**

The Governing Board recognizes the district's responsibility to educate students about the dangers of child abuse so that they will acquire the skills and techniques needed to identify unsafe situations and to react appropriately and promptly.

The district's instructional program shall include age-appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain students' right to live free of abuse, inform them of available support resources, and teach them how to obtain help and disclose incidents of abuse. The curriculum also shall include training in self-protection techniques.

(cf. [6143](#) - Courses of Study)

The Superintendent or designee shall seek to incorporate community resources into the district's child abuse prevention programs. To the extent feasible, the Superintendent or designee shall use these community resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

(cf. [1020](#) - Youth Services)

**Child Abuse Reporting**

The Board recognizes that child abuse has severe consequences and that the district has a responsibility to protect students by facilitating the prompt reporting of known and suspected incidents of child abuse. The Superintendent or designee shall establish procedures for the identification and reporting of such incidents in accordance with law.

(cf. [0450](#) - Comprehensive Safety Plan)

Employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect. Mandated

reporters shall not investigate any suspected incidents but rather shall cooperate with agencies responsible for investigating and prosecuting cases of child abuse and neglect.

The Superintendent or designee shall provide training regarding the reporting duties of mandated reporters.

In the event that training is not provided to mandated reporters, the Superintendent or designee shall report to the California Department of Education the reasons that such training is not provided. (Penal Code [11165.7](#))

Legal references listed on following page.

Legal Reference:

**EDUCATION CODE**

[32280-32288](#) Comprehensive school safety plans

[33308.1](#) Guidelines on procedure for filing child abuse complaints

[44690-44691](#) Staff development in the detection of child abuse and neglect

[44807](#) Duty concerning conduct of students

[48906](#) Notification when student released to peace officer

[48987](#) Dissemination of reporting guidelines to parents

[49001](#) Prohibition of corporal punishment

[51220.5](#) Parenting skills education

**PENAL CODE**

[152.3](#) Duty to report murder, rape, or lewd or lascivious act

[273a](#) Willful cruelty or unjustifiable punishment of child; endangering life or health

[288](#) Definition of lewd or lascivious act requiring reporting

[11164-11174.4](#) Child Abuse and Neglect Reporting Act

**WELFARE AND INSTITUTIONS CODE**

[15630-15637](#) Dependent adult abuse reporting

**CODE OF REGULATIONS, TITLE 5**

[4650](#) Filing complaints with CDE, special education students

Management Resources:

**CDE LEGAL ADVISORIES**

[0514.93](#) Guidelines for parents to report suspected child abuse

**WEB SITES**

California Attorney General's Office, Crime and Violence Prevention Center: <http://safestate.org>

California Department of Education, Safe Schools: <http://www.cde.ca.gov/lr/ss>

California Department of Social Services, Children and Family Services Division:

<http://www.childsworld.ca.gov>

U.S. Department of Health and Human Services, National Clearinghouse on Child Abuse and Neglect Information: <http://nccanch.acf.hhs.gov>

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: December 18, 1989

Santa Ynez, California

Revised: August 18, 1997; **MAY 17, 2005**

## **AR 5141.4**

### Students

## **CHILD ABUSE PREVENTION AND REPORTING**

### **Definitions**

Child abuse or neglect includes the following: (Penal Code [11165.5](#), [11165.6](#))

1. A physical injury inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child as defined in Penal Code [11165.1](#)
3. Neglect as defined in Penal Code [11165.2](#)
4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code [11165.3](#)
5. Unlawful corporal punishment or injury as defined in Penal Code [11165.4](#)

### **Child abuse or neglect does not include:**

1. A mutual affray between minors (Penal Code [11165.6](#))
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment (Penal Code [11165.6](#))

(cf. [3515.3](#) - District Police/Security Department)

3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code [44807](#))

(cf. [5144](#) - Discipline)

4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student (Education Code [49001](#))
5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student (Education Code [49001](#))

Mandated reporters include but are not limited to teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; administrators and employees of a licensed day care facility;

Head Start teachers; district police or security officers; and administrators, presenters, or counselors of a child abuse prevention program. (Penal Code [11165.7](#))

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. (Penal Code [11166](#))

### **Reportable Offenses**

A mandated reporter shall make a report using the procedures provided below whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. (Penal Code [11166](#))

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency. (Penal Code [11166.05](#))

Any person shall notify a peace officer if he/she reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury, where the victim is a child under age 14. (Penal Code [152.3](#), [288](#))

### **Responsibility for Reporting**

The reporting duties of mandated reporters are individual and cannot be delegated to another person. (Penal Code [11166](#))

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code [11166](#))

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code [11166](#))

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code [11166](#))

## Reporting Procedures

### 1. Initial Telephone Report

Immediately or as soon as practicably possible after knowing or observing suspected child abuse or neglect, a mandated reporter shall make a report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code [11166](#))

Solvang Sheriff's Office  
1745 Mission Drive  
Solvang CA 93463  
Phone: (805) 686-5000

Child Welfare Services  
Santa Barbara County Department of Social Services  
1100 West Laurel Avenue  
Lompoc CA 93436  
Phone: (800) 367-0166

When the telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

### 2. Written Report

Within 36 hours of receiving the information concerning the incident, the mandated reporter shall prepare and send to the appropriate agency a written report which includes a completed Department of Justice form. (Penal Code [11166](#), [11168](#))

Mandated reporters may obtain copies of the above form from either the district or the appropriate agency.

Reports of suspected child abuse or neglect shall include, if known: (Penal Code [11167](#))

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location and, where applicable, school, grade, and class
- c. The names, addresses, and telephone numbers of the child's parents/guardians
- d. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information
- e. The name, address, telephone number, and other relevant personal information about the person(s) who might have abused or neglected the child

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her. (Penal Code [11167](#))

Information relevant to the incident of child abuse or neglect may also be given to an investigator from an agency that is investigating the case. (Penal Code [11167](#))

### 3. Internal Reporting

Employees reporting child abuse or neglect to the appropriate agency are encouraged, but not required, to notify the principal or designee as soon as possible after the initial telephone report to the appropriate agency. When so notified, the principal shall inform the Superintendent or designee.

The principal or designee so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy and administrative regulation. At the mandated reporter's request, the principal may assist in completing and filing the necessary forms.

The mandated reporter shall not be required to disclose his/her identity to the principal. (Penal Code [11166](#))

He/she may provide or mail a copy of the written report to the principal, Superintendent or designee without his/her signature or name.

Reporting the information to an employer, supervisor, school principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code [11166](#))

#### **Training**

Training of mandated reporters shall include child abuse identification and reporting. (Penal Code [11165.7](#))

Training shall also include guidance in the appropriate discipline of students, physical contact with students, and maintenance of ethical relationships with students to avoid actions that may be misinterpreted as child abuse.

- (cf. [4131](#) - Staff Development)
- (cf. [4231](#) - Staff Development)
- (cf. [4331](#) - Staff Development)
- (cf. [5145.7](#) - Sexual Harassment)

#### **Victim Interviews**

Whenever a representative of an agency investigating suspected child abuse or neglect deems it necessary, a suspected victim may be interviewed during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child's home or out-of-home care facility. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child. (Penal Code [11174.3](#))

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her of the following requirements: (Penal Code [11174.3](#))

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code [11167.5](#).

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code [11174.3](#))

### **Release of Child to Peace Officer**

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Superintendent or designee and/or principal shall not notify the parent/guardian, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. It is the responsibility of the peace officer or agent to notify the parent/guardian of the situation. (Education Code [48906](#))

Peace officers shall be asked to sign an appropriate release or acceptance of responsibility form.

(cf. [5145.11](#) - Questioning and Apprehension)

### **Parent/Guardian Complaints**

Upon request, the Superintendent or designee shall provide parents/guardians with procedures that describe how to report suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is other than English, such procedures shall be in the primary language of the parent/guardian and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint to any district employee, that employee shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code [11166](#) to file a report himself/herself using the procedures described above for mandated reporters.

(cf. [1312.1](#) - Complaints Concerning District Employees)

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR [4650](#).

(cf. [1312.3](#) - Uniform Complaint Procedures)

## **Notifications**

The Superintendent or designee shall provide all new employees who are mandated reporters a statement that informs them that they are mandated reporters, of their reporting obligations under Penal Code [11166](#), and of their confidentiality rights under Penal Code [11167](#). The district shall also provide these new employees with a copy of Penal Code [11165.7](#), [11166](#), and 11167. (Penal Code [11165.7](#), [11166.5](#))

Before beginning employment, employees shall sign the statement indicating that they have knowledge of the reporting obligations under Penal Code [11166](#) and that they will comply with those provisions. The signed statements shall be retained by the Superintendent or designee. (Penal Code [11166.5](#))

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

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code [15630-15637](#).

The Superintendent or designee shall also notify all employees that:

1. 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. Any other person making a report shall not incur civil or criminal liability unless it can be proven 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 [11172](#))
2. If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, he/she is guilty of a misdemeanor punishable by a fine and/or imprisonment. (Penal Code [11166](#))
3. No employee shall be subject to any sanction by the district for making a report. (Penal Code [11166](#))

Regulation

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Approved: June 10, 1997

Santa Ynez, California

Revised: **MAY 17, 2005**

### **BP 5145.3**

Students

## **NONDISCRIMINATION/HARASSMENT**

District programs and activities shall be free from discrimination, including harassment, with respect to the actual or perceived ethnic group, religion, gender, color, race, ancestry, national origin, and physical or mental disability, age or sexual orientation.

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 5145.9 - Hate-Motivated Behavior)  
(cf. 5146 - Married/Pregnant/Parenting Students)  
(cf. 6164.6 - Identification and Education under Section 504)

The Governing Board shall ensure equal opportunities for all students in admission and access to the educational program, guidance and counseling programs, athletic programs, testing procedures, and other activities. Eligibility for choral and cheerleading groups shall be determined solely on the basis of objective competencies. School staff and volunteers shall carefully guard against segregation, bias and stereotyping in instruction, guidance and supervision.

(cf. 1240 - Volunteer Assistance)  
(cf. 6145.2 - Athletic Competition)  
(cf. 6162.5 - Student Assessment)

The schools shall provide male and female students with separate shower rooms and sex education classes in order to protect student modesty. In physical education, when objective standards have an adverse effect on students because of their gender, race, ethnic group or disability, other standards shall be used to measure achievement and create comparable educational opportunities.

The Board prohibits intimidation or harassment of any student by any employee, student or other person in the district. Staff shall be alert and immediately responsive to student conduct, which may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

(cf. 5145.2 - Freedom of Speech/Expression: Publications Code)  
(cf. 5145.7 - Sexual Harassment)

Students who harass other students shall be subject to appropriate discipline, up to and including counseling, suspension and/or expulsion. An employee who permits or engages in harassment may be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)  
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)  
(cf. 5144 - Discipline)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)  
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

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

Mark Swanitz, Title IX Coordinator  
Santa Ynez Valley Union High School District  
P.O. Box 398  
Santa Ynez, CA 93460  
(805) 688-6487, ext. 3571

Mark Swanitz/Dr. Lorraine Hope, Section 504 Coordinators  
Santa Ynez Valley Union High School District  
P.O. Box 398  
Santa Ynez, CA 93460  
(805) 688-6487, ext. 3571/3564

Dr. Lorraine Hope, Race/Ethnicity Coordinator  
Santa Ynez Valley Union High School District  
P.O. Box 398  
Santa Ynez, CA 93460  
(805) 688-6487, ext. 3564

Any student who feels that he/she is being harassed should immediately contact either the nondiscrimination coordinator or the principal or designee. If a situation involving harassment is not promptly remedied by the nondiscrimination coordinator, principal or designee, a complaint may be filed with the Superintendent or designee who shall determine which complaint procedure is appropriate.

(cf. 1312.1 - Complaints Concerning District Employees)  
(cf. 1312.3 - Uniform Complaint Procedures)

Legal Reference:

**EDUCATION CODE**

200-262.4 Prohibition of discrimination on the basis of sex, especially:  
221.5 Prohibited sex discrimination  
221.7 School-sponsored athletic programs; prohibited sex discrimination  
48900.3 Suspension or expulsion for act of hate violence  
48900.4 Suspension or expulsion for threats or harassment  
48904 Liability of parent/guardian for willful student misconduct  
48907 Student exercise of free expression  
48950 Freedom of speech  
49020-49023 Athletic programs  
51006-51007 Equitable access to technological education programs  
51500 Prohibited instruction or activity  
51501 Prohibited means of instruction  
60044 Prohibited instructional materials

**CIVIL CODE**

1714.1 Liability of parents/guardians for willful misconduct of minor

**CODE OF REGULATIONS, TITLE 5**

4621 District policies and procedures  
4622 Notice requirements

**PENAL CODE**

422.6 Interference with constitutional right or privilege

**UNITED STATES CODE, TITLE 42**

2000d-2000e-17 Title VI & VII Civil Rights Act of 1964 as amended  
2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

**CODE OF FEDERAL REGULATIONS, TITLE 34**

100.3a Prohibition of discrimination on basis of race, color or national origin  
104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

Management Resources:

**OFFICE OF CIVIL RIGHTS**

Notice of Non-Discrimination, January, 1999

**WEB SITES**

OCR: <http://www.ed.gov/offices/OCR>

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

Policy Adopted: December 18, 1989

Santa Ynez, California

Revised and Adopted: May 21, 1997; January 18, 2000, June 12, 2001/

**Approval pending/name changes only**

**AR 6162.6**

Instruction

**USE OF COPYRIGHT MATERIALS**

Each employee making a reproduction shall first determine whether the copying is permitted by law based on the guidelines below. If the copying is not permitted according to these guidelines, the Superintendent/principal or designee may request permission to reproduce the material from its copyright holders.

Requests for permission to use copyrighted materials shall include the following information:

1. Title, author(s) editor(s) or publisher, producer(s) or distributor.
2. Edition, copyright and/or production year.
3. Exact amount of material to be used (i.e., lines, pages, running time, etc.).
4. Nature of the use (i.e. how many times, when and with whom the material will be used).
5. Number of copies to be made.
6. How the material will be reproduced.
7. If an initial contact was made by phone, the request shall also include the name of the initial contact person.

The following guidelines differentiate between permitted and prohibited uses of printed material, sheet and recorded music, videotapes, films, filmstrips or slide programs, off-air taping (radio or television) and computer software.

**Permitted Use**

1. Single copies at the request of an individual teacher:
  - a. A chapter of a book.

- b. An article from a magazine or newspaper.
  - c. A short story, short essay or short poem, whether or not from a collective work.
  - d. A chart, graph, diagram, drawing, cartoon or a picture from a book, magazine or newspaper
2. Multiple copies at the request of an individual teacher for classroom use, not to exceed one copy per student in a course:
- a. A complete poem if less than 250 words and if printed on not more than two pages. A chapter of a book.
  - b. An excerpt from a longer poem, not to exceed 250 words.
  - c. A complete article, story or essay of less than 2,500 words.
  - d. An excerpt from a larger prose work not to exceed ten percent of the whole or 1,000 words, whichever is less, but in any event a minimum of 500 words.
  - e. One chart, graph, diagram, cartoon or picture per book or magazine issue.

All preceding copies must bear the copyright notice. They may be made only at the discretion of the individual teacher on occasions when a delay to request permission would preclude their most effective instructional use.

#### **Prohibited Uses:**

1. Copying more than one work or two excerpts from a single author during one class term.
2. Copying more than three works from a collective work or periodical volume during one class term.
3. Copying materials from more than one course in the school where the copies are made.
4. More than nine sets of multiple copies for distribution to students in one class term.
5. Copying used to create, replace or substitute for anthologies or collective works.
6. Copying of “consumable” works such as workbooks, standardized tests, answer sheets, etc.
7. Copying that substitutes for the purchase of books, publishers’ reprints, or periodicals.
8. Repeated copying of the same item by the same teacher from term to term.

The above prohibitions do not apply to current news magazines and newspapers.

#### **Sheet and Recorded Music**

##### **Permitted Uses:**

1. Emergency copies for an imminent performance are permitted, provided they are replacing purchased copies and replacement is planned.

2. Multiple copies (one per student) of excerpts not constituting an entire performable unit or more than ten percent of the total work may be made for academic purposes other than performances.
3. Purchased sheet music may be edited or simplified provided the character of the work is not distorted or lyrics added or altered.
4. A single copy of a recorded performance by students may be retained by the district or individual teacher for evaluation or rehearsal purposes.
5. A single copy of recordings of copyrighted music owned by the district or individual teacher may be made and retained for the purpose of constructing exercises or examinations.
6. A single copy of an excerpt that constitutes an entire performable unit (i.e. a movement or aria) may be made, provided it is either:
  - a. Confirmed by the copyright proprietor to be out of print, or
  - b. Unavailable except in a larger work. This may be done by or for a teacher only for scholarly research or in preparation for teaching a class.
7. A single copy of a portion of a sound recording may be made by or for a student, (i.e., a song from a record, but not the entire recording. The copy may be used in the educational context in which it was made and may not be sold or performed for profit.

**Prohibited Uses:**

1. Copying to replace or substitute for anthologies or collections.
2. Copying form works intended to be “consumable.”
3. Copying for purposes of performance except as noted in an emergency.
4. Copying to substitute for purchase of music.
5. Copying without inclusion of copyright notice on the copy.
6. Duplication of tapes, unless reproduction rights were given at time of purchase.
7. Reproduction of musical works or conversion to another format, e.g. record to tape.

**Videotapes, Films, Filmstrips or Slide Programs**

**Permitted Uses:**

1. A single copy or a portion of a copyrighted film or filmstrip may be made by a student for educational purposes if the material is owned by the school which the student attends.

2. A single copy of a small portion of a film or filmstrip may be made by or for a teacher for scholarly or teaching purposes.
3. Selected slides may be reproduced from a series if reproduction does not exceed ten percent of the total or except the essence of the work.
4. A slide or overhead transparency series may be created from multiple sources as long as creation does not exceed ten percent of photographs in one source (book, magazine, filmstrip, etc.). This may not be done when the source forbids photographic reproduction.
5. A single overhead transparency may be created from a single page of a “consumable” workbook.
6. Sections of a film may be excerpted from a local videotape (not to be shown over cable) if they do not exceed ten percent of the total or excerpt the essence of the work. Extreme care must be exercised in copying a small portion of a film or filmstrip; small portions may contain the very essence of the material in question.

#### **Prohibited Uses:**

1. Reproduction of an audiovisual work in its entirety.
2. Conversion from one media format to another, e.g., film to videotape, unless permission is secured.
3. No one is permitted to copy any portion of a film or filmstrip sent to the school for preview or rented or owned by another school or institution without the express written permission of the copyright holder. The copyright of a film governs its performance (showing) as well as the copying of it. It is permissible to show a film to students using closed-circuit television if the system is confined to one building. Showing a film via closed-circuit television outside the building is not permitted.

#### **Radio-Off-Air Taping**

##### **Permitted Uses:**

1. A single copy of a small portion of a copyrighted radio program may be made by a student for educational purposes. Such a copy may not be sold or performed for profit.
2. Copies of broadcasts on commercial radio may be made by district employees and retained for an indefinite period for educational purposes.

##### **Prohibited Uses:**

Copying broadcasts on commercial radio, except for copyrighted musical selections (see Sheet and Recorded Music), is governed by the same copyright laws that apply to off-air taping of commercial television; however, there is no special provision allowing libraries to tape radio news programs.

## **Television-Off-Air Taping**

1. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable, retransmission) and retained for a period not to exceed 45 days. All off-air recordings shall be erased or destroyed at the end of the retention period. Broadcast programs are television programs transmitted for reception by the general public without charge.
2. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities and repeated once only when instructional reinforcement is necessary. These recordings may be shown in classrooms and similar places devoted to instruction within a single building, cluster, or campus, as well as in the homes of students receiving formalized home instruction during the first ten consecutive school days in the 45 calendar-day retention period.
3. Off-air recordings may be made only at the request of individual teachers, for use by those teachers. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.
4. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.
5. After the first ten consecutive days, off-air recordings may be used up to the end of the 45 calendar day retention period only for teacher evaluation purposes; i.e., to determine whether or not to include the broadcast program in the teaching curriculum; they may not be used for student exhibition or any other nonevaluation purpose without authorization.
6. All copies of off-air recordings shall include the copyright notice on the broadcast programs as records.

### **Prohibited Uses:**

1. Off-air recording in anticipation of teacher requests.
2. Using the recording for instruction after the ten-day use period.
3. Holding the recording for weeks or indefinitely because:
  - a. Units needing the program concepts are not taught within the ten-day use period.
  - b. An interruption or technical problems delayed its use.
  - c. Another teacher wishes to use it, or for any other supposedly “legitimate” educational reason.



# Santa Ynez Valley Union High School District

2975 E. HIGHWAY 246 • P.O. BOX 398 • SANTA YNEZ, CALIFORNIA 93460-0398

August 25, 2011

TO: Santa Ynez Valley Union High School  
Certificated and Classified Employees

FROM: Paul Turnbull  
District Superintendent

RE: Asbestos Hazard Emergency Response Act (AHERA)

In 1986 Congress passed the Asbestos Hazard Emergency Response Act (AHERA). The law requires all schools, kindergarten through twelfth grade, to be inspected by EPA accredited inspectors to identify any asbestos containing building materials. The law further requires the development of a management plan by an EPA accredited management planner based upon the findings of the inspection which outlines our intent in controlling the potential for exposure to asbestos fibers in our schools.

In the past, asbestos was used extensively in building materials because of its insulating and fire retarding capabilities. Virtually any building built before the late 1970's contains at least some asbestos in pipe insulation, structural fireproofing, etc. The primary concern arises when these materials begin to deteriorate or become damaged.

Inspections and reinspections have occurred as required by statutes. During the remodeling projects, all asbestos in classrooms, offices, and other service areas has been abated. Minimal amounts of asbestos containing materials remain in a few areas not readily assessable to building occupants or students.

A management plan has been submitted to the state. It outlines in detail the methods we have used to abate or maintain the materials in a safe manner. The school's self insurance program, Self Insured School of California (SISC) **HAS EMPLOYED STAFF WHO ARE EPA** accredited personnel, and they have guided us through the abatement process.

A copy of the management plan for both the Santa Ynez Valley Union High School and Refugio High School is on file for your review at the school administrative office at 2975 East Highway 246, Santa Ynez.

If you wish to inspect the management plan, or have questions concerning AHERA, please do not hesitate to contact me or Mrs. Nicole Evenson, Business Manager, at 686-3561 for an appointment.

## **BUSINESS OFFICE**

### **PURCHASING TEXT BOOKS**

There are mandatory procedures to follow when requesting a Purchase Order (PO) for a Core Subject Text Book and/or Supplemental Text Book.

#### **The Core Text Book must meet the following criteria:**

1. The Text Book must match by name, author, publisher, copyright date, and course title to the current board approved Text Book listed on the approved Course of Study.
2. The Purchase Order must include the name, author, publisher, copyright date, and course title.
3. The Department Lead Teacher or Supervisor must approve the purchase and submit to the Principal.
4. The Principal will verify the order and will then recommend the Funding Source.
5. The Purchase Order is then to be forwarded electronically to Purchasing. (E-Mail: Purchasing)

#### **The Supplemental Text must meet the following criteria:**

1. The Purchase Order must include the Course Title and Book Title.
2. The Purchase Order must specify that the books are Supplemental.
3. The Department Lead Teacher or Supervisor must approve the purchase and submit to the Principal.
4. The Principal will verify the order and will then recommend the Funding Source.
5. The Purchase Order is then to be forwarded electronically to Purchasing. (E-Mail: Purchasing)

Santa Ynez Valley Union High School Board Policy requires specific procedures for new study courses and revised study courses.

#### **New Study Courses require the following steps:**

- A. Prior to offering a new study course the certificated instructor will prepare and submit a Course of Study to the Principal. This course will be reviewed and submitted to the Board of Education for approval prior to any course offering or textbook purchase.
- B. Submit the revised Course of Study to the Board of Education for approval.
- C. After approval, by the board, the date will be recorded on the Course of Study and placed in a permanent file.

- D. A copy of the Course of Study will be returned to the instructor. The title page of the approved Course of Study will be attached to any order for the purchase of textbooks. The purchase order is to include the textbook name, author, publisher, copyright date, and course title. The purchase order is verified against the approved Course of Study BEFORE being approved.
- E. Textbooks are verified by receiving department upon receipt to ensure that all portions of the textbooks meet the board approved Course of Study. The textbooks are then delivered to instructor for use.

**Revised Study Courses require the following** (This includes a change in a Core Text Book on edition, title, and or publisher):

- A. Current Board approved Course of Study will be revised whenever the course textbook is to be changed. Include in the course of study, the textbook name, author, publisher, and copyright date.
- B. Submit the revised Course of Study to the Board of Education for approval.
- C. After approval, by the board, the date will be recorded on the Course of Study and placed in a permanent file.
- D. A copy of the Course of Study will be returned to the instructor. The title page of the approved Course of Study will be attached to any order for the purchase of textbooks. The purchase order is to include the textbook name, author, publisher, copyright date, and course title. The purchase order is verified against the approved Course of Study BEFORE being approved.
- E. Textbooks are verified by receiving department upon receipt to ensure that all portions of the textbooks meet the board approved Course of Study. The textbooks are then delivered to instructor for use.

**Please note:** PO's that do not follow these procedures will be returned to the originator for correction. This process is in place because our funding is jeopardized if we do not follow the outline.

## BUSINESS OFFICE

### COLLECTION OF FUNDS FROM STUDENTS

The usual procedure for students paying for lost or damaged books, equipment, or uniforms is for the teacher or coach to turn in a textbook card listing the book and its replacement cost or a list of the equipment or uniform with replacement cost to the **STUDENT SERVICES OFFICES**. Students' names will be placed on the Obligation List each week and will be ineligible to participate in various school activities until the obligation is cleared.

The students who need to pay for these obligations and for larger projects or materials for a lab class should be sent to the **BUSINESS SERVICES OFFICE** to pay for these items. **Students should be informed that the hours to pay obligations are only before school, during nutrition, or during lunch.** Students will be issued a receipt to verify payment with their teacher or coach. If teachers require students to purchase athletic items, art supplies, or like items of a small cost, and that teacher will be collecting the money from the students, the teacher must obtain a receipt book from the Business Services Office. Receipts are to be written for each student. **\*\* NOTE: YOU MAY NOT CHARGE A STUDENT A FEE OF ANY KIND THAT IS NOT SPECIFICALLY AUTHORIZED BY LAW (CCR TITLE 5, ARTICLE 3, SECTION 350); PLEASE CONTACT THE BUSINESS OFFICE FIRST FOR GUIDANCE ON PERMISSIBLE FEES \*\*** *By 2:15pm each day, all receipts and monies (including a completed deposit form) are to be deposited with Susan Gode or Cindy Luke in the Business Services Office.* The teacher will be issued a receipt that matches the total of the sub receipts submitted with the funds. (Per California Schools Accounting Manual.) These receipts must be turned in no later than 2:15 p.m.

Please note, there is no cash back on checks (parent/student or employee). The Business Office only has a limited amount of cash, and therefore, cannot honor requests to make change either.

**THE BUSINESS OFFICE ONLY TAKES PAYMENTS, FORMS, INFORMATION, ETC. FROM STUDENTS BEFORE SCHOOL, AFTER SCHOOL, AND DURING BREAK AND NUTRITION. BUSINESS OFFICE STAFF IS UNAVAILABLE TO SERVE STUDENTS DURING CLASSTIME.**

If you have any questions concerning these procedures, please get clarification before proceeding.

## **BUSINESS OFFICE**

### **REPORTING STUDENT ACCIDENTS**

All student accidents (on-site or off-site, including Athletics) must be reported to the Business Office within 24 hours of occurrence utilizing the REPORT OF STUDENT ACCIDENT ON SCHOOL PREMISES/OR INVOLVING A SCHOOL RELATED ACTIVITY form. This form will initiate the preparation of an insurance claim through the District if requested by the parent(s)/guardian(s).

If a claim is generated for a student accident, the District's insurance carrier (SISC) is secondary to any other insurance which provides medical benefits to the student, including Healthy Families. SISC is primary to Medi-Cal and Tricare. SISC becomes primary if there is no other insurance coverage. In all cases, SISC will only provide up to \$2,500 towards accident coverage per incident.

Student accident coverage is separate from SISC Tackle Football insurance. The SISC Tackle Football insurance is a fee-based program that provides additional benefits for football players. SISC Tackle Football insurance is mandatory if the football player has no other medical insurance coverage.

## BUSINESS OFFICE

### COPYING AND SUPPLY COSTS

**Departmental budgets will be charged for copying at .020 cents per copy. The Staff Service Technician will provide the Business Office with the number of copies each quarter and a “journal entry” form will be processed charging your department budget. The information will be provided to your department lead teacher.**

**Your department budget will be charged for supplies requested by department members. The Staff Service Technician will provide the Business Office with the number of purchases each month and a journal entry form will be processed charging your department budget. The information will be provided to your department lead teacher.**

**If you need special items ordered through the Staff Services Office, your department will be billed directly when the invoice is paid.**

**If you are copying or purchasing supplies and you are a club advisor or a coach, please be sure to note which activity or class should be charged. Sometimes when students are sent, they only use the teacher’s name, and that can create extra work and confusion when billing.**

## **BUSINESS OFFICE**

### **EMPLOYEE ACCIDENT REPORTING**

All work related injuries/illnesses are to be reported **IMMEDIATELY** to your supervisor, and Cindy Luke in the Business Services Office. If injury occurs while performing work related duties after normal work hours, contact your supervisor or designee via cell phone, or leave a message on work voicemail. A form will be given to you to complete and return to Cindy Luke. This document **MUST** be received in Cindy Luke's office within 24 hours of the injury or illness.

A list of medical providers for worker's compensation injuries/illnesses is included with this directive. Please see Cindy Luke for a "Treatment Authorization" form to take in to the medical provider.

Employees who suffer an injury or illness requiring immediate medical attention will have the necessary emergency agencies called, if needed, or will be taken to the nearest medical emergency center. The required reporting documents will be processed and faxed to the medical emergency center.

A physician's release to return to work will be required for any injury or illness that is work related.

Certificated employees should report a work related injury or illness to Mark Swanitz, Lori Hope, or Donna Feazelle and always to Cindy Luke in the Business Services Office.

Classified employees should report a work related injury or illness to their immediate supervisor or designee and to Cindy Luke.

### **WORKERS' COMPENSATION ADMINISTRATORS MEDICAL PROVIDERS:**

Santa Ynez, Solvang, Buellton and Lompoc Area:

Santa Ynez Valley Cottage Hospital  
700 Alamo Pintado  
Solvang, CA 93463  
(805) 688-6431

#### **Santa Maria Area:**

Industrial Medical Group (IMG)  
3070 Skyway Drive  
Santa Maria, CA 93455  
(805) 922-8282

Roblar Occupational Medicine Clinic  
915 E. Stowell Rd.  
Santa Maria, CA 93458  
(805) 614-9000

**Please use one of these providers in the event of a worker's compensation claim.**

**MORE ON WORK RELATED ACCIDENTS**

Special Mission Rule

The special mission rule provides workers' compensation benefits to employees while performing a special mission for the employer. The special mission includes any activity which is implied or expressly required by, or is a reasonable expectancy of, employment.

Employees are also reminded that if they suffer an injury that could be possibly covered by another entity such as falling in a restaurant, hotel, or airport, they should make sure the incident is reported to that entity immediately.

Workers' Compensation Insurance rates are a percent of our payroll. If expenses for claims are shared by responsible third party entities, it keeps the rates down for all the schools insured in our joint powers agreement.

## **BUSINESS OFFICE**

### **ANTHEM BLUE CROSS HEALTH AND DELTA DENTAL INSURANCE**

Certificated and classified employees are eligible for health and dental insurance benefits as outlined in their collective bargaining agreements. This includes district paid premiums for employees and their dependents as outlined in the coverage booklets. Employees who work more than 50%, but less than full time, may receive reduced benefits as outlined in their bargaining agreements. Every employee and spouse should have an Anthem Blue Cross Medical/Prescription Drug Plan card (SISC III). You will not automatically receive a card for Delta Dental, but you may personally obtain one by accessing [www.deltadentalca.org](http://www.deltadentalca.org).

Changes in status in Anthem Blue Cross/Delta Dental enrollees are to be reported as soon as an event occurs. This would include birth or adoption of a child, marriage, death, dependents no longer eligible, change of name or address. Assembly Bill 2208 effective January 1, 2005, requires verification of marital status/domestic partnership. If an employee enrolls a spouse or domestic partner on their health insurance after January 1, 2005, a copy of the Certificate of Marriage or Declaration of Domestic Partnership that was filed with the California Secretary of State must be attached to the Anthem Blue Cross enrollment form. Enrollment of a spouse or domestic partner will not be processed until a copy of the appropriate document is submitted. For birth of a child or addition of a dependent, supporting documentation will be required, such as birth certificate, adoption papers, or a copy of the Social Security card.

The district also has a PCS Mail Service Program that offers maintenance medications at a reduced cost. All forms and additional information are available in the Business Services Office.

Employees may elect to purchase a Cancer Medical Reimbursement Plan at their own cost. Please see Cindy Luke in the Business Services Office for further information.

## BUSINESS OFFICE

### PAYROLL INFORMATION

Time sheets for salaried classified employees are due the last working day of each month. They are to be filled out completely and signed by you and your supervisor before submitting them to Cindy Luke in the Business Services Office.

Hourly time sheets are due the 15<sup>th</sup> of each month and are to be submitted to Cindy Luke in the Business Services Office. All additional, or “extra” work, must be pre-approved before work is completed.

Separate hourly time sheets are needed for any overtime that your supervisor requests you to work. There is a “Supervisor’s Request for Overtime” form that must be completed by the supervisor and submitted to the District Office for approval prior to working the overtime. After it is approved, a copy will be returned along with an overtime hourly time sheet to the supervisor who requested the overtime. After working the overtime, the hourly time sheet should be submitted to Cindy Luke in the Business Services Office. (*Overtime should not be recorded on your regular monthly time sheet*).

Changes in voluntary deductions (*i.e.* CTA membership dues, Santa Barbara Teachers Federal Credit Union deductions, change of address, phone number, and deductions for State and Federal taxes) are due the 15<sup>th</sup> of the month and are to be submitted to Cindy Luke in the Business Services Office.

All TSA (Tax Sheltered Annuities) are managed by Envoy Plan Services. They can be contacted at: 901 Calle Amanecer, Suite 200, San Clemente, CA 92673  
Phone (949) 366-5070, Toll Free (800) 248-8858, Fax (877) 513-2272

All new TSA (tax sheltered annuity) deductions or changes in existing TSAs must be accompanied by a Salary Reduction Agreement completed by the employee. This is necessary to comply with IRS regulations. If you select a TSA vendor that does not have a signed Hold Harmless Agreement on file with the district, it will be necessary to obtain a signed agreement before deductions can begin. Envoy will be unable to process any new request without it. This is required by Santa Barbara County Counsel for all school districts in Santa Barbara County. Any changes in TSA agreements must be received by Envoy Plan Services no later than the last business day of the month to become effective on the next month’s payroll.

Paydays for all employees will be the last working day of each month, with the exception of certificated employees who will receive their December pay warrant the first working day of January. If you wish more information about this exception, please ask Cindy Luke for the information concerning the split payroll prepared by the School Business Advisory Services of Santa Barbara County Office of Education.

A Summer Savings program is available for those 10 month employees who wish to have a portion of their paycheck set aside monthly by the county office in order to receive paychecks in July and August. Please see Cindy Luke for the necessary form.

If you wish to have your pay warrant deposited directly to your bank account, please see Cindy Luke for the necessary form.

## BUSINESS OFFICE

### PURCHASING

Purchasing policies for the **district, both school sites, and Associated Student Body Funds** allow purchasing in the following ways:

1. By Purchase Order, always approved prior to making **ANY** purchase.
2. By prepayment with a SYVUHSD Revolving Fund Check. Amount is limited and has to be approved by the Business Manager. A purchase order will be required in advance with a price quote or invoice attached.
3. Personal purchase of supplies from a vendor who will not accept a purchase order, but **ONLY** with prior approval of the Business Manager. A purchase order, made payable to you with the vendor name and purchase description in the body of the purchase order, must be done in advance and original receipts must be submitted in order to be reimbursed for the purchase. **IF USING A PERSONAL CREDIT CARD TO PURCHASE THESE ITEMS, THE FOLLOWING MUST BE SUBMITTED TO THE BUSINESS OFFICE IN ORDER TO RECEIVE REIMBURSEMENT:**
  - a. The original receipt **MUST** be turned in; this receipt **MUST** itemize the purchase and show **PAID** by credit card (needs to show a **ZERO** balance).
  - b. If the receipt shows both the personal credit card number (last four digits are sufficient) **AND** the name of the individual seeking reimbursement, no further documentation is needed to initiate reimbursement.
  - c. If the receipt shows only the personal credit card number, you **MUST** also submit a credit card statement showing the purchase. If the credit card statement shows the personal credit card number **AND** the name of the individual seeking reimbursement, the original receipt and the personal credit card statement are sufficient documentation to initiate reimbursement.
  - d. If the receipt shows only the personal credit card number, you **MUST** also submit a credit card statement showing the purchase. If the credit card statement **ONLY** shows the personal credit card number and **NOT** the individual's name, then you **MUST** also submit a copy of the individual's personal credit card showing the last four digits of the credit card number (this number must correspond to the last four digits on the receipt and the statement).

**The district is not responsible for purchases made without following the proper procedures. Items purchased will be returned when possible, and any charges will be the responsibility of the person who placed the order without getting approval. If goods or services cannot be returned, the person who placed the order without approval will be responsible for all costs incurred.**

All purchasing must have the approval of your department lead teacher or supervisor. Prior to making any purchase, Purchase Orders are to be submitted electronically for signature and approval by the Business Office (e-mail to the **Purchasing** e-mail account) using the Purchase

Order template available on the network. Purchase Orders should contain as much information as possible including item description and item or catalog number whenever possible. If a purchase order is for payment of conference or workshop registration, details such as dates, location, and employee(s) attending must be included in the body of the purchase order. A flyer with workshop or conference details must accompany the purchase order. Orders are retrieved from the template and transferred electronically to a Purchase Order hard copy. The original PO will **ONLY BE FAXED**; Purchase Orders **WILL NOT BE MAILED**. Originator must include the fax number on the PO request in order for the PO to be faxed to the vendor as instructed on the PO. If no fax number is provided, it is the PO Originator's responsibility to deliver the PO to the vendor. Your cooperation is greatly appreciated and your order will be processed in a timely manner.

Upon receipt of your purchase, please promptly open and verify that your order is complete or that back orders are noted on the packing slip. Please forward signed packing slips or invoice to the business office. Your department lead teacher may be asked to verify the invoice when it arrives for payment. Please note that invoices cannot be paid unless verification has been obtained on all items received and/ or services have been rendered. Your cooperation in expediting this process is appreciated. If you have any questions regarding your order please contact the vendor. It is not the responsibility of the Business Office to verify your order. It is also not the responsibility of the Business Office to monitor whether an invoice(s) and/or an ordered item(s) have been received.

Purchases of computers, printers and other items for technology will be subject to approval by the Network Manager. Furniture orders must be approved by the Business Manager.

## BUSINESS OFFICE

### REIMBURSEMENT CLAIMS

Reimbursement requests may include lodging, meals, mileage, parking or other approved travel related expenses for official school business or certain purchases for supplies. Approval for travel time must be obtained from your department chair or supervisor and appropriate administrator prior to travel taking place. All workshops or conferences must be approved prior to travel arrangements being made; employees requesting travel must complete a **REQUEST TO ATTEND CONFERENCE-WORKSHOP REIMBURSEMENT FORM** and attach all applicable documentation to the form (i.e., registration flyer listing dates, times, and schedule of events for the conference or workshop, MapQuest detailing number of miles traveled if seeking personal mileage reimbursement, estimate of lodging costs, etc.). **Please note, if seeking mileage reimbursement for personal vehicle use, calculate the total mileage using Santa Ynez Valley Union High School's address as the starting location.** The form and documentation must be sent to the Principal or direct supervisor for initial approval. The Principal or direct supervisor will then be forward the form to the Business Manager for final approval; if travel occurs on non-contract days or travel is out of state, the Superintendent will receive the form for final approval. After all approvals and signatures are gathered, a copy of the form will be sent back to the originator. \*\* PLEASE NOTE, IF THERE IS A REGISTRATION FEE TO BE PAYABLE TO A SEPARATE VENDOR, YOU MUST ALSO SUBMIT A SEPARATE PURCHASE ORDER PAYABLE TO VENDOR (PLEASE INCLUDE AS MUCH INFORMATION IN BODY OF PURCHASE ORDER: ATTENDEE NAME, CONFERENCE NAME, DATES, LOCATION, ETC.). \*\*

Upon completion of the conference or workshop, the originator must use their pre-approved copy of the original **CONFERENCE-WORKSHOP REIMBURSEMENT FORM** to submit personal reimbursement requests. Reimbursement claims for supplies must be accompanied by the original receipt and a copy of their pre-approved **CONFERENCE-WORKSHOP REIMBURSEMENT FORM**. Please make a copy for your records prior to submitting the claim. Please see section titled **BUSINESS OFFICE: PURCHASING** for information on submitting reimbursements for items/services purchased with a personal credit card.

**THE REQUEST TO ATTEND CONFERENCE-WORKSHOP REIMBURSEMENT FORM** is available on-line in the District Templates section.

Current Board of Education approved per diem rates for reimbursement are as follows:

- \$ 11.00 for breakfast
- \$ 17.00 for lunch
- \$ 28.00 for dinner
- \$ 0.555 per mile for mileage (or current IRS rate with Board approval)

Reimbursements are paid by commercial warrant, not as part of your payroll. Claims must be submitted no later than Tuesday of any week in order to be processed for receipt of payment the following Tuesday. No claims may be submitted for prior year expenditures.