

2022-23



Farmersville
Unified School District

**EMPLOYEE
HANDBOOK
&
ANNUAL
NOTIFICATIONS**

2022-23

Introduction

Welcome! As an employee of Farmersville Unified School District (FUSD), you are an important member of a team effort. We hope that you will find your position with FUSD rewarding, challenging, and productive.

Because our success depends upon the dedication of our employees, we are highly selective in choosing new members of our team. We look to you and other employees to contribute to the success of FUSD.

This Handbook contains a brief summary of some of the rules and regulations related to your employment, as well as other information you should find helpful. As an employee you are encouraged to refer to the District website and to the California School Boards Association (GAMUT) website to review actual policies and procedures. Written employment contracts between FUSD and some individuals and/or collective bargaining agreements may supersede some of the provisions of this Handbook.

We hope you will find this handbook a useful tool as a quick reference guide in seeking answers to employment questions you may have. Employees are encouraged to keep information on matters of rules and policies by maintaining this handbook in up-to-date condition.

Please contact the Human Resources Department at (559) 592-2010 for more information.

Thank you,

Human Resources

Board of Trustees

Jorge Vasquez John Alvarez John Vasquez
Alice Lopez Isamar Hernandez

District Superintendent

Sergio C. Chavez, Ed.D., Superintendent

Human Resources Executive Director

Jeff Wimp

Chief Business Official

Jason Kaff

School District Office Directory

DEPARTMENT

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Business Services

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Mercedes Flores, Budget Analyst
Jessica Cordero, Payroll/Personnel Specialist
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Education Services

Sergio C. Chavez, Ed.D., Superintendent
Cari Eastham, Coordinator of EL Services
Mandy Wallis, Testing & Assessment Coordinator
Elizabeth Dominguez, Secretary
Reina Padilla-Rice, CALPADS Coordinator
Alma Espinoza, After School Program Coordinator

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Food Services

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Jessica Fierro, Cafeteria Manager
Cathy Ibarra, Cafeteria Clerk

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Health Services

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Marisela Flores, LVN
Angelica Perez, LVN

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Human Resource Office

Jeff Wimp, Director of Human Resources
Thelma Maldonado, Personnel Coordinator
Makayla Jones, Payroll/Personnel Specialist

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tmaldona@farmersville.k12.ca.us
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Maintenance, Operations, Transportation & Facilities

Pat Hunt, Director of MOTF
Jason Miller, Transportation/Operations Supervisor
Tony Melendez, HVAC Technician

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Special Education / Psychology

Laura Barba, Director of Special Education
Natalie DeLeon, School Psychologist
Juana Donnelly

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ndeleon@farmersville.k12.ca.us
jdonnelly@farmersville.k12.ca.us

Superintendent's Office

Paul Sevillano, Ed.D., Superintendent (Retiring)
Rosemary DeLeon, Executive Assistant/Office Manager
Alicia Ruiz, Secretary

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aruiz@farmersville.k12.ca.us

Technology Department

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Sergio Romo, Network Technician
Michael Grayes, Computer Technician
Jackie Chavez, Web/Technology Specialist

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mgrayes@farmersville.k12.ca.us
jchavez@farmersville.k12.ca.us

2022-23

School District Office Directory

SCHOOL SITE

Email

Hester Elementary School (K—1st)

Janie Paz, Principal
Laura Ochoa, Counselor
Cherice Luna, Social Worker
Jennifer Garcia, Academic Coach
Jennifer Rodriguez, Secretary
Salomon Barrios, Site Computer Technician
Mayra Vasquez, Health Aide

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jrodriguez@farmersville.k12.ca.us
sbarrios@farmersville.k12.ca.us
mvasquez@farmersville.k12.ca.us

Snowden Elementary School (2nd—3rd)

Carlos Nevarez, Principal
Tamara Lamb, Counselor
Alejandra Ceja, Social Worker
Felice Schmierer, Academic Coach
Maribel Hernandez, Secretary
Benjamin Xiong, Site Computer Technician
Yuli Marquina, Health Aide

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ymarquina@farmersville.k12.ca.us

Freedom Elementary School (4th—6th)

Alex Ball, Principal
Joseph Perez, Assistant Principal
Cristal Villalobos, Counselor
Julissa Hernandez, Social Worker
Karina Gutierrez, Secretary
Benjamin Xiong, Site Computer Technician
Jael Mendoza, Health Aide

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juhernandez@farmersville.k12.ca.us
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bxiong@farmersville.k12.ca.us
jmendoza@farmersville.k12.ca.us

Farmersville Jr. High School (7th—8th)

Chris Sanchez, Principal
Trista Waymire, Assistant Principal
Emiliano Moran, Counselor
Mercedes Rosales, Behavioral Counselor
Julie McIntosh, Academic Coach
Joeann Benitez, Secretary
Salomon Barrios, Site Computer Technician
Maria Rodriguez, Health Aide

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mrodrigu@farmersville.k12.ca.us

Farmersville High School (9th—12th)

Emily Koop, Principal
Clifford Ayers, Assistant Principal
Emilia Wade, Secondary CTE Counselor Lead
Vianna Maciel-Gomes, Counselor
Selene Medina, Counselor
Beatriz Sanchez, Behavioral Counselor
Heather Salvatore, Academic Coach
Teresa Gonzalez, Secretary
Teresa Bombela, Guidance Secretary
VACANT, Site Computer Technician
Mayra Chaparro, Health Aide

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tbombela@farmersville.k12.ca.us

mcepeda@farmersville.k12.ca.us

Deep Creek Continuation (9th—12th)

Arturo Villarreal, Alternative Education Principal
Chris Juarez, Counselor/Social Work Lead
Laura Byrd, Secretary

edelacru@farmersville.k12.ca.us
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lbyrd@farmersville.k12.ca.us

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DISTRICT AND EMPLOYEE INFORMATION

Schools

The District covers approximately four square miles and has a current K-12 enrollment of approximately 2,484. Farmersville is a single unified school district and in fall of 1998 opened the doors to the first high school. Farmersville High School (home of the Aztecs). The high school operates a 9-12th grade comprehensive program with 716 students. J.E. Hester Elementary School is a K-1st grade school with 381 students. Hester School is a site with two transitional kindergarten classes, an extended day Kindergarten program and a Special Ed. Preschool; Snowden School is a 2-3rd grade site with 370 students.

Freedom Elementary School is a site with 4-6th grades with 557 students. Farmersville Junior High School is 7-8th grades with 396 students. Deep Creek Academy Alternative Education and Independent Studies program with 64 students. There are 3 county-operated programs on FUSD sites: preschool, community school, and special ed. All sites offer after-school programs until 6:00 p.m.

School Calendar (Appendix A-1)

Refer to FUSD website for the most up-to-date calendar and bell schedules.

TB Testing

All new employees of the school must submit written proof from a physician of an examination for tuberculosis (TB) within the last sixty (60) days showing that they are free of active TB. The examination for tuberculosis consists of an approved TB test, which, if positive, will be followed by an x-ray of the lungs. All employees will be required to undergo a TB Risk Assessment at least once every four (4) years. Volunteers may be required to undergo a TB examination as necessary. TB examination is a condition of initial employment with the School and the cost of the exam will be borne by the applicant.

Identification Badges

All employees must clearly display their Farmersville Unified School District issued identification badge whenever they are on school property or engage in school related activities. Employees must report the loss or theft of their identification badge to the Human Resources Department immediately.

Probationary Period

Classified Employees: A classified employee, upon appointment to a regular position, must serve a one-year probationary period. During this time, you will be evaluated by your immediate supervisor on a performance appraisal form. A recommendation will be made during or before the end of your probationary period regarding suitability for permanent employee status.

Certificated Employees: A certificated employee, upon appointment to a regular contract position, must serve a two-year probationary period. During this time, you will be evaluated by your immediate supervisor on a performance appraisal each year.

Pay Day

The pay period is a month long, and depending on how many months you work you could possibly receive twelve pay periods in a year. Ordinarily you will be paid at the end of every month. If the end of the month falls on a week-end or a holiday, you will be paid on the preceding business day. Employees in a regular position working additional hours (overtime, etc.), will receive that pay in a separate check on the 15th of each month as long as time sheets are submitted on the last working day of the month. Automatic deposit to any bank or credit union is available upon completion of proper paperwork with the payroll department.

Personnel File

Every employee has a personnel file maintained in the Human Resources Department. All personnel records are considered confidential. This file contains pre-employment information, authorizations for work, performance evaluations, and other information related to your employment.

An employee is permitted to inspect materials in his/her personnel file upon request for appointment with the Personnel Services Department.

Absence Procedures (Appendix B-1)

Attendance is part of performance, and employees are required to be at work, on time. Employees who will be late to work or absent should create an absence by using the online service <http://www.aesonline.com>.

Dress Guidelines (Appendix C-1)

The Governing board believes that since its employees serve as role models for the District, they should maintain professional standards of dress and grooming. Just as overall attitude and instructional competency contribute to a productive learning environment, so do appropriate dress and grooming.

The Board encourages staff during school hours to wear clothing that demonstrates their high regard for education and presents an image consistent with their job responsibilities.

Change of Name or Address

Employees must inform Human Resources immediately of any change in name, address or telephone number, so that employee records are current and accurate. Failure to do so may cause pay warrants and income tax statements to be delayed. Prior to turning in a name change, you must obtain a new Social Security Card showing the new name. You must also keep your emergency contact and beneficiary designation information up-to-date.

Employee Organizations

Most employees are represented by exclusive bargaining representatives in matters related to wages, hours, and other terms and conditions of employment.

A confidential employee is an employee who, in the regular course of his/her duties, has access to his/her employer's employer-employee relations. A confidential employee is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to significantly contribute to the development or presentation of management positions.

CSEA

The California School Employees Association, Chapter 518, is the current, recognized exclusive representative of the classified employees in their relations with the Board of Education/District, the public school employer. Bargaining unit members are subject to all the provisions of the collective bargaining contract negotiated between the District and CSEA and pay regular dues. These provisions have priority over any conflicting statement in this handbook.

FTA

The Farmersville Teachers Association is the current, exclusively recognized representative of the certificated employees in their relations with the Board of Education/District, the public school employer. Bargaining unit members are subject to all the provisions of the collective bargaining contract negotiated between the District and FTA and pay regular dues.

EMPLOYEE BENEFITS

Holidays

The District agrees to provide classified employees the following holidays:

New Year's Day
Martin Luther King's Holiday
Lincoln's Birthday
Washington's Birthday
Good Friday (12-Month Employees Working 261 Days Only)
Memorial Day
Juneteenth
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Thanksgiving (Friday)
Christmas Eve
Christmas Day
New Year's Eve

Leave of Absence (Appendix D-1)

Employees have a variety of leave available to them. Most leave requires advance notice and completion and submission of any official form to the immediate supervisor for approval. In certain instances your supervisor or the Human Resources Department may ask you for additional written verification before or after you leave.

It is the employee's responsibility to report to work and/or contact the District at the conclusion of the approved leave.

Family and Medical Leave Act (FMLA) (Appendix D-2)

The Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) guarantee employees, under certain circumstances, up to 12 weeks of unpaid leave during a 12-month period. If you are in need of FMLA, CFRA, or any other leave, please email Human Resources to schedule an appointment to discuss your individual situation and options.

Personal Illness/Injury (Appendix D-4)

Sick leave is the authorized absence from duty of an employee because of illness or injury, exposure to contagious disease, or dental or medical appointment. Disabilities arising out of pregnancy and childbirth are treated the same as other sick leave disabilities.

EMPLOYEE BENEFITS

Discretionary Day

Two discretionary days are available to regular and probationary employees who are eligible to earn paid leave. Discretionary days may only be taken upon request of the employee with the approval of his/her supervisor. As with all leaves, the supervisor and/or department may require reasonable advance notice of the request. This leave is taken from your sick leave accrual.

Leave of Absence Without Pay

All permanent employees may request a leave of absence in accordance with the collective bargaining agreements. The District considers the merit of each request and the impact on the District before it approves or denies the leave request.

Fringe Benefits (Appendix E-1)

Farmersville Unified School District takes pride in offering a benefit program that provides flexibility for the diverse and changing needs of our employees. The school district offers employees and their families several choices of benefit plans. You may choose the option that best meets your needs. Health, dental and vision plans, prescriptions as well as life insurance are available for all regular and probationary employees.

Employee Assistance Program-Avante Behavioral Health (Appendix E-2)

This program provides limited free, confidential, professional assistance to Farmersville Unified School District employees and their families to help resolve problems that affect their personal lives and/or job performance at no additional cost. The Employee Assistance Program is administered by Anthem Blue Cross. If you have questions or need assistance please feel free to call (559) 261-9060 or go to www.avanthealth.com.

American Fidelity (Appendix E-3)

American Fidelity offers employees carefully designed plans to fit different lifestyles and needs. Along with other plans the Section 125 Plan allows you to deduct needed benefits from your gross earnings before taxes are computed. This plan is available to Farmersville Unified School District Employees at no additional cost.

A representative from American Fidelity visits each school site annually in late fall. You can call (866) 504-0010 for additional information.

EMPLOYEE BENEFITS

Worker's Compensation (Appendix F-1)

Farmersville Unified School District employees are covered in accordance with the Workers' Compensation Insurance Laws of the State of California. An injury or illness is covered if arising out of, and in the course of employment. Coverage begins from the time the employee is on the job and continues anytime the employee is working. Employees must report injuries to their supervisor immediately. Benefits may include medical care, temporary disability benefits, permanent disability benefits, and death benefits. If you wish to be treated by your personal physician for an on-the-job injury, you are required to have first completed a Pre-Designation form.

FUSD uses **Company Nurse** Injury Hotline to help determine the most effective course of action after an injury and assists in coordinating the initial treatment, if necessary. In case of injury, call 1-877-518-6702.

Public Employees Retirement System (CalPERS)

The Farmersville Unified School District participates in CalPERS (California Public Employees Retirement System) as a retirement plan for its Classified staff.

CalPERS is a defined benefit plan. Employees whose work week is 20 hours or more are automatically enrolled in the plan and make a tax-deferred contributions through payroll deductions. Contributions (deducted from your paycheck) and/or those that are paid by the District will be recorded in your account and accumulate interest.

The pension benefit amount is derived by a combination of the number of years worked in CalPERS covered employment, the employee's age at retirement, and the employee's highest compensation year. Minimum retirement eligibility is age 50 with 5 years of CalPERS qualifying service.

Employees who leave service with the District and are not eligible to retire can consult with CalPERS to transfer their contributions into other, eligible tax-deferred options, or withdraw the funds after paying the taxes and a penalty for early withdrawal.

State Teachers' Retirement System (CalSTRS)

CalSTRS is a required deduction for certificated employees who work full-time and is an option for employees who work part-time or as a substitute. Although CalSTRS is called a retirement system, it also offers disability and death benefits. As a certificated employee, you become a member on the first day of the pay period and the money you contribute earns interest and may be withdrawn (with substantial penalty) when you leave school employment prior to retirement.

PERSONNEL POLICIES & PROCEDURES

Non-Discrimination Statement (Appendix G-1)

The Farmersville Unified School District is committed to providing a working and learning environment that is free from discrimination and harassment.

All Farmersville Unified School District employees are expected to behave in a manner which maintains a working environment free of harassment. Harassment can be unwelcome or abusive behavior towards a student or employee that creates a hostile or offensive environment. Sexual harassment, or any other form of illegal harassment committed by supervisors or any employee at any level will not be tolerated by the District and will be subject to disciplinary action, including reprimand, job transfer, suspension, and/or termination. Prohibited harassment can also be from a student, parent, or persons having any business with the District.

For employees, any inquiries regarding the District's nondiscrimination policy or the filing of discrimination/harassment complaints may be directed to:

Jeff Wimp, Executive Director of Human Resources
Farmersville Unified School District
571 E. Citrus
Farmersville, CA 93223
Telephone: (559) 592-2010
jwimp@farmersville.k12.ca.us

Code of Ethics Policy (Appendix H-1)

The Code of Ethics provides District employees, consultants, and contractors with a common set of expectations about ethical behavior and performance.

It is critical that all of the District's employees strive for excellence in the public service that they provide. Consequently, as an employee of the District, you are expected to conduct yourself fairly, honestly, and with the highest integrity. This means treating students, co-workers, parents, and all of your other members with respect and in a manner that is exactly the way that you want to be treated. Additionally, this means being respectful of the District's resources and property. Recognizing that each of us plays a critical role in students success, striving for excellence is not only a responsibility that all District employees share, but a personal commitment.

PERSONNEL POLICIES & PROCEDURES

Whistleblower Protection Policy

The policy protects District employees who make allegations of improper governmental activities from retaliation or reprisal from the District. You may download the Whistleblower Protection Policy via the California State Attorney General's website. For more information, contact the California State Attorney General's Whistleblower Hotline at (800) 952-5225.

Drug & Alcohol-Free Workplace Policy (Appendix H-2)

The federal government adopted various anti-drug regulations that require employers, including school districts, to take certain measures to ensure that the workplace is free from illicit drugs and alcohol. These regulations are included in the Drug-free Workplace Act which took effect in 1989, and the Drug-free Schools and Communities Act Amendments which became effective in 1990.

Tobacco-Free Workplace Policy (Appendix H-3)

In accordance with California Assembly Bill 816 (1994), and the No Child Left Behind (NCLB) Act, the District implemented the Tobacco-Free Workplace policy. Smoking and the use of tobacco products shall be prohibited on all District property including District-owned, leased, or contracted buildings, and in District vehicles at all times, by all persons, including employees, students, and visitors at any school or District site or attending any school-sponsored events.

Sexual Harassment Policy (Appendix H-4)

The Farmersville Unified School District is committed to maintaining a working and learning environment that is free from sexual harassment. Sexual harassment of or by employees or students is a form of gender discrimination in that it constitutes differential treatment on the basis of sex, sexual orientation, or gender, and for that reason is a violation of State and federal laws and this policy.

Child Abuse Reporting Policy (Appendix H-5)

On September 29, 2014, Governor Brown signed Assembly Bill 1432. This new law, effective January 1, 2015, requires all employees to be trained in child abuse detection and mandatory reporting obligations under the Child Abuse and Neglect Reporting Act ("CANRA"). New employees must complete the training and provide proof within 6 weeks of employment.

PERSONNEL POLICIES & PROCEDURES

Fingerprinting (Appendix H-6)

All employees of the Farmersville Unified School District are fingerprinted and the prints are transmitted to the California Department of Justice and the Federal Bureau of Investigation for a criminal conviction record check. No employee can perform any of the duties of his/her position until this processing has been completed and it is determined that there is no criminal conviction that would prohibit the employee from working with students and staff.

Volunteers

FUSD is grateful for the support provided by parent and community volunteers. If parents or community members are interested in volunteering on campus, they are encouraged to contact the School administration.

Teachers are required to notify the school of any volunteers present in their classes, school activities, or athletic programs. All volunteers that have regular contact with FUSD students must be cleared by the Human Resources department prior to serving. Mandatory Background Check forms may be obtained from the school office.

After a volunteer has been cleared by the Human Resources Department, he/she must continue to sign in and out when present on campus or at school functions.

Technology and Information Security (Appendix I-1)

The District must verify that each employee using the computer network and Internet access has signed an Acceptable Use Policy. The signed agreement remains in effect until revoked, or the employee loses the privilege of using the District's network due to violation of the information technology security policy, or is no longer a District employee. Employees and other users are required to follow the Internet & User Obligations Policy. Access is provided primarily for education and District business. **By using the network, users have agreed to the Policy.** If a user is uncertain about whether a particular use is acceptable or appropriate, he or she should consult a supervisor or other appropriate District Personnel.

You will be held responsible for all content on and use of your user identifications and passwords. Keep your passwords safe and keep them confidential. If you believe the confidentiality of your passwords has been compromised, please contact the Technology Department immediately to reset the password.

PERSONNEL POLICIES & PROCEDURES

Complaint Procedures (Appendix J-1)

The District recognizes the need for a process to allow employees, job applicants, and all other stakeholders to have their concerns heard in an expeditious and unbiased manner. The District expects that employees will make every effort to resolve complaints and disagreements informally before filing a formal complaint. The District expressly prohibits retaliation of any kind against complainants. All efforts will be made to keep a complainant's identity confidential, except to the extent necessary to investigate the complaints and to ensure compliance with the law. All complaints are to be directed to:

Sergio C. Chavez, Ed.D., Superintendent (Retiring)
571 E. Citrus
Farmersville, CA 93247
(559) 592-2010
schavez@farmersville.k12.ca.us

Uniform Complaint Procedures (Appendix J-2, J-3)

The District shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination based on ethnic group identification, religion, age, sex, sexual orientation, gender, color, race, ancestry, national origin, physical or mental disability in any program or activity that receives or benefits from state financial assistance. The District shall also follow uniform complaint procedures when addressing complaints alleging failure to comply with state or federal law, categorical aid programs, migrant education, vocational education, child care and development programs, child nutrition programs and special education programs.

Complaint forms can be obtained at all District school site offices, the District office or can be downloaded from the school district's website at www.farmersville.k12.ca.us.

PERSONNEL POLICIES & PROCEDURES

Williams Uniform Complaint Procedures (Appendix J-4, J-5, J-6)

The District shall use uniform complaint procedures to address William's complaints regarding insufficiency of instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and/or teacher vacancy or misassignment issues. Complaint forms can be obtained at all District school site offices, the District office or can be downloaded from the school district's website at www.farmersville.k12.ca.us.

DISTRICT INFORMATION

Travel/Conferences (Appendix K-1)

A conference request form is to be completed for all conferences and in-service travel. Attach the conference registration information to the conference request form. The conference request form and supporting documentation should be attached to the Statement of Claim form and submitted immediately upon return to work. Conference travel reimbursement will not be approved without the approved conference request form.

Field Trips: Students (Appendix K-3, K-4, K-5, K-6)

The Board recognizes that school-sponsored trips are an important component of a student's development and supplement and enrich the classroom learning experience. School-sponsored trips may be conducted in connection with the district's course of study or school-related social, educational, cultural, athletic, school band activities, or other extra-curricular or co-curricular activities.

Property Loss or Damage (Appendix L-1)

The Board desires to create a safe and secure learning environment and to minimize acts of vandalism and damage to school property. To discourage such acts, the district shall seek reimbursement of damages, within the limitations specified in law, from any individual, or from the parent/guardian of any minor, who has committed theft or has willfully damaged district or employee property.

Injury/Illness Prevention Program & Safety Policy (Appendix P-1)

Farmersville Unified School District's policy expects employees to use safe work practices and report and correct any unsafe conditions. When an employee begins to work here, that employee has a right to expect a safe place in which to work and to be provided with the proper machines, tools and equipment to do the job safely.

Fraud Prevention

The District's accounting system shall fully comply with the definitions instructions and procedures set forth in the California Department of Education School Accounting Manual (Education Code: 41010)

DISTRICT INFORMATION

Foggy Day Schedule (Appendix M-1)

Farmersville Unified School District has established a Foggy Day Schedule. When fog season arrives, watch scrolling updates on local television channels.

Confidentiality

Protection of confidential information is essential at Farmersville Unified School District. As a condition of employment, employees have a duty not to disclose any information given to them in confidence by the District during or after the term of their employment. We consider information concerning the school system, its personnel, its students and their families to be confidential and restricted. Employees have an obligation to maintain the confidentiality of any such information and to use it only in the course of employment.

Salary Advancement (Appendix N-1, N-2)

Certificated Employees are to complete a Request for Course Approval form in order for the Personnel Services Department to track units for salary advancement.

Farmersville Unified School District

All Schools 2022-2023 School Calendar

July '22						
Su	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

August '22						
Su	M	Tu	W	Th	F	S
	1	2	△	△	★	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			
						18 days

September '22						
Su	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	
						21 days

October '22						
Su	M	Tu	W	Th	F	S
						1
2	3	4	5	6	7	8
9	X	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					20 days

November '22						
Su	M	Tu	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	X	12
13	14	15	16	17	1/2	19
20	X	X	X	X	X	26
27	28	29	30			
						16 days

December '22						
Su	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	1/2	17
18	X	X	X	X	X	24
25	X	X	X	X	X	31
						87 days
						12 days

January '23						
Su	M	Tu	W	Th	F	S
1	2	X	X	X	X	7
8	△	10	11	12	13	14
15	X	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				
						15 days

February '23						
Su	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				
						18 days

March '23						
Su	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	1/2	
						23 days

April '23						
Su	M	Tu	W	Th	F	S
						1
2	X	X	X	X	X	8
9	X	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						14 days

May '23						
Su	M	Tu	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			
						22 days

June '23						
Su	M	Tu	W	Th	F	S
				1/2	★	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	
						1 day
						180 total days

<table style="border: none;"> <tr> <td style="background-color: black; width: 20px; height: 15px; display: inline-block;"></td> <td>Offices Closed/Holidays</td> </tr> <tr> <td style="background-color: #d3d3d3; width: 20px; height: 15px; display: inline-block;"></td> <td>1/2 Minimum Day (Teachers only)</td> </tr> <tr> <td style="background-color: black; width: 20px; height: 15px; display: inline-block;"></td> <td>X No School Days</td> </tr> <tr> <td style="background-color: #d3d3d3; width: 20px; height: 15px; display: inline-block;"></td> <td>Late Start Days</td> </tr> </table>		Offices Closed/Holidays		1/2 Minimum Day (Teachers only)		X No School Days		Late Start Days	<table style="border: none;"> <tr> <td style="background-color: #d3d3d3; width: 20px; height: 15px; display: inline-block;"></td> <td>△ Teacher in-Service Day (No school for students)</td> </tr> <tr> <td style="background-color: #d3d3d3; width: 20px; height: 15px; display: inline-block;"></td> <td>First and Last Day of School (Regular start)</td> </tr> <tr> <td style="background-color: #d3d3d3; width: 20px; height: 15px; display: inline-block;"></td> <td>★ Teacher Workday (No school for students)</td> </tr> <tr> <td style="background-color: #d3d3d3; width: 20px; height: 15px; display: inline-block;"></td> <td>TK-8 Parent/Teacher Conf. (No late start days except FHS)</td> </tr> </table>		△ Teacher in-Service Day (No school for students)		First and Last Day of School (Regular start)		★ Teacher Workday (No school for students)		TK-8 Parent/Teacher Conf. (No late start days except FHS)
	Offices Closed/Holidays																
	1/2 Minimum Day (Teachers only)																
	X No School Days																
	Late Start Days																
	△ Teacher in-Service Day (No school for students)																
	First and Last Day of School (Regular start)																
	★ Teacher Workday (No school for students)																
	TK-8 Parent/Teacher Conf. (No late start days except FHS)																

Graduation Dates: May 30- DCA
 May 31- FJHS
 June 1- FHS



TO: ALL EMPLOYEES
FROM: Jeff Wimp, Executive Director of Human Resources
SUBJECT: Absence Reporting Procedures

Farmersville Unified School District utilizes Frontline Absence Management System (formerly Aesop) to manage absences and substitute placement. It is the employee's responsibility to ensure absences are input into the system. Please ensure that you always keep your phone number and email address up to date, so that you do not miss any important information.

The following are important procedures that will assist us in providing efficient and accurate service to our employees.

An absence exists when an employee is not physically present at their work site/station during their normal work schedule for any length of time and for any reason.

All employees are required to report all absences at least one hour prior to the start of their work schedule.

1. If you need to be absent from work for any reason, you must record the absence into the absence system. MOT, Technology, and Food Service departments must notify their supervisor as well as input the absence into Aesop. All employees are required to report their any absence, even if you do not require a substitute.

For absences that require pre-approval, follow the same process as above. 24-48 hours advance notice is required for these absences.

2. You may report your absence using the Absence Management system online via the internet at www.aesoponline.com using this system requires your username and password or by calling the toll-free number at **1-800-942-3767**, this requires using your personal cell phone number including area code and designated PIN number.
3. *Certificated Employees:* If you need to leave work during the workday for illness or an emergency, you must record the absence on a sign out sheet located in the office of the school you are assigned to. Upon return to your assigned work site/station, employees are again required to record the absence on a sign in sheet.

Classified Employees: If you need to leave work during the workday for illness or an emergency, you must notify your supervisor before leaving your site **AND** record the absence on a sign out sheet located in the office of the school you are assigned to. Upon return to their work site/station, employees are again required to notify their supervisor **AND** record the absence on a sign in sheet.

District Office Staff: If you need to leave work during the workday for illness or an emergency, you must notify your supervisor before leaving **AND** record the absence on a sign out sheet located in the office. Upon return to their work site/station, employees are again required to notify their supervisor **AND** record the absence on a sign in sheet.

4. You are responsible for reviewing your absences prior to the last day of the month to ensure that the information is correct in the system. Leaves will be deducted into the payroll system based on the information you input into the Absence Management System.

Absences cannot be modified by the employee after they occur. If you need to make a change to your absence and it is after the absence has occurred, you must notify the Site Secretary (District Office Staff must notify Thelma Maldonado).

If you need to submit doctor's notes, jury summons, and other documents, you may upload these onto the Absence Management System. These notes must be submitted the first day back to work.

5. All requests for long-term or unpaid leave of absence (including family medical leave requests) must be pre-approved by the Board. Please notify the Human Resource Department with advance notice, prior to the leave.

Thank you in advance for your assistance as these procedures assist us in providing you with high quality service.

If you have questions about these procedures, please contact the Human Resource Department by email or call 592-2010.

Name: _____ Position: _____

School/Work Site: _____

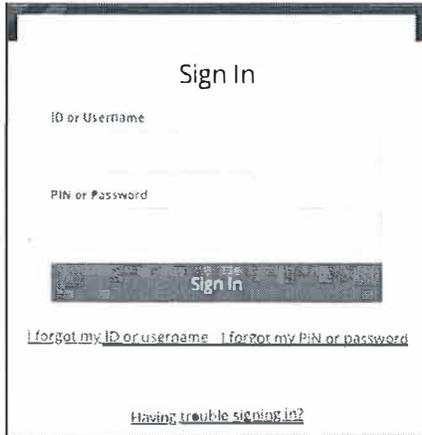
Signature: _____ Date: _____

Absence Reporting Reasons:

Phone Menu No.	Absence Reason	Notes
1	Sick Leave > Sick Leave Medical Appointments	<p>Employees are granted to use sick leave when they are to be absent from regular duty because of an accident, illness, or quarantine.</p> <ul style="list-style-type: none"> · Employee's personal injury or illness · Injury or illness of an immediate family member · Pregnancy · Medical or dental appointments of an employee; 24-hours advance approval unless emergency
3	Sick Leave > Personal Necessity	<p>A reason must be noted in the absence reason NOTES TO THE ADMIN</p> <ul style="list-style-type: none"> · Death or serious illness of immediate family member* that exceed Bereavement Leave · Attend a funeral for a friend (classified employees only) or family member · Accident involving the employee's person or property, or the person or property of a member of his/her immediate family · Appearance in any court <ul style="list-style-type: none"> · Verification must be submitted to HR · Enrolling his/her child in a school or with childcare provider's activities or addressing his/her child's school or child care provider's emergency (limit 40 hours per year and not more than 8 hours per month). <ul style="list-style-type: none"> · Requires 24-hours advance approval · Verification must be submitted to HR
5	Sick Leave > Discretionary Day	<p>Employees may use three (3) days of Personal Necessity Leave without providing a reason, which is known as a Discretionary Day.</p> <ul style="list-style-type: none"> · Discretionary Days are not accumulated from year-to-year · No more than two (2) employees per day per school site or department · Seventy-two (72) hours advance approval required
6	Comp Time	<p>Classified Employees: All use of comp-time off must be approved in advance by the employee's immediate supervisor.</p>
8	Workers' Comp	<ul style="list-style-type: none"> · It is the employee's responsibility to communicate with HR regarding restrictions, so that HR can arrange possible accommodations · Notes from the treating physician must be submitted to HR as soon as one is received by the treating physician.
11	Sick Leave > Sub Deduct	Certificated Employees Only (deducted from sick leave)
17	Other/Possible Dock	<ul style="list-style-type: none"> · Employees are required to indicate a reason and/or notify HR · When checking this, your salary may be docked
22	Out of SL-Sub Deduct	To be used when a bargaining unit member is out of sick leave and needs to be absent from duties on account of illness or accident.
	Out of SL-Pers Nec	To be used when a bargaining unit member is out of sick leave and needs to be absent from duties on account of illness or accident involving an immediate family member.



Absence Management



SIGNING IN

To log in to the absence management application, type aesoponline.com in your web browser's address bar.

The Sign In page will appear. Enter your ID/username and PIN/password and click **Sign In**.

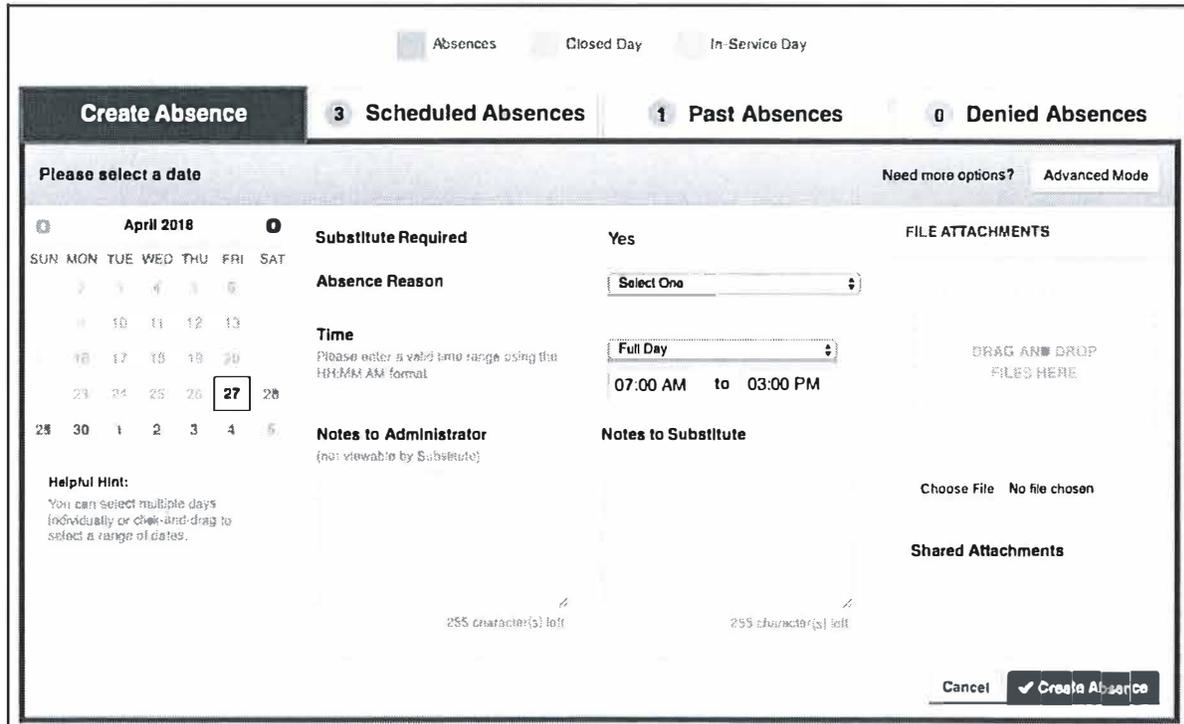
RECOVERING CREDENTIALS

If you cannot recall your credentials, use the recovery options or click the "**Having trouble signing in?**" link for more details.

CREATING AN ABSENCE

You can enter a new absence from your absence management home page under the **Create Absence** tab.

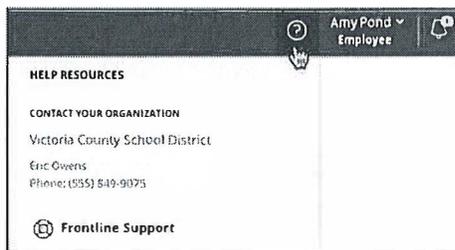
Enter the absence details including the date of the absence, the absence reason, notes to the administrator or substitute, etc. and attach any files, if needed. You can then click **Create Absence**.



MANAGING YOUR PIN AND PERSONAL INFORMATION

Using the “Account” option, you can manage your personal information, change your PIN number, upload shared attachments (lesson plans, classroom rules, etc.), manage your preferred substitutes, and more.

Personal Info	Personal Info
Change Phone Pin	General Information
Shared Attachments	Name: Amy Pond
Preferred Substitutes	Phone: 6105553747
Excluded Substitutes	Email Address: Apond@education.com
Absence Reason Balances	Title:
	Room Number: Main Office
	Language: English Your language preference can be changed in your Account Settings.
	Address



GETTING HELP AND TRAINING

If you have questions, want to learn more about a certain feature, or need more information about a specific topic, click **Help Resources** and select **Frontline Support**. This opens a knowledge base of help of training materials.

ACCESSING ABSENCE MANAGEMENT ON THE PHONE

In addition to web-based, system accessibility, you can also create absences, manage personal information, check absence reason balances, and more, all over the phone.

To call the absence management system, dial **1-800-942-3767**. You'll be prompted to enter your ID number (followed by the # sign), then your PIN number (followed by the # sign).

Over the phone you can:

- Create an absence (within the next 30 days) – **Press 1**
- Review upcoming absences – **Press 3**
- Review a specific absence – **Press 4**
- Review or change your personal information – **Press 5**

If you create an absence over the phone, please note the confirmation number that the system assigns the new absence, for future reference.



Farmersville USD | BP 5132 Students

Dress And Grooming

The Governing Board believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction which would interfere with the educational process.

(cf. 4119.22 - Dress and Grooming)

(cf. 5145.2 - Freedom of Speech/Expression: Publications Code)

Students and parents/guardians shall be informed about dress and grooming standards at the beginning of the school year and whenever these standards are revised. A student who violates these standards shall be subject to appropriate disciplinary action.

(cf. 5144 - Discipline)

Gang-Related Apparel

The principal, staff and parents/guardians at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5136 - Gangs)

Uniforms

In order to promote student safety and discourage theft, peer rivalry and/or gang activity, the principal, staff and parents/guardians at a school may establish a reasonable dress code requiring students to wear uniforms. Such a dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

If a school's plan to require uniforms is adopted, the Superintendent or designee shall establish procedures whereby parents/guardians may choose to have their children exempted from the school uniform policy. Students shall not be penalized academically, otherwise discriminated against or denied attendance to school if their parents/guardians so decide. (Education Code 35183)

The Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms.

Legal Reference:

Farmersville USD | BP 4161, 4261 Personnel

Leaves

The Governing Board shall provide for paid and unpaid leaves of absence for employees in accordance with law, Board policy, administrative regulation, collective bargaining agreements, and merit system rules, as applicable.

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

The Board recognizes the following justifiable reasons for employee absence:

1. Personal illness or injury

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

(cf. 4261.1 - Personal Illness/Injury Leave)

2. Industrial accident or illness

(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)

(cf. 4261.11 - Industrial Accident/Illness Leave)

3. Family care and medical leave

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

4. Military service

(cf. 4161.5/4261.5/4361.5 - Military Leave)

5. Personal necessity and personal emergencies

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

6. Disability leave for certificated employees in accordance with Education Code 44986

7. Vacations for classified staff and certificated management staff, as applicable

8. Sabbaticals for purposes of study or training related to the employee's job duties

(cf. 4161.3 - Professional Leaves)

(cf. 4261.3 - Professional Leaves)

9. Attendance at work-related meetings and staff development opportunities

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

10. Compulsory leave

(cf. 4118 - Suspension/Disciplinary Action)

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

Long-Term Leaves

With Board approval, an employee may receive a leave of absence, without pay and without accruing seniority or service credit, for a period of up to one school year. Applications for long-term leave shall be made in writing and shall state the purpose for which leave is requested. All long-term leave agreements shall be in writing and shall state the terms and conditions of the leave, including the conditions governing the employee's return.

At the end of a long-term leave, the employee shall be reinstated to a similar position as that held at the time leave was granted, unless otherwise agreed upon.

The Board shall consider any written request by an employee to return to work prior to the expiration date of the leave.

Administrative and Supervisory Personnel

Certificated administrative and supervisory employees who are not subject to the district's bargaining agreement for certificated employees shall generally be entitled to those leave provisions provided in the bargaining agreement for other certificated employees unless otherwise specified in individual contract, memorandums of understanding, Board policy, administrative regulation, or law.

Classified administrative and supervisory employees who are not subject to the district's bargaining agreement for classified employees shall generally be entitled to those leave provisions provided in the bargaining agreement for other classified employees unless otherwise specified in individual contract, memoranda of understanding, Board policy, administrative regulation, or law.

(cf. 2121 - Superintendent's Contract)

(cf. 4300 - Administrative and Supervisory Personnel)

(cf. 4312.1 - Contracts)

Legal Reference:

EDUCATION CODE

22850-22856 Pension benefits, STRS members on military leave

44018 Compensation for employees on active military duty

44036-44037 Leaves of absence for judicial and official appearances

44043.5 Catastrophic leave

44800 Effect of active military service on status of employees

44842 Failure to provide notice or to report to work

44940 Sex offenses and narcotic offenses; compulsory leave of absence

44962-44988 Leaves of absence (certificated)

45059 Employee ordered to active military/naval duty, computation of salary

45190-45210 Leaves of absence (classified)

FAMILY CODE

297-297.5 Registered domestic partner rights, protections and benefits

GOVERNMENT CODE

3543.1 Release time for representatives of employee organizations

3543.2 Scope of representation

12945.1-12945.2 California Family Rights Act

20990-21013 Pension benefits, PERS members on military leave

LABOR CODE

230-230.2 Leaves for victims of domestic violence, sexual assault or specified felonies

230.3 Leave for emergency personnel

230.4 Leave for volunteer firefighters

230.8 Leave to visit child's school

233 Illness of child, parent, spouse or domestic partner

MILITARY AND VETERANS CODE

395-395.9 Military leave

395.10 Leave when spouse on leave from military deployment

UNITED STATES CODE, TITLE 29

2601-2654 Family and Medical Leave Act of 1993

UNITED STATES CODE, TITLE 38

4301-4334 Uniformed Services Employment and Reemployment Rights Act of 1994

Policy FARMERSVILLE UNIFIED SCHOOL DISTRICT

adopted: December 9, 2008 Farmersville, California

Farmersville USD | AR 4161.2, 4261.2,4361.2 Personnel

Personal Leaves

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5)

Whenever possible, employees shall request personal leaves in advance and prepare suitable lesson plans or instructions for a substitute employee.

(cf. 4121 - Temporary/Substitute Personnel)

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)

(cf. 4161/4261/4361 - Leaves)

Members of the immediate family include: (Education Code 44985, 45194)

1. The mother, father, grandmother, grandfather, or grandchild of the employee or of the employee's spouse
2. The employee's spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister
3. Any relative living in the employee's immediate household

At the employee's request, bereavement leave may be extended under personal necessity leave provisions as provided below. (Education Code 44981, 45207)

Personal Necessity

Employees may use a maximum of seven days of their accrued personal illness/injury leave during each school year for reasons of personal necessity. (Education Code 44981, 45207)

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

(cf. 4261.1 - Personal Illness/Injury Leave)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's 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 certificated employee's immediate family (Education Code 44981)

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

4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)

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 personal necessity.

Advance permission shall not be required of any employee in cases involving the death of a member of the employee's immediate family or an accident involving the employee's person or property or the person or property of a member of his/her immediate family. For certificated employees, advance permission also shall not be required in cases involving the serious illness of a member of the employee's immediate family. (Education Code 44981, 45207)

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.

Legal Duties

Classified employees called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury fees. (Education Code 44037)

Certificated employees also shall be granted leave for jury duty with pay up to the amount of the difference between the employee's regular earnings and any amount received as juror's fees.

Employees shall be granted leaves to appear in court as witnesses other than litigants or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such employees shall receive pay up to the amount of the difference between the employee's regular earnings and any amount received for witness fees.

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the district office when requesting leave.

Leaves for Crime Victims

An employee may be absent from work in order to attend judicial proceedings related to a crime when he/she is a victim, immediate family member of a victim, registered domestic partner of a victim, or child of a registered domestic partner of a victim of the following crimes: (Labor Code 230.2)

1. A violent felony as defined in Penal Code 667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

For these purposes, the employee may use vacation, personal leave, personal illness/injury leave, compensatory time off that is otherwise available to the employee, or unpaid leave. (Labor Code 230.2)

Prior to taking time off, an employee shall give his/her supervisor a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The district shall keep confidential any records pertaining to the employee's absence from work. (Labor Code 230.2)

Leaves for Victims of Domestic Violence or Sexual Assault

An employee who is a victim of domestic violence or sexual assault as defined by law may take time off work to obtain or attempt to obtain any relief including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or his/her child. (Labor Code 230)

In addition, an employee who is a victim of domestic violence or sexual assault may take time off work to attend to the following activities: (Labor Code 230.1)

1. Seek medical attention for injuries caused by domestic violence or sexual assault
2. Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault
3. Obtain psychological counseling related to an experience of domestic violence or sexual assault
4. Participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation

An employee who is a victim of domestic violence or sexual assault may use vacation, personal leave, or compensatory time off that is otherwise available to the employee under the applicable terms of employment. (Labor Code 230, 230.1)

Prior to taking time off, an employee shall give reasonable notice to his/her supervisor, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide,

within a reasonable period of time, certification of the absence in the form of any of the following documents: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim of domestic violence or sexual assault
2. A court order protecting or separating the employee from the perpetrator of an act of domestic violence or sexual assault, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting from an act of domestic violence or sexual assault

The district shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

Personal Leave for a Child's School Activities

Any employee who is a parent/guardian, or grandparent having custody of one or more children who are enrolled in grades K-12, or who attend 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 year, and the employee shall give reasonable advance notice of the absence. (Labor Code 230.8)

(cf. 1240 - Volunteer Assistance)

In lieu of using vacation, personal leave, or compensatory time off, eligible employees giving reasonable advance notice may take up to 40 hours without pay each school year for this purpose, not to exceed eight hours in any month.

If both parents/guardians of a child are employed at the same work site, this leave shall be allowed for the first parent/guardian who applies. Simultaneous absence by the second parent may be granted by the Superintendent or designee. (Labor Code 230.8)

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or licensed day care facility that he/she participated in school or licensed day care facility activities on a specific date and at a particular time. (Labor Code 230.8)

Service on Education Boards, Committees, and State or Employee Organizations

Upon request, certificated employees shall be granted up to 20 school days of paid leave per school year for service performed within the state on any education boards, commissions, committees, or groups authorized by Education Code 44987.3 provided that all of the following conditions are met: (Education Code 44987.3)

1. The service is performed in the state of California.
2. The board, commission, organization, or group informs the district in writing of the service.

3. The board, commission, organization, or group agrees, prior to service, to reimburse the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs.

Upon request, certificated and classified employees shall be granted a leave of absence without loss of compensation to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the local organization is affiliated. The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special, or regular meetings of the body of the organization. (Education Code 44987, 45210)

Spouse on Leave from Military Deployment

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that his/her spouse is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10. (Military and Veterans Code 395.10)

The employee shall provide the Superintendent or designee with notice, within two business days of receiving official notice that his/her spouse will be on leave from deployment, of his/her intention to take the leave. The employee shall submit written documentation certifying that his/her spouse will be on leave from deployment during the time that the leave is requested. (Military and Veterans Code 395.10)

Leave for Emergency Duty

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

An employee who is a volunteer firefighter shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire or law enforcement training. (Labor Code 230.4)

Civil Air Patrol Leave

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to employees, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the district for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single emergency operational mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)

The employee shall give the district as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification. (Labor Code 1503)

Legal Reference:

EDUCATION CODE

44036-44037 Leaves of absence for judicial and official appearances

- 44963 Power to grant leaves of absence (certificated)
- 44981 Leave of absence for personal necessity (certificated)
- 44985 Leave of absence due to death in immediate family (certificated)
- 44987 Service as officer of employee organization (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)
- 45210 Service as officer of employee organization (classified)
- 45240-45320 Merit system, classified employees

FAMILY CODE

- 297-297.5 Registered domestic partner rights, protections, and benefits

GOVERNMENT CODE

- 3543.1 Release time for representatives of employee organizations

Legal Reference: (continued)

LABOR CODE

- 230-230.2 Leave for victims of domestic violence, sexual assault, or specified felonies
- 230.3 Leave for emergency personnel
- 230.4 Leave for volunteer firefighters
- 230.8 Leave to visit child's school
- 233 Illness of child, parent, spouse, domestic partner or domestic partner's child
- 234 Absence control policy
- 1500-1507 Civil Air Patrol leave

MILITARY AND VETERANS CODE

- 395.10 Leave when spouse on leave from military deployment

PENAL CODE

667.5 Violent felony, defined

1192.7 Serious felony, defined

CALIFORNIA CONSTITUTION

Article 1, Section 8 Religious discrimination

UNITED STATES CODE, TITLE 29

2612 Family and Medical Leave Act, leave requirements

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

Management Resources:

WEB SITES

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

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

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

Regulation FARMERSVILLE UNIFIED SCHOOL DISTRICT

approved: December 14, 2010 Farmersville, California

Farmersville USD | AR 4161.5, 4261.5, 4361.5 Personnel

Military Leave

Military leave shall be granted in accordance with applicable state and federal law to employees performing military duties on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, examination to determine fitness for duty, and performance of funeral honors duty. (Education Code 44800; Military and Veterans Code 395, 395.01, 395.02, 395.05, 395.1, 395.2, 395.9; 38 USC 4301, 4303, 4316)

(cf. 4161/4261 - Leaves)

(cf. 4361 - Leaves)

An employee who needs to be absent from the district to fulfill his/her military service shall provide advance written or verbal notice to the Superintendent or designee, unless the giving of such notice is precluded by military necessity or is otherwise impossible or unreasonable. (38 USC 4312; 20 CFR 1002.85, 1002.86)

Salary/Compensation

An employee shall receive his/her salary or compensation for the first 30 days of any one absence for military leave or during one fiscal year, under any of the following conditions:

1. **Active Military Training or Exercises:** The employee is granted a temporary military leave of absence to engage in ordered military duty for purposes of active military training, encampment, naval cruises, special exercises, or like activity as a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia, provided that: (Military and Veterans Code 389, 395, 395.01)

a. He/she has been employed by the district for at least one year immediately prior to the day the military leave begins.

b. The ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.

2. **Active Military Duty:** The employee is on military leave, other than a temporary military leave, to engage in active military duty as a member of the reserve corps or force of the United States Armed Forces, the National Guard, or the Naval Militia, provided that he/she has been employed by the district for at least one year immediately prior to the day the military leave begins. (Military and Veterans Code 389, 395.02)

3. **War or Other Emergency:** The employee, however long employed by the district, is a member of the National Guard who is engaged in military or naval duty during a state of extreme emergency as declared by the Governor, or during such time as the National Guard may be on active duty in situations described in Military and Veterans Code 146, including travel time to and from such duty. (Military and Veterans Code 395.05)

4. Inactive Duty Training: The employee is a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia who is engaged in temporary inactive duty training, provided that he/she has been employed by the district for at least one year immediately prior to the day the military leave begins and the ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.

In determining the length of district employment when necessary to determine eligibility for compensation for military leave, all recognized military service performed during and prior to district employment shall be included.

For classified employees, 30 days' compensation shall be one month's salary. For certificated employees, 30 days' compensation shall be one-tenth of the employee's annual salary. (Education Code 45059)

Certificated employees shall not be entitled to compensation during non-teaching, non-paying months of the year.

During the period of military leave, an employee may, upon his/her own request, use any vacation or similar paid leave accrued before the commencement of the military leave. The district shall not require the employee to use such leave. (38 USC 4316; 20 CFR 1002.153)

Benefits

An employee may elect to continue his/her health plan coverage during the military leave. The maximum period of coverage for the employee and his/her dependents shall be either 24 months from the beginning of the leave or until the day after the employee fails to apply for or return to employment, whichever is less. (38 USC 4317; 20 CFR 1002.164)

An employee on military leave may be required to pay the employee cost, if any, of any funded benefit to the extent that other employees on leave are so required. (38 USC 4316)

An employee absent for 30 days or fewer shall not be required to pay more than the employee share for such coverage. An employee absent for 31 days or more may be required to pay not more than 102 percent of the full premium under the plan. (38 USC 4317; 20 CFR 1002.166)

Any employee called into active military duty as a member of the California National Guard or a United States Military Reserve organization shall receive, for up to 180 days, the difference between the amount of his/her military pay and the amount the employee would have received from the district and all benefits that the employee would have received if he/she had not been called to active military duty, unless the benefits are prohibited or limited by vendor contracts.

Vacation and Sick Leave Accrual

An employee on temporary military leave under the conditions described in item #1 Active Military Training or Exercises, in the section entitled "Salary/Compensation" above, shall continue to accrue the same vacation, sick leave, and holiday privileges to which he/she would otherwise be entitled if not absent. (Military and Veterans Code 395)

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

(cf. 4261.1 - Personal Illness/Injury Leave)

An employee on military leave who is serving in active duty in time of war, national emergency, or United Nations military or police operation shall not accrue sick leave or vacation leave during the period of such leave. (Military and Veterans Code 395.1)

However, an employee who is a National Guard member on active duty as described in item #3 War or Other Emergency, in the section entitled "Salary/Compensation" above, shall not suffer any loss or diminution of vacation or holiday privileges because of his/her leave of absence. (Military and Veterans Code 395.05)

Pension Plan Service Credit

Pension plan service credit and vesting shall continue during an employee's military leave as though no break in service had occurred. Payment of employer and employee contributions shall be made in accordance with law for members of the State Teachers' Retirement System or Public Employees' Retirement System. (Education Code 22850-22856; Government Code 20990-21013)

Employment Status

Absence for military leave shall not affect the classification of any certificated employee. In the case of a certificated probationary employee, the period of such absence shall not count as part of the service required to obtain permanent status, but shall not be construed as a break in the continuity of service for any purpose. (Education Code 44800)

(cf. 4116 - Probationary/Permanent Status)

Reinstatement Rights

At the conclusion of the military duty, an employee shall be promptly reinstated in the position held at the beginning of the leave, at the salary to which he/she would otherwise have been entitled, except under the conditions noted below. (Education Code 44800; Military and Veterans Code 395, 395.2; 38 USC 4304, 4313; 20 CFR 1002.180-1002.181)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

Any employee who performs active military duty in time of war, national emergency, or United Nations military or police operation has a right to return to his/her position within six months of an honorable discharge or placement on inactive duty. Reinstatement rights shall not be extended to any such employee who fails to return within 12 months after the first date upon which he/she could terminate or could cause to be terminated his/her active service. (Education Code 44800; Military and Veterans Code 395.1)

When an employee has been on military leave for reasons other than war or national emergency, the time frame for reinstatement shall depend on the length of military service as follows: (38 USC 4312; 20 CFR 1002.115, 1002.118)

1. For a leave of 30 days or fewer, the employee shall report for duty no later than the beginning of the first full work day following the completion of military service, provided the employee has a period of eight hours to rest following transportation to his/her residence.

2. For a leave of 31-180 days, the employee shall submit a written or verbal application for reinstatement not later than 14 days after the completion of military service.
3. For a leave of more than 180 days, the employee shall submit a written or verbal application for reinstatement within 90 days after the completion of military service.

In cases where reporting within the periods specified in items #1 and #2 above is impossible or unreasonable through no fault of the employee, he/she shall report as soon as possible after the expiration of the period. (38 USC 4312; 20 CFR 1002.115, 1002.117)

An employee who is hospitalized for, or convalescing from, an illness or injury incurred in or aggravated during the performance of military service shall report for duty or submit an application for reinstatement at the end of the period that is necessary to recover from such illness or injury, but no more than two years after the completion of military service unless circumstances beyond the employee's control make reporting within the two-year period impossible or unreasonable. (38 USC 4312; 20 CFR 1002.116)

(cf. 4032 - Reasonable Accommodation)

Upon receiving an application for reinstatement, the Superintendent or designee shall reinstate the employee as soon as practicable under the circumstances of his/her case, but within a time period not to exceed two weeks, absent unusual circumstances. (20 CFR 1002.181)

If the employee's previous position has been abolished, he/she shall be reinstated in a position of like seniority, status, and pay, if such position exists, or to a comparable vacant position for which he/she is qualified. (Military and Veterans Code 395, 395.1; 38 USC 4313; 20 CFR 1002.192)

An employee failing to apply for reinstatement within the appropriate period does not automatically forfeit his/her rights, but shall be subject to the Board's rules governing unexcused absences. (38 USC 4312)

The Superintendent or designee may elect not to reinstate an employee following military leave if any of the following conditions exists:

1. The district's circumstances have so changed as to make such re-employment impossible or unreasonable, such as a reduction in force that would have included the employee. (38 USC 4312; 20 CFR 1002.139)
2. The accommodation, training, or effort described in 38 USC 4313(a)(3), (a)(4), or (b)(2)(B) would impose an undue hardship on the district as defined in 20 CFR 1002.5 or 1002.198. (38 USC 4312; 20 CFR 1002.139)
3. The employee's position was for a brief, nonrecurrent period and there was no reasonable expectation that such employment will continue indefinitely or for a significant period. (38 USC 4312; 20 CFR 1002.139)
4. The employee's cumulative length of absence and length of all previous military leave while employed with the district exceeds five years, excluding those training and service obligations specified in 38 USC 4312(c). (38 USC 4312; 20 CFR 1002.99-1002.103)

5. The employee was separated from military service with a disqualifying discharge or under other than honorable conditions. (Military and Veterans Code 395.1; 20 USC 4304, 4312; 20 CFR 1002.134-1002.138)

Notices

The Superintendent or designee shall provide employees a notice of the rights, benefits, and obligations of employees granted military leave and of the district under the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC 4301-4334. (38 USC 4334)

This requirement may be met by posting the notice where the district customarily places notices for employees. (38 USC 4334)

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

Legal Reference:

EDUCATION CODE

22850-22856 Pension benefits, STRS members on military leave

44018 Compensation for employees on active military duty

44800 Effect of active military service on status of employees

45059 Employee ordered to military/naval duty - computation of salary

GOVERNMENT CODE

18540 Definition of armed forces

18540.3 Recognized military service

20990-21013 Pension benefits, PERS members on military leave

MILITARY AND VETERANS CODE

146 Events justifying calling of militia into active service

389 Definitions; temporary military leave

394 Nondiscrimination based on military service

395-395.9 Military leave

UNITED STATES CODE, TITLE 38

4301-4334 Uniformed Services Employment and Reemployment Rights Act of 1994

CODE OF FEDERAL REGULATIONS, TITLE 20

1002.1-1002.314 Uniformed Services Employment and Reemployment Rights Act of 1994

COURT DECISIONS

Wright v. City of Santa Clara (1989) 213 Cal. App.3d 1503

Bowers v. San Buenaventura (1977) 75 Cal. App.3d 65

ATTORNEY GENERAL OPINIONS

77 Ops.Cal.Atty.Gen. 209 (1994)

69 Ops.Cal.Atty.Gen. 185 (1986)

63 Ops.Cal.Atty.Gen. 924 (1978)

19 Ops.Cal.Atty.Gen. 132 (1952)

18 Ops.Cal.Atty.Gen. 178 (1951)

Management Resources:

U.S. DEPARTMENT OF LABOR PUBLICATIONS

A Non-Technical Resource Guide to the Uniformed Services Employment and Reemployment Rights Act (USERRA), rev. April 2005

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

The Uniformed Services Employment and Reemployment Rights Act (USERRA), NSBA Federal File: Guidance on Federal School Law, 2003

WEB SITES

National Committee for Employer Support of the Guard and Reserve: <http://www.esgr.org>

National School Boards Association: <http://www.nsba.org>

U.S. Department of Labor, USERRA: <http://www.dol.gov/vets/programs/userra>

Regulation FARMERSVILLE UNIFIED SCHOOL DISTRICT

approved: December 12, 2006 Farmersville, California

Farmersville USD | BP 4161.8, 4261.8, 4361.8 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 and Injury Leave)

(cf. 4261.1 - Personal Illness and 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, 2611-2619, 2631-2636, 2651-2654 Family and Medical Leave Act of 1993

CODE OF FEDERAL REGULATIONS, TITLE 29

825 Family and Medical Leave Act of 1993

Policy FARMERSVILLE UNIFIED SCHOOL DISTRICT

adopted: May 14, 1996 Farmersville, California

Farmersville USD | BP 4161.8, 4261.8,4361.8 Personnel

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(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 and Injury Leave)

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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, 2611-2619, 2631-2636, 2651-2654 Family and Medical Leave Act of 1993

CODE OF FEDERAL REGULATIONS, TITLE 29

825 Family and Medical Leave Act of 1993

Policy FARMERSVILLE UNIFIED SCHOOL DISTRICT

adopted: May 14, 1996 Farmersville, California

Farmersville USD | AR 4161.8, 4261.8,4361.8 Personnel

Family Care And Medical Leave

The district shall not interfere with, restrain, or deny the exercise of any right for family care and medical leave provided to an eligible employee, as defined below, under the law. In addition, the district shall not discharge or discriminate against any employee for opposing any practice made unlawful by, or because of, his/her involvement in any inquiry or proceeding related to the family care and medical leave. (29 USC 2615; Government Code 12945.2)

(cf. 4030 - Nondiscrimination in Employment)

Definitions

Any word or phrase defined below shall have the same meaning throughout this administrative regulation except where otherwise specifically defined.

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)

Eligible employee means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the previous 12-month period. (29 USC 2611; 29 CFR 825.110; 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. Parent does not include a spouse's parents. (29 USC 2611; 29 CFR 825.122; Government Code 12945.2; 2 CCR 7297.0)

Serious health condition means an illness, injury, impairment, or physical or mental condition that involves either of the following: (29 USC 2611; 29 CFR 825.113, 825.114, 825.115; 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, including one or more of the following:
 - a. A period of incapacity of more than three consecutive full days
 - b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
 - c. For purposes of leave under the Family and Medical Leave Act (FMLA), any period of incapacity due to pregnancy or for prenatal care
 - d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective
 - e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300 or 1 USC 7. In addition, for purposes of rights under the California Family Rights Act (CFRA), a registered domestic partner shall have the same rights, protections, and benefits as a spouse and protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (1 USC 7; 29 CFR 825.122; Family Code 297.5, 300; 2 CCR 7297.0)

Eligibility

The district shall grant family care and medical leave to eligible employees for the following reasons: (29 USC 2612; 29 CFR 825.112; Family Code 297.5; Government Code 12945.2)

1. Because of the birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child
2. To care for the employee's child, parent, or spouse with a serious health condition
3. Because of the employee's own serious health condition that makes him/her unable to perform one or more essential functions of his/her position, except that CFRA leave shall not cover an employee's disability on account of pregnancy, childbirth, or related medical conditions
4. Because of any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a covered military member on covered active duty (or has been notified of an impending call or order to covered active duty)
5. To care for a covered servicemember with a serious injury or illness if the employee is the spouse, child, parent, or next of kin, as defined, of the servicemember

In addition to FMLA leave for disability on account of a pregnancy, childbirth, or related medical conditions pursuant to item #3 above, a female employee disabled by pregnancy, childbirth, or related medical conditions may be entitled to take leave for a reasonable period of time, not to exceed four months. (Government Code 12945)

Terms of Leave

An eligible employee shall be entitled to a total of 12 work weeks of family care and medical leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. (29 USC 2612; Government Code 12945.2)

This 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)

Leave taken pursuant to the CFRA shall run concurrently with leave taken pursuant to the FMLA, except in the following circumstances:

1. Leave taken to care for a registered domestic partner or a child of a domestic partner. Such leave shall count as leave under the CFRA only. (Family Code 297.5)
2. Leave taken for disability on account of pregnancy, childbirth, or related medical conditions. FMLA leave taken for these purposes shall run concurrently with the California pregnancy disability leave granted pursuant to Government Code 12945. CFRA leave related to the birth of a child shall

not commence until the expiration of the pregnancy disability leave. (Government Code 12945, 12945.2; 2 CCR 7297.6)

(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 the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. The basic minimum duration of the leave for birth or placement of a child shall be two weeks. However, the district shall grant a request for leave of less than two weeks' duration on any two occasions. (29 USC 2612; 2 CCR 7297.3)

If both parents of a child work for the district, their family care and medical leave related to the birth or placement of the child shall be limited to a combined total of 12 weeks. This restriction shall apply whether or not the parents are married, not married, or registered domestic partners. (29 USC 2612; Government Code 12945.2)

Use/Substitution of Paid Leave

Except for pregnancy disability leave, 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. If the leave is because of the employee's own serious health condition, the employee shall use accrued sick leave pursuant to the collective bargaining agreement and/or Board policy. (29 USC 2612; Government Code 12945.2)

Intermittent Leave/Reduced Leave Schedule

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 leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district may limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave. (29 USC 2612; 2 CCR 7297.3)

If an employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on planned medical treatment for the employee or a family member, the district may require the employee to transfer temporarily to an available alternative position. This alternative position must have equivalent pay and benefits, the employee must be qualified for the position, and the position must better accommodate recurring periods of leave than the employee's regular job. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced leave schedule. (29 USC 2612; 2 CCR 7297.3)

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

Request for Leave

An employee shall provide at least verbal notice sufficient to make the district aware that he/she needs family care and medical leave and the anticipated timing and duration of the leave. The employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement; however, he/she must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the

Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 7297.4)

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. (2 CCR 7297.4)

When the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member, the employee shall provide the district with at least 30 days advance notice before the leave. The employee shall consult with the district and make a reasonable effort to schedule, subject to the health care provider's approval, any planned medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 7297.4)

When the 30 days notice is not practicable because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, the employee shall provide the district with notice as soon as practicable. (2 CCR 7297.4)

Certification of Health Condition

At the time of the employee's request for leave for his/her own or his/her child's, parent's, or spouse's serious health condition, or within five business days of the request, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (29 CFR 825.305; 2 CCR 7297.4)

The certification shall include the following: (29 USC 2613; Government Code 12945.2; 2 CCR 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, parent, or spouse with a serious health condition, both of the following:
 - a. 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
 - b. Estimated amount of time the health care provider believes the employee needs to care for the child, parent, or spouse
4. If the employee is requesting leave because of his/her own serious health condition, a statement that due to the serious health condition, he/she is unable to work at all or is unable to perform one or more essential functions of his/her job
5. If the employee is requesting leave for intermittent treatment or is requesting leave on a reduced leave schedule for planned medical treatment, a statement of 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

The Superintendent or designee shall not request any genetic information, as defined in 42 USC 2000ff, from any employee or his/her family member except as necessary to comply with a certification requirement for FMLA/CFRA leave purposes or with the prior written authorization of the employee. Any such genetic information received by the district shall be kept confidential in accordance with law. (42 USC 2000ff-1, 2000ff-5)

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA as long as there is no individualized harm to the employee. (29 CFR 825.301)

If the Superintendent or designee doubts the validity of a certification that accompanies a request for leave for the employee's own serious health condition, he/she may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (29 USC 2613; Government Code 12945.2)

If additional leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified in items #1-5 above. (29 USC 2613; Government Code 12945.2)

Fitness for Duty Upon Return to Work

Upon expiration of leave taken for his/her own serious health condition, an employee shall present certification from his/her health care provider that he/she is able to resume work.

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

The certification from the employee's health care provider shall address the employee's ability to perform the essential functions of his/her job.

Rights to Reinstatement and Maintenance of Benefits

Upon granting an employee's request for family care and medical leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (29 USC 2614; Government Code 12945.2)

However, 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.

(cf. 4117.3 - Personnel Reduction)

(cf. 4217.3 - Layoff/Rehire)

During the period when an employee is on family care and medical leave, he/she shall maintain his/her status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (29 USC 2614; Government Code 12945.2)

For a period of 12 work weeks, the district shall continue to provide an eligible employee on family care and medical leave the group health plan coverage that was in place before he/she took the leave. The employee shall reimburse the district for premiums paid during the family care and medical leave if he/she fails to return to district employment after the expiration of the leave and the failure is for any reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond his/her control. (29 USC 2614; 29 CFR 825.213; Government Code 12945.2)

(cf. 4154/4254/4354 - Health and Welfare Benefits)

In addition, during the period when an employee is on family care and medical leave, he/she shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not be required to make plan payments for an employee during the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2)

Military Family Leave Resulting from Qualifying Exigencies

An eligible employee may take up to 12 work weeks of unpaid leave during the 12-month period established by the district while a covered military member is on covered active duty or call to covered active duty status for one or more qualifying exigencies. (29 USC 2612)

Covered military member means an employee's spouse, son, daughter, or parent on covered active duty or call to covered active duty status. (29 CFR 825.126)

Covered active duty means duty during the deployment of a member of the regular Armed Forces to a foreign country or duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or order to active duty. (29 USC 2611)

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment (up to seven calendar days from the date of receipt of call or order of short notice deployment)
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the active duty or call to active duty status

3. Arrange childcare or attend school activities arising from the active duty or call to active duty, such as arranging for alternative childcare, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a covered military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to five days of leave per instance) with a covered military member who is on short-term temporary rest and recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

An employee who is requesting such leave for the first time shall provide the Superintendent or designee with a copy of the covered military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced leave schedule basis. (29 CFR 825.302)

During the period of qualified exigency leave, the district's rule regarding an employee's use of his/her accrued vacation leave and any other accrued paid or unpaid time off, as specified in "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

The district shall grant up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date of leave taken, to an eligible employee to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, an employee must be the spouse, son, daughter, parent, or next of kin of the covered servicemember. This 26-week period is not in addition to, but rather is inclusive of, the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be either: (29 USC 2611)

1. A member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness
2. A veteran who, within the five years preceding his/her undergoing of medical treatment, recuperation, or therapy for a serious injury or illness, was a member of the Armed Forces, including the National Guard or Reserves

Son or daughter of a covered servicemember means the biological, adopted, or foster child, stepchild, legal ward, or a child of any age for whom the covered servicemember stood in loco parentis. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents in law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to the covered servicemember, or as designated in writing by the covered servicemember. (29 USC 2611, 2612)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a member of the Armed Forces, an injury or illness incurred or aggravated by the member's service in the line of duty while on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating
2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

The leave may be taken intermittently or on a reduced schedule when medically necessary. An employee taking military caregiver leave in combination with other leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

During the period of military caregiver leave, the district's rule regarding an employee's use of his/her accrued vacation leave and other accrued paid or unpaid time off, as specified in "Use/Substitution of Paid Leave" above, shall apply.

Notifications

The Superintendent or designee shall provide the following notifications about state and federal law related to FMLA/CFRA:

1. General Notice: Information explaining the provisions of the FMLA/CFRA and employee rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (29 USC 2619; 2 CCR 7297.9)

The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days notice of the need for the leave, when the need for the leave is reasonably foreseeable. (2 CCR 7297.4)

2. Eligibility Notice: When an employee requests leave or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of his/her eligibility to take such leave. (29 CFR 825.300)

3. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as appropriate: (29 CFR 825.300)

a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification

c. The employee's right to substitute paid leave, whether the district will require substitution of paid leave, conditions related to any substitution, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave

d. Any requirements for the employee to make any premium payments to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis

e. If applicable, the employee's status as a "key employee," potential consequence that restoration may be denied following the FMLA leave, and explanation of the conditions required for such denial

f. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave

g. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of his/her receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

4. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, he/she shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

If the district requires paid leave to be substituted for unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a fitness-for-duty certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement.

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

The Superintendent or designee shall maintain records pertaining to an individual employee's use of family care and medical leave in accordance with law. (29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500; Government Code 12946)

Legal Reference:

EDUCATION CODE

44965 Granting of leaves of absence for pregnancy and childbirth

FAMILY CODE

297-297.5 Rights, protections and benefits under law; registered domestic partners

300 Validity of marriage

GOVERNMENT CODE

12940 Unlawful employment practices

12945 Pregnancy; childbirth or related medical condition; unlawful practice

12945.1-12945.2 California Family Rights Act

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 1

7 Definition of marriage, spouse

UNITED STATES CODE, TITLE 29

2601-2654 Family and Medical Leave Act of 1993, as amended

UNITED STATES CODE, TITLE 42

2000ff-1-2000ff-11 Genetic Information Nondiscrimination Act of 2008

CODE OF FEDERAL REGULATIONS, TITLE 29

825.100-825.800 Family and Medical Leave Act of 1993

COURT DECISIONS

Faust v. California Portland Cement Company, (2007) 150 Cal.App.4th 864

Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045

Management Resources:

FEDERAL REGISTER

Final Rule and Supplementary Information, November 17, 2008. Vol. 73, No. 222, pages 67934-68133

U.S. DEPARTMENT OF LABOR PUBLICATIONS

Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers

WEB SITES

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

U.S. Department of Labor, FMLA: <http://www.dol.gov/whd/fmla>

Regulation FARMERSVILLE UNIFIED SCHOOL DISTRICT

approved: September 14, 2010 Farmersville, California

Farmersville USD | BP 4161.9, 4261.9,4361.9 Personnel

Catastrophic Leave Program

When a catastrophic illness or injury incapacitates a certificated employee or a member of his/her family for an extended period of time and the employee has exhausted all paid leaves of absence, other employees may donate accrued vacation and/or sick leave credits to that employee under the specific requirements of the district's catastrophic leave program.

Donations made under the catastrophic leave program shall be strictly voluntary.

(cf. 4161/4261 - Leaves)

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

(cf. 4261.1 - Personal Illness/Injury Leave)

(cf. 4361 - Leaves)

Legal Reference:

EDUCATION CODE

44043.5 Catastrophic leave

Policy FARMERSVILLE UNIFIED SCHOOL DISTRICT

adopted: March 17, 1999 Farmersville, California

Farmersville USD | AR 4161.9, 4261.9,4361.9 Personnel

Catastrophic Leave Program

When a certificated employee or a member of his/her family experiences a catastrophic illness or injury which requires the employee to take time off from work for an extended period of time, and the employee has exhausted all available sick leave and other paid time off, he/she may request donations of accrued vacation or sick leave credits. (Education Code 44043.5)

In making such a request, 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.

Upon determination that the employee is unable to work due to his/her own or a family member's catastrophic illness or injury, any other employee, upon written notice to the Governing Board, may donate accrued vacation and/or sick leave credits to the requesting employee. Donations shall be at a minimum of eight hours, and in hour increments thereafter. (Education Code 44043.5)

To ensure that employees retain sufficient accrued sick leave to meet their own needs, donors shall not reduce their accumulated sick leave to fewer than ___ hours.

All transfers of eligible leave credit shall be irrevocable. (Education Code 44043.5)

The Superintendent or designee shall ensure that all donations are confidential.

The employee who is the recipient of the donated leave credits shall use those credits within 12 consecutive months.

If donated credits are not used by the employee within 12 consecutive months, the credits shall be placed in a pool that will be available to the next eligible employee who requests catastrophic leave.

An employee who receives paid catastrophic leave shall use any leave credits that he/she continues to accrue on a monthly basis before receiving paid leave pursuant to this program. (Education Code 44043.5)

Regulation FARMERSVILLE UNIFIED SCHOOL DISTRICT

approved: March 17, 1999 Farmersville, California

Farmersville USD | AR 4361.1, 4161.1 Personnel

Personal Illness and Injury Leave

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

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

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

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

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

At the beginning of each school year, employees shall be notified of the amount of sick leave they have accumulated.

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

Sick leave may be used by a certificated employee for absences due to:

1. Temporary inability to perform his/her duties because of illness, accident, or quarantine, whether or not the cause of the absence arises out of and in the course of employment (Education Code 44964)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

2. Pregnancy, miscarriage, childbirth, and recovery (Education Code 44965, 44978)

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

3. Personal necessity (Education Code 44981)

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

4. Medical and dental appointments, in increments of not less than one hour

5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)

(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)

6. Illness of the employee's child, parent, spouse, registered domestic partner, or domestic partner's child in an amount not less than the sick leave that would be accrued by the employee during six months at his/her then current rate of entitlement (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. 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 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.

(cf. 4121 - Temporary/Substitute Personnel)

Continued Absence After Available Sick Leave Is Exhausted

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

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

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

(cf. 4116 - Probationary/Permanent Status)

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 other authorized health care provider. 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, 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 may, after giving notice to the employee, 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 to duty and stipulating any necessary restrictions or limitations.

(cf. 4032 - Reasonable Accommodation)

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

Legal Reference:

EDUCATION CODE

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

44965 Granting of leaves of absence for pregnancy and childbirth

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

44977 Salary deduction during absence from duties up to five months after sick leave is exhausted

44978 Provisions for sick leave of certificated employees

44978.1 Inability to return to duty; placement in another position or on reemployment list

44979 Transfer of accumulated sick leave to another district

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

44981 Leave of absence for personal necessity

44983 Exception to sick leave when district adopts specific rule

44984 Industrial accident or illness

44986 Leave of absence for disability allowance applicant

LABOR CODE

220 Sections inapplicable to public employees

233 Illness of child, parent, spouse or domestic partner

234 Absence control policy

CODE OF REGULATIONS, TITLE 5

5601 Transfer of accumulated sick leave

UNITED STATES CODE, TITLE 42

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

COURT DECISIONS

Veguez v. Governing Board of Long Beach Unified School District, (2005) 127 Cal.App.4th 406

Regulation FARMERSVILLE UNIFIED SCHOOL DISTRICT

approved: December 14, 2010 Farmersville, California



	40570 B, E	40570 A, C	40570 F, D
PPO PLANS	100% - A \$20	80% C \$20	80% E \$20
CALENDAR YEAR OUT-OF-POCKET MAXIMUM (OOP)	Member Pays	Member Pays	Member Pays
Individual/Family Deductibles	\$0/\$0	\$200/\$500	\$300/\$600
Individual/Family Out-of-Pocket Max <i>(includes deductible, coinsurance and co-pays)</i>	\$1,000/\$3,000	\$1,000/\$3,000	\$1,000/\$3,000

PROFESSIONAL SERVICES

Office Visit (OV) co-pay <i>(\$0 Copay for first 3 cal yr Primary Care OV on Non-H S A PPO plans)</i>	\$20	\$20	\$20
Urgent Care co-pay	\$20	\$20	\$20
Specialists/Consultants co-pay	\$20	\$20	\$20
Prenatal, postnatal office visit co-pay	\$20	\$20	\$20
Scans: CT, CAT, MRI, PET etc.	0%	20%	20%
Diagnostic X-ray & Laboratory Procedures	0%	20%	20%
Infertility (diagnosis/treatment of causes of infertility)	Not covered	Not covered	Not covered
Preventive Care Services (includes physical exams & screenings)	0%, Deductible Waived	0%, Deductible Waived	0%, Deductible Waived

HOSPITAL & SKILLED NURSING FACILITY SERVICES

Emergency Room visit co-pay (waived if admitted)	0% \$100 co-pay	20% \$100 co-pay	20% \$100 co-pay
Inpatient Hospital co-pay (preauthorization required)	0%	20%	20%
Outpatient Hospital co-pay	0%	20%	20%
Surgery, Outpatient (performed in an Ambulatory Surgery Center)	0%	20%	20%
Surgery, Outpatient (performed in a Hospital)	0%	20%	20%

MENTAL HEALTH SERVICES & SUBSTANCE ABUSE TREATMENT

INPATIENT CARE: Facility based care (preauthorization required)	0%	20%	20%
OUTPATIENT CARE: Facility based care (preauthorization required)	Deductible waived office visit co-pay applies	Deductible waived office visit co-pay applies	Deductible waived office visit co-pay applies

OTHER SERVICES

Acupuncture - Limits apply	0%	20%	20%
Ambulance (Ground or Air)	\$100 Co Pay	\$100 Co Pay + 20%	\$100 Co Pay + 20%
Chiropractic - Limits apply	0%	20%	20%
Durable Medical Equipment (DME)	0%	20%	20%
Physical and Occupational Therapy - Limits apply	0%	20%	20%

PRESCRIPTION DRUG PLANS

Brand Deductible - Individual/Family	Not Applicable	\$200 per person/\$500 per family	\$200 per person/\$500 per family
Individual/Family Rx Out-of-Pocket (OOP) Max <i>(includes Rx deductible & copays)</i>	\$2,500/\$3,500	\$2,500/\$3,500	\$2,500/\$3,500
Generic co-pay/days supply	\$9/30-Days	\$10/30-Days	\$15/30-Days
Brand co-pay/days supply	\$35/30-Days	\$35/30-Days	\$50/30-Days
Mail Order (Generic-Brand co-pay/days supply)	\$0-\$90/90-Days	\$0-\$90/90-Days	\$5-\$135/90-Days
Vision Service Plan (www.vsp.com)	Plan B, \$10 co-pay Exam & lenses every calendar yr; frames every 2 years	Plan B, \$10 co-pay Exam & lenses every calendar yr; frames every 2 years	Plan B, \$10 co-pay Exam & lenses every calendar yr; frames every 2 years
Delta Dental Plan: (www.deltadentalca.org)	Premier Incentive Plan, \$1,500 cal yr	Premier Incentive Plan, \$1,500 cal yr	Premier Incentive Plan, \$1,500 cal yr

RATES

	2022-23		2022-23		2022-23	
Medical	\$1,402.00	\$1,402.00	\$1,220.00	\$1,220.00	\$1,181.00	\$1,181.00
Dental	\$106.20	\$103.30	\$106.20	\$103.30	\$106.20	\$103.30
Vision	\$19.70	\$19.70	\$19.70	\$19.70	\$19.70	\$19.70
Life Insurance	\$7.25	\$7.25	\$7.25	\$7.25	\$7.25	\$7.25
TOTAL PER EMP/MO	\$1,535.15	\$1,532.25	\$1,353.15	\$1,350.25	\$1,314.15	\$1,311.25
DISTRICT CONTRIBUTION	\$1,265.65	\$1,265.65	\$1,265.65	\$1,265.65	\$1,265.65	\$1,265.65
DIFFERENCE PER EMP/MO (12)	\$269.50	\$266.60	\$87.50	\$84.60	\$48.50	\$45.60

NOTATIONS:

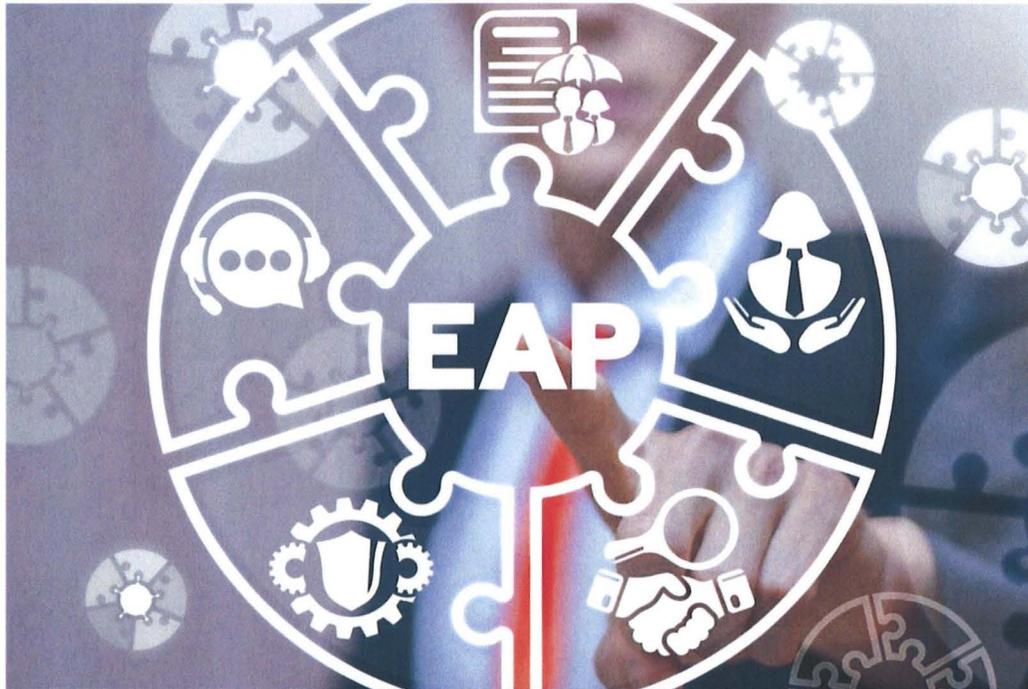
This sheet is only a brief summary of benefits that reflects In-Network benefits. Please review the benefit summaries or plan booklets for details, limitations and exclusions. Benefits may be subject to change due to mid-year legislative changes.

OOP maximum on Anthem plans with a Navitus pharmacy carve out does not include prescription drug co-pays.

Coinsurance and co-pays do NOT carryover to the next calendar year.

Plans with a deductible all have 4th quarter carryover (October 1 - December 31)

For plans with a deductible, co-insurance applies after the deductible has been met unless otherwise noted.



EAP SERVICES

CLINICAL SUPPORT FOR URGENT
AND NON-URGENT CASES

SHORT-TERM COUNSELING

CRITICAL INCIDENT COUNSELING

STRESS & ANXIETY MANAGEMENT

SUBSTANCE ABUSE SUPPORT

FINANCIAL & LEGAL ASSISTANCE

CHILD & ELDER CARE RESOURCES

IN-PERSON, TELEPHONE AND VIDEO
COUNSELING

HELP FOR THE WHOLE FAMILY – AT
NO EXTRA COST

UNLIMITED SUPPORT 24/7

AVANTE BEHAVIORAL HEALTH Employee Assistance Program (EAP)

The Avante Behavioral Health **Employee Assistance Program** is designed to help employees assess and resolve issues that may be affecting their personal lives and/or job performance. The **EAP** is available to employees and their immediate family members *at no cost to them*.

In addition to counseling, Avante Behavioral Health provides both employers and employees with other valuable resources including legal and financial services, guides to choosing child and elder care, and directories of local agencies and support groups. Avante is a full-service health and wellness concierge, here to help our clients navigate the **EAP** from start to finish.

Employees are a company's biggest asset and happy employees are productive employees. You can trust our team of experts to help with life's obstacles. Our highly skilled clinicians offer immediate, short-term assistance and resource support, 24 hours a day, to address small issues before they become large ones.

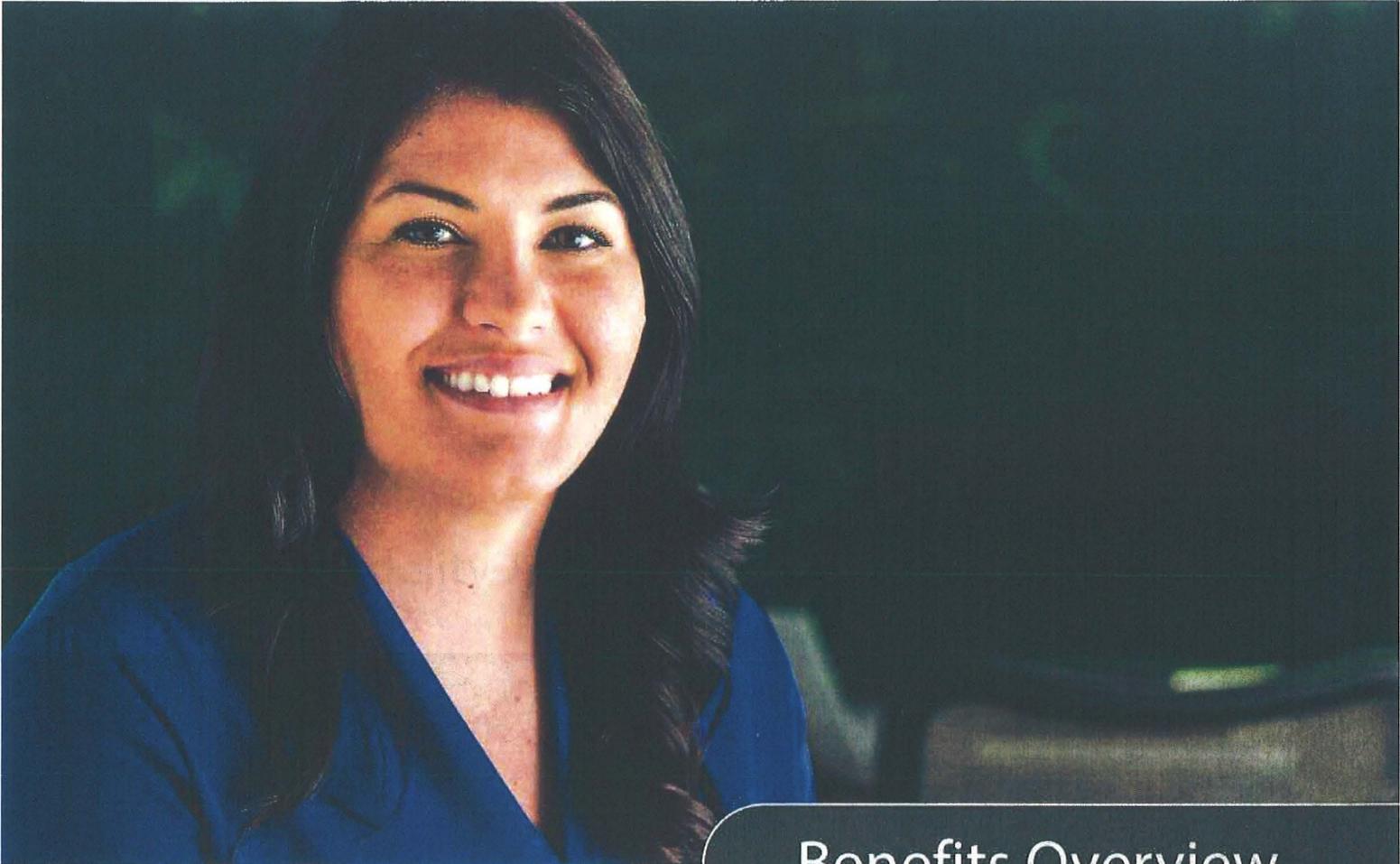
How it Works

Simply call Avante Behavioral Health when you or an immediate family member needs counseling services. One of our mental health clinicians will talk you through your problem and work hand-in-hand with you to find a solution.

We are here to help!

For more information contact our client services department at
(559) 261-9060.

American Fidelity Assurance



Benefits Overview

Central California Branch Office
3649 W. Beechwood Ave., Suite 103
Fresno, CA 93711
866-504-0010 • 559-230-2107
americanfidelity.com

AMERICAN FIDELITY 
a different opinion

American Fidelity Assurance

Dear American Fidelity Assurance employee:

Out of all the items on your to-do list, enrolling in your employer's benefits program likely isn't at the top. But it's more significant than you may think, as protecting yourself and your family is vitally important.

That's where we come in. American Fidelity provides financial solutions to employees just like you, and we offer benefits tailored for your specific needs.

You only have one chance each year to get educated on all available benefit options and choose the ones that best meet your needs. And because benefits can be confusing, we're here to help you every step of the way. We'll walk you through all available options, answer any questions you may have, and help you build a package that's perfect for you.

This book offers you a high-level overview of your benefit options. Once you've reviewed the various products and services available through your employer, please feel free to reach out to your local representative for any questions you may have or further details.

Sincerely,

American Fidelity Assurance Company

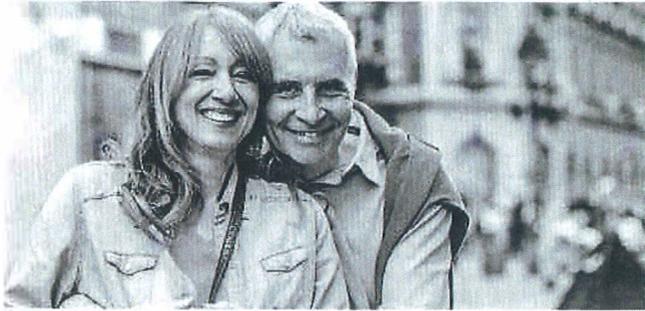
For more information, contact your local American Fidelity representative.

*American Fidelity, a different opinion
in employee benefits.*

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Retirement Solutions



Don't just survive, thrive in retirement. American Fidelity offers a variety of options to help supplement your future income and help achieve your financial goals.

Annuities provide a way to turn your savings into a stream of income, including income for a specific period of time or a lifetime.

Which One Is Right for Me?

- A 403(b) Plan allows you to reduce your federal taxable income by the amount you choose to contribute.
- A 457(b) Plan is a deferred compensation plan that allows eligible employees to save for retirement by deferring compensation with pre-tax dollars.
- With a Traditional IRA, contributions may be tax deductible, and earnings grow tax-deferred.
- With a Roth IRA, contributions are made with after-tax dollars, and it offers the possibility of withdrawing account earnings on a tax-free basis.

Not generally qualified benefits under Section 125 Plans. For individual tax advice, please consult your tax advisor. Variable Annuities are offered by American Fidelity Securities, Inc. See your American Fidelity account manager for more information.

americanfidelity.com



American Fidelity's customer-centric website is clean, easy to navigate, and mobile friendly. It features up-to-date content, videos, a robust search engine for eligible Flexible Spending Account (FSA) expenses, and a simple contact us page that directs your questions to the appropriate team.

In addition, our secured Online Service Center and mobile app provide quick claim submission and easy benefit management.

Public Site Features

- Claim forms
- Contact numbers and customer resources
- Videos and calculators

Online Service Center Features

- Submit reimbursement account and insurance benefit claims.
- Check claim status.
- Sign up for direct deposit of claims.
- Update address, contact information, and more.

Disability Income Insurance



If you were suddenly faced without a paycheck, would you be fully prepared? Could you afford your expenses while maintaining your current lifestyle?

One of the most important assets a person possesses is the ability to earn an income. Disability Income Insurance from American Fidelity is a cost-effective solution designed to help protect you if you become disabled and cannot work due to a covered injury or sickness.

Here's How It Works

In the simplest of terms, this plan is insurance that pays a cash benefit and is designed to help protect you if you can't work due to a covered injury or sickness. It pays a monthly benefit amount based on a percentage of your gross income, so you may continue to afford everyday living expenses.

Features

- Benefits are paid directly to you, so you can use your benefit for any expense you wish.
- Payments made year-round.
- Several elimination periods to choose from.
- Premiums are not required while you are disabled, based on the length of your disability.

Cancer Insurance



If you were unexpectedly faced with a cancer diagnosis, will your major medical insurance be enough? Even with a good plan, the out-of-pocket costs of treatment, such as travel, child care, and loss of income, can be expensive. American Fidelity's **Limited Benefit Cancer Insurance** may help.

Here's How It Works

If cancer touches someone in your family, this plan may help ease the impact on your finances. Benefit payments are made directly to you, allowing you to pay for expenses like copayments, hospital stays, and house and car payments.

Features

- Benefit payments made directly to you, so you can use your benefit for any expense you wish.
- Choose the coverage option that best fits your lifestyle and financial needs.
- More than 25 plan benefits available for cancer treatment, including wellness and early detection.
- Radiation, chemo, and hormone therapy.
- Covers transportation and lodging.
- You own the policy, so you can take it with you if you change jobs.

These products may contain limitations, exclusions, and waiting periods. Applicant's eligibility for this program may be subject to insurability.

Not all riders may be available in every state. Limitations, exclusions, and waiting periods may apply. This product is inappropriate for people who are eligible for Medicaid coverage.

Accident Only Insurance



Accidents are inevitable. Even though you can't always prepare for unforeseen events, you can plan ahead. A **Limited Benefit Accident Only Insurance** plan may help ease the impact on your finances.

American Fidelity's Accident Only Insurance is designed to help cover some of the expenses that can result from a covered accident, and benefit payments are made directly to you.

Here's How It Works

This plan provides 24-hour coverage for accidents that occur both on and off the job and can help offset your medical expenses. There are over 30 plan benefits available, and coverage may also extend to your family.

Features

- Choose the coverage option that best fits your lifestyle and financial needs.
- Apply with no medical questions asked.
- The plan pays an annual Wellness Benefit for one Covered Person to receive a routine physical exam, including immunizations and preventive testing.
- The plan pays a benefit when an Accidental Death or Dismemberment occurs within 90 days of a covered accident.
- Policy is guaranteed renewable for as long as premiums are paid as required.
- You own the policy, so you can take it with you if you change jobs.

Limitations, exclusions, and waiting periods may apply. Not all products and benefits may be available in all states. This product is inappropriate for people who are eligible for Medicaid coverage.

SB-30426-0716

Life Insurance



Ensuring your family is financially covered in the event of a loss is an important way of showing them you care about their needs. Life Insurance can help.

Portable, Individual Life Insurance policies may help your family in the event of your death. The application process is simple. You only have to answer three health questions, and there are no medical exams required.

Term Life Insurance provides short-term coverage at a competitive price, while Whole Life Insurance provides lifelong protection.

Here's How They Work

There are various plans available to you, including both Term Life and Whole Life Insurance. Securing a Life Insurance policy helps provide peace of mind knowing it will help take care of your family after you're gone.

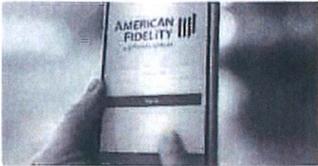
Features

- Your death benefit is guaranteed for the life of the policy, provided premiums are paid as required.
- You can receive a portion of the chosen death benefit if you are diagnosed with a terminal condition.
- Competitive premiums are guaranteed not to increase during the initial term period you choose.
- The death benefit amount is generally paid tax free.

Issuance of the policy may depend upon the answers to the health questions. Please consult your tax advisor for your specific situation. Limitations, exclusions, and waiting periods may apply. Not generally qualified benefits under Section 125 Plans.

SB-30505-0716

Prepare for Your Enrollment



You have a busy schedule, and your time is important. That's why we offer several ways to educate you on the benefits your employer has chosen so you may decide how well they serve the needs of you and your family.

Important Items to Consider

- Review your beneficiaries.
- Review all available benefit options, including portable insurance plans that you may keep, even if you change jobs.
- Evaluate your need for life insurance.

What You Need

- Driver's license
- Bank account information (if signing up for direct deposit)
- Spouse and children's DOB and Social Security Number, if considering coverage.
- Beneficiary information, including (if a trust) full name and date of trust.

Your Review Is Important

Before you decide on whether or not to attend a benefit review, think about some important questions. These will help you get the most out of your appointment time and ensure you and your family are protected.

- Have you recently received a pay increase?
- Have you or are you planning on getting married, having children, or buying a home?
- What would happen if you were suddenly ill or disabled?
- Are you preparing for life after retirement?

Remember: Benefits are designed to help protect you and your family from any unexpected moments or changes in life. Evaluate your available benefits to ensure you and your family are covered.

Dedicated Resources for You

- Your local representative is available year-round for any questions you may have about our benefits and services.
- Visit our website at americanfidelity.com to file a claim, make changes to your account, or find a quick answer regarding your coverage.
- Enjoy the convenience of AFmobile®, our mobile app, for easy claim filing. Download the app or visit secured.americanfidelity.com to create an Online Service Center account today.
- Contact our dedicated customer advocate team at **800-662-1113** Monday through Friday, 7am to 7pm CST.

Customer Resources



Exceptional customer service is always at the top of our list, and we're committed to serving you.

When you need assistance, we're here to help.

- Contact our dedicated customer advocate team Monday through Friday, 7am to 7pm CST.

800-662-1113

- Visit our website to file a claim, make changes to your account, or find a quick answer regarding your coverage.

americanfidelity.com

- Your local representative is available year-round to assist with any questions you may have about our benefits and services.

AMERICAN FIDELITY 
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American Fidelity Assurance Interest Form for New Employees

Please mark the appropriate line and/or boxes and return to Your Benefits Department.

I would like information about the following benefits.

Disability Income Insurance*

Life Insurance**

Cancer Insurance**

Annuities**

Accident Only Insurance**

* These products may contain limitations, exclusions, and waiting periods.

** Not generally qualified benefits under Section 125 Plans.

• **This product is inappropriate for people who are eligible for Medicaid coverage.**

I'd like American Fidelity Assurance Company to contact me about benefits. With my signature below, I understand that someone will call me to discuss my options and/or schedule my appointment.

Print Name

Signature*

Job Location

Classified/Certificated/Management

Phone

Email Address

Date of Hire

*With my signature, I consent to being contacted, including by phone, regardless of my status on any do not call list.

Central California Branch Office
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Fresno, CA 93711
866-504-0010 • 559-230-2107
americanfidelity.com

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Farmersville USD | BP 4157.1, 4257.1,4357.1 Personnel

Work-Related Injuries

The Governing Board desires to provide its employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process in order to reduce costs and facilitate employee recovery.

(cf. 3320 - Claims and Actions Against the District)

(cf. 4032 - Reasonable Accommodation)

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

(cf. 4154/4254/4354 - Health and Welfare Benefits)

(cf. 4157/4257/4357 - Employee Safety)

(cf. 4157.2/4257.2/4357.2 - Ergonomics)

(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)

(cf. 4261.11 - Industrial Accident/Illness Leave)

An employee shall report any work-related injury or illness to his/her supervisor as soon as practicable. Upon learning of an injury, a supervisor shall promptly report the incident to the Superintendent or designee and the insurance carrier as appropriate.

The Superintendent or designee shall ensure that every new employee is notified of his/her right to receive workers' compensation if injured at work and that injured employees are given notice of rights in accordance with law.

The Superintendent or designee shall ensure that notifications regarding workers' compensation are posted in accordance with law.

Legal Reference:

EDUCATION CODE

44984 Industrial accident and illness leaves, certificated employees

45192 Industrial accident and illness leaves, classified employees

LABOR CODE

3200-4855 Workers' compensation, especially:

3550-3553 Employee notice

3600-3605 Conditions of liability

3760 Report of injury to insurer

4600 Provision of medical and hospital treatment by employer

4906 Disclosures and statements

5400-5413 Notice of injury or death

6409.1 Reports

CODE OF REGULATIONS, TITLE 8

15596 Notice of employee rights

Management Resources:

WEB SITES

California Department of Industrial Relations: <http://www.dir.ca.gov>

Policy FARMERSVILLE UNIFIED SCHOOL DISTRICT

adopted: February 11, 2003 Farmersville, California

Farmersville USD | AR 4030 Personnel

Nondiscrimination In Employment

The district designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to coordinate the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The coordinator may be contacted at:

Director of Personnel

571 E. Citrus

Farmersville, CA 93223

(559) 592-2010

rdegrow@farmersville.k12.ca.us

Measures to Prevent Discrimination

To prevent unlawful discrimination, harassment, and retaliation against district employees, volunteers, interns, and job applicants, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, to employees, volunteers, interns, job applicants, and the general public by: (5 CCR 4960; 34 CFR 100.6, 106.9)

a. Including them in each announcement, bulletin, or application form that is used in employee recruitment

b. Posting them in all district schools and offices, including staff lounges and other prominent locations

c. Posting them on the district's web site and providing easy access to them through district-supported social media, when available

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

2. Provide to employees a handbook that contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to anyone who feels that he/she has been the victim of any discriminatory or harassing behavior

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

3. Provide training to employees, volunteers, and interns regarding the district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made

(cf. 1240 - Volunteer Assistance)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

4. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law

Complaint Procedure

Any complaint by an employee or job applicant alleging discrimination or harassment shall be addressed in accordance with the following procedures:

1. Notice and Receipt of Complaint: A complainant who is an employee shall inform his/her supervisor. However, if the supervisor is the person against whom the employee is complaining, the employee shall inform the coordinator or the Superintendent. A job applicant shall inform the coordinator or the Superintendent or designee.

The complainant may file a written complaint in accordance with this procedure, or if he/she is an employee, may first attempt to resolve the situation informally with his/her supervisor.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, other evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

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

(cf. 4032 - Reasonable Accommodation)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

2. Investigation Process: The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the allegations will be kept confidential to the extent possible, but that some information may be revealed as necessary to conduct an effective investigation.

(cf. 3580 - District Records)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

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

If the coordinator determines that a detailed fact-finding investigation is necessary, he/she shall begin the investigation immediately. As part of this investigation, the coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

When necessary to carry out his/her investigation or to protect employee safety, the coordinator may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.

The coordinator also shall determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed to ensure that further incidents do not occur. The coordinator shall ensure that such interim measures do not constitute retaliation.

3. Written Report on Findings and Corrective Action: No more than 20 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the complainant and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report also shall include any corrective action(s) that have been or will be taken to address the behavior, correct the effect on the complainant, and ensure that retaliation or further discrimination or harassment does not occur.

The report shall be presented to the complainant, the person accused, and the Superintendent or designee.

4. Appeal to the Governing Board: The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 9321 - Closed Session Purposes and Agendas)

Other Remedies

In addition to filing a discrimination or harassment complaint with the district, a person may 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, within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960

2. To file a valid complaint directly with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
3. To file a valid complaint with EEOC after first filing a complaint with DFEH, 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)

Regulation FARMERSVILLE UNIFIED SCHOOL DISTRICT

approved: May 10, 2016 Farmersville, California

Farmersville USD | BP 4219.21, 4119.21,4319.21 Personnel

Codes of Ethics

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

(cf. 0200 - Goals for the School District)

(cf. 4112.2 - Certification)

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

(cf. 2111 - Superintendent Governance Standards)

(cf. 9005 - Governance Standards)

Staff Conduct with Students

The Board expects all employees to exercise good judgment and maintain professional standards and boundaries when interacting with students both on and off school property. Inappropriate employee conduct shall include, but not be limited to, engaging in harassing or discriminatory behavior; engaging in inappropriate socialization or fraternization with a student; soliciting, encouraging, or establishing an inappropriate written, verbal, or physical relationship with a student; furnishing tobacco, alcohol, or other illegal or unauthorized substances to a student; or engaging in child abuse.

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

(cf. 4040 - Employee Use of Technology)

(cf. 5131 - Conduct)

(cf. 6163.4 - Student Use of Technology)

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

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Any employee who is found to have engaged in inappropriate conduct with a student in violation of the law or this policy shall be subject to disciplinary action.

(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

PENAL CODE

11164-11174.4 Child Abuse and Neglect Reporting Act

CODE OF REGULATIONS, TITLE 5

80331-80338 Rules of conduct for professional educators

Management Resources:

COUNCIL OF CHIEF STATE SCHOOL OFFICERS PUBLICATIONS

Standards for School Leaders, 1996

NATIONAL EDUCATION ASSOCIATION PUBLICATIONS

Code of Ethics of the Education Profession, 1975

WEB SITES

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

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

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

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

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

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

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

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

Policy FARMERSVILLE UNIFIED SCHOOL DISTRICT

adopted: January 12, 2010 Farmersville, California

Farmersville USD | BP 4020 Personnel

Drug And Alcohol-Free Workplace

The Governing Board believes that the maintenance of a drug- and alcohol-free workplace is essential to staff and student safety and to help ensure a productive and safe work and learning environment.

(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)

An employee shall not unlawfully manufacture, distribute, dispense, possess, or use any controlled substance in the workplace. (Government Code 8355; 41 USC 701)

Employees are prohibited from being under the influence of controlled substances or alcohol while on duty. For purposes of this policy, on duty means while an employee is on duty during both instructional and noninstructional time in the classroom or workplace, at extracurricular or cocurricular activities, or while transporting students or otherwise supervising them. Under the influence means that the employee's capabilities are adversely or negatively affected, impaired, or diminished to an extent that impacts the employee's ability to safely and effectively perform his/her job.

(cf. 4032 - Reasonable Accommodation)

The Superintendent or designee shall notify employees of the district's prohibition against drug use and the actions that will be taken for violation of such prohibition. (Government Code 8355; 41 USC 701)

An employee shall abide by the terms of this policy and shall notify the district, within five days, of his/her conviction for violation in the workplace of any criminal drug statute. (Government Code 8355; 41 USC 701)

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

In accordance with law and the district's collective bargaining agreements, the Superintendent or designee shall take appropriate disciplinary action, up to and including termination, against an employee for violating the terms of this policy and/or shall require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state, or local public health or law enforcement agency or other appropriate agency.

(cf. 4112 - Appointment and Conditions of Employment)

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4212 - Appointment and Conditions of Employment)

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

Drug-Free Awareness Program

The Superintendent or designee shall establish a drug-free awareness program to inform employees about: (Government Code 8355; 41 USC 701)

1. The dangers of drug abuse in the workplace
2. The district's policy of maintaining a drug-free workplace
3. Available drug counseling, rehabilitation, and employee assistance programs

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

4. The penalties that may be imposed on employees for drug abuse violations occurring in the workplace

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

UNITED STATES CODE, TITLE 41

701-707 Drug-Free Workplace Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1308.01-1308.49 Schedule of controlled substances

COURT DECISIONS

Cahoon v. Governing Board of Ventura USD, (2009) 171 Cal.App.4th 381

Ross v. RagingWire Telecommunications, Inc., (2008) 42 Cal.4th 920

Management Resources:

WEB SITES

California Department of Alcohol and Drug Programs: <http://www.adp.ca.gov>

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

U.S. Department of Labor: <http://www.dol.gov>

Policy FARMERSVILLE UNIFIED SCHOOL DISTRICT

adopted: May 24, 2011 Farmersville, California

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

Kaweah Delta
Employee Assistance Program
1645 S. Court St.
Visalia, CA 93277-4945
559-654-6027 or 800-784-2255

PacifiCare Behavioral Health
23046 Avenida de la Carlota
Laguna Hills, CA 92653
800-999-9585

Employee Signature

Date

Farmersville USD | BP 3513.3 Business and Noninstructional Operations

Tobacco-Free Schools

The Governing Board recognizes that the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, are inconsistent with its goal to provide a healthy environment for students and staff.

(cf. 3514 - Environmental Safety)

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

(cf. 5030 - Student Wellness)

(cf. 5131.62 - Tobacco)

(cf. 5141.23 - Asthma Management)

(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 school-sponsored instructional program, activity, or athletic event held on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

(cf. 1330 - Use of School Facilities)

(cf. 1330.1 - Joint Use Agreements)

Prohibited products include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, and nicotine delivery devices such as electronic cigarettes. Exceptions may be made for the use or possession of prescription nicotine products.

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

119405 Unlawful to sell or furnish electronic cigarettes to minors

LABOR CODE

3300 Employer, definition

6304 Safe and healthful workplace

6404.5 Occupational safety and health; use of tobacco products

UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services

7100-7117 Safe and Drug Free Schools and Communities Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

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

California Department of Education, Alcohol, Tobacco and Other Drug Prevention:
<http://www.cde.ca.gov/ls/he/at>

California Department of Education, Tobacco-Free School District Certification:
<http://www.cde.ca.gov/ls/he/at/tobaccofreecert.asp>

California Department of Public Health, Tobacco Control: <http://www.cdph.ca.gov/programs/tobacco>

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

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

Policy FARMERSVILLE UNIFIED SCHOOL DISTRICT

adopted: September 13, 2011 Farmersville, California

Farmersville USD | 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)

The Superintendent or designee may disseminate this information through annual written notifications, district and school web sites, student and parent handbooks, and/or other appropriate methods of communication.

(cf. 1113 - District and School Web Sites)

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

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
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering district property for a specified period of time

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

The Superintendent or designee shall not be required to physically eject a nonemployee who is smoking or to request that the nonemployee refrain from smoking under circumstances involving a risk of physical harm to the district or any employee. (Labor Code 6404.5)

Regulation FARMERSVILLE UNIFIED SCHOOL DISTRICT

approved: September 13, 2011 Farmersville, California

Farmersville USD | BP 4119.11 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 administrative regulation.

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

(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 training to employees in accordance with law and administrative regulation
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 action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (5 CCR 4964)

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

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

Complaints of sexual harassment shall be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

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

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(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, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

7287.8 Retaliation

7288.0 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 42

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

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

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

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

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

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

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

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

Policy FARMERSVILLE UNIFIED SCHOOL DISTRICT

adopted: January 10, 2006 Farmersville, California

Farmersville USD | 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 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>

Policy FARMERSVILLE UNIFIED SCHOOL DISTRICT

Adopted: April 2, 2005 Farmersville, California

Farmersville USD | 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 or death inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1
3. Neglect of a child 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)
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)

(cf. 5144 - Discipline)

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; licensed nurses or health care providers; and administrators, presenters, and 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. However, reasonable suspicion does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of 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, 11167)

Any district employee who 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 against a victim who is a child under age 14 shall notify a peace officer. (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, 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 practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial 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 11165.9, 11166)

1-800-331-1585

When the initial 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 knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572). (Penal Code 11166, 11168)

The Department of Justice form may be obtained from the district office or other appropriate agencies, such as the county probation or welfare department or the police or sheriff's department.

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 name, address, telephone number, and other relevant personal information about the person who might have abused or neglected the child
- e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source (s) of that information

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)

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05. (Penal Code 11167)

3. Internal Reporting

The mandated reporter shall not be required to disclose his/her identity to his/her supervisor, the principal, or the Superintendent or designee. (Penal Code 11166)

However, employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the principal 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 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.

Reporting the information to an employer, supervisor, 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 identification and mandated reporting of child abuse and neglect. (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. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 5145.7 - Sexual Harassment)

Victim Interviews by Social Services

Whenever a representative from the Department of Social Services or another government 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)

(cf. 145.11 - Questioning and Apprehension by Law Enforcement)

Parent/Guardian Complaints

Upon request, the Superintendent or designee shall provide parents/guardians with a copy of this administrative regulation which contains procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language 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 about an employee to any other employee, the employee receiving the information 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 to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations under Penal Code 11166, and their confidentiality rights under Penal Code 11167. The district also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

Before beginning employment, any person who will be a mandated reporter by virtue of his/her position shall sign a statement indicating that he/she has knowledge of the reporting obligations under Penal Code 11166 and will comply with those provisions. The signed statement 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 also shall 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 may be guilty of a crime 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 FARMERSVILLE UNIFIED SCHOOL DISTRICT

approved: May 24, 2011 Farmersville, California

Farmersville USD | AR 4212.5 Personnel

Criminal Record Check

Applicants for Employment

Each person to be employed in a classified position, including temporary, substitute and part-time positions, shall be required to submit fingerprint identification data. However, secondary school students attending a district school who are to be employed in a temporary or part-time position shall not be required to submit fingerprint identification data. (Education Code 45125)

The Superintendent or designee shall ensure that each person to be employed submits fingerprints, either electronically through the Live Scan system or on fingerprint identification card, for processing by the Department of Justice. If the district is using the Live Scan system, the Superintendent or designee shall also provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

The Superintendent or designee shall request the Department of Justice to forward one copy of the applicant's fingerprint identification data to the Federal Bureau of Investigation for the purpose of obtaining any record of previous convictions if the applicant: (Education Code 45125)

1. Has not resided in the State of California for at least one year immediately preceding the application for employment
2. Has resided for more than one year, but less than seven years, in the State of California and the Department of Justice has ascertained that the person was convicted of a sex offense where the victim was a minor or a drug offense where an element of the offense is either the distribution to or the use of a controlled substance by a minor

The Governing Board shall not employ an applicant until the Department of Justice completes its check of the state criminal history files. (Education Code 45125)

(cf. 4212 - Appointment and Conditions of Employment)

The Superintendent or designee shall ensure that no person is hired who has been convicted of a violent or serious felony as listed in Penal Code 667.5(c) or 1192.7(c), unless that person has obtained a certificate of rehabilitation or pardon. (Education Code 45122.1)

The Superintendent or designee may hire a classified employee without waiting for the disposition of the employee's criminal history files upon a determination that an emergency or exceptional situation exists and that a delay in filling the position would endanger student health or safety. (Education Code 45125)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

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

Subsequent Arrest Notification

The Superintendent or designee shall request subsequent arrest notification from the Department of Justice as provided under Penal Code 11105.2. (Education Code 45125)

Current Employees

Upon notification by telephone from the Department of Justice that a current temporary, substitute or probationary classified employee has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay, unless the employee has received a certificate of rehabilitation and a pardon. (Education Code 45122.1)

Upon receipt of written notification of the fact of conviction from the Department of Justice, the Superintendent or designee shall terminate the temporary, substitute or probationary employee without regard to any other procedure for termination specified in the Education Code or district procedures, unless that employee has received a certificate of rehabilitation and a pardon. (Education Code 45122.1)

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

If the employee challenges the Department of Justice record and the Department of Justice withdraws in writing its notification, the Superintendent or designee shall immediately reinstate the employee with full restoration of salary and benefits. (Education Code 45122.1)

Legal Reference:

EDUCATION CODE

44332.6 Criminal record check, county board of education

44346.1 Applicants for credential, conviction of a violent or serious felony

44830.1 Certificated employees, conviction of a violent or serious felony

44830.2 Certificated employees; Interagency agreements

45122.1 Classified employees, conviction of a violent or serious felony

45125 Use of personal identification cards to ascertain conviction of crime

45125.01 Classified employees; interagency agreements

45125.1 Fingerprint for contractors

45125.5 Automated records check

45126 Duty of Department of Justice to furnish information

GOVERNMENT CODE

6200-6203 Crimes related to public records

PENAL CODE

502 Unauthorized access to computers

667.5 Violent felonies

1192.7 Serious felonies

11075-11081 Criminal record dissemination

11105-11105.75 Criminal identification

11140-11144 Furnishing of state criminal history information

13300-13305 Local summary criminal history information

CODE OF REGULATIONS, TITLE 11

703 Release of criminal offender record information

708 Destruction of criminal offender record information

Management Resources:

WEB SITES

Department of Justice/Attorney General's Office: <http://www.caag.state.ca.us/app>

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

Regulation FARMERSVILLE UNIFIED SCHOOL DISTRICT

approved: February 11, 2003 Farmersville, California



EMPLOYEE-TECHNOLOGY ACCEPTABLE USE AGREEMENT

The purpose of this Acceptable Use Agreement (“Agreement”) is to ensure a safe and appropriate environment for all employees. This Agreement notifies staff about the acceptable ways in which District Technology may be used. The District recognizes and supports advances in technology and provides an array of technology resources for employees to use to enhance student learning, facilitate resource sharing, encourage innovation, and to promote communication. While these technologies provide a valuable resource to the District, it is important that employees’ use of technology be appropriate for District purposes.

Pursuant to Board Policy 4040, only Users of District Technology who submit a signature acknowledging receipt and agreement to the terms of the use outlined in this Agreement are authorized to use the District’s Technology.

Terms of Use

Acceptable Use: District employees are only permitted to use District Technology for purposes which are safe (pose no risk to students, employees or assets), legal, ethical, do not conflict with their duties or the mission of the District, and are compliant with all other District policies. Usage that meets these requirements is deemed “proper” and “acceptable” unless specifically excluded by this policy or other District policies. The District reserves the right to restrict outline destinations through software or other means.

Additionally, the District expressly prohibits:

1. Using District Technology for commercial gain;
2. Accessing District Technology for the purpose of gaming or engaging in any illegal activity;
3. Transmission of confidential information to unauthorized recipients;
4. Inappropriate and unprofessional behavior online such as use of threats, intimidation, bullying or “flaming”;
5. Viewing, downloading, or transmission of pornographic material;
6. Using District Technology for the creation or distribution of chain emails, any disruptive or offensive messages, offensive comments about race, gender, disability, age, sexual orientation, religious beliefs/practices, political beliefs, or material that is in violation of workplace harassment or workplace violence laws or policies;

7. Engage in unlawful use of District Technology for political lobbying;
8. Significant consumption of District Technology for non-business related activities (such as video, audio or downloading large files) or excessive time spent using District Technology for non-business purposes (e.g. shopping, personal social networking, or sports related sites);
9. Knowingly or carelessly performing an act that will interfere with or disrupt the normal operation of computers, terminals, peripherals, or networks, whether within or outside of District Technology (e.g. deleting programs or changing icon names) is prohibited;
10. Infringe on copyright, license, trademark, patent, or other intellectual property rights; or
11. Disabling any and all antivirus software running on District Technology or "hacking" with District Technology.

Accountability: Users are prohibited from anonymous usage of District Technology. In practice, this means users must sign in with their uniquely assigned District User ID before accessing/using District Technology. Similarly, "spoofing" or otherwise modifying or obscuring a user's IP Address, or any other user's IP Address, is prohibited. Circumventing user authentication or security of any host, network or account is also prohibited.

Personal Use: District Technology is provided solely for the conduct of District business. However, the District realizes and is aware of the large role technology (especially the Internet and email) plays in the daily lives of individuals. In this context, the District acknowledges that a limited amount of personal use of District Technology is acceptable. This use must not interfere with the user's job responsibilities; it cannot involve any activities expressly prohibited by this or any other District policy; and it should be limited to designated break periods and/or the User's lunch break.

Disclaimer: The District cannot be held accountable for the information that is retrieved via the network. The District will not be responsible for any damages you may suffer, including loss of data resulting from delays, non-deliveries, or service interruptions caused by the District Systems, Systems Administrators or your own errors or omissions. Use of any information obtained is at your own risk. The District makes no warranties (expressed or implied) with respect to: (a) the content of any advice or information received by an employee, or (b) any costs or charges incurred as a result of seeing or accepting any information; or (c) any costs, liability, or damages caused by the way the employee chooses to use his or her access to the network.

Password Policy: Passwords must not be shared with anyone and must be treated as confidential information. Passwords must be changed often as required by the District's IT department. All Users are responsible for managing their use of District Technology and are accountable for their actions relating to security. Allowing the use of your account by another user is also strictly prohibited. All passwords created for or used by any District Technology are the sole property of the District. The creation or use of a password by an employee on District Technology does not create a reasonable expectation of privacy.

Responsibility: Users are responsible for their own use of District Technology and are advised to exercise common sense and follow this Agreement in regard to what constitutes appropriate use of District Technology in the absence of specific guidance.

Revocation of Authorized Possession: The District reserves the right, at any time, for any reason or no reason, to revoke a User's permission to access, use, or possess District Technology.

Restriction of Use: The District reserves the right, at any time, for any reason or no reason, to limit the manner in which a User may use District Technology in addition to the terms and restrictions already contained in this Agreement.

Third-Party Technology: Connecting unauthorized equipment to the District Technology, including the unauthorized installation of any software (including shareware and freeware), is prohibited.

Personally Owned Devices: If an employee uses a personally owned device to access District Technology or conduct District business, he/she shall abide by all applicable Board policies, administrative regulations, and this Agreement. Any such use of a personally owned device may subject the contents of the device and any communications sent or receive on the device to disclosure pursuant to a lawful subpoena or public records request.

Reporting: If an employee becomes aware of any security problem (such as any compromise of the confidentiality of any login or account information) or misuse of District Technology, he/she shall immediately report such information to the Superintendent or designee.

Consequences for Violation: Violations of the law, Board policy, or this Agreement may result in revocation of an employee's access to District Technology and/or restriction of his/her use of District Technology and/or discipline, up to and including termination. In addition, violations of the law, Board policy, or this Agreement may be reported to law enforcement or other agencies as deemed appropriate.

Enforcement

Record of Activity: User activity with District Technology may be logged by System Administrators. Usage may be monitored or researched in the event of suspected improper District Technology usage or policy violations.

Blocked or Restricted Access: User access to specific Internet resources, or categories of Internet resources, deemed inappropriate or non-compliant with this policy may be blocked or restricted. A particular website that is deemed "Acceptable" for use may still be judged a risk to the District (e.g. it could be hosting malware), in which case it may also be subject to blocking or restriction.

No Expectation of Privacy: Users have no expectation of privacy in their use of District Technology. Log files, audit trails and other data about user activities with District Technology may be used for forensic training or research purposes, or as evidence in a legal or disciplinary matter. Users are on notice that District Technology is subject to search and seizure in order to facilitate maintenance, inspections, updates, upgrades, and audits, all of which necessarily occur both frequently and without notice so that the District can maintain the integrity of District Technology. All data viewed in stored is subject to audit, review, disclosure and discovery.

Such data may be subject to disclosure pursuant to the Public Records Act (California Government Code section 6250 et seq.). Pursuant to the Electronic Communications Privacy Act of 1986 (18 USC 2510 et seq.), notice is hereby given that there are no facilities provided by District Technology for sending or receiving private or confidential electronic communications. System Administrators have access to all email and will monitor messages. Messages relating to or in support of illegal or inappropriate activities will be reported to the appropriate authorities and/or District personnel.

The District reserves the right to monitor and record all use of District Technology, including, but not limited to, access to the Internet or social media, communications sent or received from District Technology, or other uses within the jurisdiction of the District. Such monitoring/recording may occur at any time without prior notice for any legal purposes including, but not limited to, record retention and distribution and/or investigation of improper, illegal, or prohibited activity. Employees should be aware that, in most instances, their use of District Technology (such as web searches or emails) cannot be erased or deleted. The District reserves the right to review any usage and make a case-by-case determination whether the User's duties require access to and/or use of District Technology which may not conform to the terms of this policy.

Specific Consent to Search and Seizure of District Technology: The undersigned consents to the search and seizure of any District Technology in the undersigned's possession by the District, the District's authorized representative, a System Administrator, or any Peace Officer at any time of the day or night and by any means. This consent is unlimited and shall apply to any District Technology that is in the possession of the undersigned, whenever the possession occurs, and regardless of whether the possession is authorized. The undersigned waives any rights that may apply to searches of District Technology under SB 178 (2015) as set forth in Penal Code sections 1546 through 1546.4.

Disclaimer Notice in District Email

The following disclaimer will be added to each outgoing email:

"This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system administrator. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the District. Finally, the recipient should

check this email and any attachments for the presence of viruses. The District accepts no liability for any damages caused by any virus transmitted by this email."

Attorney-Client Privileged Communications

Some of the messages sent, received or stored on the District electronic message system will constitute confidential, privileged communications between the District and its attorneys. Upon receipt of a message either from or to counsel, employees should not forward it or its contents to others inside the District or any other person outside the District without counsel's express authorization. Upon learning that a privileged and/or confidential communication has been received by or sent to any individual not intended to receive such a communication, employees must immediately notify the Superintendent so that he/she may take appropriate steps to preserve the privilege.

California Public Records Act Request ("CPRA")/Litigation

CPRA outline in Government Code section 6251 et seq. is a law that requires inspection and/or disclosure of governmental records to the public upon request. Emails sent by employees, unless otherwise exempt by law, are subject to inspection and disclosure under the CPRA by any person making such a request.

Furthermore, emails may also be subject to disclosure as a result of pending litigation involving the District, the District's employees and elected or appointed officers or officials.

Security

All data must be kept confidential and secure by the employee. The fact that the data may be stored electronically does not change the requirement to keep the information confidential and secure. Rather, the type of information or the information itself is the basis for determining whether the data must be kept confidential and secure. If this data is stored in a proper or electronic format, or if the data is copied, printed, or electronically transmitted, the data must still be protected as confidential and secured.

Definitions

Blugging: An online journal that is frequently updated and intended for general public consumption.

E-mail: The electronic transmission of information through a mail protocol such as SMTP or IMAP. Typical e-mail clients include Microsoft Outlook.

Chain e-mail: E-mail sent to successive people. Typically, the body of the note has directions to the reader to send out multiple copies of the note so that good luck or money will follow.

Employee: Any individual employed by the District or its affiliated agencies or departments in any capacity, whether full or part-time, active or inactive, including interns, contractors, consultants and vendors.

Flaming: The use of abusive, threatening, intimidating, or overly aggressive language in an Internet communication.

Hacking: Gaining or attempting to gain unauthorized access to any computer systems, or gaining or attempting to gain unauthorized access to District Technology.

District Technology: All technology owned or provided by the District to authorized users, including Internet/Intranet/Extranet-related systems, computer hardware, software, Wi-Fi, electronic devices such as tablet computers, USB drives, cameras, smart phones and cell phones, telephone and data networks (including intranet and Internet access), operating systems, storage media, wireless access points (routers), wearable technology, PDA's, network accounts, web browsing, blogging, social networking, and file transfer protocols, email systems, electronically stored data, websites, web applications or mobile applications, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through District-owned or personally owned equipment or devices.

Instant Messaging: A type of communications service that enables the creation of a kind of private chat room with another individual in order to communicate in real time over the Internet.

Internet Resources: Websites, instant messaging applications, file transfer, file sharing, and any and all other Internet applications and activities using either standard or proprietary network protocols. Examples of websites that pose a risk to the District, or are counter to its mission, are malware repositories, sites advocating violence against civil society or against persons based on race, religion, ethnicity, sex, sexual orientation, color, creed or any other protected categories, sites offering gambling activities or that are pornographic in nature.

IP Address: Unique network address assigned to each computing device connected to a network or allowed it to communicate with other devices on the network or Internet.

Malware: Malware is any software, application, program, email or other data or executable code which is designed to cause harm to a network or computer or violate any law, statute, policy or regulation in any way. Examples of harmful activity or intent are theft of personal information or intellectual property by phishing or other means, hacking, violation of copyright laws (distributing or copying written material without proper authorization), propagation of Spam e-mails, harassment, extortion, denial of service and facilitating access to illegal content (pornography, gambling, etc.). Accessing or storing malware is expressly prohibited unless authorized for research or forensic purposes by appropriately authorized and designated employees.

Network: Any and all network and telecommunications equipment, whether wired or wireless, controlled or owned by the District which facilitate connecting to the Internet.

Phishing: Attempting to fraudulently acquire sensitive information by masquerading as a trusted entity in an electronic communication.

Sensitive Information: Classified as Protected Health Information (PHI), Confidential Information or Internal Information.

Spam: Spam is unsolicited nuisance Internet E-mail which sometimes contains malicious attachments or links to websites with harmful or objectionable content.

Spoofing: IP Address spoofing is the act of replacing IP address information in an IP packet with falsified network address information. Each IP packet contains the originating and destination IP address. By replacing the true originating IP address with a falsified address a hacker can obscure their network address and hence, the source of a network attack, making traceability of illegal or illegitimate internet activity extremely difficult.

System Administrator: District employees whose responsibilities include District Technology, site, or network administration. System Administrators perform functions including, but not limited to, installing hardware and software, managing a computer or network, auditing District Technology, and keeping District Technology operational.

Unauthorized Disclosure: The intentional or unintentional act of revealing restricted information to people, both inside and/or outside the District, who do not have a need to know that information.

User or Users: Individual(s) whether students or employees, full or part-time, active or inactive, including interns, contractors, consultants, vendors, etc. who have used District Technology, with or without the District's permission.

User ID: Uniquely assigned Username or other identifier used by an employee to access the District network and systems.

Acknowledgement of Receipt & Agreement

I have received, read, understand, and agree to abide by this Acceptable Use Agreement, BP 4040 – Employee Use of Technology, and other applicable laws and District policies and regulations governing the use of District Technology. I understand that there is no exception of privacy when using District Technology or when using my personal electronic device for use of District Technology. I further understand that any violation may result in revocation of user privileges, disciplinary action, and/or appropriate legal action.

I hereby release the District and its personnel from any and all claims and damages arising from my use of District Technology or from the failure of any technology protection measures employed by the District.

Name: (Please Print) _____ Position: _____

School/Work Site: _____

Signature: _____ Date: _____

Farmersville USD | BP 4144, 4244 Personnel

Complaints

The Governing Board recognizes the need to establish a process to allow employees and job applicants to have their concerns heard in an expeditious and unbiased manner. The Board expects that employees will make every effort to resolve complaints and disagreements informally before filing a formal complaint.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 3320 - Claims and Actions Against the District)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

The Board prohibits retaliation against complainants. The Superintendent or designee may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint.

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

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

All matters related to a complaint shall be kept confidential and any document, communication, or record regarding the complaint shall be placed in a separate file and shall not be placed in an employee's personnel file.

(cf. 4112.6/4212.6/4312.6 - Personnel Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

35186 Williams uniform complaint procedures

44110-44114 Reporting by school employees of improper governmental activity

GOVERNMENT CODE

3543 Public school employees' rights

3543.1 Rights of employee organizations

53296-53299 Disclosure of confidential information; whistleblower

54957 Closed session; personnel matters

LABOR CODE

1102.5-1106 Whistleblower protections

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in district programs and activities

Management Resources:

WEB SITES

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

Policy FARMERSVILLE UNIFIED SCHOOL DISTRICT

adopted: September 9, 2008 Farmersville, California

Farmersville USD | AR 4144, 4244 Personnel

Complaints

Except as specified below, the following procedure shall be used for any complaint by an employee alleging misapplication of the district's policies, regulations, rules, or procedures or for "whistleblower" complaints by an employee or job applicant regarding an improper district activity including, but not limited to, an allegation of gross mismanagement, a significant waste of funds, an abuse of authority, or a specific danger to public health or safety.

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

Complaints alleging unlawful discrimination on any basis specified in the district's nondiscrimination policies, including complaints of sexual harassment, shall be resolved in accordance with the district's procedure for complaints regarding discrimination in employment.

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

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Complaints regarding unlawful discrimination in district programs or the district's failure to comply with state or federal laws regarding educational programs shall be resolved in accordance with the district's Uniform Complaint Procedures. Complaints regarding sufficiency of textbook materials, teacher vacancy or misassignment, an urgent or emergency facility condition, or the failure to provide intensive instruction to students who did not pass the high school exit examination by the end of grade 12 shall be resolved in accordance with the district's Williams Uniform Complaint Procedures. (Education Code 35186; 5 CCR 4621)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

For complaints regarding working conditions or other subjects of negotiation, the employee shall use the grievance procedure specified in the applicable collective bargaining agreement.

Any of the time limits specified in this procedure may be extended by written agreement between the district and complainant.

Step 1: Informal Complaint Process

Prior to instituting a formal, written complaint, the employee shall first discuss the issue with his/her supervisor or the principal of the school where the alleged act took place. Formal complaint procedures shall not be initiated until the employee has first attempted to resolve the complaint informally.

Step 2: Site Level Formal Complaint Process

If a complaint has not been satisfactorily resolved through the informal process in Step 1, the complainant may file a written complaint with his/her immediate supervisor or principal within 60 days of the act or event which is the subject of the complaint. If an employee fails to file a written complaint within 60 days, the complaint shall be considered settled on the basis of the answer given at the preceding step.

In the written complaint, the employee shall specify the nature of the problem, including names, dates, locations, witnesses, the remedy sought by the employee, and a description of informal efforts to resolve the issue.

Within 10 working days of receiving the complaint, the immediate supervisor or principal shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint. Within five working days after the meeting, he/she shall prepare and send a written response to the complainant.

Step 3: District Level Appeal

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file the written complaint with the Superintendent or designee within five working days of receiving the written response from the immediate supervisor or the principal. The complainant shall include all information presented to the immediate supervisor or principal at Step 2.

Within 10 working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation, including reviewing the investigation and written response by the immediate supervisor or principal at Step 2, and shall meet with the complainant in an effort to resolve the complaint. Within five working days after the meeting, he/she shall prepare and send a written response to the complainant.

Step 4: Appeal to the Governing Board

If a complaint has not been satisfactorily resolved at Step 3, the complainant may file a written appeal to the Board within five working days of receiving the Superintendent or designee's response. All information presented at Steps 1, 2, and 3 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a written report describing attempts to resolve the complaint and the district's response.

The Board may uphold the findings by the Superintendent or designee without hearing the complaint or the Board may hear the complaint at a regular or special Board meeting. The hearing shall be held in closed session if the complaint relates to matters that may be addressed in closed session in accordance with law.

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall make its decision within 30 days of the hearing and shall send its decision to all concerned parties. The Board's decision shall be final.

Regulation FARMERSVILLE UNIFIED SCHOOL DISTRICT

approved: September 9, 2008 Farmersville, California

Farmersville USD | BP 1312.3 Community Relations

Uniform Complaint Procedures

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the Board shall adopt the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs (5 CCR 4610)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3555 - Nutrition Program Compliance)

(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 - Career Technical Education)

(cf. 6178.1 - Work-Based Learning)

(cf. 6178.2 - Regional Occupational Center/Program)

(cf. 6200 - Adult Education)

2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any person, based on his/her actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or

perceived characteristics, in district programs and activities, including, but not limited to, those funded directly by or that receive or benefit from any state financial assistance (5 CCR 4610)

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

3. Any complaint alleging district violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

(cf. 3260 - Fees and Charges)

(cf. 3320 - Claims and Actions Against the District)

4. Any complaint alleging that the district has not complied with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

5. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

6. Any other complaint as specified in a district policy

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is agreeable to all parties. One type of ADR is mediation, which shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. As appropriate for any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep confidential the identity of the complainant and/or the subject of the complaint, if he/she is different from the complainant, as long as the integrity of the complaint process is maintained.

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

(cf. 5125 - Student Records)

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

When an allegation that is not subject to the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints. All such records shall be destroyed in accordance with applicable state law and district policy.

(cf. 3580 - District Records)

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.
4. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint 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, or teacher vacancies and misassignments. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

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 procedures

35186 Williams uniform complaint procedures

48985 Notices in language other than English

49010-49013 Student fees

49060-49079 Student records

49490-49590 Child nutrition programs

52060-52077 Local control and accountability plan, especially

52075 Complaint for lack of compliance with local control and accountability plan requirements

52160-52178 Bilingual education programs

52300-52490 Career technical education

52500-52616.24 Adult schools

52800-52870 School-based program coordination

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs

56000-56867 Special education programs

59000-59300 Special schools and centers

64000-64001 Consolidated application process

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.55 Hate crime; definition

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

6301-6577 Title I basic programs

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

12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

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

6101-6107 Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act

100.3 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

110.25 Notification of nondiscrimination on the basis of age

Management Resources:

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

Dear Colleague Letter: Title IX Coordinators, April 2015

Questions and Answers on Title IX and Sexual Violence, April 2014

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Sexual Violence, April 2011

Dear Colleague Letter: Harassment and Bullying, October 2010

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

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

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

Family Policy Compliance Office: <http://familypolicy.ed.gov>

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

U.S. Department of Justice: <http://www.justice.gov>

Policy FARMERSVILLE UNIFIED SCHOOL DISTRICT

adopted: June 14, 2016 Farmersville, California

Farmersville USD | AR 1312.3 Community Relations

Uniform Complaint Procedures

Except as the Governing Board may otherwise specifically provide in other district policies, these general uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

Compliance Officers

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee to handle complaints regarding sex discrimination. The individual(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(Lead) Superintendent/Director of Personnel/Chief Academic Office

571 E. Citrus

Farmersville, CA 93223

(559) 592-2010

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against or implicating a compliance officer may be filed with the Superintendent or designee.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such designated employees shall include current state and federal laws and regulations governing the program, applicable processes for

investigating and resolving complaints including those involving alleged unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)

(cf. 9124 - Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the results of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement, if possible, one or more of the interim measures. The interim measures may remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

The Superintendent or designee shall annually provide written notification of the district's UCP, including information regarding unlawful student fees and local control and accountability plan (LCAP) requirements, to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 49013, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 1220 - Citizen Advisory Committees)

(cf. 3260 - Fees and Charges)

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

(cf. 5145.6 - Parental Notifications)

The annual notification and complete contact information of the compliance officer(s) may be posted on the district web site and, if available, provided through district-supported social media.

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

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 antidiscrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, 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, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).
4. Include statements that:
 - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
 - d. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.
 - e. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.
 - f. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.
 - g. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.
 - h. Copies of the district's UCP are available free of charge.

District Responsibilities

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

The compliance officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

Filing of Complaints

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.

All complaints shall be filed in accordance with the following:

1. A written complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)
3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

5. When the complainant or alleged victim of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

6. 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)

Mediation

Within three business days after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

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. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. He/she shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory

harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

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

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

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

Report of Findings

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five business 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 shall be final.

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

Final Written Decision

The district's decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant. (5 CCR 4631)

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties that may be involved in implementing the decision or affected by the complaint, as long as the privacy of the parties is protected.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In all other instances,

the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:

- a. Statements made by any witnesses
- b. The relative credibility of the individuals involved
- c. How the complaining individual reacted to the incident
- d. Any documentary or other evidence relating to the alleged conduct
- e. Past instances of similar conduct by any alleged offenders
- f. Past false allegations made by the complainant

2. The conclusion(s) of law

3. Disposition of the complaint

4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. How the misconduct affected one or more students' education
 - b. The type, frequency, and duration of the misconduct
 - c. The relationship between the alleged victim(s) and offender(s)
 - d. The number of persons engaged in the conduct and at whom the conduct was directed
 - e. The size of the school, location of the incidents, and context in which they occurred
 - f. Other incidents at the school involving different individuals
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the notice may, as required by law, include:

- a. The corrective actions imposed on the individual found to have engaged in the conduct that relate directly to the subject of the complaint
 - b. Individual remedies offered or provided to the subject of the complaint
 - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's right to appeal the district's decision within 15 calendar days to the CDE and procedures to be followed for initiating such an appeal

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. He/she may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on the victim may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim

7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that the district does not tolerate it, and how to report and respond to it.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (Education Code 49013, 52075; 5 CCR 4632)

The complainant shall 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 written 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 uniform complaint procedures
7. Other relevant information requested by the CDE

Regulation FARMERSVILLE UNIFIED SCHOOL DISTRICT

approved: June 14, 2016 Farmersville, California

Uniform Complaint Procedures (UCP) Annual Notice for 2021—2022

- This notice shall be in English, and when necessary, in the primary language, pursuant to EC section 48985.
- The LEA may use the term 'pupil' or 'student' to mean a person who is studying at a school.

Farmersville Unified School District

For students, employees, parents/guardians, school and district advisory committee members, private school officials, and other interested parties

The Farmersville Unified School District annually notifies our/its students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials, and other interested parties of the Uniform Complaint Procedures (UCP) process.

The Farmersville Unified School District is primarily responsible for compliance with federal and state laws and regulations, including those related to unlawful discrimination, harassment, intimidation or bullying against any protected group, and all programs and activities that are subject to the UCP in:

Adult Education	Economic Impact Aid
After School Education and Safety	Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district
Agricultural Vocational Education	English Learner Programs
American Indian Education Centers and Early Childhood Education Program Assessments	Every Student Succeeds Act / No Child Left Behind (Titles I–VII)
Bilingual Education	Local Control and Accountability Plans (LCAP)
California Peer Assistance and Review Programs for Teachers	Migrant Education
Career Technical and Technical Education; Career Technical; Technical Training	Physical Education Instructional Minutes (for grades one through six)
Career Technical Education	Pupil Fees
Child Care and Development	Reasonable Accommodations to a Lactating Pupil
Child Nutrition	Regional Occupational Centers and Programs
Compensatory Education	School Safety Plans
Consolidated Categorical Aid	Special Education
Course Periods without Educational Content (for grades nine through twelve)	State Preschool
	Tobacco-Use Prevention Education

A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

A pupil fees complaint may be filed with the principal of a school or our superintendent or his or her designee. A pupil fees and/or an LCAP complaint may be filed anonymously, however, the complainant must provide evidence or information leading to evidence to support the complaint.

A pupil enrolled in a school in our district shall not be required to pay a pupil fee for participation in an educational activity.

A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred.

We shall post a standardized notice of the educational rights of pupils in foster care, pupils who are homeless, and former juvenile court pupils now enrolled in a school district as specified in EC Sections 48853, 48853.5, 49069.5, 51225.1, and 51225.2. This notice shall include complaint process information, as applicable.

The staff member, position, or unit responsible to receive UCP complaints in our agency is:

Name or title: Paul Sevillano, Ed. D., Superintendent (Retiring)

Unit or office: Farmersville Unified School District Office

Address: 571 East Citrus Drive, Farmersville, CA 93223

Phone: 559-592-2010 E-mail address: _____

Complaints will be investigated and a written report with a Decision will be sent to the complainant within sixty (60) days from the receipt of the complaint. This time period may be extended by written agreement of the complainant. The person responsible for investigating the complaint shall conduct and complete the investigation in accordance with our UCP policies and procedures.

The complainant has a right to appeal our Decision of complaints regarding specific programs and activities subject to the UCP, pupil fees and the LCAP to the California Department of Education (CDE) by filing a written appeal within 15 days of receiving our Decision. The appeal must be accompanied by a copy of the originally-filed complaint and a copy of our Decision.

We advise any complainant of civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

Copies of our Uniform Complaint Procedures process shall be available free of charge.

Farmersville USD | AR 1312.4 Community Relations

Williams Uniform Complaint Procedures

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Farmersville Unified School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2012-2013 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

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 pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
- b. A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.
- c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- d. A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

(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 pupils 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 pupils 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 pupils 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 pupils or staff.

Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of pupils or staff while at school, including, but not limited to, gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff; structural damage creating a hazardous or uninhabitable condition; or any other condition deemed appropriate. (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, or paper towels or functional hand dryers. (Education Code 35292.5)

Open restroom means the school has kept all restrooms open during school hours when pupils are not in classes and has kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when the temporary closing of the restroom is necessary for pupil safety or to make repairs. (Education Code 35292.5)

4. High school exit examination intensive instruction and services

A pupil, 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 pupil 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 in the section entitled "Types of Complaints" 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 deficiency specified in item #4 in the section entitled "Types of Complaints" above shall be filed with a district official designated by the Superintendent. Such complaints may be filed at the district office or 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 pupils or staff as described in item #3a in the section entitled "Types of Complaints" 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 a Williams complaint form is available at each school. However, complainants need not use the district's complaint form in order to file a complaint. (Education Code 35186; 5 CCR 4680)

The Superintendent or designee shall ensure that the district's complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. (Education Code 35186; 5 CCR 4680)

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

4600-4687 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.ccsesa.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 FARMERSVILLE UNIFIED SCHOOL DISTRICT

approved: May 24, 2011 Farmersville, California



Notice to Parents/Guardians, Students and Teachers: WILLIAMS UNIFORM COMPLAINT PROCEDURES COMPLAINT RIGHTS

Parents, Guardians, Students, and Teachers:

Education Code 35186 created a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment. The complaint and response are public documents as provided by statute. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the following contact information. Education Code requires that the following notice be posted in your child's classroom.

1. **Instructional Materials:** There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials, each student, including English learners, must have a textbook or instructional material, or both, to use in class and to take home.
2. **School Facilities:** School facilities must be clean, safe, and maintained in good repair. Good repair means that the facility is maintained in a manner that assures that it is clean, safe and functional as determined by the Office of Public School Construction.
3. **Teacher Vacancy and Misassignment:** There should be no vacancies or misassignments.

To file a complaint regarding the above matters, complaint forms can be obtained in the Principal's office, District office, or can be downloaded from the District Office's, County Office's or California Department of Education's website.

Please file your complaint at the following location:

**School Site Principal
School Site of Complaint**

Approved by Governing Board on *May 10, 2016*

Revision Date: May 2016

Farmersville Unified School District Complaint Form: Williams Complaint Form

E 1312.4

Education Code (EC) Section 35186 created a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment. The complaint and response are public documents as provided by statute. 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

Name _____

Mailing Address _____

Phone Number (Day) _____ (Evening) _____

Issue(s) of the complaint: Please check all that apply.

1. Textbooks and Instructional Materials:

- A student, including an English learner, does not have standard-aligned textbooks or instructional materials or state-adopted or district-adopted textbooks or other required instructional materials to use in class.
- A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
- Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Facility Conditions:

- A condition exists that poses an emergency threat to the health or safety of students or staff, including: gas leaks, nonfunctioning heating, ventilation, fire sprinklers or air-conditioning systems, electrical power failure, major sewer line stoppage, major pest or vermin infestation, broken windows or exterior doors or gates that will not lock and that pose a security risk, abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions the school district determines appropriate.
- A school restroom has not been maintained or cleaned regularly, is not fully operational and 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 doesn't apply when temporarily closing of restroom is necessary for pupil safety or to make repairs.

3. Teacher Vacancy or Misassignment:

- Teacher vacancy - 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 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.)
- Teacher misassignment - A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20% English learners students in the class.
- Teacher misassignment - A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Date of Problem: _____

Location of Problem (School Name, Address, and Room Number or Location): _____

Course or Grade Level and Teacher Name _____

Please describe the issue of your complaint in detail. You may attach pages if necessary to fully describe the situation:

Need not use this form to file a complaint.

Please file this complaint with the Site Principal at any school with the District of which there is the complaint.

Farmersville USD | BP 3350 Business and Noninstructional Operations

Travel Expenses

The Governing Board shall pay for actual and necessary expenses, including travel, incurred by any employee performing authorized services for the district in accordance with district policies and regulations. Funds expended shall not exceed those budgeted by the Board for these purposes. The Superintendent or designee may authorize an advance of funds to cover necessary expenses.

The Board, under the provisions of Education Code 44032, delegates authorization to the Superintendent to approve employee requests for travel, meetings and conferences within the financial limitations set forth by the annually adopted budget. Meetings not previously budgeted for shall be approved on an individual basis by the Board. All conference attendance must be recommended by the employee's immediate supervisor and approved by the Superintendent. In accordance with the bargaining unit contract, conference attendance by the teachers must be approved by the Board if the costs exceed \$250 and the teacher will be absent more than one day. All out-of-state travel must have Board approval.

Expenses shall be reimbursed within limits established by the Board. The Superintendent or designee shall establish procedures for the submission and verification of expense claims.

The payment of travel expenses for spouses of Board designees or district employees with the plan to SUBSEQUENTLY reimburse is a personal use of district funds. No claims submitted should include such expenditures.

Legal Reference:

EDUCATION CODE

44032 Travel expense payment

44033 Automobile allowance

44576 Remuneration of trainees (employees in staff development projects)

Policy FARMERSVILLE UNIFIED SCHOOL DISTRICT

adopted: February 26, 2002 Farmersville, California

revised: May 24, 2016

Farmersville USD | AR 3350 Business and Noninstructional Operations

Travel Expenses

Travel expenses are the ordinary and necessary expenses of traveling away from home or your business, profession, or job. An ordinary expense is one that is common and accepted in your field of trade, business, or profession. A necessary expense is one that is helpful and appropriate for your business. An expense does not have to be indispensable to be considered necessary.

The maximum reimbursement rate for expenses incurred while attending approved meetings or conferences is established as follows.

Meals (Itemized Receipt Required)

Expense for meals consumed within a 50 mile radius of the district will not be reimbursed. Reimbursement for alcoholic beverages is prohibited. Do not charge alcoholic beverages on any district credit cards. Meals will be reimbursed only to the extent they are not lavish or extravagant under the circumstances. In accordance with IRS guidelines, a higher reimbursement rate is established for higher cost areas of the State as per the tables below. Expenses for meals consumed while attending approved meetings or conferences that do not require an overnight stay, will be reimbursed (after authorization is obtained) and taxable.

A tip of 15% of meal costs will be reimbursed if actually paid and claimed. Tips greater than 15% will not be reimbursed. If the cost of meals has been included in the registration costs, a separate reimbursement for that meal will not be allowed. If an employee chooses to go without a meal, that employee may use the allowance towards another meal, as long as the daily total is not exceeded.

The authorized allowance for meals will be paid provided the travel time meets the following requirements.

Breakfast: Breakfast may be claimed if travel began one hour prior to the time the employee normally reports to work and while he/she is on the business trip.

Lunch: Lunch may be claimed if travel began at least one hour prior to the lunch hour, and while he/she is on the business trip.

Dinner: Dinner may be claimed if travel began at least one hour prior to the dinner hour, and while he/she is on the business trip.

Lodging (Itemized Receipt Required)

Lodging will be reimbursed only if the conference requires you to be away from the general area of your home substantially longer than an ordinary day's work and if the travel is outside of a 75 mile radius of the district, unless there are extenuating circumstances. Prior authorization is required for hotel stays within the 75 mile radius. A purchase order requisition for the hotel/motel should be processed in advance of the trip.

Mileage Reimbursement

The reimbursement rate is determined by the current employee bargaining unit contract. The beginning and ending odometer reading of the vehicle must be included on the claim submitted.

Mode of Travel

The most expedient and cost effective manner of traveling should be used. This may include the use of a district vehicle, personal vehicle, rental vehicle, plane or train. For trips in excess of 200 miles one way and lasting fewer than two nights, a rental vehicle is the preferred method of travel. For trips lasting longer than two nights, use of a personal car is preferred. Contact the Business Office to make arrangements for a rental vehicle, train tickets or airplane reservations. Two weeks advance notice is required in order assure the availability of rental vehicle, plane or train reservations. The traveler must request a purchase order for payment to the vendor prior to making the trip.

Miscellaneous Expenses

Miscellaneous parking, shuttle, taxi, and related expenses will be reimbursed. A receipt is required. The district will pay for one three-minute phone call to the employee's family upon arrival at his/her destination. A phone call lasting longer than three minutes will be determined to be personal business, and will not be reimbursed.

Regulation FARMERSVILLE UNIFIED SCHOOL DISTRICT

approved: December 11, 2007 Farmersville, California

revised: May 24, 2016

Per Diem Rates

*These reimbursement rates are from the GSA FY 2016 Meals and Incidental Expenses (M&IE) Breakdown that was prepared by the U.S. General Services Administration (GSA).

Figure A

Meal	A	B	C	D	E	F
Breakfast	11.00	12.00	13.00	15.00	16.00	17.00
Lunch	12.00	13.00	15.00	16.00	17.00	18.00
Dinner	23.00	24.00	26.00	28.00	31.00	34.00
Total	46.00	49.00	54.00	59.00	64.00	69.00

Figure B

A	B	C	D	E	F
Inyo	Stanislaus	San Bernardino	Humboldt	Contra Costa	Los Angeles
	Yolo	Solano	Fresno	Napa	Orange
		Marin	Mono	Mendocino	Ventura
		Madera	Alameda	San Luis Obispo	Monterey
		Santa Clara	Shasta	Santa Cruz	Riverside
			Sacramento		San Diego
			San Mateo		San Francisco
			Sonoma		El Dorado
			Placer		Nevada
					Maripolsa

STATE	DESTINATION	COUNTY/LOCATION DEFINED	FY18 M&IE
Standard CONUS rate applies to all counties not specifically listed. Cities not listed may be located in a listed county.			\$51
CA	Antioch / Brentwood / Concord	Contra Costa	\$64
CA	Bakersfield / Ridgecrest	Kern	\$59
CA	Barstow / Ontario / Victorville	San Bernardino	\$54
CA	Death Valley	Inyo	\$64
CA	Eureka / Arcata / McKinleyville	Humboldt	\$74
CA	Eureka / Arcata / McKinleyville	Humboldt	\$74
CA	Eureka / Arcata / McKinleyville	Humboldt	\$74
CA	Fresno	Fresno	\$64
CA	Los Angeles	Los Angeles/Orange/Ventura /Edwards AFB less the city of Santa Monica	\$64
CA	Mammoth Lakes	Mono	\$74
CA	Mill Valley / San Rafael / Novato	Marin	\$74
CA	Mill Valley / San Rafael / Novato	Marin	\$74
CA	Mill Valley / San Rafael / Novato	Marin	\$74
CA	Monterey	Monterey	\$74
CA	Monterey	Monterey	\$74
CA	Monterey	Monterey	\$74
CA	Napa	Napa	\$69
CA	Napa	Napa	\$69
CA	Napa	Napa	\$69
CA	Oakhurst	Madera	\$64
CA	Oakhurst	Madera	\$64
CA	Oakhurst	Madera	\$64
CA	Oakland	Alameda	\$69
CA	Oakland	Alameda	\$69
CA	Oakland	Alameda	\$69
CA	Palm Springs	Riverside	\$64
CA	Palm Springs	Riverside	\$64
CA	Point Arena / Gualala	Mendocino	\$69
CA	Sacramento	Sacramento	\$64
CA	San Diego	San Diego	\$64
CA	San Diego	San Diego	\$64
CA	San Diego	San Diego	\$64
CA	San Francisco	San Francisco	\$74
CA	San Francisco	San Francisco	\$74
CA	San Francisco	San Francisco	\$74
CA	San Francisco	San Francisco	\$74
CA	San Luis Obispo	San Luis Obispo	\$64
CA	San Mateo / Foster City / Belmont	San Mateo	\$69
CA	San Mateo / Foster City / Belmont	San Mateo	\$69
CA	San Mateo / Foster City / Belmont	San Mateo	\$69
CA	Santa Barbara	Santa Barbara	\$74
CA	Santa Barbara	Santa Barbara	\$74
CA	Santa Barbara	Santa Barbara	\$74
CA	Santa Cruz	Santa Cruz	\$59
CA	Santa Cruz	Santa Cruz	\$59
CA	Santa Cruz	Santa Cruz	\$59
CA	Santa Monica	City limits of Santa Monica	\$64
CA	Santa Monica	City limits of Santa Monica	\$64
CA	Santa Monica	City limits of Santa Monica	\$64
CA	Santa Rosa	Sonoma	\$64
CA	Santa Rosa	Sonoma	\$64
CA	Santa Rosa	Sonoma	\$64
CA	South Lake Tahoe	El Dorado	\$64
CA	South Lake Tahoe	El Dorado	\$64

STATE	DESTINATION	COUNTY/LOCATION DEFINED	FY18 M&IE
CA	South Lake Tahoe	El Dorado	\$64
CA	South Lake Tahoe	El Dorado	\$64
CA	Stockton	San Joaquin	\$64
CA	Sunnyvale / Palo Alto / San Jose	Santa Clara	\$64
CA	Sunnyvale / Palo Alto / San Jose	Santa Clara	\$64
CA	Sunnyvale / Palo Alto / San Jose	Santa Clara	\$64
CA	Tahoe City	Placer	\$64
CA	Truckee	Nevada	\$74
CA	Visalia / Lemoore	Tulare / Kings	\$59
CA	West Sacramento / Davis	Yolo	\$64
CA	Yosemite National Park	Mariposa	\$69
CA	Yosemite National Park	Mariposa	\$69
CA	Yosemite National Park	Mariposa	\$69

FARMERSVILLE UNIFIED SCHOOL DISTRICT FIELD TRIP REQUEST FORM

- District Bus (Request must be submitted 2 weeks prior to departure date)
- Charter Bus (Request must be submitted 3 months prior to departure date)
- 1 Van (Request must be submitted 2 weeks prior to departure date)
- 2 Vans (Request must be submitted 2 weeks prior to departure date)

All stops must be included on this request (i.e., lunch, dinner). Please make prior arrangements, if possible. The driver does not have the authority to change a route.

Purpose of Trip: _____

Specific Destination/s: _____

Lunch Dinner Time: _____ City/Place: _____

Date(s) of Trip: _____

Departure Time: _____

Return Time: _____

Person/s in Charge: _____ Cell Phone # _____

Number of Students: _____ Number of Adults: _____ Total: _____

CHECK PERTINENT POINTS:

School Site:

- | | |
|---|---|
| <input type="checkbox"/> Hester Elementary | <input type="checkbox"/> Farmersville Jr. High School |
| <input type="checkbox"/> Snowden Elementary | <input type="checkbox"/> Farmersville High School |
| <input type="checkbox"/> Freedom Elementary | <input type="checkbox"/> Deep Creek Academy |

- Cafeteria notified
- One day, school day
- One day, non-school day (Accident insurance necessary)
- Overnight trip of _____ nights (Board approval required & accident insurance necessary)*
- Out-of-State trip (Board approval required & accident insurance necessary)*
- Trip to Foreign Country (Board approval required & accident insurance necessary)*

I have read and will abide by the board policy and administrative rules pertaining to field trips.

Person in Charge: _____

Date: _____

Approved by Director of M.O.T.: _____

Date: _____

Principal: _____

Date: _____

Board of Trustees (if necessary): _____

Clerk/Secretary

Date of Meeting

(* Submit to Board one month prior to date of trip)

Account # _____

Farmersville USD | BP 6153 Instruction

School-Sponsored Trips

The Governing Board recognizes that school-sponsored trips are an important component of a student's development and supplement and enrich the classroom learning experience. School-sponsored trips may be conducted in connection with the district's course of study or school-related social, educational, cultural, athletic, school band activities, or other extracurricular or cocurricular activities. A field trip to a foreign country may be permitted to familiarize students with the language, history, geography, natural science, and other studies relative to the district's course of study.

(cf. 6143 - Courses of Study)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

Requests for school-sponsored trips involving out-of-state, out-of-country, or overnight travel shall be submitted to the Superintendent or designee. The Superintendent or designee shall review the request and make a recommendation to the Board as to whether the request should be approved by the Board. All other school-sponsored trips shall be approved in advance by the principal.

(cf. 3312.2 - Educational Travel Program Contracts)

The principal shall establish a process for approving a staff member's request to conduct a school-sponsored trip. When planning trips, staff shall consider student safety, objectives of instruction, the most effective use of instructional time, the distance from school, district and student expense, and transportation and supervision requirements. Principals may exclude from the trip any student whose presence on the trip would pose a safety or disciplinary risk.

(cf. 3530 - Risk Management/Insurance)

(cf. 3541.1 - Transportation for School-Related Trips)

(cf. 5142 - Safety)

(cf. 5143 - Insurance)

(cf. 5144 - Discipline)

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

No field trip shall be authorized if any student would be excluded from participation because of a lack of sufficient funds. The Superintendent or designee shall coordinate with community groups to supply funds for students in need. (Education Code 35330)

(cf. 1230 - School-Connected Organizations)

(cf. 1321 - Solicitation of Funds from and by Students)

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

District funds shall not be used to pay student expenses for out-of-state or out-of-country field trips or excursions. However, expenses of instructors, chaperones, and other personnel participating in such trips, as well as incidental expenses for the use of district equipment during the trip, may be paid from district funds. (Education Code 35330)

Legal Reference:

EDUCATION CODE

8760 Authorization of outdoor science and conservation programs

32040-32044 First aid equipment: field trips

35330 Excursions and field trips

35331 Provision for medical or hospital service for pupils (on field trips)

35332 Transportation by chartered airline

35350 Transportation of students

44808 Liability when pupils not on school property

48908 Duties of pupils; authority of teachers

BUSINESS AND PROFESSIONS CODE

17540 Travel promoters

17550-17550.9 Sellers of travel

17552-17556.5 Educational travel organizations

Management Resources:

WEB SITES

American Red Cross: <http://www.redcross.org>

California Association of Directors of Activities: <http://www.cadal.org>

U.S. Department of Homeland Security: <http://www.dhs.gov>

Policy FARMERSVILLE UNIFIED SCHOOL DISTRICT

adopted: December 12, 2006 Farmersville, California

Farmersville USD | AR 6153 Instruction

School-Sponsored Trips

Supervision

Students on school-sponsored trips are under the jurisdiction of the district and shall be subject to district and school rules and regulations.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5144 - Discipline)

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

The Superintendent or designee shall ensure that adequate supervision is provided on all school-sponsored trips and that there is an appropriate ratio of adults to students present on the trip. If the trip involves water activities, this ratio shall be revised as necessary.

Parent/Guardian Permission

Before a student can participate in a school-sponsored trip, the teacher shall obtain parent/guardian permission for the trip. Whenever a trip involves water activities, the parent/guardian shall provide specific permission for his/her child to participate in the water activities. The district shall provide an alternative educational experience for students whose parents/guardians do not wish them to participate in a trip.

All persons making the field trip or excursion shall be deemed to have waived all claims against the district or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion. All adults taking out-of-state field trips or excursions and all parents/guardians of students taking out-of-state field trips or excursions shall sign a statement waiving such claims. (Education Code 35330)

Safety Issues

1. While conducting a trip, the teacher, employee, or agent of the school shall have the school's first aid kit in his/her possession or immediately available. (Education Code 32041)

Whenever trips are conducted in areas known to be infested with poisonous snakes, the first aid kit taken on the trip shall contain medically accepted snakebite remedies. In addition, a teacher, employee, or agent of the school who has completed a first aid course which is certified by the American Red Cross and which emphasizes the treatment of snakebites shall participate in the trip. (Education Code 32043)

2. The district shall provide or make available medical and/or hospital insurance for students injured while participating in any excursion or field trip. (Education Code 35331)

(cf. 3541.1 - Transportation for School-Related Trips)

(cf. 5143 - Insurance)

3. If the Superintendent or designee receives threat level warnings from the Homeland Security Advisory System pertaining to the destination of a school-sponsored trip, he/she shall implement precautions necessary to protect the safety of students and staff.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

4. Lifeguards are required for all swimming activities. If the activity is at a private pool, the owner of the pool shall provide a certificate of insurance, designating the district as an additional insured, for not less than \$500,000 in liability coverage. Staff shall determine supervisory responsibilities for all chaperones.

(cf. 3530 - Risk Management/Insurance)

(cf. 5141.7 - Sun Safety)

5. Before trips of more than one day, the principal or designee may hold a meeting for staff, chaperones, parents/guardians, and students to discuss safety and the importance of safety-related rules for the trip.

(cf. 5142 - Safety)

Regulation FARMERSVILLE UNIFIED SCHOOL DISTRICT

approved: December 12, 2006 Farmersville, California

Farmersville USD | E 6153 Instruction

Voluntary Field Trip/Excursion Waiver

Voluntary field trips or excursions are made in connection with courses of instruction or school-related social, educational, cultural, athletic or school band activities.

The trips may be local, out-of-state and even to a foreign country.

Education Code Section 35330 provides that all persons making the voluntary field trip are deemed to have waived all liability claims against the District. Any adult and the parents or guardians of minor students taking a trip should sign a statement advising them of this waiver. Therefore, the District should use standardized and approved Field Trip/Excursion forms.

We recommend all high school students also sign the form as a precaution in the event that the student has reached the age of 18 or is legally considered an adult for any reason.

The use of Field Trip/Excursion forms is important in reducing liability exposures to the District.

The following voluntary excursion/field trip waiver notices forms should be used

- Minor: Signed by the parents/guardian of the minor student participating in the Field Trip/Excursion.
- Adult: Signed by any adult students or volunteers participating in the Field Trip/Excursion.
- Non-Vehicular: Should be used only where no vehicular transportation is involved. If vehicle transportation is involved, the form will need to be modified. Note, where there is a material deviation from the pre-authorized activity, a new field trip form should be signed by the parent or guardian acknowledging the revised itinerary.

Voluntary Activity Waiver and Release

The State Court recently upheld the validity of a Waiver and Release from which was signed by an activity participant who was killed during the activity. Part of the basis of the court's decision was that the form was clear and unambiguous, the activity was purely voluntary and it is within the powers and discretion of the parties to "contract" for the activity in any fashion they deem appropriate.

It is important to note that the participant who signed the form was a legal adult and the court upheld the intent of the waiver to also preclude the parents from filing their separate cause of action, even though they were not signatories.

It is the recommendation of Keenan & Associates that consideration be given to having all students, and if the students are not legal adults, their parents, sign the WAIVER, RELEASE AND INDEMNITY AGREEMENT prior to participating in any high risk voluntary activity such as water skiing, snow skiing, sailing, scuba diving, etc.

Since minor students are not legal adults and cannot execute contracts, there remains a question as to whether the court would uphold such a Waiver and Release. However, by having the student execute

the form, we will be able to show that there was a knowledge of the risk and an assumption of that risk which could significantly mitigate District liability.

District Sponsored On-Site Special Activities

Frequently, parents volunteer their time to conduct special activities for students on campus after normal school hours. An example would be a martial arts expert donating time to teach self defense and/or martial arts to interested students.

Since this is a District sponsored activity there is an extra liability risk in allowing these activities. If the volunteer has his own personal insurance coverage, then the District should not agree to defend and indemnify unless absolutely necessary.

A permission form with the appropriate releases should be signed by the students or the parents or guardians of the participating minor student before the student is allowed to participate in the class.

The Waiver, Release and Indemnity Agreement should also be signed.

If the instructor is charging the students for his time then he is "in the business." The activity should not be District-sponsored and the instructor should comply with all rules and insurance requirements pursuant to the District's "Use of Facilities" and "Civic Center Act" policies.

Non-District Sponsored Activities

Employees/volunteers often initiate special off-campus activities for students on weekends or after school hours. Whether the employee/volunteer is a club sponsor or not, the employee/volunteer, the District, or both, could be held liable if a student participant sustains an injury.

Due to the nature of certain activities there may be an inference of District participation or sponsorship. For instance, the activity may be promoted on campus, using District supplies, equipment, or District name.

If this event is a District sponsored activity use waiver forms. If this is a non-district sponsored activity use the "Non-District Sponsored Activity" form.

If there is a planned activity at the end of a quarter, semester or athletic season, be sure to have each minor student secure parent permission and release of liability on this form.

Examples of activities are swim parties, picnics, barbecues, hiking, camping and trips to amusement parks. The District's administration should be notified of any events or activities of this type.

To reduce unwanted exposure, reasonable steps must be taken to notify the public and participants of the District's non-involvement.

First Aid Kits For Camping Trips

The teacher. . . shall have a First Aid Kit in his possession . . . while conducting a field trip.

Whenever a field trip is conducted into an area which is commonly known to be infested by poisonous snakes, the first aid kit shall include a snake bite kit.

Every first aid kit shall include the following and other equipment. . . considered useful. . . .

12 3" x 3" sterile gauze bandages

4 1" gauze roller bandages

4 2" guaze roller bandages

4 triangular bandages

1 roll adhesive tape 1" (10 yds).

An American Red Cross First Aid textbook or written instruction
for use of contents of a first aid kits.

Other Recommended Equipment/Supplies:

6 4" x 4" sterile pads (plastic covered)

4 disposable towels (plastic covered)

Cotton balls (plastic covered)

Ammonia inhalent

Paper bags

Band-aids (in small metal box)

Sanitary pads 2

Disposable ice bag

Vaseline tube

Liquid Soap

Safety Pins

Shoelaces

Scissors

Needle/Thread (in small container)

Pencil

Extra booklet

Required forms (plastic covered)

Emergency illness/injury information records

Student Accident Form (duplicate)

Daily log for student accidents/illness

FARMERSVILLE UNIFIED SCHOOL DISTRICT

Farmersville, California



Field Trip/Special Event Sack Lunch Policy & Procedure

When a field trip/event is planned and/or sack lunches are requested, the requestor must fill out a Department of Food Service Request form (see attached). The form should be turned into the Department of Food Services at least **two weeks** prior to the date of the request.

You must turn this form in whether you are requesting meals or not. This will maintain communication as to how many students from that site will not be in attendance for lunch. If meals are needed, make sure to attach a copy of your student roster of attendees for the trip. If possible, please include student identification numbers.

On the day of the trip, the lunches are to be picked up at the school site kitchen by the person in charge of the trip/event. A signature along with a final student count will also be requested at this time.

The sack lunches along with a milk for each student will be packed into an ice chest. **The ice chest is to be provided by the requestor and not Food Services.** The person in charge is to make sure that a count for student-to-lunch is checked off the roster by signing for accountability. The completed roster is then submitted to the kitchen immediately upon return to the campus.

Thank you,

James Lohry
Director of Food Services

Farmersville USD | BP 3515.4 Business and Noninstructional Operations

Recovery For Property Loss Or Damage

The Governing Board desires to create a safe and secure learning environment and to minimize acts of vandalism and damage to school property. To discourage such acts, the district shall seek reimbursement of damages, within the limitations specified in law, from any individual, or from the parent/guardian of any minor, who has committed theft or has willfully damaged district or employee property.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

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

(cf. 4158/4258/4358 - Employee Security)

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

(cf. 5131 - Conduct)

(cf. 5131.5 - Vandalism and Graffiti)

(cf. 5136 - Gangs)

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

Rewards

When district or law enforcement officials have not been able to identify the person(s) responsible for the theft or vandalism of district property, the Board may authorize a reward for the identification and apprehension of the responsible person(s).

The Board authorizes the Superintendent or designee to offer a reward in any amount he/she deems appropriate, not exceeding \$2,500. A reward in excess of \$2,500 shall be authorized in advance by the Board.

The Superintendent or designee shall disburse the reward when the guilt of the person responsible for the act has been established by a criminal conviction or other appropriate judicial procedure.

Legal Reference:

EDUCATION CODE

19910 Libraries, malicious cutting, tearing, defacing, breaking or injuring

19911 Libraries, willful detention of property

44810 Willful interference with classroom conduct

48904 Liability of parent/guardian for willful misconduct

CIVIL CODE

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

GOVERNMENT CODE

53069.5 Reward for information concerning person causing death, injury, or property damage

53069.6 Actions to recover damages

54951 Local agency, definition

PENAL CODE

484 Theft defined

594 Vandalism

594.1 Aerosol paint and etching cream

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

Management Resources:

WEB SITES

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

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

Policy FARMERSVILLE UNIFIED SCHOOL DISTRICT

adopted: January 12, 2010 Farmersville, California

Farmersville USD | AR 3515.4 Business and Noninstructional Operations

Recovery For Property Loss Or Damage

Reports by Staff

District employees shall report any damage to or loss of school property to the principal or designee immediately after such damage or loss is discovered. In those instances in which insurance reimbursement may be involved, the principal or designee shall contact the appropriate district official.

(cf. 3530 - Risk Management/Insurance)

(cf. 5131.5 - Vandalism and Graffiti)

Investigation

The Superintendent or designee shall conduct a complete investigation of any instance of damage to or loss of school property and shall consult law enforcement officials when appropriate. If it is determined that the damage has been committed by any district student, the Superintendent or designee shall initiate appropriate disciplinary procedures against the student.

(cf. 3515.3 - District Police/Security Department)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

Recovery of Damages

When the individual causing the damage or loss has been identified and the costs of repair, replacement, or cleanup determined, the Superintendent or designee shall take all practical and reasonable steps to recover the district's costs and shall consult with the district's legal counsel and/or insurance administrator, as appropriate.

Such steps may include the filing of a civil complaint in a court of competent jurisdiction to recover damages from the responsible person and, if the responsible person is a minor, from his/her parent/guardian in accordance with law. Damages may include the cost of repair or replacement of the property, the payment of any reward, interest, court costs, and all other damages as provided by law.

Payment of Reward

When authorized according to Board policy, the Superintendent or designee shall pay the reward to the party who provides information sufficient to identify and apprehend the person(s) subsequently determined to be responsible for the damage or loss. If more than one person provides information, the reward shall be divided among them as appropriate.

Regulation FARMERSVILLE UNIFIED SCHOOL DISTRICT

approved: January 12, 2010 Farmersville, California



The Farmersville Unified School District has established a Foggy Day Schedule. If you have any questions about the following schedule, please contact the District Office at 592-2010. You may also call any of the school offices after 7:00 a.m.: Hester: 594-5801; Snowden: 747-0781; Freedom: 592-2662; Farmersville Jr. High: 747-0764; Farmersville High School: 594-4567; or Deep Creek Academy: 747-6205.

PLAN A When this announcement is made, it will indicate that ground fog exists in certain areas of the Farmersville Unified School District:

1. Parents are urged to use caution in determining how those conditions affect their children's method of getting to and from school.
2. Bus transportation and classes will start on regular schedule.

PLAN B When this announcement is made, it will indicate:

1. Bus transportation will be delayed by one and one half hours (1-1/2).
2. Classes will start one and one half hours (1-1/2) later than normal.

PLAN C When this announcement is made, it will indicate:

1. All morning bus routes will be canceled.
2. Classes will start one and one half hours (1-1/2) later than normal.

PLAN D School is canceled: make up day will be added later in the year.

Radio and television stations used to announce the plan are as follows: KVPT Channel 18; KSEE Channel 24; KFSN Channel 30; KJUG-AM/FM-1270 and KTIP 1450 AM.



How to receive college credit and salary schedule advancement for attending classes or conferences

- I **College units are ALWAYS paid for by the individual.**
 - a. Many workshops offer units so check flyers **before** attending!
- II Complete *Request for Course Approval* form
 - a. Complete paperwork
 - b. Attach a photocopy of the course announcement
 - c. Must be approved by your site principal
- III Deliver to Personnel Services Department
 - a. A copy will be returned to you. Proceed with course work.

Remember to turn in transcripts to Personnel Services Department before
September 1st to receive credit for salary advancements.

FARMERSVILLE UNIFIED SCHOOL DISTRICT
REQUEST FOR COURSE APPROVAL

Authorization is requested to enroll in the course(s) below for professional growth and preparation in regard to the Farmersville Unified School District salary schedule.

Name _____ Today's Date _____

College or University _____

Dates of Attendance: Beginning _____ Ending _____

Total Hrs. _____ No. of Units _____ Course Number _____

Course Title _____

Brief description of the course _____

Principal Approval: _____ Date: _____

Central Office Approval: _____ Date: _____

Complete and send both copies to the central office. One copy will be returned to you.

IMPORTANT NOTICE

The District strongly encourages and recommends that all employees sign up for direct deposit as well as the E-Portal self-service website, both offering employees many benefits listed below. THE DISTRICT WILL NO LONGER MAKE COPIES OF CHECK STUBS OR W-2'S AS THIS IS ONE OF THE BENEFITS THE E-PORTAL OFFERS.

Direct Deposit

- ▶ Safe and secure: No more lost or stolen checks
- ▶ Reliable: Money is available the morning of payday
- ▶ Saves time: No more waiting in line at the bank
- ▶ Accessible: Pay is available even when the employee is out of town

Enrollment forms are available at the District office or on www.farmersville.k12.ca.us. The completed form and voided check must be returned to the Payroll Department and becomes effective within 6-8 weeks.

Employee Portal

The E-Portal is a fast way to access personal information. It takes less than a minute to access all of the following:

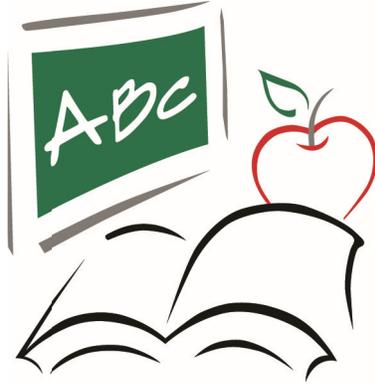
- ▶ View and print current and prior period pay stubs
 - ▶ See the latest absence information that has been updated by Payroll
 - ▶ View and print your current and prior year W-2's
 - ▶ Access documents and resources that your employer shares with you
1. It's secure. Personal information is secure and accessible by you through the use of your unique User Name and Password
 2. It's easy to access. <https://eportal.tcoe.org/> and log in with your username and password
 3. It's convenient. You can access the E-Portal 24 hours a day, 7 days a week.

Please call **Business or Human Resources Department at 592-2010** to get started! Please be prepared to give your full name, full social security number, and date of birth in order to authenticate your request.



FAST
SECURE
EASY

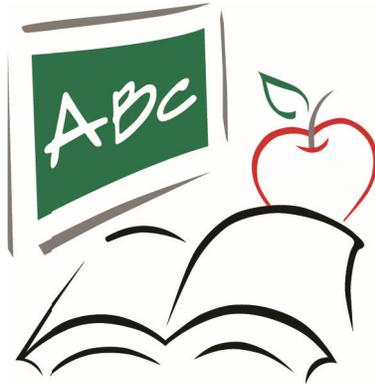
2022-23



FARMERSVILLE UNIFIED SCHOOL DISTRICT

NOTES FOR QUESTIONS

2022-23



FARMERSVILLE UNIFIED SCHOOL DISTRICT

Employee Handbook & Annual Notification Acknowledgement

TO:

FROM: **THELMA MALDONADO**

I hereby acknowledge that it is my responsibility to access the Farmersville Unified School District's Employee Handbook online.

My signature below indicates that I agree to read the Handbook and abide by the standards, policies and procedures defined or referenced in this document. Below is a list of the important annual information you will find included in the handbook. The Employee Handbook can be located on the District's website by going to www.farmersville.k12.ca.us.

Please return this form to Thelma Maldonado, District Office.

- Sexual Harassment Board Policy
- Child Abuse Reporting Board Policy
- Non-Discrimination of Employment Board Policy
- Internet and Email User Obligations
- Uniform Complaint Board Policy
- Williams Classroom Policy & Posting
- Tobacco-Free Schools Policy
- Drug and Alcohol Free Workplace Policy

Signature _____ Date _____