

**BOARD OF EDUCATION  
POLICY SUBCOMMITTEE  
AGENDA**

June 20, 2024

4:00 PM

Board Policy Subcommittee Meeting

2060 Challenger Drive Alameda, CA 94501 Marina Conference Room

The Policy Sub Committee may meet for Closed Session to discuss policy matters as provided under California State law and set forth on the agenda below. Following Closed Session, the Board reconvenes to Public Session.

Writings relating to a board meeting agenda item that are distributed to at least a majority of the Board members less than 72 hours before the noticed meeting, and that are public records not otherwise exempt from disclosure, will be available for inspection at the District administrative offices, 2060 Challenger Drive, Alameda, CA. Such writings may also be available on the District's website. (Govt Code 54957.5b). Individuals who require special accommodations (American Sign Language interpreter, accessible seating, documentation in accessible format, etc.) should contact Kerri Lonergan, Assistant to the Superintendent, at: (510) 337-7187 no later than 48 hours preceding the meeting.

**IF YOU WISH TO ADDRESS THE POLICY SUBCOMMITTEE**

Please submit a "Request to Address the Board" slip to Kerri Lonergan, Assistant to the Superintendent, prior to the introduction of the item. For meeting facilitation, please submit the slip at your earliest possible convenience. Upon recognition by the Chairperson of the Committee, please come to the podium and identify yourself prior to speaking. The Committee reserves the right to limit speaking time to three (3) minutes or fewer per individual. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four (4) minutes.

**A. Call to Order**

1. Call to Order - 4:00pm - Marina Conference Room, Niel Tam Educational Center
2. Introduction of Board Members and Staff

**B. Approval of Minutes**

1. Minutes from the April 18, 2024 Board Policy Subcommittee Meeting will be considered (5 Mins/Action)

**C. New Business**

CSBA Recommended Updates to Board Policies Reflecting Changes made to Legislative Laws (10 Mins/Action)

Administrative Regulation 5116.1 Intradistrict Open Enrollment (10 Mins/Information)

Board Policy/Administrative Regulation 6115 Ceremonies and Observances (10 Mins/Action)

Board Policy 5145.9 Hate-Motivated Behavior (10 Mins/Action)

## **D. Adjournment**

ALAMEDA UNIFIED SCHOOL DISTRICT  
COMMITTEE AGENDA ITEM

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**Item Title:** Minutes from the April 18, 2024 Board Policy Subcommittee Meeting will be considered (5 Mins/Action)

**Item Type:** Action

**Background:** Staff has prepared minutes following Board Bylaw 9324 – Minutes and Recordings:  
In order to ensure that the minutes are focused on Board action, the minutes shall include only a brief summary of the Board's discussion, but shall not include a verbatim record of the Board's discussion on each agenda topic or the names of Board members who made specific points during the discussion.

**AUSD LCAP Goals:**

**Fiscal Analysis**

**Amount (Savings) (Cost):**

**Recommendation:** Approve as submitted.  
##recommendation##

**AUSD Guiding Principle:**

**Submitted By:** Meira Nalamothu, Executive Assistant, Educational Services

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
☐ Unadopted Minutes_April 18, 2024	6/10/2024	Backup Material

**BOARD POLICY SUBCOMMITTEE MEETING**

April 18, 2024

Marina Conference Room  
2060 Challenger Drive, Alameda

**UNADOPTED MINUTES**

**SPECIAL MEETING:** A Special Meeting of the Board of Education was held on the date and place mentioned above.

**A. CALL TO ORDER:**

1. Call to Order:

The meeting was called to order at 4:02 PM.

2. Introduction of Board Members and Staff:

Board of Education Members present: Ryan LaLonde and Gary Lym

Student Board Members present: Lianna Lau (ASTI)

Cabinet Members present: Superintendent Pasquale Scuderi, Asst. Superintendent of Business Services Shariq Khan, Asst. Superintendent of Educational Services Kirsten Zazo, and Sr. Manager of Communications Susan Davis

Additional: Executive Asst. of Educational Services Meira Nalamothu

**B. MODIFICATION(S) OF THE AGENDA:** There were no modifications to the agenda.

**C. BUSINESS:**

1. Approval of CSBA Recommended Policy Updates Reflecting Changes Made to Legislative Laws:

- BP 0450 Comprehensive Safety Plan
- BP 0460 Local Control and Accountability
- BP 0500 Accountability
- BP 1160 Political Processes
- BP 1330 Use of School Facilities
- BP 3312 Contracts
- BP 3400 Management of District Assets/Accounts
- BP 3460 Financial Reports and Accountability
- BP 3516 Emergencies and Disaster Preparedness
- BP 3550 Food Service and Child Nutrition Program
- BP 3551 Food Service Operations/Cafeteria Fund
- BP 3553 Free and Reduced Price Meals
- BP 5116.2 Involuntary Student Transfers

- BP 5126 Awards for Achievement
- BP 5131.2 Bullying
- BP 5141.21 Administering Medication and Monitoring Health Conditions
- BP 5144 Discipline
- BP 5148.3 Preschool/Early Childhood Education
- BP 6141.2 Recognition of Religious Beliefs and Customs
- BP 6142.8 Comprehensive Health Education
- BP 6146.1 High School Graduation Requirements
- BP 6146.4 Differential Graduation and Competency Standards for Students with Disabilities
- BP 6175 Migrant Education Program

The above policies were reviewed individually by the subcommittee for any areas of concern and/or possible discussion. Staff were present to answer any questions posed by Board members on the Committee.

A few things that came up were:

**BP 1330 Use of School Facilities:** Option 1 was the selection made where all groups pay a fee not to exceed the direct cost. PTA only pays custodial cost. There was a suggestion made to add links in the AR to the different tiers of the fee schedule. There was also a question around whether our schools are used for polling stations?

**BP 3550 Food Services:** An observation was made that while freshly prepared meals with locally grown or sources meals was being encouraged, food services should not be involved in the school garden program, and nothing grown in these gardens can be used in actual food preparation.

**BP 5126 Awards:** The policy now has new language for the Board to establish a budget for awards and ceremonies. This would be beneficial for honoring student achievement and even honoring student board members for their contribution to the Board.

**BP 5141.21 Administering and Monitoring Medication:** Option 1 was the selection made. While we currently do not have any students to which this applies, there is a lot of research around epilepsy and doctors are prescribing cannabis. Stocking of inhalers and the use of EpiPens have been in practice for a long time. Albuterol is a new requirement. Staff are working with the district nurses on how we can incorporate this. Staff are also being asked to sign up as volunteers and will be trained accordingly.

**BP 5144 Discipline:** The only piece of added language to this policy was around student's not being denied recess time as part of disciplinary action.

Taking away active time does not help with discipline. The few suggestions made were, refresh training on discipline; ensure that the policy goes into parent notification; add this policy to a school climate culture presentation.

**BP 6142.8 Comprehensive Health Education:** The big shift includes mental health in the educational course. Navigating life counts as AUSD’s health course. We have already provided Mental Health First Aid training for 9<sup>th</sup> and 10<sup>th</sup> grades and will continue with 10<sup>th</sup> grade going forward.

**BP 6146.1 High School Graduation Requirements:** A question was raised on the section addressing eligibility for exemption of course work for students with disabilities... is that referring to the minimum 180 credits? Staff responded in the affirmative. The Committee was also notified that the Special Education department has been working with SELPA around the processes connected to this shift in policy. They are also working with families to support students to work toward a High School Diploma vs a Certificate of Completion. All 10<sup>th</sup> grade families are given the opportunity to meet with a Counselor to look at their students’ graduation plan.

***Motion to move all the policies listed to the consent calendar for approval at the next regularly scheduled Board of Education Meeting.***

**MOTION:** Ryan LaLonde

**SECONDED:** Gary Lym

**STUDENT BOARD MEMBER (PREFERENTIAL) VOTES**

**AYES:** Lianna Lau

**NOES:**

**BOARD MEMBER VOTES:**

**AYES:** Gary Lym and Ryan LaLonde

**NOES:**

**ABSTAINING:**

**MOTION APPROVED**

2. Continued Review of Board Policy/Administrative Regulation 6115: Ceremonies and Observances:

BP and AR 6155 reflected changes made by CSBA included in their March 2024 release.

Since the last time the policy was reviewed, staff had consulted with the district’s legal team around language that can be included for flying flags that represent other groups. Analysis provided by legal counsel was, “Under existing District policy, the Board has the authority to fly a Pride flag in support of Pride month, but not to fly that flag year-round. Although the Board Policy could be changed to allow display of the Pride flag year-round, the bigger question is whether in doing so, the District infringes on anyone else’s rights, or opens

itself up to demands from other segments of the community to fly their own, perhaps contrary, messages from the District's flagpole.”

Some points of discussion were:

- Should school principals be given the authority to decide which flags to fly and for how long? The concern here would be that these decisions may change based on changes in site leadership.
- Should such directives come from the district office, they should be uniform across the district and would apply to all school sites.
- Can the district create an Everyone Belongs Here flag (similar to our poster) that promotes inclusion and be a symbol of safety for all? This would take a bit longer as there would need to be collaborative input and feedback.
- Can there be language added to the current Resolution/Proclamation to extend the time frame? Can the same language be reflected in the policy?

The Committee decided that Board Member Ryan LaLonde and Superintendent Scuderi would work with legal counsel on appropriate language to add to the policy for further discussion at the next subcommittee meeting. They would also begin looking at designing a flag that everyone identifies with for an unveiling in the Fall. A Proclamation declaring June as Pride month would be added to the May 28<sup>th</sup> Board meeting.

***Motion to bring back AR 6115 to the next Board Policy subcommittee meeting with suggested language added for further review and discussion.***

**MOTION:** Gary Lym

**SECONDED:** Ryan LaLonde

**STUDENT BOARD MEMBER (PREFERENTIAL) VOTES**

**AYES:** Lianna Lau

**NOES:**

**BOARD MEMBER VOTES:**

**AYES:** Gary Lym and Ryan LaLonde

**NOES:**

**ABSTAINING:**

**MOTION APPROVED**

3. Review of Board Policies and Administrative Regulations Related to Visitors, Outsiders, and Disruptions:

**BP 1250 Visitors and Outsiders and BP/AR 3515.2 Disruptions:** It was noted that these policies were written with schools in mind and not the district office or other locations. Staff have worked with F3 and have been advised on signage that would restrict access to certain areas of the workspace for reasons of privacy of student data and information.

Staff were directed to make necessary changes to the above policies and regulation, including AR 1250 Visitors, and present to the full Board for approval.

*Motion to approve BP/AR 3515.2 and BP/AR 1250 with suggested edits to be placed on the consent calendar for approval by the full Board at the next regularly scheduled Board of Education Meeting.*

**MOTION:** Ryan LaLonde

**SECONDED:** Gary Lym

**STUDENT BOARD MEMBER (PREFERENTIAL) VOTES**

**AYES:** Lianna Lau

**NOES:**

**BOARD MEMBER VOTES:**

**AYES:** Ryan LaLonde and Gary Lym

**NOES:**

**ABSTAINING:**

**MOTION APPROVED**

4. Agenda Planning and Calendaring of Board Policy Meetings for 2024:  
To keep up with the CSBA updates and not fall behind with adoption of the necessary changes made in policy, it was suggested that meetings should be held on a quarterly basis. The following dates were selected for the rest of 2024: June 20<sup>th</sup>, September 12<sup>th</sup>, and December 12<sup>th</sup>.

Staff were requested to bring back to the next meeting all Administrative Regulations, specifically AR 6146.1 High School Graduation Requirements, that have language in support of the various pathways to graduation. This is in an effort to ensure that they align with our policies.

- D. **ADJOURNMENT:** The meeting was adjourned at 5:20 pm with appreciation for those in attendance.



ALAMEDA UNIFIED SCHOOL DISTRICT  
COMMITTEE AGENDA ITEM

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**Item Title:** CSBA Recommended Updates to Board Policies Reflecting Changes made to Legislative Laws (10 Mins/Action)

**Item Type:** Action

**Background:** The following policies only reflect changes made to legislative laws and are in keeping with education codes. They have been reviewed by members of the Executive Cabinet. No substantive changes have been made to these policies. These policies are being recommended by staff for direct approval to the consent calendar at a subsequent regular Board meeting.

- BP 4111/4211/4311 Recruitment and Selection (Pgs 1-37)
- BP 4118/4218 Dismissal/Suspension/Disciplinary Action (Pgs 38-74)
- BP 4140/4240/4340 Bargaining Units (Pgs 75-131)
- BP 4151/4251/4351 Employee Compensation (Pgs 132-169)
- BP 4154/4254/4354 Health and Welfare Benefits (Pgs 170-187)
- BP 4157/4257/4357 Bargaining Units (Pgs 188-225)

**AUSD LCAP Goals:** 1. Eliminate barriers to student success and maximize learning time.| 2a. Support all students in becoming college and career ready.| 2b. Support all English Learners (ELs) in becoming college and career ready.| 3. Support parent/guardian development as knowledgeable partners and effective advocates for student success.| 4. Ensure that all students have access to basic services.

**Fiscal Analysis**

**Amount (Savings) (Cost):** N/A

**Recommendation:** Approve as submitted.

##recommendation##

**AUSD Guiding Principle:** #1 - All students have the ability to achieve academic and personal success.| #2 - Teachers must challenge and support all students to reach their highest academic and personal potential.| #3 - Administrators must have the knowledge, leadership skills and ability to ensure student success.| #4 - Parental involvement and community engagement are integral to student success.| #5 - Accountability, transparency, and trust are necessary at all levels of the organization.| #6 - Allocation of funds must support our vision, mission, and guiding principles.| #7 - All employees must receive respectful treatment and professional support to achieve district goals.

**Submitted By:** Kirsten Zazo, Assistant Superintendent of Educational Services

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
□ CSBA Policy Updates_6.20.24	6/12/2024	Backup Material

**Policy 4111: Recruitment And Selection**

**Status: ADOPTED**

**Original Adopted Date:** ~~08/25/2009~~07/01/2012 | **Last Revised Date:** ~~05/08/2018~~03/01/2024 |  
**Last Reviewed Date:** 03/01/2024

The Governing Board is committed to employing suitable, qualified individuals to effectively carry out the district's vision, mission, and goals:

~~(cf. 0000—, and believes that students benefit when district staff reflects the racial, ethnic, linguistic, and cultural diversity of the district.~~

~~Vision)~~

~~(cf. 0200 – Goals for the School District)~~

~~(cf. 4000 – Concepts and Roles)~~

~~(cf. 4100 – Certificated Personnel)~~

~~(cf. 4200 – Classified Personnel)~~

~~(cf. 4300 – Administrative and Supervisory Personnel)~~

The Superintendent or designee shall develop equitable, fair, and transparent recruitment and selection processes and procedures that ensure individuals are selected **for employment in the district** based on demonstrated knowledge, skills, and competence and not on any bias, personal preference, or unlawful discrimination.

~~(cf. 0410 – Nondiscrimination in District Programs~~

~~Additionally, the Superintendent or designee shall, through the recruitment and Activities)~~

~~(cf. 4030 – Nondiscrimination in Employment)~~

~~(cf. 4032 – selection processes and procedures, seek to establish and maintain a diverse staff, including the active recruitment from institutions and organizations that serve populations underrepresented among district employees.~~

~~Reasonable Accommodation)~~

~~(cf. 4111.2/4211.2/4311.2 – Legal Status Requirement)~~

When a vacancy occurs, the Superintendent or designee shall review, **as appropriate**, the job description for the position to ensure that it accurately describes the major functions and duties of the position. ~~He/she~~ **The Superintendent or designee** shall also disseminate job announcements to ensure a wide range of candidates.

~~The district's selection procedures~~

~~When posting an employment opportunity, the Superintendent or designee shall include screening processes, interviews, recommendations from previous employers, the pay scale for the open position. (Labor Code 432.2)~~

~~The Superintendent shall develop and observations when maintain appropriate, as necessary hiring procedures to identify the best possible candidate candidates for a position.~~

~~(cf. 4112.61/4212.61/4312.61 – Employment References)~~

~~The Superintendent or designee may establish In doing so, an interview committee may be established to rank candidates and recommend finalists. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. All discussions and recommendations shall be confidential in accordance and consistent with law.~~

~~(cf. 2230 – Representative and Deliberative Groups)~~

No inquiry shall be made ~~with regard to about~~ any information prohibited by state or federal nondiscrimination laws.

~~Unless otherwise provided for in law, the district may not discriminate against a person in hiring based on the person's use of cannabis off the job and away from the workplace, including that the district may not request information from an applicant related to the applicant's prior use of cannabis, apart from the applicant's criminal history, or penalize an applicant based on a drug screening which finds that the applicant has nonpsychoactive cannabis metabolites in the applicant's hair, blood, urine, or other bodily fluid. (Government Code 12954)~~

~~However, the district retains the right to maintain drug-free schools or prohibit employees from possessing, being impaired by, or using cannabis while on the job. (Government Code 12954)~~

~~The Superintendent or designee shall not inquire, orally or in writing, in regard to about an applicant's salary history information, including compensation and benefits. He/she Additionally, the Superintendent or designee shall also not rely on salary history information as a factor in determining whether to offer employment to an applicant or the salary to offer. However, the Superintendent or designee may consider salary information that is disclosable under state or federal law or that the applicant discloses voluntarily and without prompting. Upon request, the Superintendent or designee shall provide the applicant the pay scale for the position to which he/she is applying. (Labor Code 432.3)~~

~~(Labor Code 432.3)~~

For each position, the Superintendent or designee shall present to the Board one candidate who meets all qualifications established by law and the Board for the position. No person shall be employed by the Board without the recommendation or endorsement of the Superintendent or designee.

(cf. 4112 – Appointment and Conditions of Employment)

(cf. 4112.2 –

Certification)

(cf. 4112.22 – Staff Teaching English Learners)

(cf. 4112.23 – Special Education Staff)

(cf. 4112.8/4212.8/4312.8 – Employment of Relatives)

(cf. 4212 – Appointment and Conditions of Employment)

(cf. 4312.1 – Contracts)

**Incentives**

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With Board approval and in accordance with district needs and any applicable collective bargaining agreements, the district may provide incentives to recruit teachers, administrators, or other employees, such as signing bonuses, assistance with beginning teacher induction and/or credential costs, mentoring, additional compensation, and/or subsidized housing.

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State**

Ed. Code 200-262.4

**Description**

[Prohibition of discrimination](#)

Ed. Code 35035

[Powers and duties of the superintendent; transfer authority](#)

Ed. Code 44066

[Limitations on certification requirements](#)

Ed. Code 44259

[Teaching credential, exception; designated subjects; minimum requirements](#)

Ed. Code 44750

[Teacher recruitment resource center](#)

Ed. Code 44830-44831

[Employment of certificated persons](#)

Ed. Code 44858

[Age or marital status in certificated positions](#)

Ed. Code 44859

[Prohibition against certain rules and regulations regarding residency](#)

Ed. Code 45103-45139

[Employment; classified employees](#)

Ed. Code 49406	<a href="#">Examination for tuberculosis</a>
Gov. Code 12900-12996	<a href="#">Fair Employment and Housing Act</a>
Gov. Code 7920.000-7930.215	<a href="#">California Public Records Act</a>
Gov. Code 815.2	<a href="#">Liability of public entities and public employees</a>
H&S Code 53570-53574	<a href="#">Teacher Housing Act of 2016</a>
Lab. Code 432.3	<a href="#">Salary information</a>
<b>Federal</b>	<b>Description</b>
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
34 CFR 106.51-106.61	Nondiscrimination on the basis of sex in employment in education program or activities
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
5 USC 552	Freedom of Information Act
8 USC 1324a	Unlawful employment of aliens
8 USC 1324b	Unfair immigration related employment practices
<b>Management Resources</b>	<b>Description</b>
CA Commission on Teacher Credentialing Publication	<a href="#">Strategic Plan: Ensuring Educator Excellence, 2023</a>
California County Superintendents Publication	Teacher Recruitment in California: An Analysis of Effective Strategies, Research Brief, Veritas Research and Evaluation Group, October 2017
California Department of Education Publication	<a href="#">How to Increase the Diversity of California's Educator Workforce, April 2022</a>
Court Decision	C.A. v William S. Hart Union High School District et al. (2012) 138 Cal.Rptr.3d 1
Ctr for Cities + Schools, cityLAB & Turner Ctr Pub	<a href="#">Education Workforce Housing in California: Developing the 21st Century Campus, 2021</a>
Ctr for Cities + Schools, cityLAB & Turner Ctr Pub	<a href="#">Education Workforce Housing in California: The Handbook</a>
Website	<a href="#">University of California Los Angeles, cityLAB</a>

Website	<a href="#">University of California Berkeley, Turner Center for Housing Innovation</a>
Website	<a href="#">University of California Berkeley, Center for Cities + Schools</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">Commission on Teacher Credentialing</a>
Website	<a href="#">Education Job Opportunities Information Network</a>
Website	<a href="#">Teach USA</a>
Website	<a href="#">California County Superintendents</a>
Website	<a href="#">California Civil Rights Department</a>
Website	<a href="#">U.S. Department of Education</a>
Website	<a href="#">U.S. Equal Employment Opportunity Commission</a>
Website	<a href="#">California Department of Education</a>

**Cross References**

Code	Description
0000	<del>Vision</del> Vision
0000	<del>Vision</del>
0200	<del>Goals For The School District</del> Goals For The School District
0410	<del>Nondiscrimination In District Programs And Activities</del> Nondiscrimination In District Programs And Activities
2230	<del>Representative And Deliberative Groups</del> Representative And Deliberative Groups
3542	<del>School Bus Drivers</del> School Bus Drivers
4000	<del>Concepts And Roles</del> Concepts And Roles
4030	<del>Nondiscrimination In Employment</del> Nondiscrimination In Employment
4030	<del>Nondiscrimination In Employment</del> Nondiscrimination In Employment
4032	<del>Reasonable Accommodation</del> Reasonable Accommodation

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4100	<u>Certificated Personnel</u> <u>Certificated Personnel</u>	Formatted: Font: 12 pt, (Intl) +Body (Aptos)
4111.2	<u>Legal Status Requirement</u> <u>Legal Status Requirement</u>	Formatted: Font: 12 pt, (Intl) +Body (Aptos)
4111.2	<u>Legal Status Requirement</u> <u>Legal Status Requirement</u>	
4112	<u>Appointment And Conditions Of</u> <u>Employment</u> <u>Appointment And Conditions Of</u> <u>Employment</u>	
4112.2	<u>Certification</u> <u>Certification</u>	Formatted: Font: 12 pt, (Intl) +Body (Aptos)
4112.2	<u>Certification</u> <u>Certification</u>	
4112.21	<u>Interns</u> <u>Interns</u>	
4112.21	<u>Interns</u> <u>Interns</u>	
4112.22	<u>Staff Teaching English Learners</u> <u>Staff Teaching English</u> <u>Learners</u>	Formatted: Font: 12 pt, (Intl) +Body (Aptos)
4112.23	<u>Special Education Staff</u> <u>Special Education Staff</u>	Formatted: Font: 12 pt, (Intl) +Body (Aptos)
4112.61	<u>Employment References</u> <u>Employment References</u>	
<del>4112.61</del>	<u>Employment References</u>	
4112.8	<u>Employment Of Relatives</u> <u>Employment Of Relatives</u>	Formatted Table
4113	<u>Assignment</u> <u>Assignment</u>	
4113	<u>Assignment</u> <u>Assignment</u>	
4117.14	<u>Postretirement Employment</u> <u>Postretirement Employment</u>	
4200	<u>Classified Personnel</u> <u>Classified Personnel</u>	Formatted: Font: 12 pt, (Intl) +Body (Aptos)
4200	<u>Classified Personnel</u> <u>Classified Personnel</u>	
4211.2	<u>Legal Status Requirement</u> <u>Legal Status Requirement</u>	
4211.2	<u>Legal Status Requirement</u> <u>Legal Status Requirement</u>	
4212	<u>Appointment And Conditions Of</u> <u>Employment</u> <u>Appointment And Conditions Of</u> <u>Employment</u>	
4212.61	<u>Employment References</u> <u>Employment References</u>	
<del>4212.61</del>	<u>Employment References</u>	
4212.8	<u>Employment Of Relatives</u> <u>Employment Of Relatives</u>	Formatted Table
4300	<u>Administrative And Supervisory Personnel</u> <u>Administrative</u> <u>And Supervisory Personnel</u>	



4300	<u>Administrative And Supervisory Personnel</u> <u>Administrative And Supervisory Personnel</u>
4311.2	<u>Legal Status Requirement</u> <u>Legal Status Requirement</u>
4311.2	<u>Legal Status Requirement</u> <u>Legal Status Requirement</u>
4312.1	<u>Contracts</u> <u>Contracts</u>
4312.61	<u>Employment References</u> <u>Employment References</u>
<del>4312.61</del>	<u>Employment References</u>
4312.8	<u>Employment Of Relatives</u> <u>Employment Of Relatives</u>
4317.14	<u>Postretirement Employment</u> <u>Postretirement Employment</u>
4331	<u>Staff Development</u> <u>Staff Development</u>
<del>4331</del>	<u>Staff Development</u>
6141.54	<u>Advanced Placement International Baccalaureate Program</u>
6141.5	<u>Advanced Placement</u> <u>Advanced Placement</u>
6171	<u>Title I Programs</u> <u>Title I Programs</u>
6171	<u>Title I Programs</u> <u>Title I Programs</u>
9000	<u>Role Of The Board</u> <u>Role Of The Board</u>

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**Policy 4111: Recruitment And Selection**

**Status: ADOPTED**

**Original Adopted Date:** 08/25/2009 | **Last Revised Date:**     | **Last Reviewed Date:**

The Governing Board is committed to employing suitable, qualified individuals to effectively carry out the district's vision, mission, and goals, and believes that students benefit when district staff reflects the racial, ethnic, linguistic, and cultural diversity of the district.

The Superintendent or designee shall develop equitable, fair, and transparent recruitment and selection processes and procedures that ensure individuals are selected for employment in the district based on demonstrated knowledge, skills, and competence and not on any bias, personal preference, or unlawful discrimination.

Additionally, the Superintendent or designee shall, through the recruitment and selection processes and procedures, seek to establish and maintain a diverse staff, including the active recruitment from institutions and organizations that serve populations underrepresented among district employees.

When a vacancy occurs, the Superintendent or designee shall review, as appropriate, the job description for the position to ensure that it accurately describes the major functions and duties of the position. The Superintendent or designee shall also disseminate job announcements to ensure a wide range of candidates.

When posting an employment opportunity, the Superintendent or designee shall include the pay scale for the open position. (Labor Code 432.2)

The Superintendent shall develop and maintain appropriate hiring procedures to identify the best possible candidates for a position. In doing so, an interview committee may be established to rank candidates and recommend finalists. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. All discussions and recommendations shall be confidential and consistent with law.

No inquiry shall be made about any information prohibited by state or federal nondiscrimination laws.

Unless otherwise provided for in law, the district may not discriminate against a person in hiring based on the person's use of cannabis off the job and away from the workplace, including that the district may not request information from an applicant related to the applicant's prior use of cannabis, apart from the applicant's criminal history, or penalize an applicant based on a drug screening which finds that the applicant has nonpsychoactive cannabis metabolites in the applicant's hair, blood, urine, or other bodily fluid. (Government Code 12954)

However, the district retains the right to maintain drug-free schools or prohibit employees from possessing, being impaired by, or using cannabis while on the job. (Government Code 12954)

The Superintendent or designee shall not inquire, orally or in writing, about an applicant's salary history information, including compensation and benefits. Additionally, the Superintendent or designee shall not rely on salary history information as a factor in determining whether to offer employment to an applicant or the salary to offer. However, the Superintendent or designee may consider salary information that is disclosable under state or federal law or that the applicant discloses voluntarily and without prompting. (Labor Code 432.3)

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### **Incentives**

With Board approval and in accordance with district needs and any applicable collective bargaining agreements, the district may provide incentives to recruit teachers, administrators, or other employees, such as signing bonuses, assistance with beginning teacher induction and/or credential costs, mentoring, additional compensation, and/or subsidized housing.

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3542	School Bus Drivers
4000	Concepts And Roles
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4030	Nondiscrimination In Employment
4032	Reasonable Accommodation
4100	Certificated Personnel
4111.2	Legal Status Requirement
4111.2	Legal Status Requirement
4112	Appointment And Conditions Of Employment

4112.2	Certification
4112.2	Certification
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4112.21	Interns
4112.22	Staff Teaching English Learners
4112.23	Special Education Staff
4112.61	Employment References
4112.8	Employment Of Relatives
4113	Assignment
4113	Assignment
4117.14	Postretirement Employment
4200	Classified Personnel
4200	Classified Personnel
4211.2	Legal Status Requirement
4211.2	Legal Status Requirement
4212	Appointment And Conditions Of Employment
4212.61	Employment References
4212.8	Employment Of Relatives
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4311.2	Legal Status Requirement
4311.2	Legal Status Requirement
4312.1	Contracts
4312.61	Employment References
4312.8	Employment Of Relatives
4317.14	Postretirement Employment
4331	Staff Development
6141.4	International Baccalaureate Program
6141.5	Advanced Placement

6171

Title I Programs

6171

Title I Programs

9000

Role Of The Board

**Board District Policy Manual**  
**Alameda Unified School District**  
**CSBA Policy Management Console**

**Policy 4211: Recruitment And Selection**

Status: ADOPTED

Original Adopted Date: [08/25/200907/01/2012](#) | Last Revised Date: [05/08/201803/01/2024](#) |  
Last Reviewed Date: [05/08/201803/01/2024](#)

The Governing Board is committed to employing suitable, qualified individuals to effectively carry out the district's vision, mission, and goals:

, and believes that students benefit when district staff reflects the racial, ethnic, linguistic, and cultural diversity of the district.

The Superintendent or designee shall develop equitable, fair, and transparent recruitment and selection processes and procedures that ensure individuals are selected for employment in the district based on demonstrated knowledge, skills, and competence and not on any bias, personal preference, or unlawful discrimination.

Additionally, the Superintendent or designee shall, through the recruitment and selection processes and procedures, seek to establish and maintain a diverse staff, including the active recruitment from institutions and organizations that serve populations underrepresented among district employees.

When a vacancy occurs, the Superintendent or designee shall review as appropriate, the job description for the position to ensure that it accurately describes the major functions and duties of the position. ~~He/she-The Superintendent or designee~~ shall also disseminate job announcements to ensure a wide range of candidates.

~~The district's selection procedures~~

When posting an employment opportunity, the Superintendent or designee shall include screening processes, interviews, recommendations from previous employers, the pay scale for the open position. (Labor Code 432.2)

The Superintendent shall develop and observations when maintain appropriate, as necessary hiring procedures to identify the best possible ~~candidate~~candidates for a position.

~~The Superintendent or designee may establish~~ In doing so, an interview committee may be established to rank candidates and recommend finalists. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. All discussions and recommendations shall be confidential ~~in accordance~~and consistent with law.

No inquiry shall be made with regard to about any information prohibited by state or federal nondiscrimination laws.



Unless otherwise provided for in law, the district may not discriminate against a person in hiring based on the person's use of cannabis off the job and away from the workplace, including that the district may not request information from an applicant related to the applicant's prior use of cannabis, apart from the applicant's criminal history, or penalize an applicant based on a drug screening which finds that the applicant has nonpsychoactive cannabis metabolites in the applicant's hair, blood, urine, or other bodily fluid. (Government Code 12954)

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The Superintendent or designee shall not inquire, orally or in writing, ~~in regard to~~ about an applicant's salary history information, including compensation and benefits. ~~He/she~~ Additionally, the Superintendent or designee shall also not rely on salary history information as a factor in determining whether to offer employment to an applicant or the salary to offer. However, the Superintendent or designee may consider salary information that is disclosable under state or federal law or that the applicant discloses voluntarily and without prompting. ~~Upon request, the Superintendent or designee shall provide the applicant the pay scale for the position to which he/she is applying. (Labor Code 432.3)~~

(Labor Code 432.3)

For each position, the Superintendent or designee shall present to the Board one candidate who meets all qualifications established by law and the Board for the position. No person shall be employed by the Board without the recommendation or endorsement of the Superintendent or designee.

### Incentives

With Board approval and in accordance with district needs and any applicable collective bargaining agreements, the district may provide incentives to recruit teachers, administrators, or other employees, such as signing bonuses, assistance with beginning teacher induction and/or credential costs, mentoring, additional compensation, and/or subsidized housing.

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**Cross References**

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4032	<u>Reasonable Accommodation</u> Reasonable Accommodation
4100	<u>Certificated Personnel</u> Certificated Personnel
4111.2	<u>Legal Status Requirement</u> Legal Status Requirement
4111.2	<u>Legal Status Requirement</u> Legal Status Requirement
4112	<u>Appointment And Conditions Of Employment</u> Appointment And Conditions Of Employment
4112.2	<u>Certification</u> Certification
4112.2	<u>Certification</u> Certification
4112.21	<u>Interns</u> Interns
4112.21	<u>Interns</u> Interns
4112.22	<u>Staff Teaching English Learners</u> Staff Teaching English Learners
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<del>4112.61</del>	<u>Employment References</u> Employment References
4112.8	<u>Employment Of Relatives</u> Employment Of Relatives
4113	<u>Assignment</u> Assignment
4113	<u>Assignment</u> Assignment
4117.14	<u>Postretirement Employment</u> Postretirement Employment
4200	<u>Classified Personnel</u> Classified Personnel

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4331	<u>Staff Development</u> Staff Development
<del>4331</del>	<u>Staff Development</u>
6141.54	<u>Advanced Placement International Baccalaureate Program</u>
6141.5	<u>Advanced Placement</u> Advanced Placement
6171	<u>Title I Programs</u> Title I Programs
6171	<u>Title I Programs</u> Title I Programs
9000	<u>Role Of The Board</u> Role Of The Board

**Policy 4211: Recruitment And Selection**

**Status: ADOPTED**

**Original Adopted Date:** 08/25/2009 | **Last Revised Date:** | **Last Reviewed Date:**

The Governing Board is committed to employing suitable, qualified individuals to effectively carry out the district's vision, mission, and goals, and believes that students benefit when district staff reflects the racial, ethnic, linguistic, and cultural diversity of the district.

The Superintendent or designee shall develop equitable, fair, and transparent recruitment and selection processes and procedures that ensure individuals are selected for employment in the district based on demonstrated knowledge, skills, and competence and not on any bias, personal preference, or unlawful discrimination.

Additionally, the Superintendent or designee shall, through the recruitment and selection processes and procedures, seek to establish and maintain a diverse staff, including the active recruitment from institutions and organizations that serve populations underrepresented among district employees.

When a vacancy occurs, the Superintendent or designee shall review, as appropriate, the job description for the position to ensure that it accurately describes the major functions and duties of the position. The Superintendent or designee shall also disseminate job announcements to ensure a wide range of candidates.

When posting an employment opportunity, the Superintendent or designee shall include the pay scale for the open position. (Labor Code 432.2)

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**Board District Policy Manual**  
**Alameda Unified School District**  
**CSBA Policy Management Console**

**Policy 4311: Recruitment And Selection**

Status: ADOPTED

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Original Adopted Date: [08/25/2009](#) | Last Revised Date: [05/11/2024](#) |  
Last Reviewed Date: [05/11/2024](#)

The ~~Governing Board of Education desires~~ is committed to employ the most highly employing suitable, qualified and appropriate person available for each open position in order individuals to improve student achievement effectively carry out the district's vision, mission, and goals, and efficiency in believes that students benefit when district operations.

~~staff reflects the racial, ethnic, linguistic, and cultural diversity of the district.~~

The Superintendent or designee shall ~~recruit candidates for open positions~~ develop equitable, fair, and transparent recruitment and selection processes and procedures that ensure individuals are selected for employment in the district based on an assessment of the district's needs for specific skills, demonstrated knowledge and abilities. He/she shall develop job descriptions that, skills, and competence and not on any bias, personal preference, or unlawful discrimination.

~~Additionally, the Superintendent or designee shall, through the recruitment and selection processes and procedures, seek to establish and maintain a diverse staff, including the active recruitment from institutions and organizations that serve populations underrepresented among district employees.~~

~~When a vacancy occurs, the Superintendent or designee shall review, as appropriate, the job description for the position to ensure that it accurately describe all essential and marginal describes the major functions and duties of each the position, and. The Superintendent or designee shall also disseminate job announcements to ensure a wide range of candidates.~~

~~Whenever possible~~

~~When posting an employment opportunity, the Superintendent shall notify current supervisory employees of vacancies and offer them an opportunity to express interest in or designee shall include the pay scale for the open position before either filling the position by appointment or disseminating the job announcement to external sources.~~

~~.(Labor Code 432.2)~~

The Superintendent ~~or designee~~ shall develop ~~selection and maintain appropriate hiring procedures that to~~ identify the best possible candidate for each position based on screening processes, interviews, observations and recommendations from previous employers. If the District receives applications from several qualified applicants, the Superintendent or designee may establish a screening committee to determine which candidates will receive candidates for a position. In doing so, an interview. The screening committee shall include at least one current administrative or supervisory employee, as appropriate and at least one site administrator. Unless time and circumstance require otherwise, the Superintendent or designee shall establish an interview committee, as appropriate, committee may be established to rank candidates and recommend finalists. The committee shall consist of a diverse group of current employees including

~~administrative, supervisory personnel at least one site administrator and others as appropriate. All discussions and recommendations shall be confidential in accordance with law.~~

During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. ~~No inquiry shall be made with regard to any category of discrimination prohibited by state or federal law.~~

All discussions and recommendations shall be confidential and consistent with law.

No inquiry shall be made about any information prohibited by state or federal nondiscrimination laws.

Unless otherwise provided for in law, the district may not discriminate against a person in hiring based on the person's use of cannabis off the job and away from the workplace, including that the district may not request information from an applicant related to the applicant's prior use of cannabis, apart from the applicant's criminal history, or penalize an applicant based on a drug screening which finds that the applicant has nonpsychoactive cannabis metabolites in the applicant's hair, blood, urine, or other bodily fluid. (Government Code 12954)

However, the district retains the right to maintain drug-free schools or prohibit employees from possessing, being impaired by, or using cannabis while on the job. (Government Code 12954)

The Superintendent or designee shall not inquire, orally or in writing, about an applicant's salary history information, including compensation and benefits. Additionally, the Superintendent or designee shall not rely on salary history information as a factor in determining whether to offer employment to an applicant or the salary to offer. However, the Superintendent or designee may consider salary information that is disclosable under state or federal law or that the applicant discloses voluntarily and without prompting. (Labor Code 432.3)

For each position, the Superintendent or designee shall present to the Board one candidate who meets all qualifications established by law and the Board for the position. No person shall be employed by the Board without the recommendation or endorsement of the Superintendent or designee.

~~Internal candidates who are not selected for the position may request a meeting~~

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### Incentives

With Board approval and in accordance with district needs and any applicable collective bargaining agreements, the district may provide incentives to recruit teachers, administrators, or other employees, such as signing bonuses, assistance with the Superintendent or designee to discuss the reasons he/she was not selected, beginning teacher induction and/or credential costs, mentoring, additional compensation, and/or subsidized housing.

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### **Policy Reference Disclaimer:**

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**State**

Ed. Code 200-262.4

Ed. Code 35035

Ed. Code 44066

Ed. Code 44259

Ed. Code 44750

Ed. Code 44830-44831

Ed. Code 44858

Ed. Code 44859

Ed. Code 45103-45139

Ed. Code 49406

Gov. Code 12900-12996

Gov. Code 7920.000-7930.215

Gov. Code 815.2

H&amp;S Code 53570-53574

Lab. Code 432.3

**Federal**

20 USC 1681-1688

28 CFR 35.101-35.190

34 CFR 106.51-106.61

42 USC 12101-12213

42 USC 2000d-2000d-7

42 USC 2000e-2000e-17

5 USC 552

8 USC 1324a

8 USC 1324b

**Management Resources****Description**[Prohibition of discrimination](#)[Powers and duties of the superintendent; transfer authority](#)[Limitations on certification requirements](#)[Teaching credential, exception; designated subjects; minimum requirements](#)[Teacher recruitment resource center](#)[Employment of certificated persons](#)[Age or marital status in certificated positions](#)[Prohibition against certain rules and regulations regarding residency](#)[Employment; classified employees](#)[Examination for tuberculosis](#)[Fair Employment and Housing Act](#)[California Public Records Act](#)[Liability of public entities and public employees](#)[Teacher Housing Act of 2016](#)[Salary information](#)**Description**

Title IX of the Education Amendments of 1972; discrimination based on sex

Americans with Disabilities Act

Nondiscrimination on the basis of sex in employment in education program or activities

Americans with Disabilities Act

Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964, as amended

Freedom of Information Act

Unlawful employment of aliens

Unfair immigration related employment practices

**Description**

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CA Commission on Teacher Credentialing Publication	<a href="#">Strategic Plan: Ensuring Educator Excellence, 2023</a>
California County Superintendents Publication	Teacher Recruitment in California: An Analysis of Effective Strategies, Research Brief, Veritas Research and Evaluation Group, October 2017
California Department of Education Publication	<a href="#">How to Increase the Diversity of California's Educator Workforce, April 2022</a>
Court Decision	C.A. v William S. Hart Union High School District et al. (2012) 138 Cal.Rptr.3d 1
Ctr for Cities + Schools, cityLAB & Turner Ctr Pub	<a href="#">Education Workforce Housing in California: Developing the 21st Century Campus, 2021</a>
Ctr for Cities + Schools, cityLAB & Turner Ctr Pub	<a href="#">Education Workforce Housing in California: The Handbook</a>
Website	<a href="#">University of California Los Angeles, cityLAB</a>
Website	<a href="#">University of California Berkeley, Turner Center for Housing Innovation</a>
Website	<a href="#">University of California Berkeley, Center for Cities + Schools</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">Commission on Teacher Credentialing</a>
Website	<a href="#">Education Job Opportunities Information Network</a>
Website	<a href="#">Teach USA</a>
Website	<a href="#">California County Superintendents</a>
Website	<a href="#">California Civil Rights Department</a>
Website	<a href="#">U.S. Department of Education</a>
Website	<a href="#">U.S. Equal Employment Opportunity Commission</a>
Website	<a href="#">California Department of Education</a>

**Cross References**

Code	Description
0000	<a href="#">VisionVision</a>
0000	<a href="#">Vision</a>

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0200	<u>Goals For The School District</u> <u>Goals For The School District</u>
0410	<u>Nondiscrimination In District Programs And Activities</u> <u>Nondiscrimination In District Programs And Activities</u>
2230	<u>Representative And Deliberative Groups</u> <u>Representative And Deliberative Groups</u>
3542	<u>School Bus Drivers</u> <u>School Bus Drivers</u>
4000	<u>Concepts And Roles</u> <u>Concepts And Roles</u>
4030	<u>Nondiscrimination In Employment</u> <u>Nondiscrimination In Employment</u>
4030	<u>Nondiscrimination In Employment</u> <u>Nondiscrimination In Employment</u>
4032	<u>Reasonable Accommodation</u> <u>Reasonable Accommodation</u>
4100	<u>Certificated Personnel</u> <u>Certificated Personnel</u>
4111.2	<u>Legal Status Requirement</u> <u>Legal Status Requirement</u>
4111.2	<u>Legal Status Requirement</u> <u>Legal Status Requirement</u>
4112	<u>Appointment And Conditions Of Employment</u> <u>Appointment And Conditions Of Employment</u>
4112.2	<u>Certification</u> <u>Certification</u>
4112.2	<u>Certification</u> <u>Certification</u>
4112.21	<u>Interns</u> <u>Interns</u>
4112.21	<u>Interns</u> <u>Interns</u>
4112.22	<u>Staff Teaching English Learners</u> <u>Staff Teaching English Learners</u>
4112.23	<u>Special Education Staff</u> <u>Special Education Staff</u>
4112.61	<u>Employment References</u> <u>Employment References</u>
4112.61	<u>Employment References</u> <u>Employment References</u>
4112.8	<u>Employment Of Relatives</u> <u>Employment Of Relatives</u>
4113	<u>Assignment</u> <u>Assignment</u>
4113	<u>Assignment</u> <u>Assignment</u>

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4117.14 Postretirement EmploymentPostretirement Employment

4200 Classified PersonnelClassified Personnel

4200 Classified PersonnelClassified Personnel

4211.2 Legal Status RequirementLegal Status Requirement

4211.2 Legal Status RequirementLegal Status Requirement

4212 Appointment And Conditions Of EmploymentAppointment And Conditions Of Employment

4212.61 Employment ReferencesEmployment References

~~4212.61~~ Employment References

4212.8 Employment Of RelativesEmployment Of Relatives

4300 Administrative And Supervisory PersonnelAdministrative And Supervisory Personnel

4300 Administrative And Supervisory PersonnelAdministrative And Supervisory Personnel

4311.2 Legal Status RequirementLegal Status Requirement

4311.2 Legal Status RequirementLegal Status Requirement

4312.1 ContractsContracts

4312.61 Employment ReferencesEmployment References

~~4312.61~~ Employment References

4312.8 Employment Of RelativesEmployment Of Relatives

4317.14 Postretirement EmploymentPostretirement Employment

4331 Staff DevelopmentStaff Development

~~4331~~ Staff Development

6141.54 Advanced Placement International Baccalaureate Program

6141.5 Advanced PlacementAdvanced Placement

6171 Title I ProgramsTitle I Programs

6171 Title I ProgramsTitle I Programs

9000 Role Of The BoardRole Of The Board

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**Policy 4311: Recruitment And Selection**      **Status:** ADOPTED

**Original Adopted Date:** 08/25/2009 | **Last Revised Date:** |  
**Last Reviewed Date:**

The Governing Board is committed to employing suitable, qualified individuals to effectively carry out the district's vision, mission, and goals, and believes that students benefit when district staff reflects the racial, ethnic, linguistic, and cultural diversity of the district.

The Superintendent or designee shall develop equitable, fair, and transparent recruitment and selection processes and procedures that ensure individuals are selected for employment in the district based on demonstrated knowledge, skills, and competence and not on any bias, personal preference, or unlawful discrimination.

Additionally, the Superintendent or designee shall, through the recruitment and selection processes and procedures, seek to establish and maintain a diverse staff, including the active recruitment from institutions and organizations that serve populations underrepresented among district employees.

When a vacancy occurs, the Superintendent or designee shall review, as appropriate, the job description for the position to ensure that it accurately describes the major functions and duties of the position. The Superintendent or designee shall also disseminate job announcements to ensure a wide range of candidates.

When posting an employment opportunity, the Superintendent or designee shall include the pay scale for the open position. (Labor Code 432.2)

The Superintendent shall develop and maintain appropriate hiring procedures to identify the best possible candidates for a position. In doing so, an interview committee may be established to rank candidates and recommend finalists. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. All discussions and recommendations shall be confidential and consistent with law.

No inquiry shall be made about any information prohibited by state or federal nondiscrimination laws.

Unless otherwise provided for in law, the district may not discriminate against a person in hiring based on the person's use of cannabis off the job and away from the workplace, including that the district may not request information from an applicant related to the applicant's prior use of cannabis, apart from the applicant's criminal history, or penalize an applicant based on a drug screening which finds that the applicant has nonpsychoactive cannabis metabolites in the applicant's hair, blood, urine, or other bodily fluid. (Government Code 12954)

However, the district retains the right to maintain drug-free schools or prohibit employees from possessing, being impaired by, or using cannabis while on the job. (Government Code 12954)

The Superintendent or designee shall not inquire, orally or in writing, about an applicant's salary history information, including compensation and benefits. Additionally, the Superintendent or designee shall not rely on salary history information as a factor in determining whether to offer employment to an applicant or the salary to offer. However, the Superintendent or designee may consider salary information that is disclosable under state or federal law or that the applicant discloses voluntarily and without prompting. (Labor Code 432.3)

For each position, the Superintendent or designee shall present to the Board one candidate who meets all qualifications established by law and the Board for the position. No person shall be employed by the Board without the recommendation or endorsement of the Superintendent or designee.

### Incentives

With Board approval and in accordance with district needs and any applicable collective bargaining agreements, the district may provide incentives to recruit teachers, administrators, or other employees, such as signing bonuses, assistance with beginning teacher induction and/or credential costs, mentoring, additional compensation, and/or subsidized housing.

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<b>State</b>	<b>Description</b>
Ed. Code 200-262.4	<a href="#"><u>Prohibition of discrimination</u></a>
Ed. Code 35035	<a href="#"><u>Powers and duties of the superintendent; transfer authority</u></a>
Ed. Code 44066	<a href="#"><u>Limitations on certification requirements</u></a>
Ed. Code 44259	<a href="#"><u>Teaching credential, exception; designated subjects; minimum requirements</u></a>
Ed. Code 44750	<a href="#"><u>Teacher recruitment resource center</u></a>
Ed. Code 44830-44831	<a href="#"><u>Employment of certificated persons</u></a>
Ed. Code 44858	<a href="#"><u>Age or marital status in certificated positions</u></a>
Ed. Code 44859	<a href="#"><u>Prohibition against certain rules and regulations regarding residency</u></a>
Ed. Code 45103-45139	<a href="#"><u>Employment; classified employees</u></a>

Ed. Code 49406	<a href="#">Examination for tuberculosis</a>
Gov. Code 12900-12996	<a href="#">Fair Employment and Housing Act</a>
Gov. Code 7920.000-7930.215	<a href="#">California Public Records Act</a>
Gov. Code 815.2	<a href="#">Liability of public entities and public employees</a>
H&S Code 53570-53574	<a href="#">Teacher Housing Act of 2016</a>
Lab. Code 432.3	<a href="#">Salary information</a>

**Federal**

20 USC 1681-1688	<b>Description</b> Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.101-35.190	Americans with Disabilities Act
34 CFR 106.51-106.61	Nondiscrimination on the basis of sex in employment in education program or activities
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
5 USC 552	Freedom of Information Act
8 USC 1324a	Unlawful employment of aliens
8 USC 1324b	Unfair immigration related employment practices

**Management Resources**

CA Commission on Teacher Credentialing Publication	<b>Description</b> <a href="#">Strategic Plan: Ensuring Educator Excellence, 2023</a>
California County Superintendents Publication	Teacher Recruitment in California: An Analysis of Effective Strategies, Research Brief, Veritas Research and Evaluation Group, October 2017
California Department of Education Publication	<a href="#">How to Increase the Diversity of California's Educator Workforce, April 2022</a>
Court Decision	C.A. v William S. Hart Union High School District et al. (2012) 138 Cal.Rptr.3d 1

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Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
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Website	<a href="#">Teach USA</a>
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Website	<a href="#">California Civil Rights Department</a>
Website	<a href="#">U.S. Department of Education</a>
Website	<a href="#">U.S. Equal Employment Opportunity Commission</a>
Website	<a href="#">California Department of Education</a>

## Cross References

Code	Description
0000	Vision
0200	Goals For The School District
0410	Nondiscrimination In District Programs And Activities
2230	Representative And Deliberative Groups
3542	School Bus Drivers
4000	Concepts And Roles
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment

4032	Reasonable Accommodation
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4112.23	Special Education Staff
4112.61	Employment References
4112.8	Employment Of Relatives
4113	Assignment
4113	Assignment
4117.14	Postretirement Employment
4200	Classified Personnel
4200	Classified Personnel
4211.2	Legal Status Requirement
4211.2	Legal Status Requirement
4212	Appointment And Conditions Of Employment
4212.61	Employment References
4212.8	Employment Of Relatives
4300	Administrative And Supervisory Personnel
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4311.2	Legal Status Requirement
4312.1	Contracts
4312.61	Employment References
4312.8	Employment Of Relatives

4317.14	Postretirement Employment
4331	Staff Development
6141.4	International Baccalaureate Program
6141.5	Advanced Placement
6171	Title I Programs
6171	Title I Programs
9000	Role Of The Board

**Board Policy Manual**  
**Alameda Unified School District**

**Policy 4118: Dismissal/Suspension/Disciplinary Action**

**Status: ADOPTED**

**Original Adopted Date:** 08/25/2009 | **Last Revised Date:** 02/14/2023 | **Last Reviewed Date:** 02/14/2023

The Governing Board expects all employees to perform their jobs satisfactorily, exhibit professional and appropriate conduct, and serve as positive role models both at school and in the community. A certificated employee may be disciplined for conduct or performance in accordance with law, the applicable collective bargaining agreement, Board policy, ~~and or~~ administrative regulation.

Disciplinary action shall be based on the particular facts and circumstances involved and the severity of the conduct or performance.

~~An employee's private exercise of personal beliefs and activities, including religious, political, cultural, social, or other beliefs or activities, or lack thereof, shall not be grounds for disciplinary action against the employee, provided that the beliefs or activities do not involve coercion of students or any other violation of law, Board policy, or administrative regulation.~~

The Superintendent or designee shall ensure that disciplinary actions are appropriately documented and taken in a consistent, nondiscriminatory manner. In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for engaging in protected activities, or for acting to protect a student engaged in exercising any free speech or press right authorized by, or for refusing to infringe upon a student's conduct protected pursuant to, Education Code 48907 or 48950.

Disciplinary actions may include, but are not limited to, verbal ~~and~~ warnings, written warnings, ~~reassignment,~~ suspension, ~~freezing or reduction of wages, compulsory leave~~ without pay, or dismissal.

~~The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.~~

#### **Suspension/Dismissal Procedures**

The Superintendent shall notify the Board whenever he/she believes that there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933.

When the Board finds that there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933, it may formulate a written statement of charges specifying instances of behavior and the acts or omissions constituting the charge, the statutes and rules that the employee is alleged to have violated when applicable, and the facts relevant to each charge. The Board shall also review any duly signed and verified written statement of charges filed by any other person. (Education Code 44934, 44934.1)

Based on the written statement of charges, the Board may, upon majority vote, give notice to the employee of the Board's intention to suspend or dismiss - the employee at the expiration of 30 days from the date the notice is served. (Education Code 44934, 44934.1)

Prior to serving a suspension or dismissal notice that includes a charge of unsatisfactory



performance, the district shall give the employee written notice of the unsatisfactory performance that specifies the nature of the unsatisfactory performance with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct the faults and overcome the grounds for any unsatisfactory performance charges and, if applicable, that includes the evaluation made pursuant to Education Code 44660-44665. The written notice of the unsatisfactory performance shall be provided at least 90 days prior to the filing of the suspension or dismissal notice or prior to the last one-fourth of the school days in the year. (Education Code 44938)

Prior to serving a suspension or dismissal notice that includes a charge of unprofessional conduct, the district shall give the employee written notice that describes the nature of the unprofessional conduct with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct the faults and overcome the grounds for any unprofessional conduct charges and, if applicable, that includes the evaluation made pursuant to Education Code 44660-44665. The written notice of the unprofessional conduct shall be provided at least 45 days prior to the filing of the suspension or dismissal notice. (Education Code 44938)

Except for notices that only include charges of unsatisfactory performance, the written suspension or dismissal notice may be served at any time of year. Such notice shall be served upon the employee personally if given outside of the instructional year or, if given during the instructional year, may be served personally or by registered mail to the employee's last known address. Notices with a charge of unsatisfactory performance shall be given only during the instructional year of the school site where the employee is physically employed, and may be served personally or by registered mail to the employee's last known address. (Education Code 44936)

If an employee has been served notice and demands a hearing pursuant to Government Code 11505 and 11506, the Board shall either rescind its action or schedule a hearing on the matter. (Education Code 44941, 44941.1, 44943, 44944)

Pending suspension or dismissal proceedings for an employee who is charged with egregious misconduct, immoral conduct, conviction of a felony or of any crime involving moral turpitude, incompetency due to mental disability, or willful refusal to perform regular assignments without reasonable cause as prescribed by district rules and regulations, the Board may, if it deems it necessary, immediately suspend the employee from assigned duties. If the employee files a motion with the Office of Administrative Hearings for immediate reversal of the suspension based on a cause other than egregious misconduct, the Board may file a written response before or at the time of the hearing. (Education Code 44939, 44939.1, 44940)

### Compulsory Leave of Absence

Upon being informed that a certificated employee has been charged with a mandatory leave of absence offense, the Superintendent or designee shall immediately place the employee on a compulsory leave of absence. (Education Code 44940, 44940.5)

When a suspension or dismissal hearing is to be conducted by a Commission on Professional Competence, the Board shall, no later than 45 days before the date set for the hearing, select one person with a currently valid credential to serve on the Commission. The appointee shall not be an employee of the district and shall have at least three years' experience within the past 10 years at the same grade span or assignment as the employee, as defined in Education Code 44944. (Education Code 44944)

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<b>State</b>	<b>Description</b>
5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80304	Notice of sexual misconduct
CA Constitution Article 1, Section 1	<a href="#">Inalienable rights</a>
Ed. Code 44008	<a href="#">Effect of termination of probation</a>
Ed. Code 44009	<a href="#">Conviction of specified crimes</a>
Ed. Code 44010	<a href="#">Sex offense: definitions</a>
Ed. Code 44011	<a href="#">Controlled substance offense</a>
Ed. Code 44242.5	<a href="#">Reports and review of alleged misconduct</a>
Ed. Code 44425	<a href="#">Conviction of a sex or narcotic offense</a>
Ed. Code 44660-44665	<a href="#">Evaluation and assessment of performance of certificated employees</a>
Ed. Code 44830.1	<a href="#">Criminal record summary; certificated employees</a>
Ed. Code 44929.21	<a href="#">Notice of reelection decision; districts with 250 ADA or more</a>
Ed. Code 44929.23	<a href="#">Districts with less than 250 ADA</a>
Ed. Code 44930-44988	<a href="#">Resignations, dismissals and leaves of absence</a>
Ed. Code 45055	<a href="#">Drawing of warrants for teachers</a>
Ed. Code 48907	<a href="#">Exercise of free expression; time, place and manner rules and regulations</a>
Ed. Code 48950	<a href="#">Speech and other communication</a>
Ed. Code 51530	<a href="#">Advocacy or teaching of communism</a>
Gov. Code 1028	<a href="#">Advocacy of communism</a>
Gov. Code 11505-11506	<a href="#">Hearing</a>
Gov. Code 12954	Employment discrimination; cannabis use
Gov. Code 3543.2	<a href="#">Scope of representation</a>
H&S Code 11054	<a href="#">Schedule I; substances included</a>
H&S Code 11055	<a href="#">Schedule II; substances included</a>

H&S Code 11056	<a href="#">Schedule III; substances included</a>
H&S Code 11357-11361	<a href="#">Marijuana</a>
H&S Code 11363	<a href="#">Peyote</a>
H&S Code 11364	<a href="#">Opium</a>
H&S Code 11370.1	<a href="#">Possession of controlled substances with a firearm</a>
Pen. Code 11165.2-11165.6	<a href="#">Child abuse or neglect; definitions</a>
Pen. Code 1192.7	<a href="#">Plea bargaining limitation</a>
Pen. Code 187	<a href="#">Murder</a>
Pen. Code 291	<a href="#">School employees arrest for sex offense</a>
Pen. Code 667.5	<a href="#">Prior prison terms; enhancement of prison terms</a>
<b>Federal</b>	<b>Description</b>
U.S. Constitution, First Amendment	<a href="#">Free exercise, free speech, and establishment clauses</a>
<b>Management Resources</b>	<b>Description</b>
Commission on Teacher Credentialing Publication	California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007
Court Decision	Visalia Unified School District v. Public Employment Relations Board (2024) 98 Cal.App.5th 844
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	Crowl v. Commission on Professional Competence (1990) 225 Cal. App. 3d 334
Court Decision	Morrison v. State Board of Education (1969) 1 Cal.3d 214
U.S. Department of Education Publication	<a href="#">Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023</a>
Website	<a href="#">Office of the Attorney General</a>
Website	<a href="#">Office of Administrative Hearings</a>
Website	<a href="#">Department of General Services, About Teacher Dismissal Case Type</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">Commission on Teacher Credentialing</a>
Website	<a href="#">CSBA</a>

Website [U.S. Department of Education](#)

#### Cross References

<b>Code</b>	<b>Description</b>
1114	<a href="#">District-Sponsored Social Media</a>
1312.1	<a href="#">Complaints Concerning District Employees</a>
1312.1	<a href="#">Complaints Concerning District Employees</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E PDF(1)	<a href="#">Uniform Complaint Procedures</a>
3230	<a href="#">Federal Grant Funds</a>
3230	<a href="#">Federal Grant Funds</a>
3512	<a href="#">Equipment</a>
3512-E PDF(1)	<a href="#">Equipment</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3513.3	<a href="#">Tobacco-Free Schools</a>
3515.2	<a href="#">Disruptions</a>
3515.2	<a href="#">Disruptions</a>
3515.21	<a href="#">Unmanned Aircraft Systems (Drones)</a>
3516.2	<a href="#">Bomb Threats</a>
4000	<a href="#">Concepts And Roles</a>
4020	<a href="#">Drug And Alcohol-Free Workplace</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4040	<a href="#">Employee Use Of Technology</a>
4040	<a href="#">Employee Use Of Technology</a>
4112	<a href="#">Appointment And Conditions Of Employment</a>
4112.1	<a href="#">Contracts</a>
4112.1	<a href="#">Contracts</a>
4112.4	<a href="#">Health Examinations</a>

4112.42	<a href="#"><u>Drug And Alcohol Testing For School Bus Drivers</u></a>
4112.5	<a href="#"><u>Criminal Record Check</u></a>
4112.6	<a href="#"><u>Personnel Files</u></a>
4112.9	<a href="#"><u>Employee Notifications</u></a>
4112.9	<a href="#"><u>Employee Notifications</u></a>
4112.9-E PDF(1)	<a href="#"><u>Employee Notifications</u></a>
4115	<a href="#"><u>Evaluation/Supervision</u></a>
4115	<a href="#"><u>Evaluation/Supervision</u></a>
4117.7	<a href="#"><u>Employment Status Reports</u></a>
4119.1	<a href="#"><u>Civil And Legal Rights</u></a>
4119.11	<a href="#"><u>Sexual Harassment</u></a>
4119.11	<a href="#"><u>Sexual Harassment</u></a>
4119.12	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
4119.12-E PDF(1)	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
4119.21	<a href="#"><u>Professional Standards</u></a>
4119.21-E PDF(1)	<a href="#"><u>Professional Standards</u></a>
4119.22	<a href="#"><u>Dress And Grooming</u></a>
4119.23	<a href="#"><u>Unauthorized Release Of Confidential/Privileged Information</u></a>
4119.25	<a href="#"><u>Political Activities Of Employees</u></a>
4119.25	<a href="#"><u>Political Activities Of Employees</u></a>
4127	<a href="#"><u>Temporary Athletic Team Coaches</u></a>
4127	<a href="#"><u>Temporary Athletic Team Coaches</u></a>
4131.1	<a href="#"><u>Teacher Support And Guidance</u></a>
4136	<a href="#"><u>Nonschool Employment</u></a>
4141	<a href="#"><u>Collective Bargaining Agreement</u></a>
4141.6	<a href="#"><u>Concerted Action/Work Stoppage</u></a>
4141.6	<a href="#"><u>Concerted Action/Work Stoppage</u></a>
4154	<a href="#"><u>Health And Welfare Benefits</u></a>
4154	<a href="#"><u>Health And Welfare Benefits</u></a>

4157	<a href="#">Employee Safety</a>
4157	<a href="#">Employee Safety</a>
4158	<a href="#">Employee Security</a>
4158	<a href="#">Employee Security</a>
4159	<a href="#">Employee Assistance Programs</a>
4161	<a href="#">Leaves</a>
4161	<a href="#">Leaves</a>
4212.4	<a href="#">Health Examinations</a>
4212.42	<a href="#">Drug And Alcohol Testing For School Bus Drivers</a>
4212.5	<a href="#">Criminal Record Check</a>
4212.6	<a href="#">Personnel Files</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9-E PDF(1)	<a href="#">Employee Notifications</a>
4219.1	<a href="#">Civil And Legal Rights</a>
4219.11	<a href="#">Sexual Harassment</a>
4219.11	<a href="#">Sexual Harassment</a>
4219.12	<a href="#">Title IX Sexual Harassment Complaint Procedures</a>
4219.12-E PDF(1)	<a href="#">Title IX Sexual Harassment Complaint Procedures</a>
4219.21	<a href="#">Professional Standards</a>
4219.21-E PDF(1)	<a href="#">Professional Standards - Code Of Ethics Classified Employees</a>
4219.22	<a href="#">Dress And Grooming</a>
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4219.25	<a href="#">Political Activities Of Employees</a>
4219.25	<a href="#">Political Activities Of Employees</a>
4227	<a href="#">Temporary Athletic Team Coaches</a>
4227	<a href="#">Temporary Athletic Team Coaches</a>
4236	<a href="#">Nonschool Employment</a>

4241	<a href="#"><u>Collective Bargaining Agreement</u></a>
4241.6	<a href="#"><u>Concerted Action/Work Stoppage</u></a>
4241.6	<a href="#"><u>Concerted Action/Work Stoppage</u></a>
4254	<a href="#"><u>Health And Welfare Benefits</u></a>
4254	<a href="#"><u>Health And Welfare Benefits</u></a>
4257	<a href="#"><u>Employee Safety</u></a>
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4258	<a href="#"><u>Employee Security</u></a>
4258	<a href="#"><u>Employee Security</u></a>
4259	<a href="#"><u>Employee Assistance Programs</u></a>
4261	<a href="#"><u>Leaves</u></a>
4261	<a href="#"><u>Leaves</u></a>
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4312.9	<a href="#"><u>Employee Notifications</u></a>
4312.9	<a href="#"><u>Employee Notifications</u></a>
4312.9-E PDF(1)	<a href="#"><u>Employee Notifications</u></a>
4317.7	<a href="#"><u>Employment Status Reports</u></a>
4319.1	<a href="#"><u>Civil And Legal Rights</u></a>
4319.11	<a href="#"><u>Sexual Harassment</u></a>
4319.11	<a href="#"><u>Sexual Harassment</u></a>
4319.12	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
4319.12-E PDF(1)	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
4319.21	<a href="#"><u>Professional Standards</u></a>
4319.21-E PDF(1)	<a href="#"><u>Professional Standards</u></a>
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4354	<a href="#"><u>Health And Welfare Benefits</u></a>
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4357	<a href="#"><u>Employee Safety</u></a>
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4358	<a href="#"><u>Employee Security</u></a>
4359	<a href="#"><u>Employee Assistance Programs</u></a>
4361	<a href="#"><u>Leaves</u></a>
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5144.2	<a href="#"><u>Suspension And Expulsion/Due Process (Students With Disabilities)</u></a>
5145.2	<a href="#"><u>Freedom Of Speech/Expression</u></a>
5145.2	<a href="#"><u>Freedom Of Speech/Expression</u></a>
5145.3	<a href="#"><u>Nondiscrimination/Harassment</u></a>
5145.3	<a href="#"><u>Nondiscrimination/Harassment</u></a>
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5145.71	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
5145.71-E PDF(1)	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
5145.9	<a href="#"><u>Hate-Motivated Behavior</u></a>
6145.2	<a href="#"><u>Athletic Competition</u></a>
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6162.54	<a href="#"><u>Test Integrity/Test Preparation</u></a>
9000	<a href="#"><u>Role Of The Board</u></a>
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[Closed Session](#)

9321-E PDF(2)

[Closed Session](#)

**Policy 4118: Dismissal/Suspension/Disciplinary Action**

**Status:** ADOPTED

**Original Adopted Date:** 08/25/2009 | **Last Revised Date:** 02/14/2023 | **Last Reviewed Date:** 02/14/2023

The Governing Board expects all employees to perform their jobs satisfactorily, exhibit professional and appropriate conduct, and serve as positive role models both at school and in the community. A certificated employee may be disciplined for conduct or performance in accordance with law, the applicable collective bargaining agreement, Board policy, or administrative regulation.

Disciplinary action shall be based on the particular facts and circumstances involved and the severity of the conduct or performance.

The Superintendent or designee shall ensure that disciplinary actions are appropriately documented and taken in a consistent, nondiscriminatory manner. In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for engaging in protected activities, or for acting to protect a student engaged in exercising any free speech or press right authorized by, or for refusing to infringe upon a student's conduct protected pursuant to, Education Code 48907 or 48950.

Disciplinary actions may include, but are not limited to, verbal and , written warnings, suspension, or leave without pay, or dismissal.

**Suspension/Dismissal Procedures**

The Superintendent shall notify the Board whenever he/she believes that there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933.

When the Board finds that there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933, it may formulate a written statement of charges specifying instances of behavior and the acts or omissions constituting the charge, the statutes and rules that the employee is alleged to have violated when applicable, and the facts relevant to each charge. The Board shall also review any duly signed and verified written statement of charges filed by any other person. (Education Code 44934, 44934.1)

Based on the written statement of charges, the Board may, upon majority vote, give notice to the employee of the Board's intention to suspend or dismiss - the employee at the expiration of 30 days from the date the notice is served. (Education Code 44934, 44934.1)

Prior to serving a suspension or dismissal notice that includes a charge of unsatisfactory performance, the district shall give the employee written notice of the unsatisfactory performance that specifies the nature of the unsatisfactory performance with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct the faults and overcome the grounds for any unsatisfactory performance charges and, if applicable, that includes the evaluation made pursuant to Education Code 44660-44665. The written notice of the unsatisfactory performance shall be provided at least 90 days prior to the filing of the suspension or dismissal notice or prior to the last one-fourth of the school days in the year. (Education Code 44938)

Prior to serving a suspension or dismissal notice that includes a charge of unprofessional conduct, the district shall give the employee written notice that describes the nature of the unprofessional

conduct with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct the faults and overcome the grounds for any unprofessional conduct charges and, if applicable, that includes the evaluation made pursuant to Education Code 44660-44665. The written notice of the unprofessional conduct shall be provided at least 45 days prior to the filing of the suspension or dismissal notice. (Education Code 44938)

Except for notices that only include charges of unsatisfactory performance, the written suspension or dismissal notice may be served at any time of year. Such notice shall be served upon the employee personally if given outside of the instructional year or, if given during the instructional year, may be served personally or by registered mail to the employee's last known address. Notices with a charge of unsatisfactory performance shall be given only during the instructional year of the school site where the employee is physically employed, and may be served personally or by registered mail to the employee's last known address. (Education Code 44936)

If an employee has been served notice and demands a hearing pursuant to Government Code 11505 and 11506, the Board shall either rescind its action or schedule a hearing on the matter. (Education Code 44941, 44941.1, 44943, 44944)

Pending suspension or dismissal proceedings for an employee who is charged with egregious misconduct, immoral conduct, conviction of a felony or of any crime involving moral turpitude, incompetency due to mental disability, or willful refusal to perform regular assignments without reasonable cause as prescribed by district rules and regulations, the Board may, if it deems it necessary, immediately suspend the employee from assigned duties. If the employee files a motion with the Office of Administrative Hearings for immediate reversal of the suspension based on a cause other than egregious misconduct, the Board may file a written response before or at the time of the hearing. (Education Code 44939, 44939.1, 44940)

### **Compulsory Leave of Absence**

Upon being informed that a certificated employee has been charged with a mandatory leave of absence offense, the Superintendent or designee shall immediately place the employee on a compulsory leave of absence. (Education Code 44940, 44940.5)

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### **Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80304	Notice of sexual misconduct
CA Constitution Article 1, Section 1	<a href="#"><u>Inalienable rights</u></a>
Ed. Code 44008	<a href="#"><u>Effect of termination of probation</u></a>
Ed. Code 44009	<a href="#"><u>Conviction of specified crimes</u></a>
Ed. Code 44010	<a href="#"><u>Sex offense; definitions</u></a>
Ed. Code 44011	<a href="#"><u>Controlled substance offense</u></a>

Ed. Code 44242.5	<a href="#">Reports and review of alleged misconduct</a>
Ed. Code 44425	<a href="#">Conviction of a sex or narcotic offense</a>
Ed. Code 44660-44665	<a href="#">Evaluation and assessment of performance of certificated employees</a>
Ed. Code 44830.1	<a href="#">Criminal record summary; certificated employees</a>
Ed. Code 44929.21	<a href="#">Notice of reelection decision; districts with 250 ADA or more</a>
Ed. Code 44929.23	<a href="#">Districts with less than 250 ADA</a>
Ed. Code 44930-44988	<a href="#">Resignations, dismissals and leaves of absence</a>
Ed. Code 45055	<a href="#">Drawing of warrants for teachers</a>
Ed. Code 48907	<a href="#">Exercise of free expression; time, place and manner rules and regulations</a>
Ed. Code 48950	<a href="#">Speech and other communication</a>
Ed. Code 51530	<a href="#">Advocacy or teaching of communism</a>
Gov. Code 1028	<a href="#">Advocacy of communism</a>
Gov. Code 11505-11506	<a href="#">Hearing</a>
Gov. Code 12954	Employment discrimination; cannabis use
Gov. Code 3543.2	<a href="#">Scope of representation</a>
H&S Code 11054	<a href="#">Schedule I; substances included</a>
H&S Code 11055	<a href="#">Schedule II; substances included</a>
H&S Code 11056	<a href="#">Schedule III; substances included</a>
H&S Code 11357-11361	<a href="#">Marijuana</a>
H&S Code 11363	<a href="#">Peyote</a>
H&S Code 11364	<a href="#">Opium</a>
H&S Code 11370.1	<a href="#">Possession of controlled substances with a firearm</a>
Pen. Code 11165.2-11165.6	<a href="#">Child abuse or neglect; definitions</a>
Pen. Code 1192.7	<a href="#">Plea bargaining limitation</a>
Pen. Code 187	<a href="#">Murder</a>
Pen. Code 291	<a href="#">School employees arrest for sex offense</a>
Pen. Code 667.5	<a href="#">Prior prison terms; enhancement of prison terms</a>

**Federal** **Description**

U.S. Constitution, First Amendment	<a href="#">Free exercise, free speech, and establishment clauses</a>
<b>Management Resources</b>	<b>Description</b>
Commission on Teacher Credentialing Publication	California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007
Court Decision	Visalia Unified School District v. Public Employment Relations Board (2024) 98 Cal.App.5th 844
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	Crowl v. Commission on Professional Competence (1990) 225 Cal. App. 3d 334
Court Decision	Morrison v. State Board of Education (1969) 1 Cal.3d 214
U.S. Department of Education Publication	<a href="#">Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023</a>
Website	<a href="#">Office of the Attorney General</a>
Website	<a href="#">Office of Administrative Hearings</a>
Website	<a href="#">Department of General Services, About Teacher Dismissal Case Type</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">Commission on Teacher Credentialing</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education</a>

### Cross References

<b>Code</b>	<b>Description</b>
1114	<a href="#">District-Sponsored Social Media</a>
1312.1	<a href="#">Complaints Concerning District Employees</a>
1312.1	<a href="#">Complaints Concerning District Employees</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E PDF(1)	<a href="#">Uniform Complaint Procedures</a>
3230	<a href="#">Federal Grant Funds</a>

3230	<a href="#"><u>Federal Grant Funds</u></a>
3512	<a href="#"><u>Equipment</u></a>
3512-E PDF(1)	<a href="#"><u>Equipment</u></a>
3513.3	<a href="#"><u>Tobacco-Free Schools</u></a>
3513.3	<a href="#"><u>Tobacco-Free Schools</u></a>
3515.2	<a href="#"><u>Disruptions</u></a>
3515.2	<a href="#"><u>Disruptions</u></a>
3515.21	<a href="#"><u>Unmanned Aircraft Systems (Drones)</u></a>
3516.2	<a href="#"><u>Bomb Threats</u></a>
4000	<a href="#"><u>Concepts And Roles</u></a>
4020	<a href="#"><u>Drug And Alcohol-Free Workplace</u></a>
4030	<a href="#"><u>Nondiscrimination In Employment</u></a>
4030	<a href="#"><u>Nondiscrimination In Employment</u></a>
4040	<a href="#"><u>Employee Use Of Technology</u></a>
4040	<a href="#"><u>Employee Use Of Technology</u></a>
4112	<a href="#"><u>Appointment And Conditions Of Employment</u></a>
4112.1	<a href="#"><u>Contracts</u></a>
4112.1	<a href="#"><u>Contracts</u></a>
4112.4	<a href="#"><u>Health Examinations</u></a>
4112.42	<a href="#"><u>Drug And Alcohol Testing For School Bus Drivers</u></a>
4112.5	<a href="#"><u>Criminal Record Check</u></a>
4112.6	<a href="#"><u>Personnel Files</u></a>
4112.9	<a href="#"><u>Employee Notifications</u></a>
4112.9	<a href="#"><u>Employee Notifications</u></a>
4112.9-E PDF(1)	<a href="#"><u>Employee Notifications</u></a>
4115	<a href="#"><u>Evaluation/Supervision</u></a>
4115	<a href="#"><u>Evaluation/Supervision</u></a>
4117.7	<a href="#"><u>Employment Status Reports</u></a>
4119.1	<a href="#"><u>Civil And Legal Rights</u></a>
4119.11	<a href="#"><u>Sexual Harassment</u></a>

4119.11	<a href="#"><u>Sexual Harassment</u></a>
4119.12	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
4119.12-E PDF(1)	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
4119.21	<a href="#"><u>Professional Standards</u></a>
4119.21-E PDF(1)	<a href="#"><u>Professional Standards</u></a>
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4359	<a href="#"><u>Employee Assistance Programs</u></a>
4361	<a href="#"><u>Leaves</u></a>
4361	<a href="#"><u>Leaves</u></a>
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5145.71	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
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9321-E PDF(2)	<a href="#"><u>Closed Session</u></a>

**Policy 4218: Dismissal/Suspension/Disciplinary Action**

Status: ADOPTED

Original Adopted Date: 12/10/2019 | Last Revised Date: 08/22/2023 | Last Reviewed Date: 08/22/2023

The Governing Board expects all employees to perform their jobs satisfactorily and to exhibit professional and appropriate conduct, and serve as positive role models both at school and in the community. A classified employee may be disciplined for unprofessional conduct or unsatisfactory performance in accordance with law or any applicable collective bargaining agreement, Board policy, or administrative regulation.

Disciplinary actions shall be based on the particular facts and circumstances involved and the severity of the employee's conduct or performance. ~~An employee's private exercise of personal beliefs and activities, including religious, political, cultural, social, or other beliefs or activities, or lack thereof, shall not be grounds for disciplinary action against the employee, provided that the beliefs or activities do not involve coercion of students or any other violation of law, Board policy, or administrative regulation.~~

The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner. In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for engaging in protected activities, or for acting to protect a student engaged in exercising any free speech or press right authorized by, or for refusing to infringe upon a student's conduct protected pursuant to Education Code 48907 or 48950.

Disciplinary actions may include, but are not limited to, verbal and written warnings, involuntary reassignment, demotion, suspension or leave without pay, reduction of ~~pay step in class, compulsory leave, and wages, or~~ dismissal.

~~The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.~~

A probationary classified employee may be dismissed without ~~cause at any time prior to the expiration of anytime before~~ the probationary period expires.

Permanent classified employee shall be subject to disciplinary action only for cause as specified in the accompanying administrative regulation. (Education Code 45113)

**Procedures for Serious Disciplinary Proceedings**

The Superintendent or designee shall develop disciplinary procedures for use when dismissal, suspension, demotion, involuntary reassignment, or other serious disciplinary action is contemplated against an employee. The procedures for such discipline shall include an opportunity for an employee for whom any such disciplinary action is recommended to meet with, or respond in writing to, a designated district official ("Skelly officer") who will determine whether the

recommended discipline should proceed further or be modified or withdrawn.

After meeting with the employee or considering the employee's written response, if the Skelly officer determines that the recommended discipline should proceed, the Superintendent or designee shall send the employee a notice of the recommended disciplinary action, a statement of charges, and the results of the Skelly review process. The notice shall include a statement advising the employee of the right to request a Board hearing on the matter. ([Education Code 45113, 45116](#))

If the employee fails to request a hearing within the time specified in the notice, the employee is deemed to have waived the right to do so, and the Board may order the recommended disciplinary action into effect immediately.

If a timely request is submitted, a hearing shall be conducted by the Board [or by a third-party hearing officer, in accordance with law](#). (Education Code 45113, 45312)

A classified employee who timely requests a hearing may only be suspended, demoted, or dismissed pending the outcome of the hearing in accordance with Education code 45113, and as specified in the accompanying administrative regulation.

The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board and the availability of legal counsel and witnesses. The employee shall be notified of the time and place of the hearing.

The hearing shall be held in closed session, unless the employee requests that the matter be heard in an open session meeting. (Government Code 54957)

The employee shall be entitled to appear personally, produce evidence, and be represented by legal counsel.

The Board may use the services of its legal counsel in ruling upon procedural questions, objections to evidence, and issues of law. The Board may review and consider the records of any prior personnel action proceedings against the employee in which a disciplinary action was ultimately sustained and any records contained in the employee's personnel files and introduced into evidence at the hearing. The Board shall not be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made by the Board.

At any time before a matter is submitted to the Board for decision, the Superintendent or designee may, with the consent of the Board, serve on the employee and file with the Board an amended or supplemental recommendation of disciplinary action. If the amended or supplemental recommendation includes new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegations may be made orally at the hearing and shall be noted on the record.

Following the hearing or, if the employee has not requested a hearing, after reviewing the Superintendent or designee's recommendation for disciplinary action, the Board shall affirm, modify, or reject the recommended disciplinary action. The decision of the Board shall be in writing<sup>58</sup>

and shall contain findings of fact and the disciplinary action approved, if any. The decision of the Board shall be final.

Within 10 working days of the Board's final decision, a copy of the decision shall be delivered to the employee and/or designated representative personally or by registered mail.

Except for an allegation of egregious misconduct in which a minor is involved, the Board may delegate the authority to determine whether sufficient cause exists for disciplinary action to an impartial third-party hearing officer. When the matter is heard by a third-party hearing officer, the Board shall review the determination and to adopt or reject the recommended decision. (Education Code 45113)

When any the matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a witness who is a minor, the matter shall be referred to an administrative law judge to determine whether sufficient cause exists for disciplinary action against the employee. In such cases, the ruling of the administrative law judge shall be binding on the district and the employee. (Education Code 45113)

### **Compulsory Leave of Absence**

Upon being informed that a classified employee has been charged with a mandatory leave of absence offense, the Superintendent or designee shall immediately place the employee on a compulsory leave of absence. (Education Code 44940, 44940.5, 45304)

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#### **Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
CA Constitution Article 1, Section 1	<a href="#"><u>Inalienable rights</u></a>
Ed. Code 35161	<a href="#"><u>Board delegation of any powers or duties</u></a>
Ed. Code 44009	<a href="#"><u>Conviction of specified crimes</u></a>
Ed. Code 44010	<a href="#"><u>Sex offense; definitions</u></a>
Ed. Code 44011	<a href="#"><u>Controlled substance offense</u></a>
Ed. Code 44940	<a href="#"><u>Compulsory leave of absence for certificated persons</u></a>
Ed. Code 44940.5	<a href="#"><u>Procedures when employees are placed on compulsory leave of absence</u></a>
Ed. Code 45101	<a href="#"><u>Definitions; disciplinary action and cause</u></a>
Ed. Code 45109	<a href="#"><u>Fixing of duties</u></a>
Ed. Code 45113	<a href="#"><u>Notification of charges; classified employees</u></a>
Ed. Code 45116	Notice of disciplinary action

Ed. Code 45123	<a href="#">Employment after conviction of controlled substance offense</a>
Ed. Code 45302	<a href="#">Demotion and removal from permanent classified service</a>
Ed. Code 45303	<a href="#">Additional cause for suspension or dismissal of employee charged with mandatory or optional leave of absence offense</a>
Ed. Code 45304	<a href="#">Compulsory leave of absence for classified persons</a>
Gov. Code 12954	Employment discrimination; cannabis use
Veh. Code 1808.8	School bus drivers; dismissal for safety-related cause
<b>Federal</b>	<b>Description</b>
42 USC 12101-12213	Americans with Disabilities Act
U.S. Constitution, First Amendment	<a href="#">Free exercise, free speech, and establishment clauses</a>
<b>Management Resources</b>	<b>Description</b>
Court Decision	Visalia Unified School District v. Public Employment Relations Board (2024) 98 Cal.App.5th 844
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	California School Employees v. Livingston Union School District (2007) 149 Cal. App. 4th 391
Court Decision	CSEA v. Foothill Community College District (1975) 52 Cal. App. 3rd 150
Court Decision	Skelly v. California Personnel Board (1975) 15 Cal.3d 194
U.S. Department of Education Publication	<a href="#">Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023</a>
Website	<a href="#">Office of the Attorney General</a>
Website	<a href="#">Office of Administrative Hearings</a>
Website	<a href="#">Department of General Services, About Teacher Dismissal Case Type</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">U.S. Department of Education</a>
Website	<a href="#">CSBA</a>

## Cross References

<b>Code</b>	<b>Description</b>
1114	<a href="#"><u>District-Sponsored Social Media</u></a>
1312.1	<a href="#"><u>Complaints Concerning District Employees</u></a>
1312.1	<a href="#"><u>Complaints Concerning District Employees</u></a>
1312.3	<a href="#"><u>Uniform Complaint Procedures</u></a>
1312.3	<a href="#"><u>Uniform Complaint Procedures</u></a>
1312.3-E PDF(1)	<a href="#"><u>Uniform Complaint Procedures</u></a>
3230	<a href="#"><u>Federal Grant Funds</u></a>
3230	<a href="#"><u>Federal Grant Funds</u></a>
3512	<a href="#"><u>Equipment</u></a>
3512-E PDF(1)	<a href="#"><u>Equipment</u></a>
3513.3	<a href="#"><u>Tobacco-Free Schools</u></a>
3513.3	<a href="#"><u>Tobacco-Free Schools</u></a>
3515.2	<a href="#"><u>Disruptions</u></a>
3515.2	<a href="#"><u>Disruptions</u></a>
3515.21	<a href="#"><u>Unmanned Aircraft Systems (Drones)</u></a>
3516.2	<a href="#"><u>Bomb Threats</u></a>
3542	<a href="#"><u>School Bus Drivers</u></a>
4000	<a href="#"><u>Concepts And Roles</u></a>
4020	<a href="#"><u>Drug And Alcohol-Free Workplace</u></a>
4030	<a href="#"><u>Nondiscrimination In Employment</u></a>
4030	<a href="#"><u>Nondiscrimination In Employment</u></a>
4040	<a href="#"><u>Employee Use Of Technology</u></a>
4040	<a href="#"><u>Employee Use Of Technology</u></a>
4112.42	<a href="#"><u>Drug And Alcohol Testing For School Bus Drivers</u></a>
4112.5	<a href="#"><u>Criminal Record Check</u></a>
4112.6	<a href="#"><u>Personnel Files</u></a>
4119.1	<a href="#"><u>Civil And Legal Rights</u></a>

4119.12	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
4119.12-E PDF(1)	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
4119.21	<a href="#"><u>Professional Standards</u></a>
4119.21-E PDF(1)	<a href="#"><u>Professional Standards</u></a>
4119.22	<a href="#"><u>Dress And Grooming</u></a>
4119.23	<a href="#"><u>Unauthorized Release Of Confidential/Privileged Information</u></a>
4119.24	<a href="#"><u>Maintaining Appropriate Adult-Student Interactions</u></a>
4119.25	<a href="#"><u>Political Activities Of Employees</u></a>
4119.25	<a href="#"><u>Political Activities Of Employees</u></a>
4127	<a href="#"><u>Temporary Athletic Team Coaches</u></a>
4127	<a href="#"><u>Temporary Athletic Team Coaches</u></a>
4136	<a href="#"><u>Nonschool Employment</u></a>
4141.6	<a href="#"><u>Concerted Action/Work Stoppage</u></a>
4141.6	<a href="#"><u>Concerted Action/Work Stoppage</u></a>
4154	<a href="#"><u>Health And Welfare Benefits</u></a>
4154	<a href="#"><u>Health And Welfare Benefits</u></a>
4157	<a href="#"><u>Employee Safety</u></a>
4157	<a href="#"><u>Employee Safety</u></a>
4158	<a href="#"><u>Employee Security</u></a>
4158	<a href="#"><u>Employee Security</u></a>
4159	<a href="#"><u>Employee Assistance Programs</u></a>
4161	<a href="#"><u>Leaves</u></a>
4161	<a href="#"><u>Leaves</u></a>
4161.11	<a href="#"><u>Industrial Accident/Illness Leave</u></a>
4200	<a href="#"><u>Classified Personnel</u></a>
4200	<a href="#"><u>Classified Personnel</u></a>
4212	<a href="#"><u>Appointment And Conditions Of Employment</u></a>
4212.42	<a href="#"><u>Drug And Alcohol Testing For School Bus Drivers</u></a>
4212.5	<a href="#"><u>Criminal Record Check</u></a>



4212.6	<a href="#"><u>Personnel Files</u></a>
4216	<a href="#"><u>Probationary/Permanent Status</u></a>
4219.1	<a href="#"><u>Civil And Legal Rights</u></a>
4219.12	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
4219.12-E PDF(1)	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
4219.21	<a href="#"><u>Professional Standards</u></a>
4219.21-E PDF(1)	<a href="#"><u>Professional Standards - Code Of Ethics Classified Employees</u></a>
4219.22	<a href="#"><u>Dress And Grooming</u></a>
4219.23	<a href="#"><u>Unauthorized Release Of Confidential/Privileged Information</u></a>
4219.24	<a href="#"><u>Maintaining Appropriate Adult-Student Interactions</u></a>
4219.25	<a href="#"><u>Political Activities Of Employees</u></a>
4219.25	<a href="#"><u>Political Activities Of Employees</u></a>
4227	<a href="#"><u>Temporary Athletic Team Coaches</u></a>
4227	<a href="#"><u>Temporary Athletic Team Coaches</u></a>
4236	<a href="#"><u>Nonschool Employment</u></a>
4241.6	<a href="#"><u>Concerted Action/Work Stoppage</u></a>
4241.6	<a href="#"><u>Concerted Action/Work Stoppage</u></a>
4254	<a href="#"><u>Health And Welfare Benefits</u></a>
4254	<a href="#"><u>Health And Welfare Benefits</u></a>
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4257	<a href="#"><u>Employee Safety</u></a>
4258	<a href="#"><u>Employee Security</u></a>
4258	<a href="#"><u>Employee Security</u></a>
4259	<a href="#"><u>Employee Assistance Programs</u></a>
4261	<a href="#"><u>Leaves</u></a>
4261	<a href="#"><u>Leaves</u></a>
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4312.42	<a href="#"><u>Drug And Alcohol Testing For School Bus Drivers</u></a>

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4312.6	<a href="#"><u>Personnel Files</u></a>
4319.1	<a href="#"><u>Civil And Legal Rights</u></a>
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4319.12-E PDF(1)	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
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4361	<a href="#"><u>Leaves</u></a>
4361	<a href="#"><u>Leaves</u></a>
4361.11	<a href="#"><u>Industrial Accident/Illness Leave</u></a>
5145.3	<a href="#"><u>Nondiscrimination/Harassment</u></a>
5145.3	<a href="#"><u>Nondiscrimination/Harassment</u></a>
5145.7	<a href="#"><u>Sexual Harassment</u></a>
5145.7	<a href="#"><u>Sexual Harassment</u></a>

5145.71	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
5145.71-E PDF(1)	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
5145.9	<a href="#"><u>Hate-Motivated Behavior</u></a>
6145.2	<a href="#"><u>Athletic Competition</u></a>
6145.2	<a href="#"><u>Athletic Competition</u></a>
6162.54	<a href="#"><u>Test Integrity/Test Preparation</u></a>
9000	<a href="#"><u>Role Of The Board</u></a>
9321	<a href="#"><u>Closed Session</u></a>
9321-E PDF(1)	<a href="#"><u>Closed Session</u></a>
9321-E PDF(2)	<a href="#"><u>Closed Session</u></a>

**Policy 4218: Dismissal/Suspension/Disciplinary Action**

**Status:** ADOPTED

**Original Adopted Date:** 12/10/2019 | **Last Revised Date:** | **Last Reviewed Date:**

The Governing Board expects all employees to perform their jobs satisfactorily and to exhibit professional and appropriate conduct, and serve as positive role models both at school and in the community. A classified employee may be disciplined for unprofessional conduct or unsatisfactory performance in accordance with law or any applicable collective bargaining agreement, Board policy, or administrative regulation.

Disciplinary actions shall be based on the particular facts and circumstances involved and the severity of the employee's conduct or performance.

The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner. In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for engaging in protected activities, or for acting to protect a student engaged in exercising any free speech or press right authorized by, or for refusing to infringe upon a student's conduct protected pursuant to Education Code 48907 or 48950.

Disciplinary actions may include, but are not limited to, verbal and written warnings, involuntary reassignment, demotion, suspension or leave without pay, reduction of wages, or dismissal.

A probationary classified employee may be dismissed without any time before the probationary period expires.

Permanent classified employee shall be subject to disciplinary action only for cause as specified in the accompanying administrative regulation. (Education Code 45113)

**Procedures for Serious Disciplinary Proceedings**

The Superintendent or designee shall develop disciplinary procedures for use when dismissal, suspension, demotion, involuntary reassignment, or other serious disciplinary action is contemplated against an employee. The procedures for such discipline shall include an opportunity for an employee for whom any such disciplinary action is recommended to meet with, or respond in writing to, a designated district official ("Skelly officer") who will determine whether the recommended discipline should proceed further or be modified or withdrawn.

After meeting with the employee or considering the employee's written response, if the Skelly officer determines that the recommended discipline should proceed, the Superintendent or designee shall send the employee a notice of the recommended disciplinary action, a statement of charges, and the results of the Skelly review process. The notice shall include a statement advising the employee of the right to request a Board hearing on the matter. (Education Code 45113, 45116)

If the employee fails to request a hearing within the time specified in the notice, the employee is deemed to have waived the right to do so, and the Board may order the recommended disciplinary action into effect immediately.

If a timely request is submitted, a hearing shall be conducted by the Board or by a third-party hearing officer, in accordance with law. (Education Code 45113, 45312)

A classified employee who timely requests a hearing may only be suspended, demoted, or dismissed pending the outcome of the hearing in accordance with Education code 45113, and as specified in the accompanying administrative regulation.

The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board and the availability of legal counsel and witnesses. The employee shall be notified of the time and place of the hearing.

The hearing shall be held in closed session, unless the employee requests that the matter be heard in an open session meeting. (Government Code 54957)

The employee shall be entitled to appear personally, produce evidence, and be represented by legal counsel.

The Board may use the services of its legal counsel in ruling upon procedural questions, objections to evidence, and issues of law. The Board may review and consider the records of any prior personnel action proceedings against the employee in which a disciplinary action was ultimately sustained and any records contained in the employee's personnel files and introduced into evidence at the hearing. The Board shall not be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made by the Board.

At any time before a matter is submitted to the Board for decision, the Superintendent or designee may, with the consent of the Board, serve on the employee and file with the Board an amended or supplemental recommendation of disciplinary action. If the amended or supplemental recommendation includes new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegations may be made orally at the hearing and shall be noted on the record.

Following the hearing or, if the employee has not requested a hearing, after reviewing the Superintendent or designee's recommendation for disciplinary action, the Board shall affirm, modify, or reject the recommended disciplinary action. The decision of the Board shall be in writing and shall contain findings of fact and the disciplinary action approved, if any. The decision of the Board shall be final.

Within 10 working days of the Board's final decision, a copy of the decision shall be delivered to the employee and/or designated representative personally or by registered mail.

Except for an allegation of egregious misconduct in which a minor is involved, the Board may delegate the authority to determine whether sufficient cause exists for disciplinary action to an impartial third-party hearing officer. When the matter is heard by a third-party hearing officer, the

Board shall review the determination and to adopt or reject the recommended decision. (Education Code 45113)

When any the matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a witness who is a minor, the matter shall be referred to an administrative law judge to determine whether sufficient cause exists for disciplinary action against the employee. In such cases, the ruling of the administrative law judge shall be binding on the district and the employee. (Education Code 45113)

### **Compulsory Leave of Absence**

Upon being informed that a classified employee has been charged with a mandatory leave of absence offense, the Superintendent or designee shall immediately place the employee on a compulsory leave of absence. (Education Code 44940, 44940.5, 45304)

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#### **Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

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Ed. Code 45303	<a href="#"><u>Additional cause for suspension or dismissal of employee charged with mandatory or optional leave of absence offense</u></a>

Ed. Code 45304	<a href="#">Compulsory leave of absence for classified persons</a>
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Veh. Code 1808.8	School bus drivers; dismissal for safety-related cause
<b>Federal</b>	<b>Description</b>
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U.S. Constitution, First Amendment	<a href="#">Free exercise, free speech, and establishment clauses</a>
<b>Management Resources</b>	<b>Description</b>
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### Cross References

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1312.1	<a href="#">Complaints Concerning District Employees</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>

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4119.21	<a href="#"><u>Professional Standards</u></a>
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4119.25	<a href="#"><u>Political Activities Of Employees</u></a>
4119.25	<a href="#"><u>Political Activities Of Employees</u></a>
4127	<a href="#"><u>Temporary Athletic Team Coaches</u></a>
4127	<a href="#"><u>Temporary Athletic Team Coaches</u></a>
4136	<a href="#"><u>Nonschool Employment</u></a>
4141.6	<a href="#"><u>Concerted Action/Work Stoppage</u></a>
4141.6	<a href="#"><u>Concerted Action/Work Stoppage</u></a>
4154	<a href="#"><u>Health And Welfare Benefits</u></a>
4154	<a href="#"><u>Health And Welfare Benefits</u></a>
4157	<a href="#"><u>Employee Safety</u></a>
4157	<a href="#"><u>Employee Safety</u></a>
4158	<a href="#"><u>Employee Security</u></a>
4158	<a href="#"><u>Employee Security</u></a>
4159	<a href="#"><u>Employee Assistance Programs</u></a>
4161	<a href="#"><u>Leaves</u></a>
4161	<a href="#"><u>Leaves</u></a>
4161.11	<a href="#"><u>Industrial Accident/Illness Leave</u></a>
4200	<a href="#"><u>Classified Personnel</u></a>
4200	<a href="#"><u>Classified Personnel</u></a>
4212	<a href="#"><u>Appointment And Conditions Of Employment</u></a>
4212.42	<a href="#"><u>Drug And Alcohol Testing For School Bus Drivers</u></a>
4212.5	<a href="#"><u>Criminal Record Check</u></a>
4212.6	<a href="#"><u>Personnel Files</u></a>
4216	<a href="#"><u>Probationary/Permanent Status</u></a>
4219.1	<a href="#"><u>Civil And Legal Rights</u></a>
4219.12	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
4219.12-E PDF(1)	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
4219.21	<a href="#"><u>Professional Standards</u></a>

4219.21-E PDF(1)	<a href="#"><u>Professional Standards - Code Of Ethics Classified Employees</u></a>
4219.22	<a href="#"><u>Dress And Grooming</u></a>
4219.23	<a href="#"><u>Unauthorized Release Of Confidential/Privileged Information</u></a>
4219.24	<a href="#"><u>Maintaining Appropriate Adult-Student Interactions</u></a>
4219.25	<a href="#"><u>Political Activities Of Employees</u></a>
4219.25	<a href="#"><u>Political Activities Of Employees</u></a>
4227	<a href="#"><u>Temporary Athletic Team Coaches</u></a>
4227	<a href="#"><u>Temporary Athletic Team Coaches</u></a>
4236	<a href="#"><u>Nonschool Employment</u></a>
4241.6	<a href="#"><u>Concerted Action/Work Stoppage</u></a>
4241.6	<a href="#"><u>Concerted Action/Work Stoppage</u></a>
4254	<a href="#"><u>Health And Welfare Benefits</u></a>
4254	<a href="#"><u>Health And Welfare Benefits</u></a>
4257	<a href="#"><u>Employee Safety</u></a>
4257	<a href="#"><u>Employee Safety</u></a>
4258	<a href="#"><u>Employee Security</u></a>
4258	<a href="#"><u>Employee Security</u></a>
4259	<a href="#"><u>Employee Assistance Programs</u></a>
4261	<a href="#"><u>Leaves</u></a>
4261	<a href="#"><u>Leaves</u></a>
4261.11	<a href="#"><u>Industrial Accident/Illness Leave</u></a>
4312.42	<a href="#"><u>Drug And Alcohol Testing For School Bus Drivers</u></a>
4312.5	<a href="#"><u>Criminal Record Check</u></a>
4312.6	<a href="#"><u>Personnel Files</u></a>
4319.1	<a href="#"><u>Civil And Legal Rights</u></a>
4319.12	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
4319.12-E PDF(1)	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
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4319.21-E PDF(1)	<a href="#"><u>Professional Standards</u></a>
4319.22	<a href="#"><u>Dress And Grooming</u></a>
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4319.24	<a href="#"><u>Maintaining Appropriate Adult-Student Interactions</u></a>
4319.25	<a href="#"><u>Political Activities Of Employees</u></a>
4319.25	<a href="#"><u>Political Activities Of Employees</u></a>
4327	<a href="#"><u>Temporary Athletic Team Coaches</u></a>
4327	<a href="#"><u>Temporary Athletic Team Coaches</u></a>
4336	<a href="#"><u>Nonschool Employment</u></a>
4354	<a href="#"><u>Health And Welfare Benefits</u></a>
4354	<a href="#"><u>Health And Welfare Benefits</u></a>
4357	<a href="#"><u>Employee Safety</u></a>
4357	<a href="#"><u>Employee Safety</u></a>
4358	<a href="#"><u>Employee Security</u></a>
4358	<a href="#"><u>Employee Security</u></a>
4359	<a href="#"><u>Employee Assistance Programs</u></a>
4361	<a href="#"><u>Leaves</u></a>
4361	<a href="#"><u>Leaves</u></a>
4361.11	<a href="#"><u>Industrial Accident/Illness Leave</u></a>
5145.3	<a href="#"><u>Nondiscrimination/Harassment</u></a>
5145.3	<a href="#"><u>Nondiscrimination/Harassment</u></a>
5145.7	<a href="#"><u>Sexual Harassment</u></a>
5145.7	<a href="#"><u>Sexual Harassment</u></a>
5145.71	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
5145.71-E PDF(1)	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
5145.9	<a href="#"><u>Hate-Motivated Behavior</u></a>
6145.2	<a href="#"><u>Athletic Competition</u></a>
6145.2	<a href="#"><u>Athletic Competition</u></a>
6162.54	<a href="#"><u>Test Integrity/Test Preparation</u></a>

9000	<a href="#"><u>Role Of The Board</u></a>
9321	<a href="#"><u>Closed Session</u></a>
9321-E PDF(1)	<a href="#"><u>Closed Session</u></a>
9321-E PDF(2)	<a href="#"><u>Closed Session</u></a>

**Board District Policy Manual**  
**Alameda Unified School District**  
**CSBA Policy Management Console**

**Policy 4140: Bargaining Units**

Status: ADOPTED

Original Adopted Date: ~~06/26/2012~~11/01/2011 | Last Revised Date: ~~10/24/2023~~03/01/2024 |  
Last Reviewed Date: ~~10/24/2023~~03/01/2024

The Governing Board recognizes the right of district employees to form a bargaining unit and to select an employee organization as the exclusive representative ~~to represent for~~ the employees in the employees' employment relationship with the district. The Board is committed to negotiating in good faith with ~~recognized employee organizations~~the exclusive representative and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

Employees shall not be prohibited from wearing union buttons, insignia, or other ~~items~~pictorial or written messages that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

**Formation of Bargaining Units**

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of certificated or classified supervisory employees may only be recognized if the bargaining unit includes all certificated or classified supervisory employees, respectively, and is not represented by ~~an~~the same employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, supervisory employee means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, ~~such employees~~employees who serve in a management, senior management, or confidential position may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. ~~An~~However, an employee organization representing management, senior management, or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. ~~(Education Code 45100.5.~~ Government Code 3543.4)

*Management employee* means an employee in a position having significant responsibilities for formulating district policies or administering district programs. ~~Management positions shall be designated by the Board which may be subject to review by the Public Employment Relations Board.~~ (Government Code 3540.1)

*Confidential employee* means any employee who 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 contribute significantly to the development of management positions. (Government Code 3540.1)

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## Membership

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550, 3551.5)

### District Communications to Employees

The Superintendent or designee may communicate with district employees regarding their rights to join and/or support ~~an officially recognized employee organization~~ or to refrain from joining or supporting an officially recognized employee organization. Such communications shall be factual and accurate, and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

~~However, before disseminating~~The district may disseminate written documents, recorded messages, or other mass communications to multiple actual or perspective employees any mass communication represented by an exclusive representative concerning employees' their rights under the law, such as a written document or script for oral or recorded presentation to join and/or message, support, or refrain from joining and/or supporting, an employee organization only after the Superintendent or designee shall meet meets and confer confers with the employees' exclusive representative regarding concerning the content of the mass communication. If the district and exclusive representative do not come to agreement on the content of the mass communication and the district still chooses to disseminate it, the Superintendent or designee may disseminate the district's mass communication, provided shall request that at the same time, copies of the exclusive representative's representative provide a communication, which shall be of reasonable length, are also distributed to the district that shall be disseminated to the employees at the same time as the district's own mass communication. (Government Code ~~3553~~3556)

### Access to New Employee Orientations

The district shall permit ~~employee organization~~each exclusive representative access to new employee orientation or onboarding process where newly hired employees represented by the exclusive representative are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide ~~employee organizations~~the exclusive representative at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided ~~if where there is an unforeseeable, urgent need critical to the district's operation prevents the required 10 days' notice.~~operations that was not reasonably foreseeable. (Government Code ~~3555.5~~, 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, ~~matters related to the structure, time, and manner of~~ access to the new employee orientation shall be subject to compulsory interest arbitration. The district and ~~employee organization~~ the exclusive representative may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. ~~The arbitrator selection process shall commence within 14 days of a party's demand for compulsory interest arbitration.~~ When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The ~~arbitrator's decision of the arbitrator~~ shall be issued within 10 days and shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

Until June 30, 2025, ~~in addition to above provisions regarding new employee orientations, unless the district shall ensure and the following: (Government Code 3556)~~

~~1.—When exclusive representative have agreed otherwise, when the district has not conducted an in-person new employee orientation has not been conducted within 30 days of hiring any a new employee who is working in person, the Superintendent or designee shall permit the exclusive representative to schedule an in-person meeting which newly hired employees during employment hours at the new employee's worksite, during which the new employee shall have an the opportunity to attend, at the employee's worksite and during employment hours. Each newly hired employee within the bargaining unit shall be provided at least 30 minutes of paid time to attend relieved of other duties for the purpose of attending the meeting, during which the . The district shall provide appropriate space at the worksite within seven calendar days of receiving a request from the exclusive representative. (Government Code 3556, 3557)~~

~~During this meeting, the exclusive representative shall be permitted to communicate directly with the newly hired employees.~~

~~Within seven days of an exclusive representative's request to schedule such an in-person meeting, the Superintendent or designee shall provide an appropriate on-site meeting space.~~

~~2.—When, by reason of a state or local public health order limiting the size of gatherings, the district is prohibited from organizing a new employee orientation, an exclusive representative may schedule multiple meetings to ensure that newly hired employees have an opportunity to attend without exceeding the maximum allowable number of people. If such an order prohibits all gatherings, the exclusive representative may schedule a meeting(s) once the order is lifted or modified to permit gatherings.~~

~~Alternative access to these meetings shall be determined through mutual agreement between the district and the exclusive representative.~~

~~new employees for up to 30 minutes of paid time. (Government Code 3556)~~

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## Access to Employee Contact Information

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), ~~personal email address(es) of all employees represented by the exclusive representative~~ on file with the district, ~~and home address of any newly hired.~~ ~~An employee's personal email address shall only be disclosed if it used by the employee to conduct district business.~~

~~Such information shall be provided~~ within 30 days of hire or by the first pay period of the month following hire ~~for all new employees represented by the exclusive representative~~, unless the exclusive representative has agreed to a different interval for the provision of the information. ~~In addition~~ ~~Additionally~~, the Superintendent or designee shall provide the exclusive representative ~~with~~ the same information ~~in regard to~~ ~~for~~ all employees ~~in the bargaining unit at least~~ ~~represented by the exclusive representative~~ every 120 days, unless more frequent ~~or detailed lists are~~ ~~disclosure is~~ required by agreement with the exclusive representative. (Government Code 3558, 7928.300)

However, the Superintendent or designee shall not disclose: (Government Code 3558, ~~62076205-6210, 6215, 6215.2-6216, 7928.300~~)

1. The home address and any phone numbers on file for employees performing law enforcement-related functions  
-
2. The home address, home telephone or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code ~~62076205-6210 and 6215-16~~
3. The employee's home address, home telephone and personal cell phone numbers, and personal email address of an employee not performing law enforcement related functions if the employee has submitted a written request to ~~the district to~~ keep such information private. In such instances, the Superintendent or designee shall also remove the employee's home address, ~~and~~ home telephone ~~number~~, and personal cell phone ~~numbers~~ ~~number~~ from any mailing list maintained by the district unless the list is only used by the district to contact the employee.

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

~~To provide accurate information, the~~ ~~The~~ Superintendent or designee shall review the list of contact information for district employees at the beginning of each school year, or more often as appropriate.

### Communications with Employees

~~by~~ **Employee Organizations**

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~~Subject to reasonable regulation by the district, employee organizations may shall have access, at reasonable times, to the work areas in which of employees work-represented by the employee organization and may use to district facilities at reasonable times for the purpose of meetings. Subject to reasonable regulation meeting with employees represented by the employee organization. Access may be limited in instances where it would be disruptive to district operations. (Government Code 3543.1)~~

~~Additionally, subject to reasonable regulation by the district, employee organizations may also shall have the ability to use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees represented by the employee organization. (Government Code 3543.1)~~

~~Access to district means of communication shall be limited in cases where such access would be disruptive to district operations.~~

#### **Membership Dues or Other Payments to an Employee Organization**

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount ~~which that~~ has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

~~When an employee organization that certifies has certified to the district that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the district, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and from which the employees. The to whom they apply and shall not handle or process employee written authorizations for the employees represented by such employee organization shall not be required to submit to the. The district also shall not require a copy of the written authorization in order for the payroll deductions to be effective. However, to be submitted by the employee organization, except when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the district. The employee organization shall indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization. (Education Code 45060, 45168)~~

~~When an employee organization which has declined to certify that it will handle and process employee written authorizations makes a request for payroll deductions, the district shall request a copy of the employee's written authorization before making the payroll deductions. (Education Code 45060, 45168)~~

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization that represents the employee rather than the district. The employee organization shall

be responsible for processing these requests. The district shall rely on the information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. ~~(Education Code 45060, 45168)~~[\(Education Code 45060, 45168\)](#)

[When an employee organization has declined to certify that it will handle and process written authorizations from employee\(s\) represented by the employee organization and makes a request for payroll deductions, the district shall request a copy of the written authorization for an employee before making the payroll deductions for that employee. \(Education Code 45060, 45168\)](#)

**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	Severance of established unit
Ed. Code 45060-45061.5	<a href="#">Deduction of fees from salary or wage payment; certificated employees</a>
Ed. Code 45100.5	<a href="#">Senior classified management positions</a>
Ed. Code 45104.5	<a href="#">Abolishment of senior classified management positions</a>
Ed. Code 45108.5	<a href="#">Definition of senior classified management employees</a>
Ed. Code 45108.7	<a href="#">Waiver of provisions of Education Code 45108.5</a>
Ed. Code 45168	<a href="#">Deduction of fees from salary or wage payment; classified employees</a>
Ed. Code 45220-45320	<a href="#">Merit system; classified employees</a>
Gov. Code 3500-3511	Local public employee organizations
Gov. Code 3507.7	Representation of temporary employees
Gov. Code 3540-3549.3	<a href="#">Educational Employment Relations Act</a>
Gov. Code 3540.1	<a href="#">Public employment; definitions</a>
Gov. Code 3543.4	<a href="#">Management and confidential positions; representation</a>
Gov. Code 3545	<a href="#">Appropriateness of unit; basis</a>
Gov. Code 3550-3552	<a href="#">Prohibition on public employers deterring or discouraging union membership</a>

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Gov. Code 3555-3559	<a href="#">Public employee communication, information and orientation</a>
Gov. Code 53260-53264	<a href="#">Employment contracts</a>
Gov. Code 6205-6210	<a href="#">Confidentiality of addresses for victims of domestic violence, sexual assault, stalking, or child abduction</a>
Gov. Code 6215-6216	Address confidentiality for individuals who face threats or violence because of work for a public entity
Gov. Code 6503.5	<a href="#">Joint powers agencies; agreement</a>
Gov. Code 7928.300	<a href="#">Disclosure of employee contact information to employee organization</a>
<b>Management Resources</b>	<b>Description</b>
Court Decision	County of Los Angeles v. Los Angeles County Employee Relations Commission (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al. (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31 (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	Regents of the University of California (2004) PERB Dec. No. 1700-H.
Public Employment Relations Board Ruling	Desert Community College District (2007) PERB Dec. No. 1921
Public Employment Relations Board Ruling	East Whittier School District (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	City of Sacramento (2019) PERB Dec. No. 2702
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Federation of Teachers</a>
Website	<a href="#">California Public Employment Relations Board</a>
Website	<a href="#">California School Employees Association</a>
Website	<a href="#">California Teachers Association</a>
Website	<a href="#">Association of California School Administrators</a>
Website	<a href="#">CSBA</a>

**Cross References**

Code	Description
0450	<u>Comprehensive Safety Plan</u> Comprehensive Safety Plan
0450	<u>Comprehensive Safety Plan</u> Comprehensive Safety Plan
0460	<u>Local Control And Accountability Plan</u> Local Control And Accountability Plan
0460	<u>Local Control And Accountability Plan</u> Local Control And Accountability Plan
1340	<u>Access To District Records</u> Access To District Records
1340	<u>Access To District Records</u> Access To District Records
1431	<u>Waivers</u> Waivers
4113	<u>Assignment</u> Assignment
4113	<u>Assignment</u> Assignment
4115	<u>Evaluation/Supervision</u> Evaluation/Supervision
4115	<u>Evaluation/Supervision</u> Evaluation/Supervision
4119.1	<u>Civil And Legal Rights</u> Civil And Legal Rights
4119.25	<u>Political Activities Of Employees</u> Political Activities Of Employees
4119.25	<u>Political Activities Of Employees</u> Political Activities Of Employees
4121	<u>Temporary/Substitute Personnel</u> Temporary/Substitute Personnel
4121	<u>Temporary/Substitute Personnel</u> Temporary/Substitute Personnel
4141	<u>Collective Bargaining Agreement</u> Collective Bargaining Agreement
4143	<u>Negotiations/Consultation</u> Negotiations/Consultation
4151	<u>Employee Compensation</u> Employee Compensation
4154	<u>Health And Welfare Benefits</u> Health And Welfare Benefits
4154	<u>Health And Welfare Benefits</u> Health And Welfare Benefits
4158	<u>Employee Security</u> Employee Security
4158	<u>Employee Security</u> Employee Security

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4161.2	<u>Personal Leaves</u> Personal Leaves
4219.1	<u>Civil And Legal Rights</u> Civil And Legal Rights
4219.25	<u>Political Activities Of Employees</u> Political Activities Of Employees
4219.25	<u>Political Activities Of Employees</u> Political Activities Of Employees
4241	<u>Collective Bargaining Agreement</u> Collective Bargaining Agreement
4243	<u>Negotiations/Consultation</u> Negotiations/Consultation
4251	<u>Employee Compensation</u> Employee Compensation
4254	<u>Health And Welfare Benefits</u> Health And Welfare Benefits
4254	<u>Health And Welfare Benefits</u> Health And Welfare Benefits
4261.2	<u>Personal Leaves</u> Personal Leaves
4300	<u>Administrative And Supervisory Personnel</u> Administrative And Supervisory Personnel
4300	<u>Administrative And Supervisory Personnel</u> Administrative And Supervisory Personnel
4301	<u>Administrative Staff Organization</u> Administrative Staff Organization
4312.1	<u>Contracts</u> Contracts
4315	<u>Evaluation/Supervision</u> Evaluation/Supervision
4319.1	<u>Civil And Legal Rights</u> Civil And Legal Rights
4319.25	<u>Political Activities Of Employees</u> Political Activities Of Employees
4319.25	<u>Political Activities Of Employees</u> Political Activities Of Employees
4351	<u>Employee Compensation</u> Employee Compensation
4354	<u>Health And Welfare Benefits</u> Health And Welfare Benefits
4354	<u>Health And Welfare Benefits</u> Health And Welfare Benefits

4361.2	<u>Personal Leaves</u> Personal Leaves
9000	<u>Role Of The Board</u> Role Of The Board
9321	<u>Closed Session</u> Closed Session
9321-E PDF(1)	<u>Closed Session</u> Closed Session
9321-E PDF(2)	<u>Closed Session</u> Closed Session

**Policy 4140: Bargaining Units**

**Status: ADOPTED**

**Original Adopted Date:** 06/26/2012 | **Last Revised Date:**     | **Last Reviewed Date:**

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The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

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A bargaining unit of certificated or classified supervisory employees may only be recognized if the bargaining unit includes all certificated or classified supervisory employees, respectively, and is not represented by the same employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, supervisory employee means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

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formulating district policies or administering district programs. (Government Code 3540.1)

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The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550, 3551.5)

## **District Communications to Employees**

The Superintendent or designee may communicate with district employees regarding their rights to join and/or support or to refrain from joining or supporting an officially recognized employee organization. Such communications shall be factual and accurate and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

The district may disseminate written documents, recorded messages, or other mass communications to actual or perspective employees represented by an exclusive representative concerning their rights to join and/or support, or refrain from joining and/or supporting, an employee organization only after the Superintendent or designee meets and confers with the exclusive representative concerning the content of the mass communication. If the district and exclusive representative do not come to agreement on the content of the mass communication and the district still chooses to disseminate it, the Superintendent or designee shall request that the exclusive representative provide a communication of reasonable length to the district that shall be disseminated to the employees at the same time as the district's own mass communication. (Government Code 3556)

## **Access to New Employee Orientations**

The district shall permit each exclusive representative access to new employee orientation or onboarding process where newly hired employees represented by the exclusive representative are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide the exclusive representative at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided where there is an urgent need critical to the district's operations that was not reasonably foreseeable. (Government Code 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive



representative. If the district and exclusive representative fail to reach an agreement, the structure, time, and manner of access to the new employee orientation shall be subject to compulsory interest arbitration. The district and the exclusive representative may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The arbitrator's decision shall be issued within 10 days and shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

Until June 30, 2025, unless the district and the exclusive representative have agreed otherwise, when the district has not conducted an in-person orientation within 30 days of hiring a new employee, the Superintendent or designee shall permit the exclusive representative to schedule an in-person meeting during employment hours at the new employee's worksite, during which the new employee shall have the opportunity to attend and shall be relieved of other duties for the purpose of attending the meeting. The district shall provide appropriate space at the worksite within seven calendar days of receiving a request from the exclusive representative. (Government Code 3556, 3557)

During this meeting, the exclusive representative shall be permitted to communicate directly with the new employees for up to 30 minutes of paid time. (Government Code 3556)

### **Access to Employee Contact Information**

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), of all employees represented by the exclusive representative on file with the district. An employee's personal email address shall only be disclosed if it used by the employee to conduct district business.

Such information shall be provided within 30 days of hire or by the first pay period of the month following hire for all new employees represented by the exclusive representative, unless the exclusive representative has agreed to a different interval for the provision of the information. Additionally, the Superintendent or designee shall provide the exclusive representative with the same information for all employees represented by the exclusive representative every 120 days, unless more frequent disclosure is required by agreement with the exclusive representative. (Government Code 3558, 7928.300)

However, the Superintendent or designee shall not disclose: (Government Code 3558, 6205-6210, 6215-6216, 7928.300)

1. The home address and any phone numbers on file for employees performing law enforcement-related functions

2. The home address, home telephone or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6205-6210 and 6215-16
3. The employee's home address, home telephone and personal cell phone numbers, and personal email address of an employee not performing law enforcement related functions if the employee has submitted a written request to the district to keep such information private. In such instances, the Superintendent or designee shall also remove the employee's home address, home telephone number, and personal cell phone number from any mailing list maintained by the district unless the list is only used by the district to contact the employee.

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

The Superintendent or designee shall review the list of contact information for district employees at the beginning of each school year, or more often as appropriate.

### **Communications with Employees by Employee Organizations**

Subject to reasonable regulation by the district, employee organizations shall have access, at reasonable times, to the work areas of employees represented by the employee organization and to district facilities for the purpose of meeting with employees represented by the employee organization. Access may be limited in instances where it would be disruptive to district operations. (Government Code 3543.1)

Additionally, subject to reasonable regulation by the district, employee organizations shall have the ability to use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees represented by the employee organization. (Government Code 3543.1)

### **Membership Dues or Other Payments to an Employee Organization**

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount that has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

When an employee organization has certified to the district that it has and will maintain individual employee authorizations for payroll deductions, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and the employees to whom they apply and shall not handle or process employee written authorizations for the employees represented by such employee organization. The district also shall not require a copy of the written authorization to be submitted by the employee organization, except when there is a dispute about the existence or terms of the written authorization. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization that represents the employee rather than the district. The employee organization shall be responsible for processing these requests. The district shall rely on the information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

When an employee organization has declined to certify that it will handle and process written authorizations from employee(s) represented by the employee organization and makes a request for payroll deductions, the district shall request a copy of the written authorization for an employee before making the payroll deductions for that employee. (Education Code 45060, 45168)

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	Severance of established unit
Ed. Code 45060-45061.5	<a href="#"><u>Deduction of fees from salary or wage payment; certificated employees</u></a>
Ed. Code 45100.5	<a href="#"><u>Senior classified management positions</u></a>
Ed. Code 45104.5	<a href="#"><u>Abolishment of senior classified management positions</u></a>
Ed. Code 45108.5	<a href="#"><u>Definition of senior classified management employees</u></a>
Ed. Code 45108.7	<a href="#"><u>Waiver of provisions of Education Code 45108.5</u></a>
Ed. Code 45168	<a href="#"><u>Deduction of fees from salary or wage payment; classified employees</u></a>
Ed. Code 45220-45320	<a href="#"><u>Merit system; classified employees</u></a>
Gov. Code 3500-3511	Local public employee organizations
Gov. Code 3507.7	Representation of temporary employees
Gov. Code 3540-3549.3	<a href="#"><u>Educational Employment Relations Act</u></a>

Gov. Code 3540.1	<a href="#">Public employment; definitions</a>
Gov. Code 3543.4	<a href="#">Management and confidential positions; representation</a>
Gov. Code 3545	<a href="#">Appropriateness of unit; basis</a>
Gov. Code 3550-3552	<a href="#">Prohibition on public employers deterring or discouraging union membership</a>
Gov. Code 3555-3559	<a href="#">Public employee communication, information and orientation</a>
Gov. Code 53260-53264	<a href="#">Employment contracts</a>
Gov. Code 6205-6210	<a href="#">Confidentiality of addresses for victims of domestic violence, sexual assault, stalking, or child abduction</a>
Gov. Code 6215-6216	Address confidentiality for individuals who face threats or violence because of work for a public entity
Gov. Code 6503.5	<a href="#">Joint powers agencies; agreement</a>
Gov. Code 7928.300	<a href="#">Disclosure of employee contact information to employee organization</a>

**Management Resources**

	<b>Description</b>
Court Decision	County of Los Angeles v. Los Angeles County Employee Relations Commission (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al. (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31 (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	Regents of the University of California (2004) PERB Dec. No. 1700-H.
Public Employment Relations Board Ruling	Desert Community College District (2007) PERB Dec. No. 1921
Public Employment Relations Board Ruling	East Whittier School District (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	City of Sacramento (2019) PERB Dec. No. 2702

Website	<a href="#"><u>CSBA District and County Office of Education Legal Services</u></a>
Website	<a href="#"><u>California Federation of Teachers</u></a>
Website	<a href="#"><u>California Public Employment Relations Board</u></a>
Website	<a href="#"><u>California School Employees Association</u></a>
Website	<a href="#"><u>California Teachers Association</u></a>
Website	<a href="#"><u>Association of California School Administrators</u></a>
Website	<a href="#"><u>CSBA</u></a>

## Cross References

<b>Code</b>	<b>Description</b>
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1340	Access To District Records
1340	Access To District Records
1431	Waivers
4113	Assignment
4113	Assignment
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4119.1	Civil And Legal Rights
4119.25	Political Activities Of Employees
4119.25	Political Activities Of Employees
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4141	Collective Bargaining Agreement
4143	Negotiations/Consultation

4151	Employee Compensation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4158	Employee Security
4158	Employee Security
4161.2	Personal Leaves
4219.1	Civil And Legal Rights
4219.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4241	Collective Bargaining Agreement
4243	Negotiations/Consultation
4251	Employee Compensation
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4261.2	Personal Leaves
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4301	Administrative Staff Organization
4312.1	Contracts
4315	Evaluation/Supervision
4319.1	Civil And Legal Rights
4319.25	Political Activities Of Employees
4319.25	Political Activities Of Employees
4351	Employee Compensation
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4361.2	Personal Leaves
9000	Role Of The Board
9321	Closed Session
9321	Closed Session



**Board District Policy Manual**  
**Alameda Unified School District**  
**CSBA Policy Management Console**

**Policy 4240: Bargaining Units**

Status: ADOPTED

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Original Adopted Date: ~~06/26/2012~~11/01/2011 | Last Revised Date: ~~10/24/2023~~03/01/2024 |  
Last Reviewed Date: ~~10/24/2023~~03/01/2024

The Governing Board recognizes the right of district employees to form a bargaining unit and to select an employee organization as the exclusive representative ~~to represent~~for the employees in the employees' employment relationship with the district. The Board is committed to negotiating in good faith with ~~recognized employee organizations~~the exclusive representative and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

Employees shall not be prohibited from wearing union buttons, insignia, or other ~~items~~pictorial or written messages that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

**Formation of Bargaining Units**

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of certificated or classified supervisory employees may only be recognized if the bargaining unit includes all certificated or classified supervisory employees, respectively, and is not represented by an~~the same~~ employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, supervisory employee means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, ~~such employees~~employees who serve in a management, senior management, or confidential position may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. ~~An~~However, an employee organization representing management, senior management, or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. ~~(Education Code 45100.5~~ Government Code 3543.4)



*Management employee* means an employee in a position having significant responsibilities for formulating district policies or administering district programs. ~~Management positions shall be designated by the Board which may be subject to review by the Public Employment Relations Board.~~ (Government Code 3540.1)

*Confidential employee* means any employee who 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 contribute significantly to the development of management positions. (Government Code 3540.1)

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### Membership

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or ~~non-membership~~nonmembership in an employee organization. (Government Code 3543.5, 3550, 3551.5)

### District Communications to Employees

The Superintendent or designee may communicate with district employees regarding their rights to join and/or support ~~an officially recognized employee organization~~ or to refrain from joining or supporting an officially recognized employee organization. Such communications shall be factual and accurate, and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

~~However, before disseminating~~The district may disseminate written documents, recorded messages, or other mass communications to multiple actual or perspective employees ~~any mass communication represented by an exclusive representative concerning employees' their rights under the law, such as a written document or script for oral or recorded presentation to join and/or message, support, or refrain from joining and/or supporting, an employee organization only after the Superintendent or designee shall meet meets and confer confers with the employees' exclusive representative regarding concerning the content of the mass communication. If the district and exclusive representative do not come to agreement on the content of the mass communication and the district still chooses to disseminate it, the Superintendent or designee may disseminate the district's mass communication, provided shall request that at the same time, copies of the exclusive representative's representative provide a communication, which shall be of reasonable length, are also distributed to the district that shall be disseminated to the employees at the same time as the district's own mass communication.~~ (Government Code ~~3553~~3556)

### Access to New Employee Orientations

The district shall permit ~~employee organization~~each exclusive representative access to new employee orientation or onboarding process where newly hired employees represented by the exclusive representative are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide ~~employee organizations~~the exclusive representative at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided ~~if where there is an unforeseeable, urgent need critical to the district's operation prevents the required 10 days' notice.~~operations that was not reasonably foreseeable. (Government Code ~~3555.5~~, 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, ~~matters related to the structure, time, and manner of~~ access to the new employee orientation shall be subject to compulsory interest arbitration. The district and ~~employee organization~~ the exclusive representative may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. ~~The arbitrator selection process shall commence within 14 days of a party's demand for compulsory interest arbitration.~~ When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The ~~arbitrator's decision of the arbitrator~~ shall be issued within 10 days and shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

Until June 30, 2025, ~~in addition to above provisions regarding new employee orientations, unless the district shall ensure and the following: (Government Code 3556)~~

~~1.—When exclusive representative have agreed otherwise, when the district has not conducted an in-person new employee orientation has not been conducted within 30 days of hiring any a new employee who is working in person, the Superintendent or designee shall permit the exclusive representative to schedule an in-person meeting which newly hired employees during employment hours at the new employee's worksite, during which the new employee shall have an the opportunity to attend, at the employee's worksite and during employment hours. Each newly hired employee within the bargaining unit shall be provided at least 30 minutes of paid time to attend relieved of other duties for the purpose of attending the meeting, during which the . The district shall provide appropriate space at the worksite within seven calendar days of receiving a request from the exclusive representative. (Government Code 3556, 3557)~~

~~During this meeting, the exclusive representative shall be permitted to communicate directly with the newly hired employees.~~

~~Within seven days of an exclusive representative's request to schedule such an in-person meeting, the Superintendent or designee shall provide an appropriate on-site meeting space.~~

~~2.—When, by reason of a state or local public health order limiting the size of gatherings, the district is prohibited from organizing a new employee orientation, an exclusive representative may schedule multiple meetings to ensure that newly hired employees have an opportunity to attend without exceeding the maximum allowable number of people. If such an order prohibits all gatherings, the exclusive representative may schedule a meeting(s) once the order is lifted or modified to permit gatherings.~~

~~Alternative access to these meetings shall be determined through mutual agreement between the district and the exclusive representative.~~

~~new employees for up to 30 minutes of paid time. (Government Code 3556)~~

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## Access to Employee Contact Information

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), ~~personal email address(es) of all employees represented by the exclusive representative~~ on file with the district, ~~and home address of any newly hired.~~ ~~An employee's personal email address shall only be disclosed if it used by the employee to conduct district business.~~

~~Such information shall be provided~~ within 30 days of hire or by the first pay period of the month following hire ~~for all new employees represented by the exclusive representative~~, unless the exclusive representative has agreed to a different interval for the provision of the information. ~~In addition~~ ~~Additionally~~, the Superintendent or designee shall provide the exclusive representative ~~with~~ the same information ~~in regard to~~ ~~for~~ all employees ~~in the bargaining unit at least~~ ~~represented by the exclusive representative~~ every 120 days, unless more frequent ~~or detailed lists are~~ ~~disclosure is~~ required by agreement with the exclusive representative. (Government Code 3558, 7928.300)

However, the Superintendent or designee shall not disclose: (Government Code 3558, ~~62076205-6210, 6215, 6215.2-6216~~, 7928.300)

1. The home address and any phone numbers on file for employees performing law enforcement-related functions  
-
2. The home address, home telephone or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code ~~62076205-6210 and 6215-16~~
3. The employee's home address, home telephone and personal cell phone numbers, and personal email address of an employee not performing law enforcement related functions if the employee has submitted a written request to ~~the district to~~ keep such information private. In such instances, the Superintendent or designee shall also remove the employee's home address, ~~and~~ home telephone ~~number~~, and personal cell phone ~~numbers~~ ~~number~~ from any mailing list maintained by the district unless the list is only used by the district to contact the employee.

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

~~To provide accurate information, the~~ ~~The~~ Superintendent or designee shall review the list of contact information for district employees at the beginning of each school year, or more often as appropriate.

### Communications with Employees

~~by~~ **Employee Organizations**

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~~Subject to reasonable regulation by the district, employee organizations may shall have access, at reasonable times, to the work areas in which of employees work-represented by the employee organization and may use to district facilities at reasonable times for the purpose of meetings. Subject to reasonable regulation meeting with employees represented by the employee organization. Access may be limited in instances where it would be disruptive to district operations. (Government Code 3543.1)~~

~~Additionally, subject to reasonable regulation by the district, employee organizations may also shall have the ability to use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees represented by the employee organization. (Government Code 3543.1)~~

~~Access to district means of communication shall be limited in cases where such access would be disruptive to district operations.~~

#### **Membership Dues or Other Payments to an Employee Organization**

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount ~~which that~~ has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

~~When an employee organization that certifies has certified to the district that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the district, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and from which the employees. The to whom they apply and shall not handle or process employee written authorizations for the employees represented by such employee organization shall not be required to submit to the. The district also shall not require a copy of the written authorization in order for the payroll deductions to be effective. However, to be submitted by the employee organization, except when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the district. The employee organization shall indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization. (Education Code 45060, 45168)~~

~~When an employee organization which has declined to certify that it will handle and process employee written authorizations makes a request for payroll deductions, the district shall request a copy of the employee's written authorization before making the payroll deductions. (Education Code 45060, 45168)~~

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization that represents the employee rather than the district. The employee organization shall

be responsible for processing these requests. The district shall rely on the information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. ~~(Education Code 45060, 45168)~~[\(Education Code 45060, 45168\)](#)

[When an employee organization has declined to certify that it will handle and process written authorizations from employee\(s\) represented by the employee organization and makes a request for payroll deductions, the district shall request a copy of the written authorization for an employee before making the payroll deductions for that employee. \(Education Code 45060, 45168\)](#)

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These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

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Ed. Code 45104.5	<a href="#">Abolishment of senior classified management positions</a>
Ed. Code 45108.5	<a href="#">Definition of senior classified management employees</a>
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Gov. Code 3500-3511	Local public employee organizations
Gov. Code 3507.7	Representation of temporary employees
Gov. Code 3540-3549.3	<a href="#">Educational Employment Relations Act</a>
Gov. Code 3540.1	<a href="#">Public employment; definitions</a>
Gov. Code 3543.4	<a href="#">Management and confidential positions; representation</a>
Gov. Code 3545	<a href="#">Appropriateness of unit; basis</a>
Gov. Code 3550-3552	<a href="#">Prohibition on public employers deterring or discouraging union membership</a>

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Gov. Code 3555-3559	<a href="#">Public employee communication, information and orientation</a>
Gov. Code 53260-53264	<a href="#">Employment contracts</a>
Gov. Code 6205-6210	<a href="#">Confidentiality of addresses for victims of domestic violence, sexual assault, stalking, or child abduction</a>
Gov. Code 6215-6216	Address confidentiality for individuals who face threats or violence because of work for a public entity
Gov. Code 6503.5	<a href="#">Joint powers agencies; agreement</a>
Gov. Code 7928.300	<a href="#">Disclosure of employee contact information to employee organization</a>
<b>Management Resources</b>	<b>Description</b>
Court Decision	County of Los Angeles v. Los Angeles County Employee Relations Commission (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al. (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31 (2018) 138 S.Ct. 2448
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Website	<a href="#">Association of California School Administrators</a>
Website	<a href="#">CSBA</a>

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4115	<u>Evaluation/Supervision</u> Evaluation/Supervision
4119.1	<u>Civil And Legal Rights</u> Civil And Legal Rights
4119.25	<u>Political Activities Of Employees</u> Political Activities Of Employees
4119.25	<u>Political Activities Of Employees</u> Political Activities Of Employees
4121	<u>Temporary/Substitute Personnel</u> Temporary/Substitute Personnel
4121	<u>Temporary/Substitute Personnel</u> Temporary/Substitute Personnel
4141	<u>Collective Bargaining Agreement</u> Collective Bargaining Agreement
4143	<u>Negotiations/Consultation</u> Negotiations/Consultation
4151	<u>Employee Compensation</u> Employee Compensation
4154	<u>Health And Welfare Benefits</u> Health And Welfare Benefits
4154	<u>Health And Welfare Benefits</u> Health And Welfare Benefits
4158	<u>Employee Security</u> Employee Security
4158	<u>Employee Security</u> Employee Security

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4161.2	<u>Personal Leaves</u> Personal Leaves
4219.1	<u>Civil And Legal Rights</u> Civil And Legal Rights
4219.25	<u>Political Activities Of Employees</u> Political Activities Of Employees
4219.25	<u>Political Activities Of Employees</u> Political Activities Of Employees
4241	<u>Collective Bargaining Agreement</u> Collective Bargaining Agreement
4243	<u>Negotiations/Consultation</u> Negotiations/Consultation
4251	<u>Employee Compensation</u> Employee Compensation
4254	<u>Health And Welfare Benefits</u> Health And Welfare Benefits
4254	<u>Health And Welfare Benefits</u> Health And Welfare Benefits
4261.2	<u>Personal Leaves</u> Personal Leaves
4300	<u>Administrative And Supervisory Personnel</u> Administrative And Supervisory Personnel
4300	<u>Administrative And Supervisory Personnel</u> Administrative And Supervisory Personnel
4301	<u>Administrative Staff Organization</u> Administrative Staff Organization
4312.1	<u>Contracts</u> Contracts
4315	<u>Evaluation/Supervision</u> Evaluation/Supervision
4319.1	<u>Civil And Legal Rights</u> Civil And Legal Rights
4319.25	<u>Political Activities Of Employees</u> Political Activities Of Employees
4319.25	<u>Political Activities Of Employees</u> Political Activities Of Employees
4351	<u>Employee Compensation</u> Employee Compensation
4354	<u>Health And Welfare Benefits</u> Health And Welfare Benefits
4354	<u>Health And Welfare Benefits</u> Health And Welfare Benefits



4361.2	<u>Personal Leaves</u> Personal Leaves
9000	<u>Role Of The Board</u> Role Of The Board
9321	<u>Closed Session</u> Closed Session
9321-E PDF(1)	<u>Closed Session</u> Closed Session
9321-E PDF(2)	<u>Closed Session</u> Closed Session

**Policy 4240: Bargaining Units**

**Status:** ADOPTED

**Original Adopted Date:** 06/26/2012 | **Last Revised Date:** |  
**Last Reviewed Date:**

The Governing Board recognizes the right of district employees to form a bargaining unit and to select an employee organization as the exclusive representative for the employees in the employees' employment relationship with the district. The Board is committed to negotiating in good faith with the exclusive representative and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

Employees shall not be prohibited from wearing union buttons, insignia, or other pictorial or written messages that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

**Formation of Bargaining Units**

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of certificated or classified supervisory employees may only be recognized if the bargaining unit includes all certificated or classified supervisory employees, respectively, and is not represented by the same employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, supervisory employee means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, employees who serve in a management, senior management, or confidential position may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. However, an employee organization representing management, senior management, or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Education Code 45100.5, Government Code 3543.4)

*Management employee* means an employee in a position having significant responsibilities for formulating district policies or administering district programs. (Government Code 3540.1)

*Confidential employee* means any employee who 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 contribute significantly to the development of management positions. (Government Code 3540.1)

## **Membership**

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550, 3551.5)

## **District Communications to Employees**

The Superintendent or designee may communicate with district employees regarding their rights to join and/or support or to refrain from joining or supporting an officially recognized employee organization. Such communications shall be factual and accurate and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

The district may disseminate written documents, recorded messages, or other mass communications to actual or perspective employees represented by an exclusive representative concerning their rights to join and/or support, or refrain from joining and/or supporting, an employee organization only after the Superintendent or designee meets and confers with the exclusive representative concerning the content of the mass communication. If the district and exclusive representative do not come to agreement on the content of the mass communication and the district still chooses to disseminate it, the Superintendent or designee shall request that the exclusive representative provide a communication of reasonable length to the district that shall be disseminated to the employees at the same time as the district's own mass communication. (Government Code 3556)

## **Access to New Employee Orientations**

The district shall permit each exclusive representative access to new employee orientation or onboarding process where newly hired employees represented by the exclusive representative are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide the exclusive representative at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided where there is an urgent need critical to the district's operations that was not reasonably foreseeable. (Government Code 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new

employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, the structure, time, and manner of access to the new employee orientation shall be subject to compulsory interest arbitration. The district and the exclusive representative may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The arbitrator's decision shall be issued within 10 days and shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

Until June 30, 2025, unless the district and the exclusive representative have agreed otherwise, when the district has not conducted an in-person orientation within 30 days of hiring a new employee, the Superintendent or designee shall permit the exclusive representative to schedule an in-person meeting during employment hours at the new employee's worksite, during which the new employee shall have the opportunity to attend and shall be relieved of other duties for the purpose of attending the meeting. The district shall provide appropriate space at the worksite within seven calendar days of receiving a request from the exclusive representative. (Government Code 3556, 3557)

During this meeting, the exclusive representative shall be permitted to communicate directly with the new employees for up to 30 minutes of paid time. (Government Code 3556)

### **Access to Employee Contact Information**

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), of all employees represented by the exclusive representative on file with the district. An employee's personal email address shall only be disclosed if it used by the employee to conduct district business.

Such information shall be provided within 30 days of hire or by the first pay period of the month following hire for all new employees represented by the exclusive representative, unless the exclusive representative has agreed to a different interval for the provision of the information. Additionally, the Superintendent or designee shall provide the exclusive representative with the same information for all employees represented by the exclusive representative every 120 days, unless more frequent disclosure is required by agreement with the exclusive representative. (Government Code 3558, 7928.300)

However, the Superintendent or designee shall not disclose: (Government Code 3558, 6205-6210, 6215-6216, 7928.300)

1. The home address and any phone numbers on file for employees performing law enforcement-related functions
2. The home address, home telephone or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6205-6210 and 6215-16
3. The employee's home address, home telephone and personal cell phone numbers, and personal email address of an employee not performing law enforcement related functions if the employee has submitted a written request to the district to keep such information private. In such instances, the Superintendent or designee shall also remove the employee's home address, home telephone number, and personal cell phone number from any mailing list maintained by the district unless the list is only used by the district to contact the employee.

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

The Superintendent or designee shall review the list of contact information for district employees at the beginning of each school year, or more often as appropriate.

### **Communications with Employees by Employee Organizations**

Subject to reasonable regulation by the district, employee organizations shall have access, at reasonable times, to the work areas of employees represented by the employee organization and to district facilities for the purpose of meeting with employees represented by the employee organization. Access may be limited in instances where it would be disruptive to district operations. (Government Code 3543.1)

Additionally, subject to reasonable regulation by the district, employee organizations shall have the ability to use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees represented by the employee organization. (Government Code 3543.1)

### **Membership Dues or Other Payments to an Employee Organization**

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount that has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

When an employee organization has certified to the district that it has and will maintain individual employee authorizations for payroll deductions, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and the employees to whom they apply and shall not handle or process employee written authorizations for the employees represented by such employee organization. The district also shall not require a copy of

the written authorization to be submitted by the employee organization, except when there is a dispute about the existence or terms of the written authorization. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization that represents the employee rather than the district. The employee organization shall be responsible for processing these requests. The district shall rely on the information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

When an employee organization has declined to certify that it will handle and process written authorizations from employee(s) represented by the employee organization and makes a request for payroll deductions, the district shall request a copy of the written authorization for an employee before making the payroll deductions for that employee. (Education Code 45060, 45168)

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	Severance of established unit
Ed. Code 45060-45061.5	<a href="#"><u>Deduction of fees from salary or wage payment; certificated employees</u></a>
Ed. Code 45100.5	<a href="#"><u>Senior classified management positions</u></a>
Ed. Code 45104.5	<a href="#"><u>Abolishment of senior classified management positions</u></a>
Ed. Code 45108.5	<a href="#"><u>Definition of senior classified management employees</u></a>
Ed. Code 45108.7	<a href="#"><u>Waiver of provisions of Education Code 45108.5</u></a>
Ed. Code 45168	<a href="#"><u>Deduction of fees from salary or wage payment; classified employees</u></a>
Ed. Code 45220-45320	<a href="#"><u>Merit system; classified employees</u></a>
Gov. Code 3500-3511	Local public employee organizations
Gov. Code 3507.7	Representation of temporary employees

Gov. Code 3540-3549.3	<a href="#">Educational Employment Relations Act</a>
Gov. Code 3540.1	<a href="#">Public employment; definitions</a>
Gov. Code 3543.4	<a href="#">Management and confidential positions; representation</a>
Gov. Code 3545	<a href="#">Appropriateness of unit; basis</a>
Gov. Code 3550-3552	<a href="#">Prohibition on public employers deterring or discouraging union membership</a>
Gov. Code 3555-3559	<a href="#">Public employee communication, information and orientation</a>
Gov. Code 53260-53264	<a href="#">Employment contracts</a>
Gov. Code 6205-6210	<a href="#">Confidentiality of addresses for victims of domestic violence, sexual assault, stalking, or child abduction</a>
Gov. Code 6215-6216	Address confidentiality for individuals who face threats or violence because of work for a public entity
Gov. Code 6503.5	<a href="#">Joint powers agencies; agreement</a>
Gov. Code 7928.300	<a href="#">Disclosure of employee contact information to employee organization</a>
<b>Management Resources</b>	<b>Description</b>
Court Decision	County of Los Angeles v. Los Angeles County Employee Relations Commission (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al. (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31 (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	Regents of the University of California (2004) PERB Dec. No. 1700-H.
Public Employment Relations Board Ruling	Desert Community College District (2007) PERB Dec. No. 1921
Public Employment Relations Board Ruling	East Whittier School District (2004) PERB Dec. No. 1727

Public Employment Relations Board Ruling	City of Sacramento (2019) PERB Dec. No. 2702
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Federation of Teachers</a>
Website	<a href="#">California Public Employment Relations Board</a>
Website	<a href="#">California School Employees Association</a>
Website	<a href="#">California Teachers Association</a>
Website	<a href="#">Association of California School Administrators</a>
Website	<a href="#">CSBA</a>

### Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1340	Access To District Records
1340	Access To District Records
1431	Waivers
4113	Assignment
4113	Assignment
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4119.1	Civil And Legal Rights
4119.25	Political Activities Of Employees
4119.25	Political Activities Of Employees
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel



4141	Collective Bargaining Agreement
4143	Negotiations/Consultation
4151	Employee Compensation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4158	Employee Security
4158	Employee Security
4161.2	Personal Leaves
4219.1	Civil And Legal Rights
4219.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4241	Collective Bargaining Agreement
4243	Negotiations/Consultation
4251	Employee Compensation
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4261.2	Personal Leaves
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4301	Administrative Staff Organization
4312.1	Contracts
4315	Evaluation/Supervision
4319.1	Civil And Legal Rights
4319.25	Political Activities Of Employees
4319.25	Political Activities Of Employees
4351	Employee Compensation
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4361.2	Personal Leaves
9000	Role Of The Board

9321

Closed Session

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Closed Session

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Closed Session

**Board District Policy Manual**  
**Alameda Unified School District**  
**CSBA Policy Management Console**

**Policy 4340: Bargaining Units**

Status: ADOPTED

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Original Adopted Date: ~~06/26/2012~~11/01/2011 | Last Revised Date: ~~10/24/2023~~03/01/2024 |  
Last Reviewed Date: ~~10/24/2023~~03/01/2024

The Governing Board recognizes the right of district employees to form a bargaining unit and to select an employee organization as the exclusive representative ~~to represent for~~ the employees in the employees' employment relationship with the district. The Board is committed to negotiating in good faith with ~~recognized employee organizations~~the exclusive representative and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

Employees shall not be prohibited from wearing union buttons, insignia, or other ~~items~~pictorial or written messages that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

**Formation of Bargaining Units**

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of certificated or classified supervisory employees may only be recognized if the bargaining unit includes all certificated or classified supervisory employees, respectively, and is not represented by ~~an~~the same employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, supervisory employee means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, ~~such employees~~employees who serve in a management, senior management, or confidential position may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. ~~An~~However, an employee organization representing management, senior management, or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. ~~(Education Code 45100.5~~ Government Code 3543.4)

*Management employee* means an employee in a position having significant responsibilities for formulating district policies or administering district programs. ~~Management positions shall be designated by the Board which may be subject to review by the Public Employment Relations Board.~~ (Government Code 3540.1)

*Confidential employee* means any employee who 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 contribute significantly to the development of management positions. (Government Code 3540.1)

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### Membership

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or ~~non-membership~~nonmembership in an employee organization. (Government Code 3543.5, 3550, 3551.5)

### District Communications to Employees

The Superintendent or designee may communicate with district employees regarding their rights to join and/or support ~~an officially recognized employee organization~~ or to refrain from joining or supporting an officially recognized employee organization. Such communications shall be factual and accurate, and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

~~However, before disseminating~~The district may disseminate written documents, recorded messages, or other mass communications to multiple~~actual or perspective~~employees ~~any mass communication represented by an exclusive representative concerning employees' rights under the law, such as a written document or script for oral or recorded presentation to join and/or message, support, or refrain from joining and/or supporting, an employee organization only after the Superintendent or designee shall meet~~meets ~~and confer~~confers with the ~~employees'~~ exclusive representative ~~regarding~~concerning the content of the mass communication. If the district and exclusive representative do not come to agreement on the content of the mass communication and the district still chooses to disseminate it, the Superintendent or designee ~~may disseminate the district's mass communication, provided~~shall request that ~~at the same time, copies of the exclusive representative's~~representative provide a communication, ~~which shall be~~ of reasonable length, ~~are also distributed to the district that shall be disseminated to the employees at the same time as the district's own mass communication.~~ (Government Code ~~3553~~3556)

### Access to New Employee Orientations

The district shall permit ~~employee organization~~each exclusive representative access to new employee orientation or onboarding process where newly hired employees represented by the exclusive representative are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide ~~employee organizations~~the exclusive representative at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided ~~if where there is an unforeseeable, urgent need critical to the district's operation prevents the required 10 days' notice.~~operations that was not reasonably foreseeable. (Government Code ~~3555.5~~, 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, ~~matters related to the structure, time, and manner of~~ access to the new employee orientation shall be subject to compulsory interest arbitration. The district and ~~employee organization~~ the exclusive representative may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. ~~The arbitrator selection process shall commence within 14 days of a party's demand for compulsory interest arbitration.~~ When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The ~~arbitrator's decision of the arbitrator~~ shall be issued within 10 days and shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

Until June 30, 2025, ~~in addition to above provisions regarding new employee orientations, unless the district shall ensure and~~ the following: (Government Code 3556)

~~1. When exclusive representative have agreed otherwise, when the district has not conducted an in-person new employee orientation has not been conducted within 30 days of hiring any a new employee who is working in person, the Superintendent or designee shall permit the exclusive representative to schedule an in-person meeting which newly hired employees during employment hours at the new employee's worksite, during which the new employee shall have an the opportunity to attend, at the employee's worksite and during employment hours. Each newly hired employee within the bargaining unit shall be provided at least 30 minutes of paid time to attend relieved of other duties for the purpose of attending the meeting, during which the. The district shall provide appropriate space at the worksite within seven calendar days of receiving a request from the exclusive representative. (Government Code 3556, 3557)~~

~~During this meeting, the~~ exclusive representative shall be permitted to communicate directly with the ~~newly hired employees.~~

~~Within seven days of an exclusive representative's request to schedule such an in-person meeting, the Superintendent or designee shall provide an appropriate on-site meeting space.~~

~~2. When, by reason of a state or local public health order limiting the size of gatherings, the district is prohibited from organizing a new employee orientation, an exclusive representative may schedule multiple meetings to ensure that newly hired employees have an opportunity to attend without exceeding the maximum allowable number of people. If such an order prohibits all gatherings, the exclusive representative may schedule a meeting(s) once the order is lifted or modified to permit gatherings.~~

~~Alternative access to these meetings shall be determined through mutual agreement between the district and the exclusive representative.~~

~~new employees for up to 30 minutes of paid time. (Government Code 3556)~~

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#### Access to Employee Contact Information

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), ~~personal email address(es) of all employees represented by the exclusive representative~~ on file with the district, ~~and home address of any newly hired.~~ ~~An employee's personal email address shall only be disclosed if it used by the employee to conduct district business.~~

~~Such information shall be provided~~ within 30 days of hire or by the first pay period of the month following hire ~~for all new employees represented by the exclusive representative~~, unless the exclusive representative has agreed to a different interval for the provision of the information. ~~In addition~~ ~~Additionally~~, the Superintendent or designee shall provide the exclusive representative ~~with~~ the same information ~~in regard to~~ ~~for~~ all employees ~~in the bargaining unit at least~~ ~~represented by the exclusive representative~~ every 120 days, unless more frequent ~~or detailed lists are~~ ~~disclosure is~~ required by agreement with the exclusive representative. (Government Code 3558, 7928.300)

However, the Superintendent or designee shall not disclose: (Government Code 3558, ~~62076205-6210~~, 6215, ~~6215.2-6216~~, 7928.300)

1. The home address and any phone numbers on file for employees performing law enforcement-related functions  
-
2. The home address, home telephone or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code ~~62076205-6210 and 6215-16~~
3. The employee's home address, home telephone and personal cell phone numbers, and personal email address of an employee not performing law enforcement related functions if the employee has submitted a written request to ~~the district to~~ keep such information private. In such instances, the Superintendent or designee shall also remove the employee's home address, ~~and~~ home telephone ~~number~~, and personal cell phone ~~numbers~~ ~~number~~ from any mailing list maintained by the district unless the list is only used by the district to contact the employee.

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

~~To provide accurate information, the~~ ~~The~~ Superintendent or designee shall review the list of contact information for district employees at the beginning of each school year, or more often as appropriate.

### Communications with Employees

~~by~~ **Employee Organizations**

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~~Subject to reasonable regulation by the district, employee organizations may shall have access, at reasonable times, to the work areas in which of employees work-represented by the employee organization and may use to district facilities at reasonable times for the purpose of meetings. Subject to reasonable regulation meeting with employees represented by the employee organization. Access may be limited in instances where it would be disruptive to district operations. (Government Code 3543.1)~~

~~Additionally, subject to reasonable regulation by the district, employee organizations may also shall have the ability to use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees represented by the employee organization. (Government Code 3543.1)~~

~~Access to district means of communication shall be limited in cases where such access would be disruptive to district operations.~~

#### **Membership Dues or Other Payments to an Employee Organization**

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount ~~which that~~ has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

~~When an employee organization that certifies has certified to the district that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the district, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and from which the employees. The to whom they apply and shall not handle or process employee written authorizations for the employees represented by such employee organization shall not be required to submit to the. The district also shall not require a copy of the written authorization in order for the payroll deductions to be effective. However, to be submitted by the employee organization, except when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the district. The employee organization shall indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization. (Education Code 45060, 45168)~~

~~When an employee organization which has declined to certify that it will handle and process employee written authorizations makes a request for payroll deductions, the district shall request a copy of the employee's written authorization before making the payroll deductions. (Education Code 45060, 45168)~~

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization that represents the employee rather than the district. The employee organization shall

be responsible for processing these requests. The district shall rely on the information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. ~~(Education Code 45060, 45168)~~[\(Education Code 45060, 45168\)](#)

[When an employee organization has declined to certify that it will handle and process written authorizations from employee\(s\) represented by the employee organization and makes a request for payroll deductions, the district shall request a copy of the written authorization for an employee before making the payroll deductions for that employee. \(Education Code 45060, 45168\)](#)

**Policy Reference Disclaimer:**

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State	Description
8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	Severance of established unit
Ed. Code 45060-45061.5	<a href="#">Deduction of fees from salary or wage payment; certificated employees</a>
Ed. Code 45100.5	<a href="#">Senior classified management positions</a>
Ed. Code 45104.5	<a href="#">Abolishment of senior classified management positions</a>
Ed. Code 45108.5	<a href="#">Definition of senior classified management employees</a>
Ed. Code 45108.7	<a href="#">Waiver of provisions of Education Code 45108.5</a>
Ed. Code 45168	<a href="#">Deduction of fees from salary or wage payment; classified employees</a>
Ed. Code 45220-45320	<a href="#">Merit system; classified employees</a>
Gov. Code 3500-3511	Local public employee organizations
Gov. Code 3507.7	Representation of temporary employees
Gov. Code 3540-3549.3	<a href="#">Educational Employment Relations Act</a>
Gov. Code 3540.1	<a href="#">Public employment; definitions</a>
Gov. Code 3543.4	<a href="#">Management and confidential positions; representation</a>
Gov. Code 3545	<a href="#">Appropriateness of unit; basis</a>
Gov. Code 3550-3552	<a href="#">Prohibition on public employers deterring or discouraging union membership</a>

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Gov. Code 3555-3559	<a href="#">Public employee communication, information and orientation</a>
Gov. Code 53260-53264	<a href="#">Employment contracts</a>
Gov. Code 6205-6210	<a href="#">Confidentiality of addresses for victims of domestic violence, sexual assault, stalking, or child abduction</a>
Gov. Code 6215-6216	Address confidentiality for individuals who face threats or violence because of work for a public entity
Gov. Code 6503.5	<a href="#">Joint powers agencies; agreement</a>
Gov. Code 7928.300	<a href="#">Disclosure of employee contact information to employee organization</a>
<b>Management Resources</b>	<b>Description</b>
Court Decision	County of Los Angeles v. Los Angeles County Employee Relations Commission (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al. (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31 (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	Regents of the University of California (2004) PERB Dec. No. 1700-H.
Public Employment Relations Board Ruling	Desert Community College District (2007) PERB Dec. No. 1921
Public Employment Relations Board Ruling	East Whittier School District (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	City of Sacramento (2019) PERB Dec. No. 2702
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Federation of Teachers</a>
Website	<a href="#">California Public Employment Relations Board</a>
Website	<a href="#">California School Employees Association</a>
Website	<a href="#">California Teachers Association</a>
Website	<a href="#">Association of California School Administrators</a>
Website	<a href="#">CSBA</a>

**Cross References**

Code	Description
0450	<u>Comprehensive Safety Plan</u> Comprehensive Safety Plan
0450	<u>Comprehensive Safety Plan</u> Comprehensive Safety Plan
0460	<u>Local Control And Accountability Plan</u> Local Control And Accountability Plan
0460	<u>Local Control And Accountability Plan</u> Local Control And Accountability Plan
1340	<u>Access To District Records</u> Access To District Records
1340	<u>Access To District Records</u> Access To District Records
1431	<u>Waivers</u> Waivers
4113	<u>Assignment</u> Assignment
4113	<u>Assignment</u> Assignment
4115	<u>Evaluation/Supervision</u> Evaluation/Supervision
4115	<u>Evaluation/Supervision</u> Evaluation/Supervision
4119.1	<u>Civil And Legal Rights</u> Civil And Legal Rights
4119.25	<u>Political Activities Of Employees</u> Political Activities Of Employees
4119.25	<u>Political Activities Of Employees</u> Political Activities Of Employees
4121	<u>Temporary/Substitute Personnel</u> Temporary/Substitute Personnel
4121	<u>Temporary/Substitute Personnel</u> Temporary/Substitute Personnel
4141	<u>Collective Bargaining Agreement</u> Collective Bargaining Agreement
4143	<u>Negotiations/Consultation</u> Negotiations/Consultation
4151	<u>Employee Compensation</u> Employee Compensation
4154	<u>Health And Welfare Benefits</u> Health And Welfare Benefits
4154	<u>Health And Welfare Benefits</u> Health And Welfare Benefits
4158	<u>Employee Security</u> Employee Security
4158	<u>Employee Security</u> Employee Security

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4161.2	<u>Personal Leaves</u> Personal Leaves
4219.1	<u>Civil And Legal Rights</u> Civil And Legal Rights
4219.25	<u>Political Activities Of Employees</u> Political Activities Of Employees
4219.25	<u>Political Activities Of Employees</u> Political Activities Of Employees
4241	<u>Collective Bargaining Agreement</u> Collective Bargaining Agreement
4243	<u>Negotiations/Consultation</u> Negotiations/Consultation
4251	<u>Employee Compensation</u> Employee Compensation
4254	<u>Health And Welfare Benefits</u> Health And Welfare Benefits
4254	<u>Health And Welfare Benefits</u> Health And Welfare Benefits
4261.2	<u>Personal Leaves</u> Personal Leaves
4300	<u>Administrative And Supervisory Personnel</u> Administrative And Supervisory Personnel
4300	<u>Administrative And Supervisory Personnel</u> Administrative And Supervisory Personnel
4301	<u>Administrative Staff Organization</u> Administrative Staff Organization
4312.1	<u>Contracts</u> Contracts
4315	<u>Evaluation/Supervision</u> Evaluation/Supervision
4319.1	<u>Civil And Legal Rights</u> Civil And Legal Rights
4319.25	<u>Political Activities Of Employees</u> Political Activities Of Employees
4319.25	<u>Political Activities Of Employees</u> Political Activities Of Employees
4351	<u>Employee Compensation</u> Employee Compensation
4354	<u>Health And Welfare Benefits</u> Health And Welfare Benefits
4354	<u>Health And Welfare Benefits</u> Health And Welfare Benefits

4361.2	<u>Personal Leaves</u> Personal Leaves
9000	<u>Role Of The Board</u> Role Of The Board
9321	<u>Closed Session</u> Closed Session
9321-E PDF(1)	<u>Closed Session</u> Closed Session
9321-E PDF(2)	<u>Closed Session</u> Closed Session

**Policy 4340: Bargaining Units**

**Status:** ADOPTED

**Original Adopted Date:** 06/26/2012 | **Last Revised Date:** |  
**Last Reviewed Date:**

The Governing Board recognizes the right of district employees to form a bargaining unit and to select an employee organization as the exclusive representative for the employees in the employees' employment relationship with the district. The Board is committed to negotiating in good faith with the exclusive representative and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

Employees shall not be prohibited from wearing union buttons, insignia, or other pictorial or written messages that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

**Formation of Bargaining Units**

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of certificated or classified supervisory employees may only be recognized if the bargaining unit includes all certificated or classified supervisory employees, respectively, and is not represented by the same employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, supervisory employee means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, employees who serve in a management, senior management, or confidential position may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. However, an employee organization representing management, senior management, or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Education Code 45100.5, Government Code 3543.4)

*Management employee* means an employee in a position having significant responsibilities for formulating district policies or administering district programs. (Government Code 3540.1)

*Confidential employee* means any employee who 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 contribute significantly to the development of management positions. (Government Code 3540.1)

## **Membership**

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550, 3551.5)

## **District Communications to Employees**

The Superintendent or designee may communicate with district employees regarding their rights to join and/or support or to refrain from joining or supporting an officially recognized employee organization. Such communications shall be factual and accurate and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

The district may disseminate written documents, recorded messages, or other mass communications to actual or perspective employees represented by an exclusive representative concerning their rights to join and/or support, or refrain from joining and/or supporting, an employee organization only after the Superintendent or designee meets and confers with the exclusive representative concerning the content of the mass communication. If the district and exclusive representative do not come to agreement on the content of the mass communication and the district still chooses to disseminate it, the Superintendent or designee shall request that the exclusive representative provide a communication of reasonable length to the district that shall be disseminated to the employees at the same time as the district's own mass communication. (Government Code 3556)

## **Access to New Employee Orientations**

The district shall permit each exclusive representative access to new employee orientation or onboarding process where newly hired employees represented by the exclusive representative are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide the exclusive representative at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided where there is an urgent need critical to the district's operations that was not reasonably foreseeable. (Government Code 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new

employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, the structure, time, and manner of access to the new employee orientation shall be subject to compulsory interest arbitration. The district and the exclusive representative may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The arbitrator's decision shall be issued within 10 days and shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

Until June 30, 2025, unless the district and the exclusive representative have agreed otherwise, when the district has not conducted an in-person orientation within 30 days of hiring a new employee, the Superintendent or designee shall permit the exclusive representative to schedule an in-person meeting during employment hours at the new employee's worksite, during which the new employee shall have the opportunity to attend and shall be relieved of other duties for the purpose of attending the meeting. The district shall provide appropriate space at the worksite within seven calendar days of receiving a request from the exclusive representative. (Government Code 3556, 3557)

During this meeting, the exclusive representative shall be permitted to communicate directly with the new employees for up to 30 minutes of paid time. (Government Code 3556)

### **Access to Employee Contact Information**

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), of all employees represented by the exclusive representative on file with the district. An employee's personal email address shall only be disclosed if it used by the employee to conduct district business.

Such information shall be provided within 30 days of hire or by the first pay period of the month following hire for all new employees represented by the exclusive representative, unless the exclusive representative has agreed to a different interval for the provision of the information. Additionally, the Superintendent or designee shall provide the exclusive representative with the same information for all employees represented by the exclusive representative every 120 days, unless more frequent disclosure is required by agreement with the exclusive representative. (Government Code 3558, 7928.300)

However, the Superintendent or designee shall not disclose: (Government Code 3558, 6205-6210, 6215-6216, 7928.300)

1. The home address and any phone numbers on file for employees performing law enforcement-related functions
2. The home address, home telephone or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6205-6210 and 6215-16
3. The employee's home address, home telephone and personal cell phone numbers, and personal email address of an employee not performing law enforcement related functions if the employee has submitted a written request to the district to keep such information private. In such instances, the Superintendent or designee shall also remove the employee's home address, home telephone number, and personal cell phone number from any mailing list maintained by the district unless the list is only used by the district to contact the employee.

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

The Superintendent or designee shall review the list of contact information for district employees at the beginning of each school year, or more often as appropriate.

### **Communications with Employees by Employee Organizations**

Subject to reasonable regulation by the district, employee organizations shall have access, at reasonable times, to the work areas of employees represented by the employee organization and to district facilities for the purpose of meeting with employees represented by the employee organization. Access may be limited in instances where it would be disruptive to district operations. (Government Code 3543.1)

Additionally, subject to reasonable regulation by the district, employee organizations shall have the ability to use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees represented by the employee organization. (Government Code 3543.1)

### **Membership Dues or Other Payments to an Employee Organization**

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount that has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

When an employee organization has certified to the district that it has and will maintain individual employee authorizations for payroll deductions, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and the employees to whom they apply and shall not handle or process employee written authorizations for the employees represented by such employee organization. The district also shall not require a copy of the written authorization to be submitted by the employee organization, except when there is a



dispute about the existence or terms of the written authorization. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization that represents the employee rather than the district. The employee organization shall be responsible for processing these requests. The district shall rely on the information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

When an employee organization has declined to certify that it will handle and process written authorizations from employee(s) represented by the employee organization and makes a request for payroll deductions, the district shall request a copy of the written authorization for an employee before making the payroll deductions for that employee. (Education Code 45060, 45168)

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<b>State</b>	<b>Description</b>
8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	Severance of established unit
Ed. Code 45060-45061.5	<a href="#"><u>Deduction of fees from salary or wage payment; certificated employees</u></a>
Ed. Code 45100.5	<a href="#"><u>Senior classified management positions</u></a>
Ed. Code 45104.5	<a href="#"><u>Abolishment of senior classified management positions</u></a>
Ed. Code 45108.5	<a href="#"><u>Definition of senior classified management employees</u></a>
Ed. Code 45108.7	<a href="#"><u>Waiver of provisions of Education Code 45108.5</u></a>
Ed. Code 45168	<a href="#"><u>Deduction of fees from salary or wage payment; classified employees</u></a>
Ed. Code 45220-45320	<a href="#"><u>Merit system; classified employees</u></a>
Gov. Code 3500-3511	Local public employee organizations
Gov. Code 3507.7	Representation of temporary employees

Gov. Code 3540-3549.3	<a href="#">Educational Employment Relations Act</a>
Gov. Code 3540.1	<a href="#">Public employment; definitions</a>
Gov. Code 3543.4	<a href="#">Management and confidential positions; representation</a>
Gov. Code 3545	<a href="#">Appropriateness of unit; basis</a>
Gov. Code 3550-3552	<a href="#">Prohibition on public employers deterring or discouraging union membership</a>
Gov. Code 3555-3559	<a href="#">Public employee communication, information and orientation</a>
Gov. Code 53260-53264	<a href="#">Employment contracts</a>
Gov. Code 6205-6210	<a href="#">Confidentiality of addresses for victims of domestic violence, sexual assault, stalking, or child abduction</a>
Gov. Code 6215-6216	Address confidentiality for individuals who face threats or violence because of work for a public entity
Gov. Code 6503.5	<a href="#">Joint powers agencies; agreement</a>
Gov. Code 7928.300	<a href="#">Disclosure of employee contact information to employee organization</a>
<b>Management Resources</b>	<b>Description</b>
Court Decision	County of Los Angeles v. Los Angeles County Employee Relations Commission (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al. (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31 (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	Regents of the University of California (2004) PERB Dec. No. 1700-H.
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Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
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Website	<a href="#">California School Employees Association</a>
Website	<a href="#">California Teachers Association</a>
Website	<a href="#">Association of California School Administrators</a>
Website	<a href="#">CSBA</a>

## Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1340	Access To District Records
1340	Access To District Records
1431	Waivers
4113	Assignment
4113	Assignment
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4119.1	Civil And Legal Rights
4119.25	Political Activities Of Employees
4119.25	Political Activities Of Employees
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel

4141	Collective Bargaining Agreement
4143	Negotiations/Consultation
4151	Employee Compensation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4158	Employee Security
4158	Employee Security
4161.2	Personal Leaves
4219.1	Civil And Legal Rights
4219.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4241	Collective Bargaining Agreement
4243	Negotiations/Consultation
4251	Employee Compensation
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4261.2	Personal Leaves
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4301	Administrative Staff Organization
4312.1	Contracts
4315	Evaluation/Supervision
4319.1	Civil And Legal Rights
4319.25	Political Activities Of Employees
4319.25	Political Activities Of Employees
4351	Employee Compensation
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4361.2	Personal Leaves
9000	Role Of The Board

9321

Closed Session

9321

Closed Session

9321

Closed Session

**Policy 4151: Employee Compensation**

**Status:** ADOPTED

**Original Adopted Date:** ~~08/25/2009~~02/01/1997 | **Last Revised Date:** 10/27/202009/01/2023 |  
**Last Reviewed Date:** 10/27/202009/01/2023

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board of Education recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

~~This policy shall only apply to Administrative and Supervisory Employees, Confidential Employees and Licensed Personnel.~~

~~For purposes of this Employee Compensation policy, the following definitions shall apply:~~

~~1. Administrative and Supervisory Employee shall mean the following:~~

~~-~~

~~a. A certificated or classified employee in a position with responsibilities as defined in Government Code 3540.1(m) and who is not subject to the district's collective bargaining agreements~~

~~-~~

~~b. A certificated or classified employee in a management position with responsibilities pursuant to Government Code 3540.1(g)~~

~~-~~

~~2. Confidential Employee shall mean an employee in a position with responsibilities as defined in Section 3540.1(c) of the California Government Code.~~

~~-~~

~~3. Licensed Personnel shall mean an employee in the positions of psychologist, behavioral therapist or occupational therapist and who is not subject to the district's collective bargaining agreements.~~

~~-~~

~~4. Full Time Employee shall mean an employee who is regularly assigned to work five (5) days per week, seven (7) to eight (8) hours a day, 35 (thirty-five) to 40 (forty) hours per week, and who is employed for either the fiscal or academic year.~~

~~The Board shall adopt separate salary schedules for Administrative and Supervisory Employees, Confidential and Licensed Personnel. These schedules shall comply with law and be determined by the Board at the recommendation of the Superintendent or designee. (Education Code 45022, 45023, 45160, 45162, 45268)~~

~~Employees shall be placed on the appropriate salary schedule in accordance with the following: the number of verified years of management experience.~~

~~If any bargaining unit in the district receives a compensation increase, the salary schedules of Administrative and Supervisory Employees, Confidential and Licensed Personnel shall receive the same increase.~~

~~The Superintendent or designee shall ensure that the district's payroll system complies with all~~

~~applicable laws including, but not limited to, timelines regarding payment of compensation.~~

~~The Board shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the district office. (Education Code 45022, 45023, 45160, 45162, 45268)~~

~~Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for education level and years of experience, unless the Board and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)~~

~~Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.~~

~~The Board shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. However, if the district participates in the Classified School Employee Summer Assistance Program, eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments. (Education Code 45038, 45039, 45048, 45165, 45500)~~

In extraordinary circumstances or emergency situations, the Board may determine to continue to compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. ~~(29 CFR 516.4)~~

### ~~Work Year~~

~~The length of the work year and the required number of workdays for each position is identified on the applicable salary schedule.~~

~~Administrative and Supervisory, Confidential and Licensed Personnel shall submit their annual work calendar for the following school year to their immediate supervisor no later than June 15 or within 10 days of the date of hire.~~

~~Requests to modify the work calendar shall be submitted in writing to the employee's immediate supervisor as soon as the employee has reason to know that a modification is necessary.~~

### ~~On Duty Schedule~~

~~Site administrators shall be on duty when school is in session, at least one week prior to the commencement of school, and one week after the end of the school year. Work days shall be~~

~~Monday through Friday.~~

~~Subject to approval by the Superintendent, site administrators may designate as work days up to 5 weekend days where a site administrator is required to be present for an official school function. Other exceptions to the on-duty schedule may be approved by the Superintendent in extraordinary circumstances.~~

~~Certificated Administrative and Supervisory Employees and certificated Licensed Personnel are expected to designate district holidays as non-work days in accordance with Board Policy 4361- Leaves. In the event a certificated employee believes it is necessary to schedule a district holiday as a workday, the employee shall obtain approval from his/her immediate supervisor in advance.~~

~~Employees are entitled to personal holidays each fiscal year in accordance with Board Policy 4361. Personal holidays may only be observed during the Thanksgiving, winter, spring, and/or Presidents week school recesses and shall be designated by the employee on their annual work calendar.~~

### **Additional Work Days**

~~The Superintendent may approve additional work days where an employee is expected to perform work beyond the agreed-upon work year.~~

### **Overtime Compensation (29 CFR 516.4)**

### **Overtime Compensation**

District employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day and/or 40 hours in one work week, or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work.

However, teachers, school administrators, and other employees in positions established by the Board as executive, administrative, or professional shall be exempt from overtime rules.—(Education Code 45128, 45130; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32)

When authorized in a collective bargaining agreement or other agreement between the district and employees, an employee may ~~be offered~~take compensatory time off in lieu of overtime compensation, provided the employee has not accrued compensatory time in excess of the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within ~~a reasonable period~~12 calendar months after making the request if the use of the compensatory time does not unduly disrupt district operations.~~— (Education Code 45129; 29 USC 207; 29 CFR 553.20-553.25)~~

For each nonexempt employee, the Superintendent or designee shall maintain records on the employee's wages, hours, and other information specified in 29 CFR 516.5-516.6.

### **Wage Overpayment**

If the district determines an employee has been overpaid, the district shall notify the employee in writing of the overpayment, afford the employee an opportunity to respond before commencing



any recoupment actions, and inform the employee of the employee's rights to dispute the existence or amount of the claimed overpayment. If the employee agrees there was an overpayment in the claimed amount, reimbursement shall be made to the district through one of the methods described in Education Code 44042.5 as mutually agreed upon by the employee and the district. (Education Code 44042.5)

If a mutual agreement on a method of reimbursement is not reached, within 30 days of the employee verifying the overpayment amount, the district shall recoup the overpayment through payroll deductions in accordance with Education Code 44042.5.

If the employee does not respond or disputes the existence or amount of the district's claimed overpayment, the district shall, with board approval, initiate a legal action to recover the overpayment. (Education Code 44042.5)

If the employee separates from the district before the overpayment is fully repaid, the district shall withhold the remaining balance due from any money owed to the employee upon separation, provided that the state minimum wage is still paid to the employee as required by Education Code 44042.5. The Superintendent or designee may consult with legal counsel to calculate the amount to withhold.

If an outstanding overpayment balance still remains, the district shall, with Board approval, exercise any legal means to recover the remaining amount owed by the employee. (Education Code 44042.5)

Legal action to recover any overpayment under this policy shall be initiated within three years from the date of the overpayment, which for leave credits is the date that the employee receives compensation in exchange for leave erroneously credited to the employee. (Education Code 44042.5)

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<b>State</b>	<b>Description</b>
8 CCR 11040	Wages and hours; definitions of administrative, executive, and professional employees
Ed. Code 44042.5	Wage overpayment
Ed. Code 45022-45061.5	Salaries
Ed. Code 45023	Availability of salary schedule
Ed. Code 45028	Salary schedule and exceptions
Ed. Code 45127-45133.5	Classified employees; work week; overtime provisions
Ed. Code 45160-45169	Salaries for classified employees
Ed. Code 45268	Salary schedule for classified service in merit system districts
Ed. Code 45500	Classified School Employee Summer Assistance Program
Gov. Code 3540-3549	Meeting and negotiating

Gov. Code 3543.2	Scope of representation
Gov. Code 3543.7	Duty to meet and negotiate in good faith
Lab. Code 226	Employee access to payroll records
Lab. Code 232	Disclosure of wages
<b>Federal</b>	<b>Description</b>
26 CFR 1.409A-1	Definitions and covered plans
26 USC 409A	Deferred compensation plans
29 CFR 516.4	Notice of minimum wage and overtime provisions
29 CFR 516.5-516.6	Records
29 CFR 541.0-541.710	Exemptions for executive, administrative, and professional employees
29 CFR 553.1-553.51	Fair Labor Standards Act; applicability to public agencies
29 USC 201-219	Fair Labor Standards Act
29 USC 203	Definitions
29 USC 207	Fair Labor Standards Act
29 USC 213	Exemptions from minimum wage and overtime requirements
<b>Management Resources</b>	<b>Description</b>
Court Decision	Flores v. City of San Gabriel (9th Cir., 2016) 824 F.3d 890
Office of Management and Budget Publication	Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by COVID-19 due to Loss of Operations, Memo M-20-17, March 19, 2020
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Labor, Wage and Hour Division
Website	<a href="#">Internal Revenue Service</a>
Website	<a href="#">School Services of California, Inc.</a>
Website	<a href="#">CSBA</a>

### Cross References

<b>Code</b>	<b>Description</b>
<a href="#">0470</a>	<a href="#">COVID-19 Mitigation Plan</a>
3100	<a href="#">BudgetBudget</a>
3100	<a href="#">BudgetBudget</a>
3400	<a href="#">Management Of District Assets/AccountsManagement Of District Assets/Accounts</a>
3400	<a href="#">Management Of District Assets/AccountsManagement Of District Assets/Accounts</a>

3580	<u>District Records</u> District Records
3580	<u>District Records</u> District Records
4000	<u>Concepts And Roles</u> Concepts And Roles
4030	<u>Nondiscrimination In Employment</u> Nondiscrimination In Employment
4030	<u>Nondiscrimination In Employment</u> Nondiscrimination In Employment
4112.6	<u>Personnel Files</u> Personnel Files
<u>4113.5</u>	<u>Working Remotely</u>
4121	<u>Temporary/Substitute Personnel</u> Temporary/Substitute Personnel
4121	<u>Temporary/Substitute Personnel</u> Temporary/Substitute Personnel
4140	<u>Bargaining Units</u> Bargaining Units
4141	<u>Collective Bargaining Agreement</u> Collective Bargaining Agreement
4143	<u>Negotiations/Consultation</u> Negotiations/Consultation
4154	<u>Health And Welfare Benefits</u> Health And Welfare Benefits
4154	<u>Health And Welfare Benefits</u> Health And Welfare Benefits
4212	<u>Appointment And Conditions Of Employment</u> Appointment And Conditions Of Employment
4212.6	<u>Personnel Files</u> Personnel Files
<u>4213.5</u>	<u>Working Remotely</u>
4240	<u>Bargaining Units</u> Bargaining Units
4241	<u>Collective Bargaining Agreement</u> Collective Bargaining Agreement
4243	<u>Negotiations/Consultation</u> Negotiations/Consultation
4254	<u>Health And Welfare Benefits</u> Health And Welfare Benefits
4254	<u>Health And Welfare Benefits</u> Health And Welfare Benefits
4312.1	<u>Contracts</u> Contracts
4312.6	<u>Personnel Files</u> Personnel Files
<u>4313.5</u>	<u>Working Remotely</u>
4340	<u>Bargaining Units</u> Bargaining Units
4354	<u>Health And Welfare Benefits</u> Health And Welfare Benefits
4354	<u>Health And Welfare Benefits</u> Health And Welfare Benefits

**Policy 4151: Employee Compensation**

**Status:** ADOPTED

**Original Adopted Date:** 08/25/3009 | **Last Revised Date:** | **Last Reviewed Date:**

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

This policy shall only apply to Administrative and Supervisory Employees, Confidential Employees and Licensed Personnel.

For purposes of this Employee Compensation policy, the following definitions shall apply:

1. Administrative and Supervisory Employee shall mean the following:
  - a. A certificated or classified employee in a position with responsibilities as defined in Government Code 3540.1(m) and who is not subject to the district's collective bargaining agreements
  - b. A certificated or classified employee in a management position with responsibilities pursuant to Government Code 3540.1(g)
2. Confidential Employee shall mean an employee in a position with responsibilities as defined in Section 3540.1(c) of the California Government Code.
3. Licensed Personnel shall mean an employee in the positions of psychologist, behavioral therapist or occupational therapist and who is not subject to the district's collective bargaining agreements.
4. Full Time Employee shall mean an employee who is regularly assigned to work five (5) days per week, seven (7) to eight (8) hours a day, 35 (thirty-five) to 40 (forty) hours per week, and who is employed for either the fiscal or academic year.

The Board shall adopt separate salary schedules for Administrative and Supervisory Employees, Confidential and Licensed Personnel. These schedules shall comply with law and be determined by the Board at the recommendation of the Superintendent or designee. (Education Code 45022, 45023, 45160, 45162, 45268)

Employees shall be placed on the appropriate salary schedule in accordance with the following: the number of verified years of management experience.

If any bargaining unit in the district receives a compensation increase, the salary schedules of Administrative and Supervisory Employees, Confidential and Licensed Personnel shall receive the same increase.

The Superintendent or designee shall ensure that the district's payroll system complies with all applicable laws including, but not limited to, timelines regarding payment of compensation.

In extraordinary circumstances or emergency situations, the Board may determine to continue to compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

### **Work Year**

The length of the work year and the required number of workdays for each position is identified on the applicable salary schedule.

Administrative and Supervisory, Confidential and Licensed Personnel shall submit their annual work calendar for the following school year to their immediate supervisor no later than June 15 or within 10 days of the date of hire.

Requests to modify the work calendar shall be submitted in writing to the employee's immediate supervisor as soon as the employee has reason to know that a modification is necessary.

### **On Duty Schedule**

Site administrators shall be on duty when school is in session, at least one week prior to the commencement of school, and one week after the end of the school year. Work days shall be Monday through Friday.

Subject to approval by the Superintendent, site administrators may designate as work days up to 5 weekend days where a site administrator is required to be present for an official school function. Other exceptions to the on-duty schedule may be approved by the Superintendent in extraordinary circumstances.

Certificated Administrative and Supervisory Employees and certificated Licensed Personnel are expected to designate district holidays as non-work days in accordance with Board Policy 4361 - Leaves. In the event a certificated employee believes it is necessary to schedule a district holiday as a workday, the employee shall obtain approval from his/her immediate supervisor in advance.

Employees are entitled to personal holidays each fiscal year in accordance with Board Policy 4361. Personal holidays may only be observed during the Thanksgiving, winter, spring, and/or Presidents week school recesses and shall be designated by the employee on their annual work calendar.

### **Additional Work Days**

The Superintendent may approve additional work days where an employee is expected to perform work beyond the agreed-upon work year.

### **Overtime Compensation**

District employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day and/or 40 hours in one work week, or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work. However, teachers, school administrators,<sup>139</sup>

and other employees in positions established by the Board as executive, administrative, or professional shall be exempt from overtime rules. (Education Code 45128, 45130; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32)

When authorized in a collective bargaining agreement or other agreement between the district and employees, an employee may take compensatory time off in lieu of overtime compensation, provided the employee has not accrued compensatory time in excess of the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within 12 calendar months after making the request if the use of the compensatory time does not unduly disrupt district operations. (Education Code 45129; 29 USC 207; 29 CFR 553.20-553.25)

For each nonexempt employee, the Superintendent or designee shall maintain records on the employee's wages, hours, and other information specified in 29 CFR 516.5-516.6.

### **Wage Overpayment**

If the district determines an employee has been overpaid, the district shall notify the employee in writing of the overpayment, afford the employee an opportunity to respond before commencing any recoupment actions, and inform the employee of the employee's rights to dispute the existence or amount of the claimed overpayment. If the employee agrees there was an overpayment in the claimed amount, reimbursement shall be made to the district through one of the methods described in Education Code 44042.5 as mutually agreed upon by the employee and the district. (Education Code 44042.5)

If a mutual agreement on a method of reimbursement is not reached, within 30 days of the employee verifying the overpayment amount, the district shall recoup the overpayment through payroll deductions in accordance with Education Code 44042.5.

If the employee disputes the existence or amount of the district's claimed overpayment, the district shall, with board approval, initiate a legal action to recover the overpayment. (Education Code 44042.5)

If the employee separates from the district before the overpayment is fully repaid, the district shall withhold the remaining balance due from any money owed to the employee upon separation, provided that the state minimum wage is still paid to the employee as required by Education Code 44042.5. The Superintendent or designee may consult with legal counsel to calculate the amount to withhold.

If an outstanding overpayment balance still remains, the district shall, with Board approval, exercise any legal means to recover the remaining amount owed by the employee. (Education Code 44042.5)

Legal action to recover any overpayment under this policy shall be initiated within three years from the date of the overpayment, which for leave credits is the date that the employee receives compensation in exchange for leave erroneously credited to the employee. (Education Code 44042.5)

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
8 CCR 11040	Wages and hours; definitions of administrative, executive, and professional employees
Ed. Code 44042.5	Wage overpayment
Ed. Code 45022-45061.5	Salaries
Ed. Code 45023	Availability of salary schedule
Ed. Code 45028	Salary schedule and exceptions
Ed. Code 45127-45133.5	Classified employees; work week; overtime provisions
Ed. Code 45160-45169	Salaries for classified employees
Ed. Code 45268	Salary schedule for classified service in merit system districts
Ed. Code 45500	Classified School Employee Summer Assistance Program
Gov. Code 3540-3549	Meeting and negotiating
Gov. Code 3543.2	Scope of representation
Gov. Code 3543.7	Duty to meet and negotiate in good faith
Lab. Code 226	Employee access to payroll records
Lab. Code 232	Disclosure of wages
<b>Federal</b>	<b>Description</b>
26 CFR 1.409A-1	Definitions and covered plans
26 USC 409A	Deferred compensation plans
29 CFR 516.4	Notice of minimum wage and overtime provisions
29 CFR 516.5-516.6	Records
29 CFR 541.0-541.710	Exemptions for executive, administrative, and professional employees
29 CFR 553.1-553.51	Fair Labor Standards Act; applicability to public agencies
29 USC 201-219	Fair Labor Standards Act
29 USC 203	Definitions
29 USC 207	Fair Labor Standards Act
29 USC 213	Exemptions from minimum wage and overtime requirements
<b>Management Resources</b>	<b>Description</b>
Court Decision	Flores v. City of San Gabriel (9th Cir., 2016) 824 F.3d 890
Office of Management and Budget Publication	Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by COVID-19 due to Loss of Operations, Memo M-20-17, March 19, 2020

Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Labor, Wage and Hour Division
Website	<a href="#">Internal Revenue Service</a>
Website	<a href="#">School Services of California, Inc.</a>
Website	<a href="#">CSBA</a>

## Cross References

Code	Description
0470	COVID-19 Mitigation Plan
3100	Budget
3100	Budget
3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3580	District Records
3580	District Records
4000	Concepts And Roles
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.6	Personnel Files
4113.5	Working Remotely
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4140	Bargaining Units
4141	Collective Bargaining Agreement
4143	Negotiations/Consultation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4212	Appointment And Conditions Of Employment
4212.6	Personnel Files
4213.5	Working Remotely
4240	Bargaining Units
4241	Collective Bargaining Agreement
4243	Negotiations/Consultation



4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4312.1	Contracts
4312.6	Personnel Files
4313.5	Working Remotely
4340	Bargaining Units
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits

**Policy 4251: Employee Compensation**

**Status: ADOPTED**

**Original Adopted Date:** ~~08/25/3009~~02/01/1997 | **Last Revised Date:** ~~10/27/2020~~09/01/2023 |  
**Last Reviewed Date:** ~~10/27/2020~~09/01/2023

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board of Education recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

~~This policy shall only apply to Administrative and Supervisory Employees, Confidential Employees and Licensed Personnel.~~

~~For purposes of this Employee Compensation policy, the following definitions shall apply:~~

~~1. Administrative and Supervisory Employee shall mean the following:~~

~~-~~

~~a. A certificated or classified employee in a position with responsibilities as defined in Government Code 3540.1(m) and who is not subject to the district's collective bargaining agreements~~

~~-~~

~~b. A certificated or classified employee in a management position with responsibilities pursuant to Government Code 3540.1(g)~~

~~-~~

~~2. Confidential Employee shall mean an employee in a position with responsibilities as defined in Section 3540.1(c) of the California Government Code.~~

~~-~~

~~3. Licensed Personnel shall mean an employee in the positions of psychologist, behavioral therapist or occupational therapist and who is not subject to the district's collective bargaining agreements.~~

~~-~~

~~4. Full Time Employee shall mean an employee who is regularly assigned to work five (5) days per week, seven (7) to eight (8) hours a day, 35 (thirty-five) to 40 (forty) hours per week, and who is employed for either the fiscal or academic year.~~

~~The Board shall adopt separate salary schedules for Administrative and Supervisory Employees, Confidential and Licensed Personnel. These schedules shall comply with law and be determined by the Board at the recommendation of the Superintendent or designee. (Education Code 45022, 45023, 45160, 45162, 45268)~~

~~Employees shall be placed on the appropriate salary schedule in accordance with the following: the number of verified years of management experience.~~

~~If any bargaining unit in the district receives a compensation increase, the salary schedules of Administrative and Supervisory Employees, Confidential and Licensed Personnel shall receive the same increase.~~

~~The Superintendent or designee shall ensure that the district's payroll system complies with all applicable laws including, but not limited to, timelines regarding payment of compensation.~~

~~The Board shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the district office. (Education Code 45022, 45023, 45160, 45162, 45268)~~

~~Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for education level and years of experience, unless the Board and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)~~

~~Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.~~

~~The Board shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. However, if the district participates in the Classified School Employee Summer Assistance Program, eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments. (Education Code 45038, 45039, 45048, 45165, 45500)~~

In extraordinary circumstances or emergency situations, the Board may determine to continue to compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. ~~(29 CFR 516.4)~~

### ~~Work Year~~

~~The length of the work year and the required number of workdays for each position is identified on the applicable salary schedule.~~

~~Administrative and Supervisory, Confidential and Licensed Personnel shall submit their annual work calendar for the following school year to their immediate supervisor no later than June 15 or within 10 days of the date of hire.~~

~~Requests to modify the work calendar shall be submitted in writing to the employee's immediate supervisor as soon as the employee has reason to know that a modification is necessary.~~

### ~~On Duty Schedule~~

~~Site administrators shall be on duty when school is in session, at least one week prior to the~~

commencement of school, and one week after the end of the school year. Work days shall be Monday through Friday.

~~Subject to approval by the Superintendent, site administrators may designate as work days up to 5 weekend days where a site administrator is required to be present for an official school function. Other exceptions to the on-duty schedule may be approved by the Superintendent in extraordinary circumstances.~~

~~Certificated Administrative and Supervisory Employees and certificated Licensed Personnel are expected to designate district holidays as non-work days in accordance with Board Policy 4361—Leaves. In the event a certificated employee believes it is necessary to schedule a district holiday as a workday, the employee shall obtain approval from his/her immediate supervisor in advance.~~

~~Employees are entitled to personal holidays each fiscal year in accordance with Board Policy 4361. Personal holidays may only be observed during the Thanksgiving, winter, spring, and/or Presidents week school recesses and shall be designated by the employee on their annual work calendar.~~

### **Additional Work Days**

~~The Superintendent may approve additional work days where an employee is expected to perform work beyond the agreed-upon work year.~~

### **Overtime Compensation (29 CFR 516.4)**

#### **Overtime Compensation**

District employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day and/or 40 hours in one work week, or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work.

However, teachers, school administrators, and other employees in positions established by the Board as executive, administrative, or professional shall be exempt from overtime rules.—(Education Code 45128, 45130; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32)

When authorized in a collective bargaining agreement or other agreement between the district and employees, an employee may ~~be offered~~take compensatory time off in lieu of overtime compensation, provided the employee has not accrued compensatory time in excess of the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within ~~a reasonable period~~12 calendar months after making the request if the use of the compensatory time does not unduly disrupt district operations.—~~(~~Education Code 45129; 29 USC 207; 29 CFR 553.20-553.25)

For each nonexempt employee, the Superintendent or designee shall maintain records on the employee's wages, hours, and other information specified in 29 CFR 516.5-516.6.

#### **Wage Overpayment**

If the district determines an employee has been overpaid, the district shall notify the employee in

writing of the overpayment, afford the employee an opportunity to respond before commencing any recoupment actions, and inform the employee of the employee's rights to dispute the existence or amount of the claimed overpayment. If the employee agrees there was an overpayment in the claimed amount, reimbursement shall be made to the district through one of the methods described in Education Code 44042.5 as mutually agreed upon by the employee and the district. (Education Code 44042.5)

If a mutual agreement on a method of reimbursement is not reached, within 30 days of the employee verifying the overpayment amount, the district shall recoup the overpayment through payroll deductions in accordance with Education Code 44042.5.

If the employee does not respond or disputes the existence or amount of the district's claimed overpayment, the district shall, with board approval, initiate a legal action to recover the overpayment. (Education Code 44042.5)

If the employee separates from the district before the overpayment is fully repaid, the district shall withhold the remaining balance due from any money owed to the employee upon separation, provided that the state minimum wage is still paid to the employee as required by Education Code 44042.5. The Superintendent or designee may consult with legal counsel to calculate the amount to withhold.

If an outstanding overpayment balance still remains, the district shall, with Board approval, exercise any legal means to recover the remaining amount owed by the employee. (Education Code 44042.5)

Legal action to recover any overpayment under this policy shall be initiated within three years from the date of the overpayment, which for leave credits is the date that the employee receives compensation in exchange for leave erroneously credited to the employee. (Education Code 44042.5)

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
8 CCR 11040	Wages and hours; definitions of administrative, executive, and professional employees
Ed. Code 44042.5	Wage overpayment
Ed. Code 45022-45061.5	Salaries
Ed. Code 45023	Availability of salary schedule
Ed. Code 45028	Salary schedule and exceptions
Ed. Code 45127-45133.5	Classified employees; work week; overtime provisions
Ed. Code 45160-45169	Salaries for classified employees
Ed. Code 45268	Salary schedule for classified service in merit system districts
Ed. Code 45500	Classified School Employee Summer Assistance Program

Gov. Code 3540-3549	Meeting and negotiating
Gov. Code 3543.2	Scope of representation
Gov. Code 3543.7	Duty to meet and negotiate in good faith
Lab. Code 226	Employee access to payroll records
Lab. Code 232	Disclosure of wages
<b>Federal</b>	<b>Description</b>
26 CFR 1.409A-1	Definitions and covered plans
26 USC 409A	Deferred compensation plans
29 CFR 516.4	Notice of minimum wage and overtime provisions
29 CFR 516.5-516.6	Records
29 CFR 541.0-541.710	Exemptions for executive, administrative, and professional employees
29 CFR 553.1-553.51	Fair Labor Standards Act; applicability to public agencies
29 USC 201-219	Fair Labor Standards Act
29 USC 203	Definitions
29 USC 207	Fair Labor Standards Act
29 USC 213	Exemptions from minimum wage and overtime requirements
<b>Management Resources</b>	<b>Description</b>
Court Decision	Flores v. City of San Gabriel (9th Cir., 2016) 824 F.3d 890
Office of Management and Budget Publication	Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by COVID-19 due to Loss of Operations, Memo M-20-17, March 19, 2020
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Labor, Wage and Hour Division
Website	<a href="#">Internal Revenue Service</a>
Website	<a href="#">School Services of California, Inc.</a>
Website	<a href="#">CSBA</a>

### Cross References

Code	Description
<a href="#">0470</a>	<a href="#">COVID-19 Mitigation Plan</a>
3100	<a href="#">Budget</a> <del>Budget</del>
3100	<a href="#">Budget</a> <del>Budget</del>
3400	<a href="#">Management Of District Assets/Accounts</a> <del>Management Of District Assets/Accounts</del>

3400	<u>Management Of District Assets/Accounts</u> <u>Management Of District Assets/Accounts</u>
3580	<u>District Records</u> <u>District Records</u>
3580	<u>District Records</u> <u>District Records</u>
4000	<u>Concepts And Roles</u> <u>Concepts And Roles</u>
4030	<u>Nondiscrimination In Employment</u> <u>Nondiscrimination In Employment</u>
4030	<u>Nondiscrimination In Employment</u> <u>Nondiscrimination In Employment</u>
4112.6	<u>Personnel Files</u> <u>Personnel Files</u>
<u>4113.5</u>	<u>Working Remotely</u>
4121	<u>Temporary/Substitute Personnel</u> <u>Temporary/Substitute Personnel</u>
4121	<u>Temporary/Substitute Personnel</u> <u>Temporary/Substitute Personnel</u>
4140	<u>Bargaining Units</u> <u>Bargaining Units</u>
4141	<u>Collective Bargaining Agreement</u> <u>Collective Bargaining Agreement</u>
4143	<u>Negotiations/Consultation</u> <u>Negotiations/Consultation</u>
4154	<u>Health And Welfare Benefits</u> <u>Health And Welfare Benefits</u>
4154	<u>Health And Welfare Benefits</u> <u>Health And Welfare Benefits</u>
4212	<u>Appointment And Conditions Of Employment</u> <u>Appointment And Conditions Of Employment</u>
4212.6	<u>Personnel Files</u> <u>Personnel Files</u>
<u>4213.5</u>	<u>Working Remotely</u>
4240	<u>Bargaining Units</u> <u>Bargaining Units</u>
4241	<u>Collective Bargaining Agreement</u> <u>Collective Bargaining Agreement</u>
4243	<u>Negotiations/Consultation</u> <u>Negotiations/Consultation</u>
4254	<u>Health And Welfare Benefits</u> <u>Health And Welfare Benefits</u>
4254	<u>Health And Welfare Benefits</u> <u>Health And Welfare Benefits</u>
4312.1	<u>Contracts</u> <u>Contracts</u>
4312.6	<u>Personnel Files</u> <u>Personnel Files</u>
<u>4313.5</u>	<u>Working Remotely</u>
4340	<u>Bargaining Units</u> <u>Bargaining Units</u>
4354	<u>Health And Welfare Benefits</u> <u>Health And Welfare Benefits</u>





**Policy 4251: Employee Compensation**

**Status: ADOPTED**

**Original Adopted Date:** 08/25/2009 | **Last Revised Date:** | **Last Reviewed Date:**

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

This policy shall only apply to Administrative and Supervisory Employees, Confidential Employees and Licensed Personnel.

For purposes of this Employee Compensation policy, the following definitions shall apply:

1. Administrative and Supervisory Employee shall mean the following:
  - a. A certificated or classified employee in a position with responsibilities as defined in Government Code 3540.1(m) and who is not subject to the district's collective bargaining agreements
  - b. A certificated or classified employee in a management position with responsibilities pursuant to Government Code 3540.1(g)
2. Confidential Employee shall mean an employee in a position with responsibilities as defined in Section 3540.1(c) of the California Government Code.
3. Licensed Personnel shall mean an employee in the positions of psychologist, behavioral therapist or occupational therapist and who is not subject to the district's collective bargaining agreements.
4. Full Time Employee shall mean an employee who is regularly assigned to work five (5) days per week, seven (7) to eight (8) hours a day, 35 (thirty-five) to 40 (forty) hours per week, and who is employed for either the fiscal or academic year.

The Board shall adopt separate salary schedules for Administrative and Supervisory Employees, Confidential and Licensed Personnel. These schedules shall comply with law and be determined by the Board at the recommendation of the Superintendent or designee. (Education Code 45022, 45023, 45160, 45162, 45268)

Employees shall be placed on the appropriate salary schedule in accordance with the following: the number of verified years of management experience.

If any bargaining unit in the district receives a compensation increase, the salary schedules of Administrative and Supervisory Employees, Confidential and Licensed Personnel shall receive the same increase.

The Superintendent or designee shall ensure that the district's payroll system complies with all applicable laws including, but not limited to, timelines regarding payment of compensation.

In extraordinary circumstances or emergency situations, the Board may determine to continue to

compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

### **Work Year**

The length of the work year and the required number of workdays for each position is identified on the applicable salary schedule.

Administrative and Supervisory, Confidential and Licensed Personnel shall submit their annual work calendar for the following school year to their immediate supervisor no later than June 15 or within 10 days of the date of hire.

Requests to modify the work calendar shall be submitted in writing to the employee's immediate supervisor as soon as the employee has reason to know that a modification is necessary.

### **On Duty Schedule**

Site administrators shall be on duty when school is in session, at least one week prior to the commencement of school, and one week after the end of the school year. Work days shall be Monday through Friday.

Subject to approval by the Superintendent, site administrators may designate as work days up to 5 weekend days where a site administrator is required to be present for an official school function. Other exceptions to the on-duty schedule may be approved by the Superintendent in extraordinary circumstances.

Certificated Administrative and Supervisory Employees and certificated Licensed Personnel are expected to designate district holidays as non-work days in accordance with Board Policy 4361 - Leaves. In the event a certificated employee believes it is necessary to schedule a district holiday as a workday, the employee shall obtain approval from his/her immediate supervisor in advance.

Employees are entitled to personal holidays each fiscal year in accordance with Board Policy 4361. Personal holidays may only be observed during the Thanksgiving, winter, spring, and/or Presidents week school recesses and shall be designated by the employee on their annual work calendar.

### **Additional Work Days**

The Superintendent may approve additional work days where an employee is expected to perform work beyond the agreed-upon work year.

### **Overtime Compensation**

District employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day and/or 40 hours in one work week, or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work. However, teachers, school administrators, and other employees in positions established by the Board as executive, administrative, or professional shall be exempt from overtime rules. (Education Code 45128, 45130; 29 USC 213;<sup>52</sup>29

CFR 541.0-541.710, 553.27, 553.32)

When authorized in a collective bargaining agreement or other agreement between the district and employees, an employee may take compensatory time off in lieu of overtime compensation, provided the employee has not accrued compensatory time in excess of the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within 12 calendar months after making the request if the use of the compensatory time does not unduly disrupt district operations. (Education Code 45129; 29 USC 207; 29 CFR 553.20-553.25)

For each nonexempt employee, the Superintendent or designee shall maintain records on the employee's wages, hours, and other information specified in 29 CFR 516.5-516.6.

### **Wage Overpayment**

If the district determines an employee has been overpaid, the district shall notify the employee in writing of the overpayment, afford the employee an opportunity to respond before commencing any recoupment actions, and inform the employee of the employee's rights to dispute the existence or amount of the claimed overpayment. If the employee agrees there was an overpayment in the claimed amount, reimbursement shall be made to the district through one of the methods described in Education Code 44042.5 as mutually agreed upon by the employee and the district. (Education Code 44042.5)

If a mutual agreement on a method of reimbursement is not reached, within 30 days of the employee verifying the overpayment amount, the district shall recoup the overpayment through payroll deductions in accordance with Education Code 44042.5.

If the employee disputes the existence or amount of the district's claimed overpayment, the district shall, with board approval, initiate a legal action to recover the overpayment. (Education Code 44042.5)

If the employee separates from the district before the overpayment is fully repaid, the district shall withhold the remaining balance due from any money owed to the employee upon separation, provided that the state minimum wage is still paid to the employee as required by Education Code 44042.5. The Superintendent or designee may consult with legal counsel to calculate the amount to withhold.

If an outstanding overpayment balance still remains, the district shall, with Board approval, exercise any legal means to recover the remaining amount owed by the employee. (Education Code 44042.5)

Legal action to recover any overpayment under this policy shall be initiated within three years from the date of the overpayment, which for leave credits is the date that the employee receives compensation in exchange for leave erroneously credited to the employee. (Education Code 44042.5)

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These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
8 CCR 11040	Wages and hours; definitions of administrative, executive, and professional employees
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Gov. Code 3540-3549	Meeting and negotiating
Gov. Code 3543.2	Scope of representation
Gov. Code 3543.7	Duty to meet and negotiate in good faith
Lab. Code 226	Employee access to payroll records
Lab. Code 232	Disclosure of wages
<b>Federal</b>	<b>Description</b>
26 CFR 1.409A-1	Definitions and covered plans
26 USC 409A	Deferred compensation plans
29 CFR 516.4	Notice of minimum wage and overtime provisions
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Court Decision	Flores v. City of San Gabriel (9th Cir., 2016) 824 F.3d 890
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## Cross References

<b>Code</b>	<b>Description</b>
0470	COVID-19 Mitigation Plan
3100	Budget
3100	Budget
3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3580	District Records
3580	District Records
4000	Concepts And Roles
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.6	Personnel Files
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4141	Collective Bargaining Agreement
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4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4212	Appointment And Conditions Of Employment
4212.6	Personnel Files
4213.5	Working Remotely
4240	Bargaining Units
4241	Collective Bargaining Agreement
4243	Negotiations/Consultation
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits

4312.1	Contracts
4312.6	Personnel Files
4313.5	Working Remotely
4340	Bargaining Units
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits

**Policy 4351: Employee Compensation**

**Status: ADOPTED**

**Original Adopted Date:** ~~08/25/3009~~02/01/1997 | **Last Revised Date:** ~~10/27/2020~~09/01/2023 |  
**Last Reviewed Date:** ~~10/27/2020~~09/01/2023

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board of Education recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

~~This policy shall only apply to Administrative and Supervisory Employees, Confidential Employees and Licensed Personnel.~~

~~For purposes of this Employee Compensation policy, the following definitions shall apply:~~

~~1. Administrative and Supervisory Employee shall mean the following:~~

~~-~~

~~a. A certificated or classified employee in a position with responsibilities as defined in Government Code 3540.1(m) and who is not subject to the district's collective bargaining agreements~~

~~-~~

~~b. A certificated or classified employee in a management position with responsibilities pursuant to Government Code 3540.1(g)~~

~~-~~

~~2. Confidential Employee shall mean an employee in a position with responsibilities as defined in Section 3540.1(c) of the California Government Code.~~

~~-~~

~~3. Licensed Personnel shall mean an employee in the positions of psychologist, behavioral therapist or occupational therapist and who is not subject to the district's collective bargaining agreements.~~

~~-~~

~~4. Full Time Employee shall mean an employee who is regularly assigned to work five (5) days per week, seven (7) to eight (8) hours a day, 35 (thirty-five) to 40 (forty) hours per week, and who is employed for either the fiscal or academic year.~~

~~The Board shall adopt separate salary schedules for Administrative and Supervisory Employees, Confidential and Licensed Personnel. These schedules shall comply with law and be determined by the Board at the recommendation of the Superintendent or designee. (Education Code 45022, 45023, 45160, 45162, 45268)~~

~~Employees shall be placed on the appropriate salary schedule in accordance with the following: the number of verified years of management experience.~~

~~If any bargaining unit in the district receives a compensation increase, the salary schedules of Administrative and Supervisory Employees, Confidential and Licensed Personnel shall receive the same increase.~~

~~The Superintendent or designee shall ensure that the district's payroll system complies with all applicable laws including, but not limited to, timelines regarding payment of compensation.~~

~~The Board shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the district office. (Education Code 45022, 45023, 45160, 45162, 45268)~~

~~Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for education level and years of experience, unless the Board and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)~~

~~Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.~~

~~The Board shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. However, if the district participates in the Classified School Employee Summer Assistance Program, eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments. (Education Code 45038, 45039, 45048, 45165, 45500)~~

In extraordinary circumstances or emergency situations, the Board may determine to continue to compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. ~~(29 CFR 516.4)~~

### ~~Work Year~~

~~The length of the work year and the required number of workdays for each position is identified on the applicable salary schedule.~~

~~Administrative and Supervisory, Confidential and Licensed Personnel shall submit their annual work calendar for the following school year to their immediate supervisor no later than June 15 or within 10 days of the date of hire.~~

~~Requests to modify the work calendar shall be submitted in writing to the employee's immediate supervisor as soon as the employee has reason to know that a modification is necessary.~~

### ~~On Duty Schedule~~

~~Site administrators shall be on duty when school is in session, at least one week prior to the~~



commencement of school, and one week after the end of the school year. Work days shall be Monday through Friday.

~~Subject to approval by the Superintendent, site administrators may designate as work days up to 5 weekend days where a site administrator is required to be present for an official school function. Other exceptions to the on-duty schedule may be approved by the Superintendent in extraordinary circumstances.~~

~~Certificated Administrative and Supervisory Employees and certificated Licensed Personnel are expected to designate district holidays as non-work days in accordance with Board Policy 4361—Leaves. In the event a certificated employee believes it is necessary to schedule a district holiday as a workday, the employee shall obtain approval from his/her immediate supervisor in advance.~~

~~Employees are entitled to personal holidays each fiscal year in accordance with Board Policy 4361. Personal holidays may only be observed during the Thanksgiving, winter, spring, and/or Presidents week school recesses and shall be designated by the employee on their annual work calendar.~~

### **Additional Work Days**

~~The Superintendent may approve additional work days where an employee is expected to perform work beyond the agreed-upon work year.~~

### **Overtime Compensation (29 CFR 516.4)**

#### **Overtime Compensation**

District employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day and/or 40 hours in one work week, or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work.

However, teachers, school administrators, and other employees in positions established by the Board as executive, administrative, or professional shall be exempt from overtime rules.—(Education Code 45128, 45130; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32)

When authorized in a collective bargaining agreement or other agreement between the district and employees, an employee may ~~be offered~~take compensatory time off in lieu of overtime compensation, provided the employee has not accrued compensatory time in excess of the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within ~~a reasonable period~~12 calendar months after making the request if the use of the compensatory time does not unduly disrupt district operations.—(Education Code 45129; 29 USC 207; 29 CFR 553.20-553.25)

For each nonexempt employee, the Superintendent or designee shall maintain records on the employee's wages, hours, and other information specified in 29 CFR 516.5-516.6.

#### **Wage Overpayment**

If the district determines an employee has been overpaid, the district shall notify the employee in

writing of the overpayment, afford the employee an opportunity to respond before commencing any recoupment actions, and inform the employee of the employee's rights to dispute the existence or amount of the claimed overpayment. If the employee agrees there was an overpayment in the claimed amount, reimbursement shall be made to the district through one of the methods described in Education Code 44042.5 as mutually agreed upon by the employee and the district. (Education Code 44042.5)

If a mutual agreement on a method of reimbursement is not reached, within 30 days of the employee verifying the overpayment amount, the district shall recoup the overpayment through payroll deductions in accordance with Education Code 44042.5.

If the employee does not respond or disputes the existence or amount of the district's claimed overpayment, the district shall, with board approval, initiate a legal action to recover the overpayment. (Education Code 44042.5)

If the employee separates from the district before the overpayment is fully repaid, the district shall withhold the remaining balance due from any money owed to the employee upon separation, provided that the state minimum wage is still paid to the employee as required by Education Code 44042.5. The Superintendent or designee may consult with legal counsel to calculate the amount to withhold.

If an outstanding overpayment balance still remains, the district shall, with Board approval, exercise any legal means to recover the remaining amount owed by the employee. (Education Code 44042.5)

Legal action to recover any overpayment under this policy shall be initiated within three years from the date of the overpayment, which for leave credits is the date that the employee receives compensation in exchange for leave erroneously credited to the employee. (Education Code 44042.5)

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Gov. Code 3540-3549	Meeting and negotiating
Gov. Code 3543.2	Scope of representation
Gov. Code 3543.7	Duty to meet and negotiate in good faith
Lab. Code 226	Employee access to payroll records
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<b>Federal</b>	<b>Description</b>
26 CFR 1.409A-1	Definitions and covered plans
26 USC 409A	Deferred compensation plans
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29 CFR 516.5-516.6	Records
29 CFR 541.0-541.710	Exemptions for executive, administrative, and professional employees
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### Cross References

Code	Description
<a href="#">0470</a>	<a href="#">COVID-19 Mitigation Plan</a>
3100	<a href="#">Budget</a> <del>Budget</del>
3100	<a href="#">Budget</a> <del>Budget</del>
3400	<a href="#">Management Of District Assets/Accounts</a> <del>Management Of District Assets/Accounts</del>

3400	<u>Management Of District Assets/Accounts</u> <u>Management Of District Assets/Accounts</u>
3580	<u>District Records</u> <u>District Records</u>
3580	<u>District Records</u> <u>District Records</u>
4000	<u>Concepts And Roles</u> <u>Concepts And Roles</u>
4030	<u>Nondiscrimination In Employment</u> <u>Nondiscrimination In Employment</u>
4030	<u>Nondiscrimination In Employment</u> <u>Nondiscrimination In Employment</u>
4112.6	<u>Personnel Files</u> <u>Personnel Files</u>
<u>4113.5</u>	<u>Working Remotely</u>
4121	<u>Temporary/Substitute Personnel</u> <u>Temporary/Substitute Personnel</u>
4121	<u>Temporary/Substitute Personnel</u> <u>Temporary/Substitute Personnel</u>
4140	<u>Bargaining Units</u> <u>Bargaining Units</u>
4141	<u>Collective Bargaining Agreement</u> <u>Collective Bargaining Agreement</u>
4143	<u>Negotiations/Consultation</u> <u>Negotiations/Consultation</u>
4154	<u>Health And Welfare Benefits</u> <u>Health And Welfare Benefits</u>
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4340	<u>Bargaining Units</u> <u>Bargaining Units</u>
4354	<u>Health And Welfare Benefits</u> <u>Health And Welfare Benefits</u>



**Policy 4351: Employee Compensation**

**Status: ADOPTED**

**Original Adopted Date:** 08/25/2009 | **Last Revised Date:** | **Last Reviewed Date:**

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

This policy shall only apply to Administrative and Supervisory Employees, Confidential Employees and Licensed Personnel.

For purposes of this Employee Compensation policy, the following definitions shall apply:

1. Administrative and Supervisory Employee shall mean the following:
  - a. A certificated or classified employee in a position with responsibilities as defined in Government Code 3540.1(m) and who is not subject to the district's collective bargaining agreements
  - b. A certificated or classified employee in a management position with responsibilities pursuant to Government Code 3540.1(g)
2. Confidential Employee shall mean an employee in a position with responsibilities as defined in Section 3540.1(c) of the California Government Code.
3. Licensed Personnel shall mean an employee in the positions of psychologist, behavioral therapist or occupational therapist and who is not subject to the district's collective bargaining agreements.
4. Full Time Employee shall mean an employee who is regularly assigned to work five (5) days per week, seven (7) to eight (8) hours a day, 35 (thirty-five) to 40 (forty) hours per week, and who is employed for either the fiscal or academic year.

The Board shall adopt separate salary schedules for Administrative and Supervisory Employees, Confidential and Licensed Personnel. These schedules shall comply with law and be determined by the Board at the recommendation of the Superintendent or designee. (Education Code 45022, 45023, 45160, 45162, 45268)

Employees shall be placed on the appropriate salary schedule in accordance with the following: the number of verified years of management experience.

If any bargaining unit in the district receives a compensation increase, the salary schedules of Administrative and Supervisory Employees, Confidential and Licensed Personnel shall receive the same increase.

The Superintendent or designee shall ensure that the district's payroll system complies with all applicable laws including, but not limited to, timelines regarding payment of compensation.

In extraordinary circumstances or emergency situations, the Board may determine to continue to

compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

### **Work Year**

The length of the work year and the required number of workdays for each position is identified on the applicable salary schedule.

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The Superintendent may approve additional work days where an employee is expected to perform work beyond the agreed-upon work year.

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4140	Bargaining Units
4141	Collective Bargaining Agreement
4143	Negotiations/Consultation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4212	Appointment And Conditions Of Employment
4212.6	Personnel Files
4213.5	Working Remotely
4240	Bargaining Units
4241	Collective Bargaining Agreement
4243	Negotiations/Consultation
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits

4312.1	Contracts
4312.6	Personnel Files
4313.5	Working Remotely
4340	Bargaining Units
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits

**Policy 4154/4254/4354: Health And Welfare Benefits**

Status: ADOPTED

Original Adopted Date: 06/28/2011 | Last Revised Date: 04/16/2024 | Last Reviewed Date:  
04/16/2024

**Health And Welfare Benefits For Administrative, Supervisory, Confidential, Licensed And Unrepresented Classified Personnel**

Employees who are not in bargaining units shall receive health and welfare benefits as specified in this Board policy and accompanying administrative regulation.

**Definitions**

For purposes of this Health and Welfare Benefits policy, the following definitions shall apply:

1. Administrative and Supervisory Employees shall mean all certificated and classified administrative, supervisory, confidential, licensed and unrepresented classified personnel who are not subject to the district's collective bargaining agreements.
2. Full Time Employees shall mean those employees who are regularly assigned to work five (5) days per week, eight (8) hours a day, 40 (forty) hours per week, and who are employed for either the fiscal or academic year.

**Active Administrative and Supervisory Employee Health and Welfare Benefits**

**1. Basic Medical Plan**

Effective July 1, 2011, the district shall contribute the minimum amount required by Govt. Code section 22892 per month for administrative and supervisory employees toward payment of the premium of a medical plan selected by the employee. In 2015, the minimum amount is \$122.00. The medical plan chosen shall be one of those offered by PERS under the Public Employees Medical and Hospital Care Act.

**2. Supplemental Benefits Plan**

Effective January 1, 2025, the District agrees to contribute monthly towards benefits for all unit members and their domestic partners and eligible dependents to the amount of the medical cap. Any cost above the medical cap shall be covered by a deduction from the unit member's salary. The cap shall be set at \$1,021.41 per month.

**3. Compensation in Lieu of Medical Benefits**

Those full time administrative and supervisory employees eligible for medical benefits who can prove other health care coverage may elect to decline coverage by the district and receive \$305.00 in cash compensation in lieu of medical benefits. This money may be used for any purpose and will be taxable to the employee.

Once health benefits are declined, no change may be made during the benefit year unless

authorized under PERS approved exceptions to open enrollment period elections.

Any employee who declines coverage must renew that declination each year during the open enrollment period and provide proof of continuing health coverage.

Cash in lieu is subject to IRC (Internal Revenue Code) section 125 rules and regulations.

#### 4. Dental and Vision Plans.

The District agrees to continue to contribute monthly for dental coverage for each employee. An employee may purchase additional dental coverage and/or vision coverage for themselves, eligible dependents or domestic partner through his/her IRC 125 Plan at their own cost.

#### 4. Flexible Benefit Plans.

A flexible benefits plan (as defined in Internal Revenue Code Section 125) consisting of options for premium conversion, unreimbursed medical expenses, and dependent care will be available for employees choosing to participate.

#### 5. Life Insurance Benefit.

Effective July 1, 2014, all full time active administrative and supervisor employees are entitled to District paid Group Accidental Death and Dismemberment Insurance.

Members of Executive Cabinet, including the Superintendent, and General Counsel, employed in a position prior to June 30, 2014, are entitled to Class 1 benefits. This class is entitled to 1 times regular salary, maximum of \$350,000. Salary is defined as regular contracted salary and does not include any additional compensation such as overtime pay, extra duty pay, and bonuses. Class 1 includes Assistant Superintendent, Human Resources, Assistant Superintendent, Business Services/Operations, Assistant Superintendent of Educational Services, Superintendent and General Counsel.

Class 2 includes all other administrators. This class is entitled to District paid policy benefit as described in the Benefits Summary

These benefits terminate at the conclusion of paid status employment with the district.

Upon separation from the district, members of Class 1 and Class 2 will have the option of continuing coverage at their own expense.

#### **Health and Welfare Benefits for Employees Working Less Than Full Time**

Administrative and supervisory employees who work fewer than 40 (forty) hours per week shall receive a pro-rata share of the supplemental benefits plan authorized for a full-time employee if they elect to be enrolled in a health, vision, or dental care plan.

#### **Retired Administrative and Supervisory Employee Health and Welfare Benefits**

The district shall provide health and welfare benefits for retired administrative and supervisory<sup>171</sup>

employees of the district in accordance with the following:

### 1. Eligibility for Basic Medical Plan for Retirees

Administrative and supervisory employees who retire from the district will be eligible to be covered under the PERS medical plan for retirees provided the employee retired at or after age of fifty (50) years and had at least ten (10) continuous years of paid service with the district immediately prior to retirement. Each year the contribution by the district shall equal the amount allocated for the Basic Medical Plan for active full time employees as described in this policy.

### 2. Eligibility for Supplemental Benefit Plan

Administrative and supervisory employees who retire at or after the age of 55 years, and have at least 10 continuous years of paid service with the district immediately prior to retirement, may receive the following supplemental benefit plan until they are eligible to purchase or receive Medicare:

Effective January 1, 2025, the district contribution for medical benefits will be increased and capped at \$1,021.41 per month.

For retirees who are currently retired, their benefits will be capped at the current monthly rate of \$370 per month.

For retirees who retire between July 1, 2023, and December 31, 2024, their retirement benefits will be broken down as follows:

- July 1, 2023-December 31, 2024, capped at \$370 per month
- January 1, 2025, will be capped at \$1,021.41 per month

Eligible retirees under this provision may, at their cost, purchase coverage for their eligible dependents or domestic partner. In the event a retiree elects to purchase coverage for his/her eligible dependents or domestic partner, the employee shall pay the premiums, dues, and other charges, including any increases in premiums, dues, and costs incurred by the district in administering this program. The required payments from the retired employee must be remitted to the district office by the first day of each month.

### 3. Eligibility for Dental and Vision Plans

Administrative and supervisory employees who retire at or after the age of 55 years, and have at least 10 years of paid service with the district immediately prior to retirement, may receive the same dental and vision benefits as provided to active full time employees, as described in this policy.

Eligible retirees under this provision may, at their cost, purchase dental and/or vision coverage for their eligible dependents or domestic partner. In the event a retiree elects to purchase dental and/or vision coverage for his/her eligible dependents or domestic partner, the employee shall pay the premiums, dues, and other charges, including any increases in premiums, dues, and costs incurred by the district in administering this program. The required payments from the retired employee must be remitted to the district office by the first day of each month.

The benefit carriers for retired persons shall be the same as those provided to active employees.

Domestic Partner Coverage: Health, Dental and Vision

The district will fully implement state law provisions pertaining to domestic partner enrollment under PERS health plans offered by the district. In addition, the district will permit domestic partners to enroll as dependents under any non PERS benefit plan, including dental and vision plans. For purposes of enrollment in non PERS health, dental and vision plans, the definition of domestic partner will be as established pursuant to Chapter 588, Statutes of 1999. Domestic partners will be eligible for any benefits in the retirement period to which spouses or surviving spouses are eligible under the provisions of this policy.

### Confidentiality of Medical Information

The Superintendent or designee shall not use or disclose any medical information the district possesses pertaining to an employee without the employee's authorization obtained in accordance with Civil Code 56.21, except for the purpose of administering and maintaining employee benefit plans and for other purposes specified in law. (Civil Code 56.20) (cf. 4312.6 - Personnel Records)

### Continuation of Coverage

Retired administrative and supervisory employees who would otherwise lose coverage due to a qualifying event specified in law and administrative regulation, and their qualified beneficiaries may continue to participate in the district's group health and welfare benefits in accordance with state and federal law.

For those programs for which deductions are not made by PERS, the required payments from the retired employee must be remitted to the district office by the first day of each month. Except as otherwise set forth herein, to receive continuation coverage, covered employees and their qualified beneficiaries shall pay the premiums, dues, and other charges, including any increases in premiums, dues, and costs incurred by the district in administering this program.

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#### **Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
Civ. Code 56.10-56.16	<a href="#"><u>Disclosure of information by medical providers</u></a>
Civ. Code 56.20-56.245	<a href="#"><u>Use and disclosure of medical information by employers</u></a>
Ed. Code 17566	<a href="#"><u>Self-insurance fund</u></a>
Ed. Code 35208	<a href="#"><u>Liability insurance</u></a>
Ed. Code 35214	<a href="#"><u>Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company)</u></a>
Ed. Code 44041-44042	<a href="#"><u>Payroll deductions for collection of premiums</u></a>
Ed. Code 44986	<a href="#"><u>Leave of absence; state disability benefits</u></a>
Ed. Code 45136	<a href="#"><u>Benefits for classified employees</u></a>

Ed. Code 7000-7008	<a href="#">Health and welfare benefits; retired certificated employees</a>
Fam. Code 297-297.5	<a href="#">Rights, protections, benefits under the law; registered domestic partners</a>
Fam. Code 300	<a href="#">Definition of marriage</a>
Gov. Code 12940	<a href="#">Unlawful discriminatory employment practices</a>
Gov. Code 22750-22944	<a href="#">Public Employees' Medical and Hospital Care Act</a>
Gov. Code 53200-53210	<a href="#">Group insurance</a>
H&S Code 1366.20-1366.29	<a href="#">Cal-COBRA program; health insurance</a>
H&S Code 1367.08	<a href="#">Disclosure of fees and commissions paid related to health care service plan</a>
H&S Code 1373	<a href="#">Health services plan; coverage for dependent children</a>
H&S Code 1373.621	<a href="#">Continuation coverage; age 60 or older after five years with district</a>
H&S Code 1374.58	<a href="#">Coverage for registered domestic partners; health service plans and health insurers</a>
Ins. Code 10116.5	<a href="#">Continuation coverage; age 60 or older after five years with district</a>
Ins. Code 10128.50-10128.59	<a href="#">Cal-COBRA program; disability insurance</a>
Ins. Code 10277-10278	<a href="#">Group and individual health insurance; coverage for dependent children</a>
Ins. Code 10604.5	<a href="#">Annual disclosure of fees and commissions paid</a>
Ins. Code 12670-12692.5	<a href="#">Conversion coverage</a>
Lab. Code 2800.2	<a href="#">Notification of availability of continuation health coverage</a>
Lab. Code 4856	<a href="#">Health benefits for spouse of peace officer killed in performance of duties</a>
Unemp. Ins. Code 2613	<a href="#">Disability insurance; notice of rights and benefits</a>
<b>Federal</b>	<b>Description</b>
1 USC 7	<a href="#">Definition of marriage and spouse</a>
26 CFR 1.105-11	Self-insured medical reimbursement plan
26 CFR 54.4980B-1-54.4980B-10	COBRA continuation coverage
26 CFR 54.4980H-1-54.4980H-6	Patient Protection and Affordable Care Act



26 USC 105	Self-insured medical reimbursement plan; definition of highly compensated individual
26 USC 4980B	COBRA continuation coverage
26 USC 4980H	Penalty for noncompliance with employer-provided health care requirements
26 USC 5000A	Minimum essential coverage
26 USC 6056	Report of health coverage provided to employees
29 USC 1161-1168	COBRA continuation coverage
42 USC 1395-1395g	Medicare benefits
42 USC 300gg-16	Group health plan; nondiscrimination in favor of highly compensated individuals
42 USC 300gg-300gg95	Patient Protection and Affordable Care Act
45 CFR 164.500-164.534	Privacy of individually identifiable health information
<b>Management Resources</b>	<b>Description</b>
CSBA Publication	Health Policy: Implications of Covered California for School Boards, Districts and Personnel, Governance Brief, January 2013
Internal Revenue Service Notification	2011-1 Affordable Care Act Nondiscrimination Provisions Applicable to Insured Group Health Plans
U.S. Department of Treasury Publication	Fact Sheet: Final Regulations Implementing Employer Shared Responsibility Under the Affordable Care Act (ACA) for 2015
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services</a>
Website	<a href="#">California Employment Development Department</a>
Website	<a href="#">Internal Revenue Service</a>
Website	<a href="#">U.S. Department of Labor</a>
Website	<a href="#">CSBA</a>

## Cross References

Code	Description
1340	<a href="#">Access To District Records</a>

1340	<a href="#"><u>Access To District Records</u></a>
2121	<a href="#"><u>Superintendent's Contract</u></a>
3100	<a href="#"><u>Budget</u></a>
3100	<a href="#"><u>Budget</u></a>
3460	<a href="#"><u>Financial Reports And Accountability</u></a>
3460	<a href="#"><u>Financial Reports And Accountability</u></a>
3530	<a href="#"><u>Risk Management/Insurance</u></a>
3530	<a href="#"><u>Risk Management/Insurance</u></a>
4030	<a href="#"><u>Nondiscrimination In Employment</u></a>
4030	<a href="#"><u>Nondiscrimination In Employment</u></a>
4112.6	<a href="#"><u>Personnel Files</u></a>
4112.9	<a href="#"><u>Employee Notifications</u></a>
4112.9	<a href="#"><u>Employee Notifications</u></a>
4112.9-E PDF(1)	<a href="#"><u>Employee Notifications</u></a>
4117.11	<a href="#"><u>Preretirement Part-Time Employment</u></a>
4118	<a href="#"><u>Dismissal/Suspension/Disciplinary Action</u></a>
4118	<a href="#"><u>Dismissal/Suspension/Disciplinary Action</u></a>
4121	<a href="#"><u>Temporary/Substitute Personnel</u></a>
4121	<a href="#"><u>Temporary/Substitute Personnel</u></a>
4140	<a href="#"><u>Bargaining Units</u></a>
4141	<a href="#"><u>Collective Bargaining Agreement</u></a>
4141.6	<a href="#"><u>Concerted Action/Work Stoppage</u></a>
4141.6	<a href="#"><u>Concerted Action/Work Stoppage</u></a>
4151	<a href="#"><u>Employee Compensation</u></a>
4157.1	<a href="#"><u>Work-Related Injuries</u></a>
4157.1	<a href="#"><u>Work-Related Injuries</u></a>
4161	<a href="#"><u>Leaves</u></a>
4161	<a href="#"><u>Leaves</u></a>
4161.1	<a href="#"><u>Personal Illness/Injury Leave</u></a>
4161.11	<a href="#"><u>Industrial Accident/Illness Leave</u></a>

4161.8	<a href="#"><u>Family Care And Medical Leave</u></a>
4212.6	<a href="#"><u>Personnel Files</u></a>
4212.9	<a href="#"><u>Employee Notifications</u></a>
4212.9	<a href="#"><u>Employee Notifications</u></a>
4212.9-E PDF(1)	<a href="#"><u>Employee Notifications</u></a>
4217.11	<a href="#"><u>Preretirement Part-Time Employment</u></a>
4218	<a href="#"><u>Dismissal/Suspension/Disciplinary Action</u></a>
4218	<a href="#"><u>Dismissal/Suspension/Disciplinary Action</u></a>
4240	<a href="#"><u>Bargaining Units</u></a>
4241	<a href="#"><u>Collective Bargaining Agreement</u></a>
4241.6	<a href="#"><u>Concerted Action/Work Stoppage</u></a>
4241.6	<a href="#"><u>Concerted Action/Work Stoppage</u></a>
4251	<a href="#"><u>Employee Compensation</u></a>
4257.1	<a href="#"><u>Work-Related Injuries</u></a>
4257.1	<a href="#"><u>Work-Related Injuries</u></a>
4261	<a href="#"><u>Leaves</u></a>
4261	<a href="#"><u>Leaves</u></a>
4261.1	<a href="#"><u>Personal Illness/Injury Leave</u></a>
4261.11	<a href="#"><u>Industrial Accident/Illness Leave</u></a>
4261.8	<a href="#"><u>Family Care And Medical Leave</u></a>
4300	<a href="#"><u>Administrative And Supervisory Personnel</u></a>
4300	<a href="#"><u>Administrative And Supervisory Personnel</u></a>
4312.6	<a href="#"><u>Personnel Files</u></a>
4312.9	<a href="#"><u>Employee Notifications</u></a>
4312.9	<a href="#"><u>Employee Notifications</u></a>
4312.9-E PDF(1)	<a href="#"><u>Employee Notifications</u></a>
4317.11	<a href="#"><u>Preretirement Part-Time Employment</u></a>
4340	<a href="#"><u>Bargaining Units</u></a>
4351	<a href="#"><u>Employee Compensation</u></a>
4357.1	<a href="#"><u>Work-Related Injuries</u></a>

4357.1	<u>Work-Related Injuries</u>
4361	<u>Leaves</u>
4361	<u>Leaves</u>
4361.1	<u>Personal Illness/Injury Leave</u>
4361.11	<u>Industrial Accident/Illness Leave</u>
4361.8	<u>Family Care And Medical Leave</u>
9250	<u>Remuneration, Reimbursement And Other Benefits</u>

**Policy 4154/4254/4354: Health And Welfare Benefits**

**Status: ADOPTED**

**Original Adopted Date:** 06/28/2011 | **Last Revised Date:** | **Last Reviewed Date:**

**Health And Welfare Benefits For Administrative, Supervisory, Confidential, Licensed And Unrepresented Classified Personnel**

Employees who are not in bargaining units shall receive health and welfare benefits as specified in this Board policy and accompanying administrative regulation.

**Definitions**

For purposes of this Health and Welfare Benefits policy, the following definitions shall apply:

1. Administrative and Supervisory Employees shall mean all certificated and classified administrative, supervisory, confidential, licensed and unrepresented classified personnel who are not subject to the district's collective bargaining agreements.
2. Full Time Employees shall mean those employees who are regularly assigned to work five (5) days per week, eight (8) hours a day, 40 (forty) hours per week, and who are employed for either the fiscal or academic year.

**Active Administrative and Supervisory Employee Health and Welfare Benefits**

**1. Basic Medical Plan**

Effective July 1, 2011, the district shall contribute the minimum amount required by Govt. Code section 22892 per month for administrative and supervisory employees toward payment of the premium of a medical plan selected by the employee. In 2015, the minimum amount is \$122.00. The medical plan chosen shall be one of those offered by PERS under the Public Employees Medical and Hospital Care Act.

**2. Supplemental Benefits Plan**

Effective January 1, 2025, the District agrees to contribute monthly towards benefits for all unit members and their domestic partners and eligible dependents to the amount of the medical cap. Any cost above the medical cap shall be covered by a deduction from the unit member's salary. The cap shall be set at \$1,021.41 per month.

**3. Compensation in Lieu of Medical Benefits**

Those full time administrative and supervisory employees eligible for medical benefits who can prove other health care coverage may elect to decline coverage by the district and receive \$305.00 in cash compensation in lieu of medical benefits. This money may be used for any purpose and will be taxable to the employee.

Once health benefits are declined, no change may be made during the benefit year unless authorized under PERS approved exceptions to open enrollment period elections.

Any employee who declines coverage must renew that declination each year during the open enrollment period and provide proof of continuing health coverage.

Cash in lieu is subject to IRC (Internal Revenue Code) section 125 rules and regulations.

#### 4. Dental and Vision Plans.

The District agrees to continue to contribute monthly for dental coverage for each employee. An employee may purchase additional dental coverage and/or vision coverage for themselves, eligible dependents, or domestic partner through his/her IRC 125 Plan at their own cost.

#### 5. Flexible Benefit Plans.

A flexible benefits plan (as defined in Internal Revenue Code Section 125) consisting of options for premium conversion, unreimbursed medical expenses, and dependent care will be available for employees choosing to participate.

#### 6. Life Insurance Benefit.

Effective July 1, 2014, all full time active administrative and supervisor employees are entitled to District paid Group Accidental Death and Dismemberment Insurance.

Members of Executive Cabinet, including the Superintendent, and General Counsel, employed in a position prior to June 30, 2014, are entitled to Class 1 benefits. This class is entitled to 1 times regular salary, maximum of \$350,000. Salary is defined as regular contracted salary and does not include any additional compensation such as overtime pay, extra duty pay, and bonuses. Class 1 includes Assistant Superintendent, Human Resources, Assistant Superintendent, Business Services/Operations, Assistant Superintendent of Educational Services, Superintendent and General Counsel.

Class 2 includes all other administrators. This class is entitled to District paid policy benefit as described in the Benefits Summary

These benefits terminate at the conclusion of paid status employment with the district.

Upon separation from the district, members of Class 1 and Class 2 will have the option of continuing coverage at their own expense.

### **Health and Welfare Benefits for Employees Working Less Than Full Time**

Administrative and supervisory employees who work fewer than 40 (forty) hours per week shall receive a pro-rata share of the supplemental benefits plan authorized for a full-time employee if they elect to be enrolled in a health, vision, or dental care plan.

### **Retired Administrative and Supervisory Employee Health and Welfare Benefits**

The district shall provide health and welfare benefits for retired administrative and supervisory employees of the district in accordance with the following:

#### 1. Eligibility for Basic Medical Plan for Retirees

Administrative and supervisory employees who retire from the district will be eligible to be covered under the PERS medical plan for retirees provided the employee retired at or after

age of fifty (50) years and had at least ten (10) continuous years of paid service with the district immediately prior to retirement. Each year the contribution by the district shall equal the amount allocated for the Basic Medical Plan for active full time employees as described in this policy.

## 2. Eligibility for Supplemental Benefit Plan

Administrative and supervisory employees who retire at or after the age of 55 years, and have at least 10 continuous years of paid service with the district immediately prior to retirement, may receive the following supplemental benefit plan until they are eligible to purchase or receive Medicare:

Effective January 1, 2025, the district contribution for medical benefits will be increased and capped at \$1,021.41 per month.

For retirees who are currently retired, their benefits will be capped at the current monthly rate of \$370 per month.

For retirees who retire between July 1, 2023, and December 31, 2024, their retirement benefits will be broken down as follows:

- July 1, 2023-December 31, 2024, capped at \$370 per month
- January 1, 2025, will be capped at \$1,021.41 per month

Eligible retirees under this provision may, at their cost, purchase coverage for their eligible dependents or domestic partner. In the event a retiree elects to purchase coverage for his/her eligible dependents or domestic partner, the employee shall pay the premiums, dues, and other charges, including any increases in premiums, dues, and costs incurred by the district in administering this program. The required payments from the retired employee must be remitted to the district office by the first day of each month.

## 3. Eligibility for Dental and Vision Plans

Administrative and supervisory employees who retire at or after the age of 55 years, and have at least 10 years of paid service with the district immediately prior to retirement, may receive the same dental and vision benefits as provided to active full time employees, as described in this policy.

Eligible retirees under this provision may, at their cost, purchase dental and/or vision coverage for their eligible dependents or domestic partner. In the event a retiree elects to purchase dental and/or vision coverage for his/her eligible dependents or domestic partner, the employee shall pay the premiums, dues, and other charges, including any increases in premiums, dues, and costs incurred by the district in administering this program. The required payments from the retired employee must be remitted to the district office by the first day of each month.

The benefit carriers for retired persons shall be the same as those provided to active employees.

### Domestic Partner Coverage: Health, Dental and Vision

The district will fully implement state law provisions pertaining to domestic partner enrollment under PERS health plans offered by the district. In addition, the district will permit domestic partners to enroll as dependents under any non PERS benefit plan, including dental and vision plans. For purposes of enrollment in non PERS health, dental and vision plans, the definition of domestic partner will be as established pursuant to Chapter 588, Statutes of 1999. Domestic partners will be eligible for any benefits in the retirement period to which spouses or surviving

spouses are eligible under the provisions of this policy.

### Confidentiality of Medical Information

The Superintendent or designee shall not use or disclose any medical information the district possesses pertaining to an employee without the employee's authorization obtained in accordance with Civil Code 56.21, except for the purpose of administering and maintaining employee benefit plans and for other purposes specified in law. (Civil Code 56.20) (cf. 4312.6 - Personnel Records)

### Continuation of Coverage

Retired administrative and supervisory employees who would otherwise lose coverage due to a qualifying event specified in law and administrative regulation, and their qualified beneficiaries may continue to participate in the district's group health and welfare benefits in accordance with state and federal law.

For those programs for which deductions are not made by PERS, the required payments from the retired employee must be remitted to the district office by the first day of each month. Except as otherwise set forth herein, to receive continuation coverage, covered employees and their qualified beneficiaries shall pay the premiums, dues, and other charges, including any increases in premiums, dues, and costs incurred by the district in administering this program.

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#### **Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
Civ. Code 56.10-56.16	<a href="#"><u>Disclosure of information by medical providers</u></a>
Civ. Code 56.20-56.245	<a href="#"><u>Use and disclosure of medical information by employers</u></a>
Ed. Code 17566	<a href="#"><u>Self-insurance fund</u></a>
Ed. Code 35208	<a href="#"><u>Liability insurance</u></a>
Ed. Code 35214	<a href="#"><u>Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company)</u></a>
Ed. Code 44041-44042	<a href="#"><u>Payroll deductions for collection of premiums</u></a>
Ed. Code 44986	<a href="#"><u>Leave of absence; state disability benefits</u></a>
Ed. Code 45136	<a href="#"><u>Benefits for classified employees</u></a>
Ed. Code 7000-7008	<a href="#"><u>Health and welfare benefits; retired certificated employees</u></a>
Fam. Code 297-297.5	<a href="#"><u>Rights, protections, benefits under the law; registered domestic partners</u></a>
Fam. Code 300	<a href="#"><u>Definition of marriage</u></a>



Gov. Code 12940	<a href="#">Unlawful discriminatory employment practices</a>
Gov. Code 22750-22944	<a href="#">Public Employees' Medical and Hospital Care Act</a>
Gov. Code 53200-53210	<a href="#">Group insurance</a>
H&S Code 1366.20-1366.29	<a href="#">Cal-COBRA program; health insurance</a>
H&S Code 1367.08	<a href="#">Disclosure of fees and commissions paid related to health care service plan</a>
H&S Code 1373	<a href="#">Health services plan; coverage for dependent children</a>
H&S Code 1373.621	<a href="#">Continuation coverage; age 60 or older after five years with district</a>
H&S Code 1374.58	<a href="#">Coverage for registered domestic partners; health service plans and health insurers</a>
Ins. Code 10116.5	<a href="#">Continuation coverage; age 60 or older after five years with district</a>
Ins. Code 10128.50-10128.59	<a href="#">Cal-COBRA program; disability insurance</a>
Ins. Code 10277-10278	<a href="#">Group and individual health insurance; coverage for dependent children</a>
Ins. Code 10604.5	<a href="#">Annual disclosure of fees and commissions paid</a>
Ins. Code 12670-12692.5	<a href="#">Conversion coverage</a>
Lab. Code 2800.2	<a href="#">Notification of availability of continuation health coverage</a>
Lab. Code 4856	<a href="#">Health benefits for spouse of peace officer killed in performance of duties</a>
Unemp. Ins. Code 2613	<a href="#">Disability insurance; notice of rights and benefits</a>
<b>Federal</b>	<b>Description</b>
1 USC 7	<a href="#">Definition of marriage and spouse</a>
26 CFR 1.105-11	Self-insured medical reimbursement plan
26 CFR 54.4980B-1-54.4980B-10	COBRA continuation coverage
26 CFR 54.4980H-1-54.4980H-6	Patient Protection and Affordable Care Act
26 USC 105	Self-insured medical reimbursement plan; definition of highly compensated individual
26 USC 4980B	COBRA continuation coverage
26 USC 4980H	Penalty for noncompliance with employer-provided health care requirements

26 USC 5000A	Minimum essential coverage
26 USC 6056	Report of health coverage provided to employees
29 USC 1161-1168	COBRA continuation coverage
42 USC 1395-1395g	Medicare benefits
42 USC 300gg-16	Group health plan; nondiscrimination in favor of highly compensated individuals
42 USC 300gg-300gg95	Patient Protection and Affordable Care Act
45 CFR 164.500-164.534	Privacy of individually identifiable health information

### Management Resources

CSBA Publication

### Description

Health Policy: Implications of Covered California for School Boards, Districts and Personnel, Governance Brief, January 2013

Internal Revenue Service Notification

2011-1 Affordable Care Act Nondiscrimination Provisions Applicable to Insured Group Health Plans

U.S. Department of Treasury  
Publication

Fact Sheet: Final Regulations Implementing Employer Shared Responsibility Under the Affordable Care Act (ACA) for 2015

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services](#)

Website

[California Employment Development Department](#)

Website

[Internal Revenue Service](#)

Website

[U.S. Department of Labor](#)

Website

[CSBA](#)

### Cross References

#### Code

#### Description

1340

[Access To District Records](#)

1340

[Access To District Records](#)

2121

[Superintendent's Contract](#)

3100

[Budget](#)

3100

[Budget](#)

3460	<a href="#">Financial Reports And Accountability</a>
3460	<a href="#">Financial Reports And Accountability</a>
3530	<a href="#">Risk Management/Insurance</a>
3530	<a href="#">Risk Management/Insurance</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4112.6	<a href="#">Personnel Files</a>
4112.9	<a href="#">Employee Notifications</a>
4112.9	<a href="#">Employee Notifications</a>
4112.9-E PDF(1)	<a href="#">Employee Notifications</a>
4117.11	<a href="#">Preretirement Part-Time Employment</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4121	<a href="#">Temporary/Substitute Personnel</a>
4121	<a href="#">Temporary/Substitute Personnel</a>
4140	<a href="#">Bargaining Units</a>
4141	<a href="#">Collective Bargaining Agreement</a>
4141.6	<a href="#">Concerted Action/Work Stoppage</a>
4141.6	<a href="#">Concerted Action/Work Stoppage</a>
4151	<a href="#">Employee Compensation</a>
4157.1	<a href="#">Work-Related Injuries</a>
4157.1	<a href="#">Work-Related Injuries</a>
4161	<a href="#">Leaves</a>
4161	<a href="#">Leaves</a>
4161.1	<a href="#">Personal Illness/Injury Leave</a>
4161.11	<a href="#">Industrial Accident/Illness Leave</a>
4161.8	<a href="#">Family Care And Medical Leave</a>
4212.6	<a href="#">Personnel Files</a>
4212.9	<a href="#">Employee Notifications</a>
4212.9	<a href="#">Employee Notifications</a>

4212.9-E PDF(1)	<a href="#"><u>Employee Notifications</u></a>
4217.11	<a href="#"><u>Preretirement Part-Time Employment</u></a>
4218	<a href="#"><u>Dismissal/Suspension/Disciplinary Action</u></a>
4218	<a href="#"><u>Dismissal/Suspension/Disciplinary Action</u></a>
4240	<a href="#"><u>Bargaining Units</u></a>
4241	<a href="#"><u>Collective Bargaining Agreement</u></a>
4241.6	<a href="#"><u>Concerted Action/Work Stoppage</u></a>
4241.6	<a href="#"><u>Concerted Action/Work Stoppage</u></a>
4251	<a href="#"><u>Employee Compensation</u></a>
4257.1	<a href="#"><u>Work-Related Injuries</u></a>
4257.1	<a href="#"><u>Work-Related Injuries</u></a>
4261	<a href="#"><u>Leaves</u></a>
4261	<a href="#"><u>Leaves</u></a>
4261.1	<a href="#"><u>Personal Illness/Injury Leave</u></a>
4261.11	<a href="#"><u>Industrial Accident/Illness Leave</u></a>
4261.8	<a href="#"><u>Family Care And Medical Leave</u></a>
4300	<a href="#"><u>Administrative And Supervisory Personnel</u></a>
4300	<a href="#"><u>Administrative And Supervisory Personnel</u></a>
4312.6	<a href="#"><u>Personnel Files</u></a>
4312.9	<a href="#"><u>Employee Notifications</u></a>
4312.9	<a href="#"><u>Employee Notifications</u></a>
4312.9-E PDF(1)	<a href="#"><u>Employee Notifications</u></a>
4317.11	<a href="#"><u>Preretirement Part-Time Employment</u></a>
4340	<a href="#"><u>Bargaining Units</u></a>
4351	<a href="#"><u>Employee Compensation</u></a>
4357.1	<a href="#"><u>Work-Related Injuries</u></a>
4357.1	<a href="#"><u>Work-Related Injuries</u></a>
4361	<a href="#"><u>Leaves</u></a>
4361	<a href="#"><u>Leaves</u></a>
4361.1	<a href="#"><u>Personal Illness/Injury Leave</u></a>

4361.11	<a href="#"><u>Industrial Accident/Illness Leave</u></a>
4361.8	<a href="#"><u>Family Care And Medical Leave</u></a>
9250	<a href="#"><u>Remuneration, Reimbursement And Other Benefits</u></a>

**Board District Policy Manual**  
**Alameda Unified School District**  
**CSBA Policy Management Console**

**Policy 4157: Employee Safety**

Status: ADOPTED

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Original Adopted Date: ~~08/10/2010~~06/01/1991 | Last Revised Date: 03/~~22/2022~~01/2024 |  
Last Reviewed Date: 03/~~22/2022~~01/2024

The Governing Board is committed to maximizing employee safety and believes that workplace safety is the responsibility of every employee. Working conditions and equipment shall comply with standards prescribed by federal, state, and local laws and regulations.

*(cf. ~~0450 – Comprehensive Safety Plan~~)*

No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful. (Labor Code 6402)

The Superintendent or designee shall promote safety and correct any unsafe work practices through education and enforcement.

All employees are expected to use safe work practices and, to the extent possible, correct any unsafe conditions ~~which~~that may occur. If an employee is unable to correct an unsafe condition, the employee shall immediately report the problem to the Superintendent or designee.

*(cf. ~~4118 – Dismissal/Suspension/Disciplinary Action~~)*

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

The Superintendent or designee shall establish and implement a written injury and illness prevention program; ~~that includes a workplace violence prevention plan~~ and ~~providethat provides~~ employees with access to such program; in accordance with law. (Labor Code 6401.7; 8 CCR 3203)

*(cf. ~~3514 – Environmental Safety~~)*

*(cf. ~~3514.1 – Hazardous Substances~~)*

*(cf. ~~3516 – Emergencies and Disaster Preparedness Plan~~)*

*(cf. ~~4119.41/4219.41/4319.41 – Employees with Infectious Disease~~)*

*(cf. ~~4119.42/4219.42/4319.42 – Exposure Control Plan for Bloodborne Pathogens~~)*

*(cf. ~~4119.43/4219.43/4319.43 – Universal Precautions~~)*

*(cf. ~~4157.2/4257.2/4357.2 – Ergonomics~~)*

*(cf. ~~4158/4258/4358 – Employee Security~~)*

The Superintendent or designee shall make first aid materials readily available at district workplaces and shall make effective provisions to prepare for prompt medical treatment in the event of an employee's serious injury or illness. (8 CCR 3400)

No employee shall be discharged or discriminated against for exercising any right regarding

employee safety or health specified in Labor Code 6310, including:

1. Making a report or complaint
  2. Instituting proceedings or causing proceedings to be instituted
  3. Testifying with regard to employee safety or health
  4. Participating in any occupational health and safety committee established pursuant to Labor Code 6401.7
  5. Requesting access to injury or illness reports and records
  6. Exercising any other right protected by the Occupational Safety and Health Act
- 
1. Requesting access to injury or illness reports and records
  2. Exercising any other right protected by the Occupational Safety and Health Act

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**Policy Reference Disclaimer:**

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State	Description
17 CCR 2508	Reporting of communicable diseases
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	Injury and illness prevention program
8 CCR 3204	Access to employee exposure and medical records
8 CCR 3400	Medical services and first aid
8 CCR 5095-5100	Control of noise exposure
8 CCR 5193	Bloodborne pathogens
Ed. Code 32030-32034	<a href="#">Eye safety</a>
Ed. Code 32225-32226	<a href="#">Communications devices in classrooms</a>
Ed. Code 32280-32289.5	<a href="#">School safety plans</a>
Ed. Code 44984	<a href="#">Required rules for industrial accident and illness leave</a>
Gov. Code 3543.2	<a href="#">Scope of representation</a>

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Lab. Code 1139	Worker's rights in emergencies
Lab. Code 132a	<a href="#">Workers' compensation; nondiscrimination</a>
Lab. Code 3300	<a href="#">Definition of employer</a>
Lab. Code 6305	<a href="#">Occupational safety and health standards; special order</a>
Lab. Code 6310	<a href="#">Retaliation for filing complaint prohibited</a>
Lab. Code 6325	Prohibition of entry into place of employment
Lab. Code 6400-6413.5	<a href="#">Responsibilities and duties of employers and employees</a>
Lab. Code 6401.7	<a href="#">Injury and illness prevention program</a>
Lab. Code 6401.9	Workplace violence prevention plans
<b>Federal</b>	<b>Description</b>
17 CFR 2508	Reporting of communicable diseases
29 CFR 1910.1030	Bloodborne pathogens
29 CFR 1910.95	Noise standards
29 CFR 651-678	Occupational safety and health
8 CFR 14000-14316	Occupational injury or illness reports and records
8 CFR 3204	Access to employee exposure and medical records
8 CFR 5193	Bloodborne pathogens
<b>Management Resources</b>	<b>Description</b>
CA Department of Industrial Relations Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">National Institute for Occupational Safety and Health</a>
Website	<a href="#">U.S. Department of Labor, Occupational Safety and Health Administration</a>
Website	<a href="#">California Department of Industrial Relations, Occupational Safety and Health</a>
Website	<a href="#">National Hearing Conservation Association</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">Centers for Disease Control and Prevention</a>

#### Cross References



Code	Description
0450	<u>Comprehensive Safety Plan</u> Comprehensive Safety Plan
0450	<u>Comprehensive Safety Plan</u> Comprehensive Safety Plan
3514	<u>Environmental Safety</u> Environmental Safety
3514	<u>Environmental Safety</u> Environmental Safety
3514.1	<u>Hazardous Substances</u> Hazardous Substances
3514.1	<u>Hazardous Substances</u> Hazardous Substances
3516	<u>Emergencies And Disaster Preparedness Plan</u> Emergencies And Disaster Preparedness Plan
3516	<u>Emergencies And Disaster Preparedness Plan</u> Emergencies And Disaster Preparedness Plan
3516.5	<u>Emergency Schedules</u> Emergency Schedules
3530	<u>Risk Management/Insurance</u> Risk Management/Insurance
3530	<u>Risk Management/Insurance</u> Risk Management/Insurance
4112.9	<u>Employee Notifications</u> Employee Notifications
4112.9	<u>Employee Notifications</u> Employee Notifications
<u>4112.9-E-PDF(1)</u> 4113.5	<u>Employee Notifications</u> Working Remotely
4118	<u>Dismissal/Suspension/Disciplinary Action</u> Dismissal/Suspension/Disciplinary Action
4118	<u>Dismissal/Suspension/Disciplinary Action</u> Dismissal/Suspension/Disciplinary Action
4119.41	<u>Employees With Infectious Disease</u> Employees With Infectious Disease
4119.42	<u>Exposure Control Plan For Bloodborne Pathogens</u> Exposure Control Plan For Bloodborne Pathogens
4119.42	<u>Exposure Control Plan For Bloodborne Pathogens</u> Exposure Control Plan For Bloodborne Pathogens
4119.42-E-PDF(1)	<u>Exposure Control Plan For Bloodborne Pathogens</u> Exposure Control Plan For Bloodborne Pathogens

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4119.43 Universal PrecautionsUniversal Precautions

4119.43 Universal PrecautionsUniversal Precautions

4131 Staff DevelopmentStaff Development

4131 Staff Development

4156.2 Awards And RecognitionAwards And Recognition

4157.1 Work-Related InjuriesWork-Related Injuries

4157.1 Work-Related Injuries

4157.2 ErgonomicsErgonomics

4158 Employee SecurityEmployee Security

4158 Employee SecurityEmployee Security

4161.11 Industrial Accident/Illness LeaveIndustrial Accident/Illness Leave

4212.9 Employee NotificationsEmployee Notifications

4212.9 Employee NotificationsEmployee Notifications

4212.9-E-PDF(1)4213.5 Employee NotificationsWorking Remotely

4218 Dismissal/Suspension/Disciplinary ActionDismissal/Suspension/Disciplinary Action

4218 Dismissal/Suspension/Disciplinary ActionDismissal/Suspension/Disciplinary Action

4219.41 Employees With Infectious DiseaseEmployees With Infectious Disease

4219.42 Exposure Control Plan For Bloodborne PathogensExposure Control Plan For Bloodborne Pathogens

4219.42 Exposure Control Plan For Bloodborne PathogensExposure Control Plan For Bloodborne Pathogens

4219.42-E-PDF(1) Exposure Control Plan For Bloodborne PathogensExposure Control Plan For Bloodborne Pathogens

4219.43 Universal PrecautionsUniversal Precautions

4219.43 Universal PrecautionsUniversal Precautions

4231 Staff DevelopmentStaff Development

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4231	<u>Staff Development</u>
4256.2	<u>Awards And Recognition</u> Awards And Recognition
4257.1	<u>Work-Related Injuries</u> Work-Related Injuries
4257.1	<u>Work-Related Injuries</u>
4257.2	<u>Ergonomics</u> Ergonomics
4258	<u>Employee Security</u> Employee Security
4258	<u>Employee Security</u> Employee Security
4261.11	<u>Industrial Accident/Illness Leave</u> Industrial Accident/Illness Leave
4312.9	<u>Employee Notifications</u> Employee Notifications
4312.9	<u>Employee Notifications</u> Employee Notifications
4312.9-E PDF(1)4313.5	<u>Employee Notifications</u> Working Remotely
4319.41	<u>Employees With Infectious Disease</u> Employees With Infectious Disease
4319.42	<u>Exposure Control Plan For Bloodborne Pathogens</u> Exposure Control Plan For Bloodborne Pathogens
4319.42	<u>Exposure Control Plan For Bloodborne Pathogens</u> Exposure Control Plan For Bloodborne Pathogens
4319.42-E PDF(1)	<u>Exposure Control Plan For Bloodborne Pathogens</u> Exposure Control Plan For Bloodborne Pathogens
4319.43	<u>Universal Precautions</u> Universal Precautions
4319.43	<u>Universal Precautions</u> Universal Precautions
4331	<u>Staff Development</u> Staff Development
4331	<u>Staff Development</u>
4356.2	<u>Awards And Recognition</u> Awards And Recognition
4357.1	<u>Work-Related Injuries</u> Work-Related Injuries
4357.1	<u>Work-Related Injuries</u>
4357.2	<u>Ergonomics</u> Ergonomics
4358	<u>Employee Security</u> Employee Security

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4358	<u>Employee Security</u> Employee Security
4361.11	<u>Industrial Accident/Illness Leave</u> Industrial Accident/Illness Leave
5141.22	<u>Infectious Diseases</u> Infectious Diseases
5141.22	<u>Infectious Diseases</u> Infectious Diseases
5141.6	<u>School Health Services</u> School Health Services
5141.6	<u>School Health Services</u> School Health Services
6142.93	<u>Science Instruction</u> Science Instruction

**Policy 4157: Employee Safety**

**Status:** ADOPTED

**Original Adopted Date:** 08/10/2010 | **Last Revised Date:** |  
**Last Reviewed Date:**

The Governing Board is committed to maximizing employee safety and believes that workplace safety is the responsibility of every employee. Working conditions and equipment shall comply with standards prescribed by federal, state, and local laws and regulations.

No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful. (Labor Code 6402)

The Superintendent or designee shall promote safety and correct any unsafe work practices through education and enforcement.

All employees are expected to use safe work practices and, to the extent possible, correct any unsafe conditions that may occur. If an employee is unable to correct an unsafe condition, the employee shall immediately report the problem to the Superintendent or designee.

The Superintendent or designee shall establish and implement a written injury and illness prevention program that includes a workplace violence prevention plan and that provides employees with access to such program in accordance with law. (Labor Code 6401.7; 8 CCR 3203)

The Superintendent or designee shall make first aid materials readily available at district workplaces and shall make effective provisions to prepare for prompt medical treatment in the event of an employee's serious injury or illness. (8 CCR 3400)

No employee shall be discharged or discriminated against for exercising any right regarding employee safety or health specified in Labor Code 6310, including:

1. Making a report or complaint
2. Instituting proceedings or causing proceedings to be instituted
3. Testifying with regard to employee safety or health
4. Participating in any occupational health and safety committee established pursuant to Labor Code 6401.7
5. Requesting access to injury or illness reports and records
6. Exercising any other right protected by the Occupational Safety and Health Act

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**State**

17 CCR 2508

**Description**

Reporting of communicable diseases

8 CCR 14000-14316

Occupational injury or illness reports and records

8 CCR 3203

Injury and illness prevention program

8 CCR 3204

Access to employee exposure and medical records

8 CCR 3400

Medical services and first aid

8 CCR 5095-5100

Control of noise exposure

8 CCR 5193

Bloodborne pathogens

Ed. Code 32030-32034

[Eye safety](#)

Ed. Code 32225-32226

[Communications devices in classrooms](#)

Ed. Code 32280-32289.5

[School safety plans](#)

Ed. Code 44984

[Required rules for industrial accident and illness leave](#)

Gov. Code 3543.2

[Scope of representation](#)

Lab. Code 1139

Worker's rights in emergencies

Lab. Code 132a

[Workers' compensation; nondiscrimination](#)

Lab. Code 3300

[Definition of employer](#)

Lab. Code 6305

[Occupational safety and health standards; special order](#)

Lab. Code 6310

[Retaliation for filing complaint prohibited](#)

Lab. Code 6325

Prohibition of entry into place of employment

Lab. Code 6400-6413.5

[Responsibilities and duties of employers and employees](#)

Lab. Code 6401.7

[Injury and illness prevention program](#)

Lab. Code 6401.9

Workplace violence prevention plans

**Federal**

17 CFR 2508

**Description**

Reporting of communicable diseases

29 CFR 1910.1030	Bloodborne pathogens
29 CFR 1910.95	Noise standards
29 CFR 651-678	Occupational safety and health
8 CFR 14000-14316	Occupational injury or illness reports and records
8 CFR 3204	Access to employee exposure and medical records
8 CFR 5193	Bloodborne pathogens

**Management Resources**

CA Department of Industrial Relations  
Publication

Website

**Description**

Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005

[CSBA District and County Office of Education Legal Services](#)

Website

[National Institute for Occupational Safety and Health](#)

Website

[U.S. Department of Labor, Occupational Safety and Health Administration](#)

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[California Department of Industrial Relations, Occupational Safety and Health](#)

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**Cross References**

**Code**

**Description**

0450

Comprehensive Safety Plan

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Comprehensive Safety Plan

3514

Environmental Safety

3514

Environmental Safety

3514.1

Hazardous Substances

3514.1

Hazardous Substances

3516

Emergencies And Disaster Preparedness Plan

3516	Emergencies And Disaster Preparedness Plan
3516.5	Emergency Schedules
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4112.9	Employee Notifications
4112.9	Employee Notifications
4113.5	Working Remotely
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.41	Employees With Infectious Disease
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.43	Universal Precautions
4119.43	Universal Precautions
4131	Staff Development
4156.2	Awards And Recognition
4157.1	Work-Related Injuries
4157.2	Ergonomics
4158	Employee Security
4158	Employee Security
4161.11	Industrial Accident/Illness Leave
4212.9	Employee Notifications
4212.9	Employee Notifications
4213.5	Working Remotely
4218	Dismissal/Suspension/Disciplinary Action
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4219.43	Universal Precautions
4231	Staff Development
4256.2	Awards And Recognition
4257.1	Work-Related Injuries
4257.2	Ergonomics
4258	Employee Security
4258	Employee Security
4261.11	Industrial Accident/Illness Leave
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4319.41	Employees With Infectious Disease
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4319.43	Universal Precautions
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4331	Staff Development
4356.2	Awards And Recognition
4357.1	Work-Related Injuries

4357.2	Ergonomics
4358	Employee Security
4358	Employee Security
4361.11	Industrial Accident/Illness Leave
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.6	School Health Services
5141.6	School Health Services
6142.93	Science Instruction

**Board District Policy Manual**  
**Alameda Unified School District**  
**CSBA Policy Management Console**

**Policy 4257: Employee Safety**

Status: ADOPTED

Original Adopted Date: ~~08/10/2010~~06/01/1991 | Last Revised Date: 03/~~22/2022~~01/2024 |  
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*(cf. ~~3514 – Environmental Safety~~)*

*(cf. ~~3514.1 – Hazardous Substances~~)*

*(cf. ~~3516 – Emergencies and Disaster Preparedness Plan~~)*

*(cf. ~~4119.41/4219.41/4319.41 – Employees with Infectious Disease~~)*

*(cf. ~~4119.42/4219.42/4319.42 – Exposure Control Plan for Bloodborne Pathogens~~)*

*(cf. ~~4119.43/4219.43/4319.43 – Universal Precautions~~)*

*(cf. ~~4157.2/4257.2/4357.2 – Ergonomics~~)*

*(cf. ~~4158/4258/4358 – Employee Security~~)*

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17 CCR 2508	Reporting of communicable diseases
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	Injury and illness prevention program
8 CCR 3204	Access to employee exposure and medical records
8 CCR 3400	Medical services and first aid
8 CCR 5095-5100	Control of noise exposure
8 CCR 5193	Bloodborne pathogens
Ed. Code 32030-32034	<a href="#">Eye safety</a>
Ed. Code 32225-32226	<a href="#">Communications devices in classrooms</a>
Ed. Code 32280-32289.5	<a href="#">School safety plans</a>
Ed. Code 44984	<a href="#">Required rules for industrial accident and illness leave</a>
Gov. Code 3543.2	<a href="#">Scope of representation</a>

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Lab. Code 132a	<a href="#">Workers' compensation; nondiscrimination</a>
Lab. Code 3300	<a href="#">Definition of employer</a>
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Lab. Code 6400-6413.5	<a href="#">Responsibilities and duties of employers and employees</a>
Lab. Code 6401.7	<a href="#">Injury and illness prevention program</a>
Lab. Code 6401.9	Workplace violence prevention plans
<b>Federal</b>	<b>Description</b>
17 CFR 2508	Reporting of communicable diseases
29 CFR 1910.1030	Bloodborne pathogens
29 CFR 1910.95	Noise standards
29 CFR 651-678	Occupational safety and health
8 CFR 14000-14316	Occupational injury or illness reports and records
8 CFR 3204	Access to employee exposure and medical records
8 CFR 5193	Bloodborne pathogens
<b>Management Resources</b>	<b>Description</b>
CA Department of Industrial Relations Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">National Institute for Occupational Safety and Health</a>
Website	<a href="#">U.S. Department of Labor, Occupational Safety and Health Administration</a>
Website	<a href="#">California Department of Industrial Relations, Occupational Safety and Health</a>
Website	<a href="#">National Hearing Conservation Association</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">Centers for Disease Control and Prevention</a>

#### Cross References

Code	Description
0450	<u>Comprehensive Safety Plan</u> Comprehensive Safety Plan
0450	<u>Comprehensive Safety Plan</u> Comprehensive Safety Plan
3514	<u>Environmental Safety</u> Environmental Safety
3514	<u>Environmental Safety</u> Environmental Safety
3514.1	<u>Hazardous Substances</u> Hazardous Substances
3514.1	<u>Hazardous Substances</u> Hazardous Substances
3516	<u>Emergencies And Disaster Preparedness Plan</u> Emergencies And Disaster Preparedness Plan
3516	<u>Emergencies And Disaster Preparedness Plan</u> Emergencies And Disaster Preparedness Plan
3516.5	<u>Emergency Schedules</u> Emergency Schedules
3530	<u>Risk Management/Insurance</u> Risk Management/Insurance
3530	<u>Risk Management/Insurance</u> Risk Management/Insurance
4112.9	<u>Employee Notifications</u> Employee Notifications
4112.9	<u>Employee Notifications</u> Employee Notifications
<u>4112.9-E PDF(1)</u> 4113.5	<u>Employee Notifications</u> Working Remotely
4118	<u>Dismissal/Suspension/Disciplinary Action</u> Dismissal/Suspension/Disciplinary Action
4118	<u>Dismissal/Suspension/Disciplinary Action</u> Dismissal/Suspension/Disciplinary Action
4119.41	<u>Employees With Infectious Disease</u> Employees With Infectious Disease
4119.42	<u>Exposure Control Plan For Bloodborne Pathogens</u> Exposure Control Plan For Bloodborne Pathogens
4119.42	<u>Exposure Control Plan For Bloodborne Pathogens</u> Exposure Control Plan For Bloodborne Pathogens
4119.42-E PDF(1)	<u>Exposure Control Plan For Bloodborne Pathogens</u> Exposure Control Plan For Bloodborne Pathogens

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4119.43 Universal PrecautionsUniversal Precautions

4119.43 Universal PrecautionsUniversal Precautions

4131 Staff DevelopmentStaff Development

4131 Staff Development

4156.2 Awards And RecognitionAwards And Recognition

4157.1 Work-Related InjuriesWork-Related Injuries

4157.1 Work-Related Injuries

4157.2 ErgonomicsErgonomics

4158 Employee SecurityEmployee Security

4158 Employee SecurityEmployee Security

4161.11 Industrial Accident/Illness LeaveIndustrial Accident/Illness Leave

4212.9 Employee NotificationsEmployee Notifications

4212.9 Employee NotificationsEmployee Notifications

4212.9-E-PDF(1)4213.5 Employee NotificationsWorking Remotely

4218 Dismissal/Suspension/Disciplinary ActionDismissal/Suspension/Disciplinary Action

4218 Dismissal/Suspension/Disciplinary ActionDismissal/Suspension/Disciplinary Action

4219.41 Employees With Infectious DiseaseEmployees With Infectious Disease

4219.42 Exposure Control Plan For Bloodborne PathogensExposure Control Plan For Bloodborne Pathogens

4219.42 Exposure Control Plan For Bloodborne PathogensExposure Control Plan For Bloodborne Pathogens

4219.42-E-PDF(1) Exposure Control Plan For Bloodborne PathogensExposure Control Plan For Bloodborne Pathogens

4219.43 Universal PrecautionsUniversal Precautions

4219.43 Universal PrecautionsUniversal Precautions

4231 Staff DevelopmentStaff Development

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4231	<u>Staff Development</u>
4256.2	<u>Awards And Recognition</u> Awards And Recognition
4257.1	<u>Work-Related Injuries</u> Work-Related Injuries
4257.1	<u>Work-Related Injuries</u>
4257.2	<u>Ergonomics</u> Ergonomics
4258	<u>Employee Security</u> Employee Security
4258	<u>Employee Security</u> Employee Security
4261.11	<u>Industrial Accident/Illness Leave</u> Industrial Accident/Illness Leave
4312.9	<u>Employee Notifications</u> Employee Notifications
4312.9	<u>Employee Notifications</u> Employee Notifications
4312.9-E PDF(1)4313.5	<u>Employee Notifications</u> Working Remotely
4319.41	<u>Employees With Infectious Disease</u> Employees With Infectious Disease
4319.42	<u>Exposure Control Plan For Bloodborne Pathogens</u> Exposure Control Plan For Bloodborne Pathogens
4319.42	<u>Exposure Control Plan For Bloodborne Pathogens</u> Exposure Control Plan For Bloodborne Pathogens
4319.42-E PDF(1)	<u>Exposure Control Plan For Bloodborne Pathogens</u> Exposure Control Plan For Bloodborne Pathogens
4319.43	<u>Universal Precautions</u> Universal Precautions
4319.43	<u>Universal Precautions</u> Universal Precautions
4331	<u>Staff Development</u> Staff Development
4331	<u>Staff Development</u>
4356.2	<u>Awards And Recognition</u> Awards And Recognition
4357.1	<u>Work-Related Injuries</u> Work-Related Injuries
4357.1	<u>Work-Related Injuries</u>
4357.2	<u>Ergonomics</u> Ergonomics
4358	<u>Employee Security</u> Employee Security

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4358	<u>Employee Security</u> Employee Security
4361.11	<u>Industrial Accident/Illness Leave</u> Industrial Accident/Illness Leave
5141.22	<u>Infectious Diseases</u> Infectious Diseases
5141.22	<u>Infectious Diseases</u> Infectious Diseases
5141.6	<u>School Health Services</u> School Health Services
5141.6	<u>School Health Services</u> School Health Services
6142.93	<u>Science Instruction</u> Science Instruction

**Policy 4257: Employee Safety**

**Status:** ADOPTED

**Original Adopted Date:** 08/10/201 | **Last Revised Date:** | **Last Reviewed Date:**

The Governing Board is committed to maximizing employee safety and believes that workplace safety is the responsibility of every employee. Working conditions and equipment shall comply with standards prescribed by federal, state, and local laws and regulations.

No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful. (Labor Code 6402)

The Superintendent or designee shall promote safety and correct any unsafe work practices through education and enforcement.

All employees are expected to use safe work practices and, to the extent possible, correct any unsafe conditions that may occur. If an employee is unable to correct an unsafe condition, the employee shall immediately report the problem to the Superintendent or designee.

The Superintendent or designee shall establish and implement a written injury and illness prevention program that includes a workplace violence prevention plan and that provides employees with access to such program in accordance with law. (Labor Code 6401.7; 8 CCR 3203)

The Superintendent or designee shall make first aid materials readily available at district workplaces and shall make effective provisions to prepare for prompt medical treatment in the event of an employee's serious injury or illness. (8 CCR 3400)

No employee shall be discharged or discriminated against for exercising any right regarding employee safety or health specified in Labor Code 6310, including:

1. Making a report or complaint
2. Instituting proceedings or causing proceedings to be instituted
3. Testifying with regard to employee safety or health
4. Participating in any occupational health and safety committee established pursuant to Labor Code 6401.7
5. Requesting access to injury or illness reports and records
6. Exercising any other right protected by the Occupational Safety and Health Act

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
17 CCR 2508	Reporting of communicable diseases
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	Injury and illness prevention program
8 CCR 3204	Access to employee exposure and medical records
8 CCR 3400	Medical services and first aid
8 CCR 5095-5100	Control of noise exposure
8 CCR 5193	Bloodborne pathogens
Ed. Code 32030-32034	<a href="#">Eye safety</a>
Ed. Code 32225-32226	<a href="#">Communications devices in classrooms</a>
Ed. Code 32280-32289.5	<a href="#">School safety plans</a>
Ed. Code 44984	<a href="#">Required rules for industrial accident and illness leave</a>
Gov. Code 3543.2	<a href="#">Scope of representation</a>
Lab. Code 1139	Worker's rights in emergencies
Lab. Code 132a	<a href="#">Workers' compensation; nondiscrimination</a>
Lab. Code 3300	<a href="#">Definition of employer</a>
Lab. Code 6305	<a href="#">Occupational safety and health standards; special order</a>
Lab. Code 6310	<a href="#">Retaliation for filing complaint prohibited</a>
Lab. Code 6325	Prohibition of entry into place of employment
Lab. Code 6400-6413.5	<a href="#">Responsibilities and duties of employers and employees</a>
Lab. Code 6401.7	<a href="#">Injury and illness prevention program</a>
Lab. Code 6401.9	Workplace violence prevention plans
<b>Federal</b>	<b>Description</b>
17 CFR 2508	Reporting of communicable diseases
29 CFR 1910.1030	Bloodborne pathogens
29 CFR 1910.95	Noise standards
29 CFR 651-678	Occupational safety and health
8 CFR 14000-14316	Occupational injury or illness reports and records

8 CFR 3204	Access to employee exposure and medical records
8 CFR 5193	Bloodborne pathogens
<b>Management Resources</b>	<b>Description</b>
CA Department of Industrial Relations Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005
Website	<a href="#"><u>CSBA District and County Office of Education Legal Services</u></a>
Website	<a href="#"><u>National Institute for Occupational Safety and Health</u></a>
Website	<a href="#"><u>U.S. Department of Labor, Occupational Safety and Health Administration</u></a>
Website	<a href="#"><u>California Department of Industrial Relations, Occupational Safety and Health</u></a>
Website	<a href="#"><u>National Hearing Conservation Association</u></a>
Website	<a href="#"><u>CSBA</u></a>
Website	<a href="#"><u>Centers for Disease Control and Prevention</u></a>

### Cross References

<b>Code</b>	<b>Description</b>
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.5	Emergency Schedules
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4112.9	Employee Notifications
4112.9	Employee Notifications
4113.5	Working Remotely

4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.41	Employees With Infectious Disease
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.43	Universal Precautions
4119.43	Universal Precautions
4131	Staff Development
4156.2	Awards And Recognition
4157.1	Work-Related Injuries
4157.2	Ergonomics
4158	Employee Security
4158	Employee Security
4161.11	Industrial Accident/Illness Leave
4212.9	Employee Notifications
4212.9	Employee Notifications
4213.5	Working Remotely
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.41	Employees With Infectious Disease
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.43	Universal Precautions

4219.43	Universal Precautions
4231	Staff Development
4256.2	Awards And Recognition
4257.1	Work-Related Injuries
4257.2	Ergonomics
4258	Employee Security
4258	Employee Security
4261.11	Industrial Accident/Illness Leave
4312.9	Employee Notifications
4312.9	Employee Notifications
4313.5	Working Remotely
4319.41	Employees With Infectious Disease
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.43	Universal Precautions
4319.43	Universal Precautions
4331	Staff Development
4356.2	Awards And Recognition
4357.1	Work-Related Injuries
4357.2	Ergonomics
4358	Employee Security
4358	Employee Security
4361.11	Industrial Accident/Illness Leave
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.6	School Health Services

5141.6

School Health Services

6142.93

Science Instruction

**Board District Policy Manual**  
**Alameda Unified School District**  
**CSBA Policy Management Console**

**Policy 4357: Employee Safety**

Status: ADOPTED

Original Adopted Date: ~~08/10/2010~~06/01/1991 | Last Revised Date: 03/~~22/2022~~01/2024 |  
Last Reviewed Date: 03/~~22/2022~~01/2024

The Governing Board is committed to maximizing employee safety and believes that workplace safety is the responsibility of every employee. Working conditions and equipment shall comply with standards prescribed by federal, state, and local laws and regulations.

~~(cf. 0450 – Comprehensive Safety Plan)~~

No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful. (Labor Code 6402)

The Superintendent or designee shall promote safety and correct any unsafe work practices through education and enforcement.

All employees are expected to use safe work practices and, to the extent possible, correct any unsafe conditions ~~which~~that may occur. If an employee is unable to correct an unsafe condition, the employee shall immediately report the problem to the Superintendent or designee.

~~(cf. 4118 – Dismissal/Suspension/Disciplinary Action)~~

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

The Superintendent or designee shall establish and implement a written injury and illness prevention program; ~~that includes a workplace violence prevention plan~~ and ~~providethat provides~~ employees with access to such program; in accordance with law. (Labor Code 6401.7; 8 CCR 3203)

~~(cf. 3514 – Environmental Safety)~~

~~(cf. 3514.1 – Hazardous Substances)~~

~~(cf. 3516 – Emergencies and Disaster Preparedness Plan)~~

~~(cf. 4119.41/4219.41/4319.41 – Employees with Infectious Disease)~~

~~(cf. 4119.42/4219.42/4319.42 – Exposure Control Plan for Bloodborne Pathogens)~~

~~(cf. 4119.43/4219.43/4319.43 – Universal Precautions)~~

~~(cf. 4157.2/4257.2/4357.2 – Ergonomics)~~

~~(cf. 4158/4258/4358 – Employee Security)~~

The Superintendent or designee shall make first aid materials readily available at district workplaces and shall make effective provisions to prepare for prompt medical treatment in the event of an employee's serious injury or illness. (8 CCR 3400)

No employee shall be discharged or discriminated against for exercising any right regarding



employee safety or health specified in Labor Code 6310, including:

- ~~1. \_\_\_\_\_~~
  - ~~1. Making a report or complaint~~
  - ~~2. \_\_\_\_\_~~
  - ~~2. Instituting proceedings or causing proceedings to be instituted~~
  - ~~3. \_\_\_\_\_~~
  - ~~3. Testifying with regard to employee safety or health~~
  - ~~4. \_\_\_\_\_~~
  - ~~4. Participating in any occupational health and safety committee established pursuant to Labor Code 6401.7~~
  - ~~5. \_\_\_\_\_~~
  - ~~5. Requesting access to injury or illness reports and records~~
  - ~~6. \_\_\_\_\_~~
  - ~~6. Exercising any other right protected by the Occupational Safety and Health Act~~
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5. Requesting access to injury or illness reports and records
  6. Exercising any other right protected by the Occupational Safety and Health Act

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**Policy Reference Disclaimer:**

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State	Description
17 CCR 2508	Reporting of communicable diseases
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	Injury and illness prevention program
8 CCR 3204	Access to employee exposure and medical records
8 CCR 3400	Medical services and first aid
8 CCR 5095-5100	Control of noise exposure
8 CCR 5193	Bloodborne pathogens
Ed. Code 32030-32034	<a href="#">Eye safety</a>
Ed. Code 32225-32226	<a href="#">Communications devices in classrooms</a>
Ed. Code 32280-32289.5	<a href="#">School safety plans</a>
Ed. Code 44984	<a href="#">Required rules for industrial accident and illness leave</a>

Gov. Code 3543.2	<a href="#">Scope of representation</a>
Lab. Code 1139	Worker's rights in emergencies
Lab. Code 132a	<a href="#">Workers' compensation; nondiscrimination</a>
Lab. Code 3300	<a href="#">Definition of employer</a>
Lab. Code 6305	<a href="#">Occupational safety and health standards; special order</a>
Lab. Code 6310	<a href="#">Retaliation for filing complaint prohibited</a>
Lab. Code 6325	Prohibition of entry into place of employment
Lab. Code 6400-6413.5	<a href="#">Responsibilities and duties of employers and employees</a>
Lab. Code 6401.7	<a href="#">Injury and illness prevention program</a>
Lab. Code 6401.9	Workplace violence prevention plans
<b>Federal</b>	<b>Description</b>
17 CFR 2508	Reporting of communicable diseases
29 CFR 1910.1030	Bloodborne pathogens
29 CFR 1910.95	Noise standards
29 CFR 651-678	Occupational safety and health
8 CFR 14000-14316	Occupational injury or illness reports and records
8 CFR 3204	Access to employee exposure and medical records
8 CFR 5193	Bloodborne pathogens
<b>Management Resources</b>	<b>Description</b>
CA Department of Industrial Relations Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">National Institute for Occupational Safety and Health</a>
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Website	<a href="#">California Department of Industrial Relations, Occupational Safety and Health</a>
Website	<a href="#">National Hearing Conservation Association</a>
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Website	<a href="#">Centers for Disease Control and Prevention</a>

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4119.42	<u>Exposure Control Plan For Bloodborne Pathogens</u> Exposure Control Plan For Bloodborne Pathogens
4119.42-E PDF(1)	<u>Exposure Control Plan For Bloodborne Pathogens</u> Exposure Control Plan For Bloodborne Pathogens

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4119.43 Universal PrecautionsUniversal Precautions

4119.43 Universal PrecautionsUniversal Precautions

4131 Staff DevelopmentStaff Development

4131 Staff Development

4156.2 Awards And RecognitionAwards And Recognition

4157.1 Work-Related InjuriesWork-Related Injuries

4157.1 Work-Related Injuries

4157.2 ErgonomicsErgonomics

4158 Employee SecurityEmployee Security

4158 Employee SecurityEmployee Security

4161.11 Industrial Accident/Illness LeaveIndustrial Accident/Illness Leave

4212.9 Employee NotificationsEmployee Notifications

4212.9 Employee NotificationsEmployee Notifications

4212.9-E PDF(1)4213.5 Employee NotificationsWorking Remotely

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4218 Dismissal/Suspension/Disciplinary ActionDismissal/Suspension/Disciplinary Action

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4219.43 Universal PrecautionsUniversal Precautions

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4231 Staff DevelopmentStaff Development

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4231	<u>Staff Development</u>
4256.2	<u>Awards And RecognitionAwards And Recognition</u>
4257.1	<u>Work-Related InjuriesWork-Related Injuries</u>
4257.1	<u>Work-Related Injuries</u>
4257.2	<u>ErgonomicsErgonomics</u>
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4258	<u>Employee SecurityEmployee Security</u>
4261.11	<u>Industrial Accident/Illness LeaveIndustrial Accident/Illness Leave</u>
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4331	<u>Staff Development</u>
4356.2	<u>Awards And RecognitionAwards And Recognition</u>
4357.1	<u>Work-Related InjuriesWork-Related Injuries</u>
4357.1	<u>Work-Related Injuries</u>
4357.2	<u>ErgonomicsErgonomics</u>
4358	<u>Employee SecurityEmployee Security</u>

4358	<u>Employee Security</u> Employee Security
4361.11	<u>Industrial Accident/Illness Leave</u> Industrial Accident/Illness Leave
5141.22	<u>Infectious Diseases</u> Infectious Diseases
5141.22	<u>Infectious Diseases</u> Infectious Diseases
5141.6	<u>School Health Services</u> School Health Services
5141.6	<u>School Health Services</u> School Health Services
6142.93	<u>Science Instruction</u> Science Instruction

**Policy 4357: Employee Safety**

**Status:** ADOPTED

**Original Adopted Date:** 08/10/2010 | **Last Revised Date:** | **Last Reviewed Date:**

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All employees are expected to use safe work practices and, to the extent possible, correct any unsafe conditions that may occur. If an employee is unable to correct an unsafe condition, the employee shall immediately report the problem to the Superintendent or designee.

The Superintendent or designee shall establish and implement a written injury and illness prevention program that includes a workplace violence prevention plan and that provides employees with access to such program in accordance with law. (Labor Code 6401.7; 8 CCR 3203)

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1. Making a report or complaint
2. Instituting proceedings or causing proceedings to be instituted
3. Testifying with regard to employee safety or health
4. Participating in any occupational health and safety committee established pursuant to Labor Code 6401.7
5. Requesting access to injury or illness reports and records
6. Exercising any other right protected by the Occupational Safety and Health Act

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<b>State</b>	<b>Description</b>
17 CCR 2508	Reporting of communicable diseases
8 CCR 14000-14316	Occupational injury or illness reports and records
8 CCR 3203	Injury and illness prevention program
8 CCR 3204	Access to employee exposure and medical records
8 CCR 3400	Medical services and first aid
8 CCR 5095-5100	Control of noise exposure
8 CCR 5193	Bloodborne pathogens
Ed. Code 32030-32034	<a href="#">Eye safety</a>
Ed. Code 32225-32226	<a href="#">Communications devices in classrooms</a>
Ed. Code 32280-32289.5	<a href="#">School safety plans</a>
Ed. Code 44984	<a href="#">Required rules for industrial accident and illness leave</a>
Gov. Code 3543.2	<a href="#">Scope of representation</a>
Lab. Code 1139	Worker's rights in emergencies
Lab. Code 132a	<a href="#">Workers' compensation; nondiscrimination</a>
Lab. Code 3300	<a href="#">Definition of employer</a>
Lab. Code 6305	<a href="#">Occupational safety and health standards; special order</a>
Lab. Code 6310	<a href="#">Retaliation for filing complaint prohibited</a>
Lab. Code 6325	Prohibition of entry into place of employment
Lab. Code 6400-6413.5	<a href="#">Responsibilities and duties of employers and employees</a>
Lab. Code 6401.7	<a href="#">Injury and illness prevention program</a>
Lab. Code 6401.9	Workplace violence prevention plans
<b>Federal</b>	<b>Description</b>
17 CFR 2508	Reporting of communicable diseases
29 CFR 1910.1030	Bloodborne pathogens
29 CFR 1910.95	Noise standards
29 CFR 651-678	Occupational safety and health
8 CFR 14000-14316	Occupational injury or illness reports and records



8 CFR 3204	Access to employee exposure and medical records
8 CFR 5193	Bloodborne pathogens
<b>Management Resources</b>	<b>Description</b>
CA Department of Industrial Relations Publication	Guide to Developing Your Workplace Injury and Illness Prevention Program, rev. August 2005
Website	<a href="#"><u>CSBA District and County Office of Education Legal Services</u></a>
Website	<a href="#"><u>National Institute for Occupational Safety and Health</u></a>
Website	<a href="#"><u>U.S. Department of Labor, Occupational Safety and Health Administration</u></a>
Website	<a href="#"><u>California Department of Industrial Relations, Occupational Safety and Health</u></a>
Website	<a href="#"><u>National Hearing Conservation Association</u></a>
Website	<a href="#"><u>CSBA</u></a>
Website	<a href="#"><u>Centers for Disease Control and Prevention</u></a>

### Cross References

<b>Code</b>	<b>Description</b>
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
3516.5	Emergency Schedules
3530	Risk Management/Insurance
3530	Risk Management/Insurance
4112.9	Employee Notifications
4112.9	Employee Notifications
4113.5	Working Remotely

4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.41	Employees With Infectious Disease
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.43	Universal Precautions
4119.43	Universal Precautions
4131	Staff Development
4156.2	Awards And Recognition
4157.1	Work-Related Injuries
4157.2	Ergonomics
4158	Employee Security
4158	Employee Security
4161.11	Industrial Accident/Illness Leave
4212.9	Employee Notifications
4212.9	Employee Notifications
4213.5	Working Remotely
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.41	Employees With Infectious Disease
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.43	Universal Precautions
4219.43	Universal Precautions
4231	Staff Development
4256.2	Awards And Recognition
4257.1	Work-Related Injuries
4257.2	Ergonomics

4258	Employee Security
4258	Employee Security
4261.11	Industrial Accident/Illness Leave
4312.9	Employee Notifications
4312.9	Employee Notifications
4313.5	Working Remotely
4319.41	Employees With Infectious Disease
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.43	Universal Precautions
4319.43	Universal Precautions
4331	Staff Development
4356.2	Awards And Recognition
4357.1	Work-Related Injuries
4357.2	Ergonomics
4358	Employee Security
4358	Employee Security
4361.11	Industrial Accident/Illness Leave
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.6	School Health Services
5141.6	School Health Services
6142.93	Science Instruction

ALAMEDA UNIFIED SCHOOL DISTRICT  
COMMITTEE AGENDA ITEM

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**Item Title:** Administrative Regulation 5116.1 Intradistrict Open Enrollment (10 Mins/Information)

**Item Type:** Information

**Background:** *AR 5116 Intradistrict Open Enrollment:* Changes were made to this Administrative Regulation in accordance with shifts in legislation. Staff bring this to the committee as an informational item.

- AR 5116.1 Intradistrict Open Enrollment

**AUSD LCAP Goals:** 1. Eliminate barriers to student success and maximize learning time.| 2a. Support all students in becoming college and career ready.| 2b. Support all English Learners (ELs) in becoming college and career ready.| 3. Support parent/guardian development as knowledgeable partners and effective advocates for student success.| 4. Ensure that all students have access to basic services.

**Fiscal Analysis**

**Amount (Savings) (Cost):** N/A

**Recommendation:** This item is presented for information only.

##recommendation##

**AUSD Guiding Principle:** #1 - All students have the ability to achieve academic and personal success.| #2 - Teachers must challenge and support all students to reach their highest academic and personal potential.| #3 - Administrators must have the knowledge, leadership skills and ability to ensure student success.| #4 - Parental involvement and community engagement are integral to student success.| #5 - Accountability, transparency, and trust are necessary at all levels of the organization.| #6 - Allocation of funds must support our vision, mission, and guiding principles.| #7 - All employees must receive respectful treatment and professional support to achieve district goals.

**Submitted By:** Kirsten Zazo, Assistant Superintendent of Educational Services

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**ATTACHMENTS:**

Description	Upload Date	Type
▣ AR 5116.1 Intradistrict Open Enrollment_Redline	6/13/2024	Backup Material
▣ AR 5116.1 Intradistrict Open Enrollment_Clean	6/13/2024	Backup Material

**DRAFT Regulation 5116.1: Intradistrict Open Enrollment**

Status: ADOPTED

Original Adopted Date: 02/27/2018 | Last Revised Date: 02/28/2022 | Last Reviewed Date:  
02/28/2022

**New language in Red**

The Board of Education desires to provide enrollment options that meet the diverse needs and interests of district students. The Superintendent or designee shall apply the following procedures for the selection and transfer of students among district schools in accordance with law and Board policy.

1. Enrollment Priorities

A. Students Residing within the Attendance Area of a zoned School

Students residing in a zoned school's attendance area or students whose parent/guardian is assigned to a school site as his/her primary place of employment who request enrollment at that zoned school prior to two weeks before the first day of school, shall be given first priority to seats at that school. If there are more applications received from in-zone students than there are seats available in a particular grade at the zoned school, *the district shall follow section 2 procedures. (Enrollment When Over-Capacity)*

Grades TK-12 pre-enrollment for the next school year will open the first week of February every year.

B. Students whose parent/guardian are employed by the Alameda Unified School District who request enrollment in the district prior to two weeks before the first day of school, shall be given priority to seats available in the district. Placement will be assigned by the Enrollment Office to a school that has space. If there are more applications received from in-zone students than there are seats available in a particular grade at the zoned school, *the district shall follow section 2 procedures. (Enrollment When Over-Capacity)* The school where the student is placed will become the students home school and they will retain resident status at the school as long as the parent/guardian remains employed by the Alameda Unified School District. (All students not residing in Alameda will have to obtain an interdistrict transfer from their district of residence prior to the start of the school year)

C. Students whose parent/guardian are employed by the City of Alameda who request enrollment in the district prior to April 15th, shall be given priority to seats available in the district. Placement will be assigned by the Enrollment office to a school that has space. If there are more applications received from in-zone students than there are seats available in a particular grade at the zoned school, *the district shall follow section 2 procedures. (Enrollment When Over-Capacity)*. City employees will need to show proof of employment upon requesting admittance and on an annual basis. The school where the student is placed will become the students home school and they

will retain resident status at the school as long as the parent/guardian remains employed by the City of Alameda and the student meets the basic criteria for interdistrict transfer. (All students not residing in Alameda will have to obtain an interdistrict transfer from their district of residence prior to the start of the school year)

#### D. Students NOT Residing Within the Attendance Area of a Zoned School

If capacity (capacity is defined as five or more seats available in any class or grade level requested) exists in all of the students assigned classes or grade levels requested after the enrollment of all in-zone students who registered two weeks prior to the first day of school, zoned schools may enroll out-of-zone students. Schools receiving requests for admission and intradistrict transfer enrollment requests shall give priority for attendance in the following order:

- i. Students with a state or federally mandated right to transfer.
- ii. Special Education students whose Individual Educational Program (IEP) services require the student to be placed at a particular school site.
- iii. If a district school receiving Title 1 funds is identified for program improvement, corrective action or restructuring, all students enrolled in that school shall be provided an option to transfer to another district school or charter school. (20 USC 6316) Students attending a school identified as program improvement, corrective action or restructuring shall be notified by June 1 of each academic year, of the option to transfer to another district school. Transfer requests are due to the district by June 30 of each academic year. The district will notify families of the result of their request to transfer no later than the first day of the succeeding school year. Transfer requests will be made based upon space within the grade level of the requested school.
- iv. Within a reasonable amount of time, not to exceed 10 school days, after a student becomes the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. The Superintendent or designee shall consider the student's needs and parent/guardian preferences in making the school assignment. If the parents/guardians choose to transfer their child, the transfer shall be completed as soon as practicable.
- v. Within 10 school days after learning that a school has been designated as "persistently dangerous," the Superintendent or designee shall notify parents/guardians of the school's designation. Within 20 school days after learning of the school's designation, the Superintendent or designee shall notify parents/guardians of their option to transfer.
  - Parents/guardians who desire to transfer their child out of a "persistently dangerous" school shall provide written notification to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students. The Superintendent or designee may establish a reasonable timeline, not to exceed 10

school days, for the submission of parent/guardian requests.

- The Superintendent or designee shall notify parents/guardians of their school assignment within 10 school days of the date that submissions are due. The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. Upon assignment, the transfer shall be completed as soon as practicable. If parents/guardians decline the assigned school, the student may remain in his/her current school.
  - The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.
- vi. Student has a medical, health care, or safety need that is documented and requires that he/she attend a school outside their attendance zone
  - vii. Siblings of children already in attendance at the school
  - viii. Personal preference by date of submission
  - ix. All approved intradistrict transfers will have the site assigned re-designated as the student's home school after one year and twenty days.
- E. Requests will be reviewed two weeks prior to the start of the school year and at the trimester or semester breaks. Families will be notified if the request can be approved.
- F. Interdistrict transfers - students residing outside Alameda Unified School District

The Superintendent or designee may cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

- i. Siblings of children already in attendance at the school.
- ii. Student has a medical, health care need or safety need that is documented and required that he/she attend a school outside their attendance zone.
- iii. Students seeking an interdistrict transfer.

## 2. Enrollment When Over Capacity

The district shall determine the capacity of each grade level at each school site based on the physical capacity of the building and class size limits established by state law or collective bargaining agreement. A student who is unable to attend their neighborhood school because the school or grade is at or over capacity shall be "diverted" to another school in the district with capacity.]

- A. Procedures from First Date of Pre-Enrollment for Upcoming School Year through the first day of school.

All students are enrolled into their home school. Parents/guardians of students seeking enrollment shall be notified in writing if the requested grade level or school is at or over capacity at the time of enrollment. Such notice shall clearly state that the student may be diverted to another school if sufficient space does not become available at the student's zoned school. Parent/guardians will be informed of the student's over enrollment number with the explanation that the numbers can change based on the diversion priorities. Families enrolled before July 15th will be notified a second time in early August if the school is still over enrolled and what their over enrollment number is. All students will start the school year at their home school.

Note: If two weeks prior to the start of the school year, a grade level is over enrolled at a site by more than six and there is space at another site in that grade level, an email will be sent to the families given an over enrollment number informing them of the option to begin the year at a school that has space. Guardians will be given the option of starting at their home school under the condition that they may be re-directed to another site after the start of the school year and or starting at another school while remaining on the wait-list for their home school.

- B. Procedures from the first day of school through the school year.

Parents/guardians shall be notified in writing at the time of registration if a grade or school is at or over capacity. Such notice shall clearly state that the student may be diverted to another school if sufficient space does not become available at the student's zoned school. All such students shall be given an over enrollment number based on date of enrollment. Parents/guardians will be informed of the student's number and asked to which school(s) with capacity they would prefer as a diversion placement. The district shall take these rankings into account when determining the school placement for the student.

At this time, if the student's zoned school is at or over capacity, the student will be redirected to a school with space.

### 3. Diverted Students

Students who are diverted to a school outside their home school attendance zone will be offered the opportunity to return to their home school if space becomes available. The order of return will be based on enrollment date.

A student who is diverted may not be involuntarily re-diverted into a third school. The District shall re-designate the diversion site as the diverted student's home school if either:

- a. The student's parent/guardian so requests, or
- b. The student's parent/guardian declines offers to return to the student his/her home school in multiple school years.

If the diversion site is re-designated as the diverted student's home school, the student's family shall have the right to designate the diversion site as the home school for the student's siblings.



#### 4. Voluntary Diverts

Parents/Guardians who voluntarily divert their students to another school due to over enrollment at their homeschool and/or the addition of a new class at another site, shall have the right to designate the diversion site as the home school for the student's siblings.

#### 5. Order of Diversion

Students will be diverted in the following order:

- a. Students attending the school on an interdistrict transfer **who's Parent/Guardian is not a school district employee or a city employee.** (Out of Alameda)
  - b. Intradistrict transfer students with a space at their home school who do not fall into categories (h)-(i) below and or have been at the school less than 1 year and 19 days.
  - c. **Students whose parent/guardian is a city employee. Within this group, students will be moved in reverse order of enrollment date**
  - d. **Students whose parent/guardian is a city employee that have a sibling who attended that school the year prior. Within this group, students will be moved in reverse order of enrollment date.**
  - e. **Students whose parent/guardian works in the Alameda Unified School District. Within this group, students will be moved in reverse order of enrollment date.**
  - f. **Students whose parent/guardian works in the Alameda Unified School District that have a sibling who attended that school the year prior. Within this group, students will be moved in reverse order of enrollment date.**
  - g. Students residing in the school's attendance zone and or whose parent/guardian is assigned to that school as his/her primary place of employment. Within this group, students will be moved in reverse order of enrollment date.
  - h. Students residing in the school's attendance zone and or whose parent/guardian is assigned to that school as his/her primary place of employment that have a sibling who attended that school the year prior. Within this group, students will be moved in reverse order of enrollment date.
  - i. Students residing in the school's attendance zone that have a sibling who attended that school the year prior. Within this group, students will be moved in reverse order of enrollment date.
- #### 6. Over- and Under-Enrollment within a Secondary Course of Study

Should students need to be moved out of a course of study after the school year begins, school officials shall first seek student transfers on a volunteer basis. If the need still exists,

students will be redirected to another course where space is available in the following order.

- a. Students attending the school on an inter-district transfer **who's Parent/Guardian is not a school district employee or a city employee.** (Out of Alameda)
  - b. **Students whose parent/guardian is a city employee. Within this group, students will be moved in reverse order of enrollment date.**
  - c. **Students whose parent/guardian works in the Alameda Unified School District. Within this group, students will be moved in reverse order of enrollment date.**
  - d. Students by enrollment date into the district.
7. Under-Enrollment within a School or Grade Level

If enrollment at a particular grade level is significantly below staffing capacity the district may close the class and redirect students to a school with available space. Redirected enrollment will be prioritized by enrollment date.

8. Change to Residence Address or Employment Site Assignment:

Families who change residence within Alameda during the school year must show proof of residence for the new address. The student may immediately enroll in the school designated for his/her new address (or, in the case of students whose parent/guardian is assigned to a school site as his/her primary place of employment, the new school site) if space is available. If space is not available, the student may remain at his/her current school. The student must enroll in the school designated for the new address or, where applicable, primary place of employment if all of the following conditions are met:

- a. There is demand on the student's space by a resident living within the school attendance boundaries.
- b. There is space at the new home school.
- c. The demand on their space occurs before the twenty-first day of school in the student's year of attendance at the school.

The same requirements apply to students attending a school on an approved intradistrict transfer. Failure to notify AUSD of change of address may result in student being redirected to their school of residency.

Families who move outside the boundaries of the school district during the school year and wish their student(s) to remain at the school must apply for an interdistrict transfer. The transfers will be approved or denied under the same criteria as all other transfers subject to space availability, satisfactory attendance, behavior, academics, and/or financial burden on the district.

For each succeeding years, the student must only apply for an interdistrict transfer when moving from elementary to middle school or middle school to high school. The transfer

request would be considered in priority over new interdistrict students and will be approved or denied under the same criteria as all other transfers subject to space availability, satisfactory attendance, behavior, academics, and/or special education needs.

If attendance area boundaries need to be adjusted, the Assistant Superintendent for Educational Services will recommend procedures to assure an equitable redistribution of student enrollment with Board of Education approval.

## 9. Open Enrollment Program

The Superintendent or designee shall identify those schools which may have space available for additional students on or before November 1. A list of these schools and open enrollment applications shall be available at all school offices on or before November 15th. Completed applications for secondary schools are due to the Office of Student Services by the third week of January. For elementary schools by the first week of March. Specific dates will be posted on the website each year.

Students of parent/guardians who submit applications to the district within the dates posted shall be eligible for admission to their school of choice the following school year under the district's open enrollment policy dependent upon space availability in their selected program.

### A. Enrollment Priorities for Open Enrollment Schools are as follows:

- i. In-district applicants who have a sibling enrolled at the requested school.
- ii. In district students who reside within the attendance zone of the open enrollment school where applicable.
- iii. In-district applicants who reside in Alameda.
- iv. Students who reside within Alameda.
- v. All other residents.

If a school has more applications than space available, selection for the school or program of choice shall be determined by lottery in alignment with the above priorities from the eligible applicant pool.

Multiple birth students will be treated as a single number in the lottery. If their number is drawn and the number of students exceeds the number of spaces available, parents may take the space(s) and place the remaining siblings on a waiting list.

The Superintendent or designee shall inform applicants by March 15 as to whether their applications have been approved or denied. This notification will be sent by email. If the application is denied, the reasons for denial shall be stated. Applicants who receive approval must confirm their enrollment within two weeks of being notified of their acceptance. Admission to a particular school shall not be influenced by a student's academic or athletic performance. Any complaints regarding the selection process shall be submitted to the Superintendent or designee per the district complaint policy, Board Policy 1312.

Special Education students may participate in open enrollment based on the above priority system and space available in the programs at the desired school with an approved IEP change of placement.

The open enrollment school will become the student's school of residence upon being accepted. Students who wish to return to their original school of residence must reapply through the intradistrict transfer process.

## 10. Notifications

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: (Education Code 48980)

- All options for meeting residency requirements for school attendance
- Program options offered within local attendance areas
- A description of any special program options available on both an interdistrict and intradistrict basis
- A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied
- A district application form for requesting a change of attendance
- The explanation of attendance options under California law as provided by the California Department of Education

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### **Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 11992-11994	Definition of persistently dangerous schools
Ed. Code 200	<a href="#">Equal rights and opportunities in state educational institutions</a>
Ed. Code 35160.5	<a href="#">District policies; rules and regulations</a>
Ed. Code 35291-35291.5	<a href="#">Rules</a>
Ed. Code 35351	<a href="#">Assignment of students to particular schools</a>
Ed. Code 46600-46611	Interdistrict attendance agreements
Ed. Code 48200	<a href="#">Compulsory attendance</a>

Ed. Code 48204	<a href="#">Residency requirements for school attendance</a>
Ed. Code 48300-48316	<a href="#">Student attendance alternatives; school district of choice program</a>
Ed. Code 48980	<a href="#">Parent/Guardian notifications</a>
<b>Federal</b>	<b>Description</b>
20 USC 6311	State plan
20 USC 6313	Eligibility of schools and school attendance areas; funding allocation
20 USC 7912	Transfers from persistently dangerous schools
<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	85 Ops.Cal.Atty.Gen. 95 (2002)
California Department of Education Publication	Every Student Succeeds Act - Update #8, July 14, 2017
California Department of Education Publication	Public School Choice FAQs
Court Decision	Crawford v. Huntington Beach Union High School District (2002) 98 Cal.App.4th 1275
U.S. Department of Education Publication	Unsafe School Choice Option, May 2004
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education</a>

### Cross References

<b>Code</b>	<b>Description</b>
0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0520.1	<a href="#">Comprehensive And Targeted School Improvement</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E PDF(1)	<a href="#">Uniform Complaint Procedures</a>
3540	<a href="#">Transportation</a>

3540	<a href="#"><u>Transportation</u></a>
3541	<a href="#"><u>Transportation Routes And Services</u></a>
5020	<a href="#"><u>Parent Rights And Responsibilities</u></a>
5020	<a href="#"><u>Parent Rights And Responsibilities</u></a>
5111	<a href="#"><u>Admission</u></a>
5111	<a href="#"><u>Admission</u></a>
5111.1	<a href="#"><u>District Residency</u></a>
5111.1	<a href="#"><u>District Residency</u></a>
5116	<a href="#"><u>School Attendance Boundaries</u></a>
5117	<a href="#"><u>Interdistrict Attendance</u></a>
5117	<a href="#"><u>Interdistrict Attendance</u></a>
5131.2	<a href="#"><u>Bullying</u></a>
5131.2	<a href="#"><u>Bullying</u></a>
5131.7	<a href="#"><u>Weapons And Dangerous Instruments</u></a>
5131.7	<a href="#"><u>Weapons And Dangerous Instruments</u></a>
5145.6	<a href="#"><u>Parent/Guardian Notifications</u></a>
5145.6-E PDF(1)	<a href="#"><u>Parent/Guardian Notifications</u></a>
6164.6	<a href="#"><u>Identification And Education Under Section 504</u></a>
6164.6	<a href="#"><u>Identification And Education Under Section 504</u></a>
6173.1	<a href="#"><u>Education For Foster Youth</u></a>
6173.1	<a href="#"><u>Education For Foster Youth</u></a>
6181	<a href="#"><u>Alternative Schools/Programs Of Choice</u></a>
6181	<a href="#"><u>Alternative Schools/Programs Of Choice</u></a>
9000	<a href="#"><u>Role Of The Board</u></a>
9310	<a href="#"><u>Board Policies</u></a>

**Regulation 5116.1: Intradistrict Open Enrollment**

Status: ADOPTED

Original Adopted Date: 02/27/2018 | Last Revised Date: 02/28/2022 | Last Reviewed Date:  
02/28/2022

The Board of Education desires to provide enrollment options that meet the diverse needs and interests of district students. The Superintendent or designee shall apply the following procedures for the selection and transfer of students among district schools in accordance with law and Board policy.

1. Enrollment Priorities

A. Students Residing within the Attendance Area of a zoned School

Students residing in a zoned school's attendance area or students whose parent/guardian is assigned to a school site as his/her primary place of employment who request enrollment at that zoned school prior to two weeks before the first day of school, shall be given first priority to seats at that school. If there are more applications received from in-zone students than there are seats available in a particular grade at the zoned school, *the district shall follow section 2 procedures. (Enrollment When Over-Capacity)*

Grades TK-12 pre-enrollment for the next school year will open the first week of February every year.

B. Students whose parent/guardian are employed by the Alameda Unified School District who request enrollment in the district prior to two weeks before the first day of school, shall be given priority to seats available in the district. Placement will be assigned by the Enrollment Office to a school that has space. If there are more applications received from in-zone students than there are seats available in a particular grade at the zoned school, *the district shall follow section 2 procedures. (Enrollment When Over-Capacity)* The school where the student is placed will become the students home school and they will retain resident status at the school as long as the parent/guardian remains employed by the Alameda Unified School District. (All students not residing in Alameda will have to obtain an interdistrict transfer from their district of residence prior to the start of the school year)

C. Students whose parent/guardian are employed by the City of Alameda who request enrollment in the district prior to April 15th, shall be given priority to seats available in the district. Placement will be assigned by the Enrollment office to a school that has space. If there are more applications received from in-zone students than there are seats available in a particular grade at the zoned school, *the district shall follow section 2 procedures. (Enrollment When Over-Capacity)*. City employees will need to show proof of employment upon requesting admittance and on an annual basis. The school where the student is placed will become the students home school and they will retain resident status at the school as long as the parent/guardian remains employed by the City of Alameda and the student meets the basic criteria for

interdistrict transfer. (All students not residing in Alameda will have to obtain an interdistrict transfer from their district of residence prior to the start of the school year)

#### D. Students NOT Residing Within the Attendance Area of a Zoned School

If capacity (capacity is defined as five or more seats available in any class or grade level requested) exists in all of the students assigned classes or grade levels requested after the enrollment of all in-zone students who registered two weeks prior to the first day of school, zoned schools may enroll out-of-zone students. Schools receiving requests for admission and intradistrict transfer enrollment requests shall give priority for attendance in the following order:

- i. Students with a state or federally mandated right to transfer.
- ii. Special Education students whose Individual Educational Program (IEP) services require the student to be placed at a particular school site.
- iii. If a district school receiving Title 1 funds is identified for program improvement, corrective action or restructuring, all students enrolled in that school shall be provided an option to transfer to another district school or charter school. (20 USC 6316) Students attending a school identified as program improvement, corrective action or restructuring shall be notified by June 1 of each academic year, of the option to transfer to another district school. Transfer requests are due to the district by June 30 of each academic year. The district will notify families of the result of their request to transfer no later than the first day of the succeeding school year. Transfer requests will be made based upon space within the grade level of the requested school.
- iv. Within a reasonable amount of time, not to exceed 10 school days, after a student becomes the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. The Superintendent or designee shall consider the student's needs and parent/guardian preferences in making the school assignment. If the parents/guardians choose to transfer their child, the transfer shall be completed as soon as practicable.
- v. Within 10 school days after learning that a school has been designated as "persistently dangerous," the Superintendent or designee shall notify parents/guardians of the school's designation. Within 20 school days after learning of the school's designation, the Superintendent or designee shall notify parents/guardians of their option to transfer.
  - Parents/guardians who desire to transfer their child out of a "persistently dangerous" school shall provide written notification to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students. The Superintendent or designee may establish a reasonable timeline, not to exceed 10 school days, for the submission of parent/guardian requests.



- The Superintendent or designee shall notify parents/guardians of their school assignment within 10 school days of the date that submissions are due. The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. Upon assignment, the transfer shall be completed as soon as practicable. If parents/guardians decline the assigned school, the student may remain in his/her current school.
  - The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.
- vi. Student has a medical, health care, or safety need that is documented and requires that he/she attend a school outside their attendance zone
  - vii. Siblings of children already in attendance at the school
  - viii. Personal preference by date of submission
  - ix. All approved intradistrict transfers will have the site assigned re-designated as the student's home school after one year and twenty days.
- E. Requests will be reviewed two weeks prior to the start of the school year and at the trimester or semester breaks. Families will be notified if the request can be approved.
- F. Interdistrict transfers - students residing outside Alameda Unified School District

The Superintendent or designee may cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

- i. Siblings of children already in attendance at the school.
- ii. Student has a medical, health care need or safety need that is documented and required that he/she attend a school outside their attendance zone.
- iii. Students seeking an interdistrict transfer.

## 2. Enrollment When Over Capacity

The district shall determine the capacity of each grade level at each school site based on the physical capacity of the building and class size limits established by state law or collective bargaining agreement. A student who is unable to attend their neighborhood school because the school or grade is at or over capacity shall be "diverted" to another school in the district with capacity.

- A. Procedures from First Date of Pre-Enrollment for Upcoming School Year through the first day of school.

All students are enrolled into their home school. Parents/guardians of students seeking enrollment shall be notified in writing if the requested grade level or school is at or over capacity at the time of enrollment. Such notice shall clearly state that the student may be diverted to another school if sufficient space does not become available at the student's zoned school. Parent/guardians will be informed of the student's over enrollment number with the explanation that the numbers can change based on the diversion priorities. Families enrolled before July 15th will be notified a second time in early August if the school is still over enrolled and what their over enrollment number is. All students will start the school year at their home school.

Note: If two weeks prior to the start of the school year, a grade level is over enrolled at a site by more than six and there is space at another site in that grade level, an email will be sent to the families given an over enrollment number informing them of the option to begin the year at a school that has space. Guardians will be given the option of starting at their home school under the condition that they may be re-directed to another site after the start of the school year and or starting at another school while remaining on the wait-list for their home school.

B. Procedures from the first day of school through the school year.

Parents/guardians shall be notified in writing at the time of registration if a grade or school is at or over capacity. Such notice shall clearly state that the student may be diverted to another school if sufficient space does not become available at the student's zoned school. All such students shall be given an over enrollment number based on date of enrollment. Parents/guardians will be informed of the student's number and asked to which school(s) with capacity they would prefer as a diversion placement. The district shall take these rankings into account when determining the school placement for the student.

At this time, if the student's zoned school is at or over capacity, the student will be redirected to a school with space.

3. Diverted Students

Students who are diverted to a school outside their home school attendance zone will be offered the opportunity to return to their home school if space becomes available. The order of return will be based on enrollment date.

A student who is diverted may not be involuntarily re-diverted into a third school. The District shall re-designate the diversion site as the diverted student's home school if either:

- a. The student's parent/guardian so requests, or
- b. The student's parent/guardian declines offers to return to the student his/her home school in multiple school years.

If the diversion site is re-designated as the diverted student's home school, the student's family shall have the right to designate the diversion site as the home school for the student's siblings.

4. Voluntary Diverts

Parents/Guardians who voluntarily divert their students to another school due to over

enrollment at their homeschool and/or the addition of a new class at another site, shall have the right to designate the diversion site as the home school for the student's siblings.

## 5. Order of Diversion

Students will be diverted in the following order:

- a. Students attending the school on an interdistrict transfer who's Parent/Guardian is not a school district employee or a city employee. (Out of Alameda)
- b. Intradistrict transfer students with a space at their home school who do not fall into categories (h)-(i) below and or have been at the school less than 1 year and 19 days.
- c. Students whose parent/guardian is a city employee. Within this group, students will be moved in reverse order of enrollment date
- d. Students whose parent/guardian is a city employee that have a sibling who attended that school the year prior. Within this group, students will be moved in reverse order of enrollment date.
- e. Students whose parent/guardian works in the Alameda Unified School District. Within this group, students will be moved in reverse order of enrollment date.
- f. Students whose parent/guardian works in the Alameda Unified School District that have a sibling who attended that school the year prior. Within this group, students will be moved in reverse order of enrollment date.
- g. Students residing in the school's attendance zone and or whose parent/guardian is assigned to that school as his/her primary place of employment. Within this group, students will be moved in reverse order of enrollment date.
- h. Students residing in the school's attendance zone and or whose parent/guardian is assigned to that school as his/her primary place of employment that have a sibling who attended that school the year prior. Within this group, students will be moved in reverse order of enrollment date.
- i. Students residing in the school's attendance zone that have a sibling who attended that school the year prior. Within this group, students will be moved in reverse order of enrollment date.

## 6. Over- and Under-Enrollment within a Secondary Course of Study

Should students need to be moved out of a course of study after the school year begins, school officials shall first seek student transfers on a volunteer basis. If the need still exists, students will be redirected to another course where space is available in the following order.

- a. Students attending the school on an inter-district transfer who's Parent/Guardian is not a school district employee or a city employee. (Out of Alameda)
  - b. Students whose parent/guardian is a city employee. Within this group, students will be moved in reverse order of enrollment date.
  - c. Students whose parent/guardian works in the Alameda Unified School District. Within this group, students will be moved in reverse order of enrollment date.
  - d. Students by enrollment date into the district.
7. Under-Enrollment within a School or Grade Level

If enrollment at a particular grade level is significantly below staffing capacity the district may close the class and redirect students to a school with available space. Redirected enrollment will be prioritized by enrollment date.

8. Change to Residence Address or Employment Site Assignment:

Families who change residence within Alameda during the school year must show proof of residence for the new address. The student may immediately enroll in the school designated for his/her new address (or, in the case of students whose parent/guardian is assigned to a school site as his/her primary place of employment, the new school site) if space is available. If space is not available, the student may remain at his/her current school. The student must enroll in the school designated for the new address or, where applicable, primary place of employment if all of the following conditions are met:

- a. There is demand on the student's space by a resident living within the school attendance boundaries.
- b. There is space at the new home school.
- c. The demand on their space occurs before the twenty-first day of school in the student's year of attendance at the school.

The same requirements apply to students attending a school on an approved intradistrict transfer. Failure to notify AUSD of change of address may result in student being redirected to their school of residency.

Families who move outside the boundaries of the school district during the school year and wish their student(s) to remain at the school must apply for an interdistrict transfer. The transfers will be approved or denied under the same criteria as all other transfers subject to space availability, satisfactory attendance, behavior, academics, and/or financial burden on the district.

For each succeeding years, the student must only apply for an interdistrict transfer when moving from elementary to middle school or middle school to high school. The transfer request would be considered in priority over new interdistrict students and will be approved

or denied under the same criteria as all other transfers subject to space availability, satisfactory attendance, behavior, academics, and/or special education needs.

If attendance area boundaries need to be adjusted, the Assistant Superintendent for Educational Services will recommend procedures to assure an equitable redistribution of student enrollment with Board of Education approval.

## 9. Open Enrollment Program

The Superintendent or designee shall identify those schools which may have space available for additional students on or before November 1. A list of these schools and open enrollment applications shall be available at all school offices on or before November 15th. Completed applications for secondary schools are due to the Office of Student Services by the third week of January. For elementary schools by the first week of March. Specific dates will be posted on the website each year.

Students of parent/guardians who submit applications to the district within the dates posted shall be eligible for admission to their school of choice the following school year under the district's open enrollment policy dependent upon space availability in their selected program.

### A. Enrollment Priorities for Open Enrollment Schools are as follows:

- i. In-district applicants who have a sibling enrolled at the requested school.
- ii. In district students who reside within the attendance zone of the open enrollment school where applicable.
- iii. In-district applicants who reside in Alameda.
- iv. Students who reside within Alameda.
- v. All other residents.

If a school has more applications than space available, selection for the school or program of choice shall be determined by lottery in alignment with the above priorities from the eligible applicant pool.

Multiple birth students will be treated as a single number in the lottery. If their number is drawn and the number of students exceeds the number of spaces available, parents may take the space(s) and place the remaining siblings on a waiting list.

The Superintendent or designee shall inform applicants by March 15 as to whether their applications have been approved or denied. This notification will be sent by email. If the application is denied, the reasons for denial shall be stated. Applicants who receive approval must confirm their enrollment within two weeks of being notified of their acceptance. Admission to a particular school shall not be influenced by a student's academic or athletic performance. Any complaints regarding the selection process shall be submitted to the Superintendent or designee per the district complaint policy, Board Policy 1312.

Special Education students may participate in open enrollment based on the above

priority system and space available in the programs at the desired school with an approved IEP change of placement.

The open enrollment school will become the student's school of residence upon being accepted. Students who wish to return to their original school of residence must reapply through the intradistrict transfer process.

## 10. Notifications

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: (Education Code 48980)

- All options for meeting residency requirements for school attendance
- Program options offered within local attendance areas
- A description of any special program options available on both an interdistrict and intradistrict basis
- A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied
- A district application form for requesting a change of attendance
- The explanation of attendance options under California law as provided by the California Department of Education

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### **Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 11992-11994	Definition of persistently dangerous schools
Ed. Code 200	<a href="#">Equal rights and opportunities in state educational institutions</a>
Ed. Code 35160.5	<a href="#">District policies; rules and regulations</a>
Ed. Code 35291-35291.5	<a href="#">Rules</a>
Ed. Code 35351	<a href="#">Assignment of students to particular schools</a>
Ed. Code 46600-46611	Interdistrict attendance agreements
Ed. Code 48200	<a href="#">Compulsory attendance</a>
Ed. Code 48204	<a href="#">Residency requirements for school attendance</a>

Ed. Code 48300-48316	<a href="#">Student attendance alternatives; school district of choice program</a>
Ed. Code 48980	<a href="#">Parent/Guardian notifications</a>
<b>Federal</b>	<b>Description</b>
20 USC 6311	State plan
20 USC 6313	Eligibility of schools and school attendance areas; funding allocation
20 USC 7912	Transfers from persistently dangerous schools
<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	85 Ops.Cal.Atty.Gen. 95 (2002)
California Department of Education Publication	Every Student Succeeds Act - Update #8, July 14, 2017
California Department of Education Publication	Public School Choice FAQs
Court Decision	Crawford v. Huntington Beach Union High School District (2002) 98 Cal.App.4th 1275
U.S. Department of Education Publication	Unsafe School Choice Option, May 2004
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education</a>

### Cross References

<b>Code</b>	<b>Description</b>
0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0520.1	<a href="#">Comprehensive And Targeted School Improvement</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E PDF(1)	<a href="#">Uniform Complaint Procedures</a>
3540	<a href="#">Transportation</a>
3540	<a href="#">Transportation</a>

3541	<a href="#"><u>Transportation Routes And Services</u></a>
5020	<a href="#"><u>Parent Rights And Responsibilities</u></a>
5020	<a href="#"><u>Parent Rights And Responsibilities</u></a>
5111	<a href="#"><u>Admission</u></a>
5111	<a href="#"><u>Admission</u></a>
5111.1	<a href="#"><u>District Residency</u></a>
5111.1	<a href="#"><u>District Residency</u></a>
5116	<a href="#"><u>School Attendance Boundaries</u></a>
5117	<a href="#"><u>Interdistrict Attendance</u></a>
5117	<a href="#"><u>Interdistrict Attendance</u></a>
5131.2	<a href="#"><u>Bullying</u></a>
5131.2	<a href="#"><u>Bullying</u></a>
5131.7	<a href="#"><u>Weapons And Dangerous Instruments</u></a>
5131.7	<a href="#"><u>Weapons And Dangerous Instruments</u></a>
5145.6	<a href="#"><u>Parent/Guardian Notifications</u></a>
5145.6-E PDF(1)	<a href="#"><u>Parent/Guardian Notifications</u></a>
6164.6	<a href="#"><u>Identification And Education Under Section 504</u></a>
6164.6	<a href="#"><u>Identification And Education Under Section 504</u></a>
6173.1	<a href="#"><u>Education For Foster Youth</u></a>
6173.1	<a href="#"><u>Education For Foster Youth</u></a>
6181	<a href="#"><u>Alternative Schools/Programs Of Choice</u></a>
6181	<a href="#"><u>Alternative Schools/Programs Of Choice</u></a>
9000	<a href="#"><u>Role Of The Board</u></a>
9310	<a href="#"><u>Board Policies</u></a>



ALAMEDA UNIFIED SCHOOL DISTRICT  
COMMITTEE AGENDA ITEM

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**Item Title:** Board Policy/Administrative Regulation 6115 Ceremonies and Observances (10 Mins/Action)

**Item Type:** Action

**Background:** *BP/AR 6115: Ceremonies and Observances:* The policy and regulation for Ceremonies and Observances are being brought back to the committee for further review and discussion.

- BP/AR 6115 Ceremonies and Observances

After discussion, one of the following action steps will be taken:

1. The policy and administrative regulation will be added to the next Board Policy Subcommittee meeting for further discussion and possible revision by Subcommittee members.
2. The policy and administrative regulation will be added to the agenda for a regularly scheduled Board meeting so the full Board can weigh in on any further changes in public.
3. The policy and administrative regulation will be approved as is by the full Board at a regularly scheduled public Board meeting.

**AUSD LCAP Goals:** 1. Eliminate barriers to student success and maximize learning time.| 2a. Support all students in becoming college and career ready.| 2b. Support all English Learners (ELs) in becoming college and career ready.| 3. Support parent/guardian development as knowledgeable partners and effective advocates for student success.| 4. Ensure that all students have access to basic services.

**Fiscal Analysis**

**Amount (Savings) (Cost):** N/A

**Recommendation:** Other

##recommendation##

**AUSD Guiding Principle:** #1 - All students have the ability to achieve academic and personal success.| #2 - Teachers must challenge and support all students to reach their highest academic and personal potential.| #3 - Administrators must have the knowledge, leadership skills and ability to ensure student success.| #4 - Parental involvement and community engagement are integral to student success.| #5 - Accountability, transparency, and trust are necessary at all levels of the organization.| #6 - Allocation of funds must support our vision, mission, and guiding principles.| #7 - All employees must receive respectful treatment and professional support to achieve district goals.

**Submitted By:**

Board Member Referral

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
□ BP/AR 6115	10/11/2023	Backup Material

**Policy 6115: Ceremonies And Observances**

**Status:** ADOPTED

**Original Adopted Date:** 08/25/2009 | **Last Revised Date:** 03/22/2022 | **Last Reviewed Date:** 03/22/2022

The Governing Board recognizes the importance of having students observe holidays, celebrate events of cultural or historical significance, and acknowledge the contributions of outstanding individuals in society. On days designated by the Board, staff shall provide students with appropriate commemorative exercises so that they may acquire the knowledge, skills, and principles essential for informed, responsible citizenship in a democratic society.

District schools shall be closed on the holidays specified in Education Code 37220 and on any other day designated as a holiday by the Board. The Board may, by adoption of a resolution, revise the date upon which schools close in observance of any holiday except Veterans Day, which shall be celebrated on its actual date. (Education Code 37220)

In addition, the Board may, through the adoption of a resolution, authorize the display of symbolic flags or banners in support of specific awareness months.

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State**

Ed. Code 37220-37222.21

**Description**

Holidays and commemorative events

Ed. Code 44015.1

Week of the School Administrator

Ed. Code 45203

Paid holidays

Ed. Code 45460

Classified School Employee Week

Ed. Code 52720-52730

Patriotic exercises and instruction

Gov. Code 3540-3549.3

Public education employer-employee relations

Gov. Code 430-439

Display of flags

**Federal**

36 USC 106

**Description**

Constitution Day and Citizenship Day

4 USC 6

Time and occasion for display of flag

4 USC 7

Position and manner of display of flag

**Management Resources**

Court Decision

**Description**

Newdow v. Rio Linda Union School District (9th Cir. 2010)  
597 F.3d 1007

Court Decision	West Virginia State Board of Education et al. v. Barnette et al. (1943) 319 U.S. 624
Website	CSBA District and County Office of Education Legal Services
Website	<a href="#">California Department of Education, History/Social Science Instructional Materials</a>
Website	<a href="#">CSBA</a>

## Cross References

Code	Description
1330	<a href="#">Use Of School Facilities</a>
1330	<a href="#">Use Of School Facilities</a>
1330-E PDF(1)	<a href="#">Use Of School Facilities</a>
4156.2	<a href="#">Awards And Recognition</a>
4256.2	<a href="#">Awards And Recognition</a>
4356.2	<a href="#">Awards And Recognition</a>
6111	<a href="#">School Calendar</a>
6141.2	<a href="#">Recognition Of Religious Beliefs And Customs</a>
6141.2	<a href="#">Recognition Of Religious Beliefs And Customs</a>
6142.3	<a href="#">Civic Education</a>
6142.4	<a href="#">Service Learning/Community Service Classes</a>
6142.94	<a href="#">History-Social Science Instruction</a>
6144	<a href="#">Controversial Issues</a>
6144	<a href="#">Controversial Issues</a>
6145.8	<a href="#">Assemblies And Special Events</a>

**Regulation 6115: Ceremonies And Observances**

**Status: ADOPTED**

**Original Adopted Date:** 08/25/2009 | **Last Revised Date:** 06/28/2023 | **Last Reviewed Date:** 06/28/2023

**Holidays**

District schools shall be closed on the following holidays: (Education Code 37220)

New Year's Day - January 1

Dr. Martin Luther King, Jr. Day - Third Monday in January or the Monday or Friday of the week in which January 15 occurs

Lincoln Day - The Monday or Friday of the week in which February 12 occurs

Washington Day - Third Monday in February

Memorial Day - Last Monday in May

Juneteenth National Independence Day - June 19

Independence Day - July 4

Labor Day - First Monday in September

Veterans Day - November 11

Thanksgiving Day - The Thursday in November designated by the President

Christmas Day - December 25

In addition, schools shall be closed on: (Education Code 37220)

1. Any day appointed by the Governor as a holiday or as a special or limited holiday on which the Governor provides that schools shall close
2. Any day appointed by the President as a holiday, including by executive order or by signing into law legislation that creates a nationwide federal holiday
3. Any other day designated as a holiday by the Governing Board and/or negotiated with employee organizations

Holidays which fall on a Sunday shall be observed the following Monday. Holidays which fall on a Saturday shall be observed the preceding Friday. If any of the above holidays occurs under federal law on a date different from that indicated above, the Governing Board may close the schools on the date recognized by federal law instead of on the date above. (Education Code 37220)

## **Commemorative Exercises**

District schools shall hold exercises in accordance with law to commemorate the following special days: (Education Code 37220, 37221, 45460)

Dr. Martin Luther King, Jr. Day - The Friday before the day schools are closed for this holiday

Abraham Lincoln's Birthday - The school day before the day schools are closed for this holiday

Susan B. Anthony Day - February 15

George Washington's Birthday - The Friday preceding the third Monday in February

Black American Day - March 5

Conservation, Bird, and Arbor Day - March 7

Classified Employee Week - Third week in May

U.S. Constitution and Citizenship Day - On or near September 17

Commemorative exercises shall be integrated into the regular educational program to the extent feasible.

## **Patriotic Exercises**

Each school shall conduct patriotic exercises daily, which may include the Pledge of Allegiance to the Flag of the United States and/or instruction that promotes understanding of the concepts of "pledge," "allegiance," "republic," and "indivisible" and understanding of the importance of the pledge as an expression of patriotism, love of country, and pride in the United States. (Education Code 52720, 52730)

At elementary schools, such exercises shall be conducted at the beginning of each school day. (Education Code 52720)

At secondary schools, such exercises shall be conducted during the homeroom period.

A student may choose not to participate in the flag salute or Pledge of Allegiance for personal reasons.

## **Display of Flag**

The flag of the United States and the flag of California shall be displayed during business hours at the entrance or on the grounds of every district school and on or near the district office. At all times, the national flag shall be placed in the position of first honor. (Government Code 431, 436; 4 USC 6)

When displayed on a building or on a flagstaff in the open, the national flag shall be displayed only from sunrise to sunset unless properly illuminated during the hours of darkness. The flag should not be displayed during inclement weather unless an all-weather flag is used. (4 USC 6)

The national flag shall fly at half-staff on the following occasions: (4 USC 7)

1. For 30 days from the death of the President or a former President
2. For 10 days from the death of the Vice President, the Chief Justice or a retired Chief Justice, or the Speaker of the House of Representatives
3. From the day of death until interment of an Associate Justice of the Supreme Court, a secretary of an executive or military department, former Vice President, or the Governor of a state
4. On the day of death and the following day for a Member of Congress
5. On Memorial Day, until noon only
6. On Peace Officers Memorial Day (May 15), unless it falls on Armed Forces Day
7. Upon a proclamation from the Governor in the event of the death of a present or former official of the state government or a member of the Armed Forces from the state who has died while serving on active duty
8. On other occasions by order of the President and in accordance with presidential instructions or orders

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<b>State</b>	<b>Description</b>
Ed. Code 37220-37222.21	Holidays and commemorative events
Ed. Code 44015.1	Week of the School Administrator
Ed. Code 45203	Paid holidays
Ed. Code 45460	Classified School Employee Week
Ed. Code 52720-52730	Patriotic exercises and instruction
Gov. Code 3540-3549.3	Public education employer-employee relations
Gov. Code 430-439	Display of flags
<b>Federal</b>	<b>Description</b>
36 USC 106	Constitution Day and Citizenship Day
4 USC 6	Time and occasion for display of flag
4 USC 7	Position and manner of display of flag
<b>Management Resources</b>	<b>Description</b>
Court Decision	Newdow v. Rio Linda Union School District (9th Cir. 2010) 597 F.3d 1007

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6142.4	<a href="#">Service Learning/Community Service Classes</a>
6142.94	<a href="#">History-Social Science Instruction</a>
6144	<a href="#">Controversial Issues</a>
6144	<a href="#">Controversial Issues</a>
6145.8	<a href="#">Assemblies And Special Events</a>



ALAMEDA UNIFIED SCHOOL DISTRICT  
COMMITTEE AGENDA ITEM

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**Item Title:** Board Policy 5145.9 Hate-Motivated Behavior (10 Mins/Action)

**Item Type:** Action

**Background:** ***BP 5145.9 Hate Motivated Behavior:*** The committee will look at policies from other school districts in an effort to refine AUSD's policy around hate speech and slurs.

- BP 5145.9 Hate Motivated Behavior

After discussion, one of the following action steps will be taken:

1. The policy and administrative regulation will be added to the next Board Policy Subcommittee meeting for further discussion and possible revision by Subcommittee members.
2. The policy and administrative regulation will be added to the agenda for a regularly scheduled Board meeting so the full Board can weigh in on any further changes in public.
3. The policy and administrative regulation will be approved as is by the full Board at a regularly scheduled public Board meeting.

**AUSD LCAP Goals:** 1. Eliminate barriers to student success and maximize learning time.| 2a. Support all students in becoming college and career ready.| 2b. Support all English Learners (ELs) in becoming college and career ready.| 3. Support parent/guardian development as knowledgeable partners and effective advocates for student success.| 4. Ensure that all students have access to basic services.

**Fiscal Analysis**

**Amount (Savings) (Cost):** N/A

**Recommendation:** Other

##recommendation##

**AUSD Guiding Principle:** #1 - All students have the ability to achieve academic and personal success.| #2 - Teachers must challenge and support all students to reach their highest academic and personal potential.| #3 - Administrators must have the knowledge, leadership skills and ability to ensure student success.| #4 - Parental involvement and community engagement are integral to student success.| #5 - Accountability, transparency, and trust are necessary at all levels of the organization.| #6 - Allocation of funds must support our vision, mission, and guiding principles.| #7 - All employees must receive respectful treatment and professional support to achieve district goals.

**Submitted By:** Board Member Referral

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**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
☐ BP 5145.9_Hate Motivated Behavior	6/17/2024	Backup Material

**Policy 5145.9: Hate-Motivated Behavior**

**Status:** ADOPTED

**Original Adopted Date:** 09/14/1999 | **Last Revised Date:** 03/22/2022 | **Last Reviewed Date:** 03/22/2022

The Governing Board is committed to providing a respectful, inclusive, and safe learning environment that protects students from discrimination, harassment, intimidation, bullying, or any other type of behavior that is motivated by hate.

Hate-motivated behavior is any behavior intended to cause emotional suffering, physical injury, or property damage through intimidation, harassment, bigoted slurs or epithets, force or threat of force, or vandalism motivated in part or in whole by bias or hostility toward the victim's real or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, 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.

The Superintendent or designee shall design strategies to promote harmonious relationships among students, prevent incidents of hate-motivated behavior to the extent possible, and address such incidents in a timely manner when they occur.

The Superintendent or designee shall collaborate with regional programs and community organizations to promote an environment where diversity is celebrated and hate-motivated behavior is not tolerated. Such collaborative efforts shall focus on the development of effective prevention strategies and response plans, provision of assistance to students affected by hate-motivated behavior, and/or education of students who have perpetrated hate-motivated acts.

The district shall provide students with age-appropriate instruction that:

1. Includes the development of social-emotional learning
2. Promotes an understanding, awareness, appreciation, and respect for human rights, human relations, diversity, and acceptance in a multicultural society
3. Explains the harm and dangers of explicit and implicit biases
4. Discourages discriminatory attitudes and practices
5. Provides strategies to manage conflicts constructively

As necessary, the district shall provide counseling, guidance, and support to students who are victims of hate motivated behavior and to students who exhibit such behavior.

When appropriate, students who engage in hate-motivated behavior shall be disciplined.

The Superintendent or designee shall provide staff with training that:

1. Promotes an understanding of diversity, equity, and inclusion
2. Discourages the development of discriminatory attitudes and practices
3. Includes social-emotional learning and nondiscriminatory instructional and counseling methods
4. Supports the prevention, recognition, and response to hate-motivated behavior
5. Raises the awareness and sensitivity of staff to potentially prejudicial and discriminatory behavior
6. Includes effective enforcement of rules for appropriate student conduct

Employees who engage in hate-motivated behavior shall be subject to disciplinary action, up to and including dismissal.

Rules prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident shall be provided to students, staff, and parents/guardians.

This policy shall be posted in a prominent location on the district's website in a manner that is readily and easily accessible to parents/guardians and students. (Education Code 234.6)

## **Complaints**

Any staff member who is notified that hate-motivated behavior has occurred, observes such behavior, or otherwise becomes aware of an incident shall immediately contact the compliance officer responsible for coordinating the district's response to complaints and complying with state and federal civil rights laws. As appropriate, the staff member shall also contact law enforcement.

A student or parent/guardian who believes the student is a victim of hate-motivated behavior is encouraged to report the incident to a teacher, the principal, the district's compliance officer, or other staff member.

Any complaint of hate-motivated behavior shall be investigated and, if determined to be discriminatory, shall be resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures or other applicable procedure. If, during the investigation, it is determined that a complaint is about nondiscriminatory behavior, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	<a href="#">Prohibition of discrimination</a>
Ed. Code 32280-32289.5	<a href="#">School safety plans</a>
Ed. Code 48900.3	<a href="#">Suspension for hate violence</a>
Ed. Code 48900.4	<a href="#">Suspension or expulsion for harassment, threats, or intimidation</a>
Gov. Code 11135	<a href="#">Prohibition of discrimination</a>
Pen. Code 422.55	<a href="#">Definition of hate crime</a>
Pen. Code 422.6	<a href="#">Crimes; harassment</a>
<b>Federal</b>	<b>Description</b>
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 106.30	Discrimination on the basis of sex in education programs and activities; definitions
34 CFR 106.44	Recipient's response to sexual harassment
34 CFR 106.45	Grievance process for formal complaints of sexual harassment
34 CFR 106.8	Designation of coordinator; dissemination of policy, and adoption of grievance procedures
34 CFR 110.25	Prohibition of discrimination based on age
<b>Management Resources</b>	<b>Description</b>
CA Office of the Attorney General Publication	<a href="#">Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018</a>

California Department of Education Publication	<a href="#">Bullying at School, 2003</a>
Human Rights Campaign Foundation Publication	<a href="#">California LGBTQ Youth Report, January 2019</a>
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Prohibited Disability Harassment, July 2000
U.S. DOE, Office for Civil Rights Publication	<a href="#">Dear Colleague Letter: Harassment and Bullying, October 2010</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Association of Human Relations Organizations</a>
Website	<a href="#">California Office of the Attorney General</a>
Website	<a href="#">U.S. Department of Justice</a>
Website	<a href="#">U.S. Department of Health and Human Services</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education, Office for Civil Rights</a>
Website	<a href="#">California Department of Education</a>

### Cross References

<b>Code</b>	<b>Description</b>
0410	<a href="#">Nondiscrimination In District Programs And Activities</a>
0415	<a href="#">Equity</a>
0415	<a href="#">Equity</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0460	<a href="#">Local Control And Accountability Plan</a>
0460	<a href="#">Local Control And Accountability Plan</a>
1312.1	<a href="#">Complaints Concerning District Employees</a>
1312.1	<a href="#">Complaints Concerning District Employees</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E PDF(1)	<a href="#">Uniform Complaint Procedures</a>

1400	<a href="#"><u>Relations Between Other Governmental Agencies And The Schools</u></a>
1700	<a href="#"><u>Relations Between Private Industry And The Schools</u></a>
3515	<a href="#"><u>Campus Security</u></a>
3515	<a href="#"><u>Campus Security</u></a>
3515.4	<a href="#"><u>Recovery For Property Loss Or Damage</u></a>
3515.4	<a href="#"><u>Recovery For Property Loss Or Damage</u></a>
4118	<a href="#"><u>Dismissal/Suspension/Disciplinary Action</u></a>
4118	<a href="#"><u>Dismissal/Suspension/Disciplinary Action</u></a>
4131	<a href="#"><u>Staff Development</u></a>
4131	<a href="#"><u>Staff Development</u></a>
4218	<a href="#"><u>Dismissal/Suspension/Disciplinary Action</u></a>
4218	<a href="#"><u>Dismissal/Suspension/Disciplinary Action</u></a>
4231	<a href="#"><u>Staff Development</u></a>
4231	<a href="#"><u>Staff Development</u></a>
4331	<a href="#"><u>Staff Development</u></a>
4331	<a href="#"><u>Staff Development</u></a>
5131	<a href="#"><u>Conduct</u></a>
5131.2	<a href="#"><u>Bullying</u></a>
5131.2	<a href="#"><u>Bullying</u></a>
5131.4	<a href="#"><u>Student Disturbances</u></a>
5131.4	<a href="#"><u>Student Disturbances</u></a>
5131.5	<a href="#"><u>Vandalism And Graffiti</u></a>
5136	<a href="#"><u>Gangs</u></a>
5136	<a href="#"><u>Gangs</u></a>
5137	<a href="#"><u>Positive School Climate</u></a>
5138	<a href="#"><u>Conflict Resolution/Peer Mediation</u></a>
5141.52	<a href="#"><u>Suicide Prevention</u></a>
5141.52	<a href="#"><u>Suicide Prevention</u></a>
5141.52-E PDF(1)	<a href="#"><u>Suicide Prevention</u></a>

5144	<a href="#"><u>Discipline</u></a>
5144	<a href="#"><u>Discipline</u></a>
5144.1	<a href="#"><u>Suspension And Expulsion/Due Process</u></a>
5144.1	<a href="#"><u>Suspension And Expulsion/Due Process</u></a>
5144.2	<a href="#"><u>Suspension And Expulsion/Due Process (Students With Disabilities)</u></a>
5145.11	<a href="#"><u>Questioning And Apprehension By Law Enforcement</u></a>
5145.12	<a href="#"><u>Search And Seizure</u></a>
5145.12	<a href="#"><u>Search And Seizure</u></a>
5145.2	<a href="#"><u>Freedom Of Speech/Expression</u></a>
5145.2	<a href="#"><u>Freedom Of Speech/Expression</u></a>
5145.3	<a href="#"><u>Nondiscrimination/Harassment</u></a>
5145.3	<a href="#"><u>Nondiscrimination/Harassment</u></a>
5145.7	<a href="#"><u>Sexual Harassment</u></a>
5145.7	<a href="#"><u>Sexual Harassment</u></a>
5145.71	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
5145.71-E PDF(1)	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
5148.2	<a href="#"><u>Before/After School Programs</u></a>
5148.2	<a href="#"><u>Before/After School Programs</u></a>
6142.3	<a href="#"><u>Civic Education</u></a>
6142.4	<a href="#"><u>Service Learning/Community Service Classes</u></a>
6142.8	<a href="#"><u>Comprehensive Health Education</u></a>
6142.8	<a href="#"><u>Comprehensive Health Education</u></a>
6142.94	<a href="#"><u>History-Social Science Instruction</u></a>
6144	<a href="#"><u>Controversial Issues</u></a>
6144	<a href="#"><u>Controversial Issues</u></a>
6163.4	<a href="#"><u>Student Use Of Technology</u></a>
6163.4	<a href="#"><u>Student Use Of Technology</u></a>
6164.2	<a href="#"><u>Guidance/Counseling Services</u></a>
6164.2	<a href="#"><u>Guidance/Counseling Services</u></a>



6173.1

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